



**THE HON SUSSAN LEY MP  
MINISTER FOR THE ENVIRONMENT  
MEMBER FOR FARRER**

MS20-001780

The Hon Matthew Kean MP  
Minister for Energy and Environment  
GPO Box 5341  
SYDNEY NSW 2001

13 JAN 2020

Dear Minister *Matt*

You will be aware National Cabinet discussed and accepted the recommendations of the 'Review of COAG Councils and Ministerial Forums' (the Conran Review) on 23 October 2020.

One recommendation confirmed that the Meeting of Environment Ministers' Forum would be maintained as a regular and ongoing ministers' meeting.

The full report is available at [pmc.gov.au/sites/default/files/final-report-review-coag-councils-ministerial-forums.pdf](http://pmc.gov.au/sites/default/files/final-report-review-coag-councils-ministerial-forums.pdf).

The Prime Minister, the Hon Scott Morrison MP, has written to me suggesting three critical priorities for the Environment Ministers' Meeting to progress over the next 12 months. I consider these priorities have merit. Noting a maximum of three has been specified, I propose the priorities include:

1. Initial updates against the National Waste Policy Action Plan, including monitoring the impact of the waste export ban and associated matters.
2. Climate adaptation and resilience and bushfire recovery and resilience, to the extent that it relates to the environment.
3. Environmental regulation: EPBC reform, including progress on National Cabinet's commitment to progress single touch environmental approvals underpinned by standards.

I am seeking your views, and whether you agree these priorities via return correspondence. If you have a strong objection or alternative view, may I request you raise it through Senior Officials as soon as practicable. As Chair, I am required to report back to the First Secretaries Group by 1 February 2021 on these items.

The Conran Review confirmed meetings of the National Environment Protection Council, the Great Barrier Reef Ministerial Forum, the Lake Eyre Basin Ministerial Forum and the Wet Tropics Ministerial Council are to disband, with issues to be managed by the appropriate Environment Ministers.

I further note, other matters for Ministers' consideration will be dealt with out of session or by correspondence or tasked to Senior Officials where ministerial consideration is not mandated.

At our first Environment Ministers' Meeting (EMM), to be held in the first half of 2021, I propose we focus on ensuring progress on priorities, and shaping a work program and simplified sub-structure.

If you have any questions, please do not hesitate to get in touch.

Yours sincerely

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates.

SUSSAN LEY



PRIME MINISTER

Reference: MS20-001206

4 November 2020

The Hon Sussan Ley MP  
Minister for the Environment  
Parliament House  
CANBERRA ACT 2600

Dear Minister

As you are aware, on 29 May 2020, I announced that National Cabinet had agreed to formation of the National Federation Reform Council and the opportunity to reset Australia's intergovernmental architecture with the cessation of the former COAG model.

In my letter to Commonwealth Ministers on 9 June 2020, I emphasised how effective National Cabinet was in making decisions in the national interest compared to COAG, and advised that intergovernmental bodies and processes were to be streamlined. Far too much bureaucracy and red tape has surrounded former COAG Councils and Ministerial Forums in the past, limiting action on important national issues.

I am pleased to announce that on 23 October 2020, National Cabinet accepted in full the recommendations of the Conran Review, and approved a new, streamlined intergovernmental architecture, reducing and merging former Ministerial Forums to focus on key federation priorities.

All new meetings will be fully independent, and will not report to National Cabinet or the National Federation Reform Council unless specifically tasked to do so. The new meetings will mirror the National Cabinet model by:

- Ministers setting and controlling agendas (not officials), with a focus on a small number of strategic priorities to be determined by consensus where possible.
- Non-controversial and routine matters delegated to officials or progressed out-of-session whenever possible.
- Virtual meetings being standard process, with no formal secretariats, minimal associated bureaucracy, and any sub-committees rationalised.

I am writing to you as the current Chair of the Meeting of Environment Ministers to formally advise that National Cabinet has decided to maintain your forum as a regular and ongoing ministers' meeting.

Parliament House CANBERRA ACT 2600  
Telephone (02) 6277 7700  
[www.pm.gov.au](http://www.pm.gov.au)

Mr Conran's final report is publically available at <https://www.pmc.gov.au/domestic-policy/effective-commonwealth-state-relations>. Supporting materials are at Attachments A and B.

I request that you work with your Commonwealth Secretary to develop a new work program for this continuing ministerial meeting. The work program should be focussed on a maximum of three key priorities with clear timeframes for delivery of these within the next 12 months. Suggested priorities are at Attachment C to this letter for your consideration. Some complex reforms may take longer than 12 months to complete, and in this case the components of these reforms to be achieved within 12 months should be stipulated.

In addition, National Cabinet has asked that you work with your Commonwealth Secretary to rationalise the sub-committees and officials groups that support your ministerial meeting and report back to First Secretaries Group by 1 February 2021 on your new streamlined sub-structure. This report back should also include the reset work program priorities you intend to pursue over the next 12 months in your ministerial meeting.

Regular, ongoing meetings will be subject to a review every two years to ensure a focus on action to address contemporary national challenges.

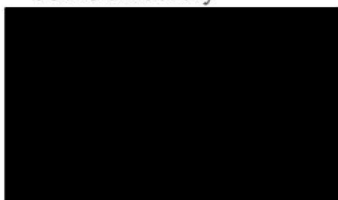
In relation to the Great Barrier Reef Ministerial Forum and the National Environment Protection Council, these forums have been disbanded and functions will be rolled into the Environment Ministers' Meeting.

Similarly, the functions of the Lake Eyre Basin Ministerial Forum and Wet Tropics Ministerial Council will also be rolled into the Environment Ministers' Meeting, with other responsible Ministers co-opted to attend as required. s

I have copied this letter to the Minister for Industry, Science and Technology, the Hon Karen Andrews MP and the Minister for Resources, Water and Northern Australia the Hon Keith Pitt MP.

I encourage you to implement these changes as soon as possible, and I look forward to our new intergovernmental system delivering outcomes for the people of Australia.

Yours sincerely



SCOTT MORRISON

# National Cabinet Review of COAG Councils and Ministerial Forums

## Attachment A

### FAQ – For Ministers

#### 1. How were existing ministerial forums allocated into the three categories?

Existing ministerial forums were assessed against three key objectives, based on surveys and work plan information provided by forums and consultations with ministers and officials:

1. To enable national cooperation and consistency on enduring strategic issues.
2. To address issues requiring cross-border collaboration
3. To perform regulatory policy and standard setting functions

Generally, forums that met all three objectives were considered essential and were assigned to the **Regular and ongoing** category. Forums that met two of the three objectives were assigned to the **Time-Limited and When Needed** category. Forums that could continue to discharge their responsibilities on an informal or one-off basis were recommended for the **Disband** category. The allocation of ministerial forums to these categories is listed in recommendation 1 of the Review.

#### 2. If my forum exists, what is it now called?

National Cabinet has agreed to a new system of ministers' meetings – there will no longer be 'forums' or 'councils'. As an example, the former COAG Education Council, will now be referred to as the Education Ministers' Meeting.

#### 3. Will my meeting report to National Cabinet?

No. Ministers' meetings will only report to National Cabinet or National Federation Reform Council if directly tasked. First Ministers will still have oversight of the work of all groups, as authorisation for ministers agreeing to items in a meeting will be managed through their own jurisdictional Cabinet processes.

Meeting communiqués may be published on the Commonwealth department's website and/or the chairing minister's official website. Departments or ministers in other jurisdictions may also wish to replicate this on their websites.

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## 4. What if there is a National Cabinet Reform Committee (NCRC) covering the same subject matter as my forum?

National Cabinet will commission specific reform projects to be undertaken by NCRCs. NCRCs will operate under the National Cabinet system. A ministers' meeting may be required even where an NCRC exists, to enable ministers to progress non-NCRC priorities outside of the Cabinet system.

Where two groups exist, ministers will work together to ensure there is a clear division of responsibilities between an NCRC and its companion ministers' meeting to ensure there is no duplication. This may include hibernating the ministers' meeting while the NCRC is in operation.

## 5. The Review recommends priority work plan items and work to be progressed informally by my forum. What if the forum doesn't agree with these priorities, or if important items are missing from the work plan?

The Review notes that line ministers and departments are the subject matter experts and will have greater insights into the type of items that will require ministerial consideration either as a priority item or as required under legislation. The table at Appendix D of the Report is to be considered as guidance only, noting that consultations may not have identified all items and that one of the key recommendations is that ministers take control in setting the direction and agenda of their meetings.

## 6. My forum is in the Regular and ongoing category, do I have to do anything?

Yes, you will need to reset your work program priorities and identify clear timeframes, reform the way you operate and review your sub-structures. Bodies in the **Regular and ongoing** category are expected to implement recommendations relating to mirroring and building on the National Cabinet model (recommendations 6-13), encouraging delivery and good process (recommendations 16-21) and reducing bureaucracy (recommendations 22-26).

You may wish to use the handbook, *Guidance for Intergovernmental Meetings*, to help guide implementation of recommendations.

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## 7. My forum is in the Time-Limited and When Needed category, what do I have to do?

Groups in the **Time-Limited and When Needed** category are deemed to be capable of fulfilling their purpose in a flexible manner and with a minimum of bureaucratic processes.

**'Time-Limited'** means these groups will be tasked with two to three specific priorities for completion within a maximum timeframe of twelve months before the body automatically disbands. The Chair will need to identify up to three national priority issues with clear delivery timeframes by 1 February 2021 so groups can commence their new strategic focus as soon as possible.

**'When Needed'** means groups will only convene as required to progress priority strategic tasks. Most functions, particularly regulatory functions, should be dealt with by correspondence. A flexible approach and the issue being addressed will determine meeting regularity. For example, ministers may hold weekly teleconferences for three weeks to work through an issue, but then not meet again for three months.

**Time-Limited and When Needed** groups will automatically disband at 12 months. Refer to questions 12 & 13 for additional information.

## 8. My forum has been disbanded what do I have to do?

If your forum had no legislative functions, chairs should brief their members and complete all outstanding work by 1 February 2021.

If your forum is linked to legislation, you do not need to amend any legislation to remove references to your forum. The Commonwealth intends introducing legislation into the Parliament to amend outdated references to COAG and ministerial forums. A parallel process may take place in each of the states and territories. You may be required to provide input into this process.

Administrative functions (e.g. annual reports) should be delegated to officials where possible, and regulatory decisions should be considered out-of-session wherever possible.

If your forum had standing officials/working/expert groups, refer to question 11.

## 9. My forum has been disbanded, can we still meet?

As is the case now, ministers are encouraged to use their discretion and gather informally when needed to share information and engage with

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counterparts, or where substantive roles must be filled (e.g. making emergency determinations under relevant legislation). The purpose of the review was to create a streamlined national system, not to impede ministerial engagement.

**Disbanded** forums undertaking bilateral/multilateral coordination of legislative responsibilities under various Commonwealth and state and territory legislation will not be prevented from performing these roles.

## 10. What about funding agreements?

Regardless of which category your forum has been placed in, the Council on Federal Financial Relations (CFFR) is responsible for all funding agreements under the new federal relations architecture, and will determine the level of involvement of ministers and ministers' meetings in the development and negotiation of new funding agreements.

Obligations under existing funding agreements will still need to be discharged by groups for the term of the agreement. Agreements due to expire will be considered by CFFR, who will seek input or advice from ministers' meetings as required.

## 11. What happens to the officials/ working/ expert groups attached to previous ministerial forums?

Groups in the **Regular and ongoing** and the **Time-Limited and When Needed** categories will be supported with the minimal amount of required standing officials groups. Ministers and departmental heads will rationalise existing standing officials groups to those deemed essential and establish sunset clauses for their work. It is recommended departments undertake reviews and make recommendations to their ministers for significant streamlining of these committees by 1 February 2021. Following this process, the chair of the previous forum should write to the chairs of these bodies, advising of the ongoing arrangements.

Standing officials groups attached to **Disbanded** forums are also to be disbanded.

Expert advice can be informally drawn upon for bodies in the **Regular and ongoing** and **Time-Limited and When Needed** categories, but formal expert advisory groups are not to be established within ongoing formal structures and processes.



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Under the new National Cabinet federal relations architecture, expert groups are to directly brief National Cabinet if called upon and may also have a role in supporting other components of the new system, such as NCRCs and CFFR. National Cabinet will determine which expert groups are to be maintained.

## 12. What happens to the regulatory work of bodies that are Time-Limited or Disbanded?

The Commonwealth intends to introduce legislation into the Parliament to amend outdated references to COAG and ministerial forums. A parallel process should take place in each of the states and territories.

Ministers can continue their work and discharge legislative functions as required, dealing with matters out-of-session via correspondence or delegating to officials where possible.

See question 9 for **Disbanded** bodies undertaking bilateral/multilateral coordination of legislative responsibilities.

## 13. Why do ongoing groups need to be continuously reviewed?

Regular reviews are required to ensure the system of intergovernmental ministerial meetings remains streamlined and fit-for-purpose. Every two years the First Secretaries Group and National Cabinet will review the composition of regular, ongoing meetings to ensure they reflect national priorities and remain essential for responding to the issues confronting our community and economy. Regular two-year reviews will determine whether a meeting still meets the three key objectives (see question 1), and is focused on complex and enduring matters of national significance. If not, National Cabinet may choose to allocate sunset clauses to specific agenda items for the body to focus on, or disband them.

Groups categorised as **Time-Limited and When Needed** will be tasked with priority items to be completed within a maximum twelve month timeframe. It is expected groups will disband at the end of this timeframe, however if your group requires additional time to complete a task or if you have established a new set of strategic priorities your group will be required to repeat the process of establishment (see question 14) to ensure a strategic focus is maintained.

If First Ministers are repeatedly reconvening time-limited groups, the two yearly review presents an opportunity to consider elevating meetings to the

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status of regular, ongoing forums, noting that only National Cabinet can establish an ongoing meeting.

## 14. What if a new group is required to address a new/urgent national issue?

The National Cabinet model encourages flexible, agile responses to unanticipated events. Cross-jurisdictional collaboration is encouraged for matters of national significance and urgency, as determined by either National Cabinet tasking a specific group or by ministerial initiative. If a minister wishes to convene a new time-limited group to address a new or urgent national issue they should write to their First Minister for approval, copying the Secretary of the Department of Prime Minister and Cabinet. The letter should set out the purpose, outcomes and duration of the group, demonstrate support from relevant ministers across jurisdictions, and that it does not overlap with existing meetings.

National Cabinet has responsibility for establishing any additional ongoing meetings of ministers but any group is able to disband at any time.

## 15. Why wasn't I consulted?

Peter Conran and the Review Taskforce have undertaken comprehensive consultations to ensure recommendations could be delivered to National Cabinet by the end of September. The consultation strategy was designed to cover as many of the 43 forums within the scope of the Review as possible within the timeframe. Consultations included:

- 67 individual interviews
- 2 rounds of surveys with each forum (one with Secretariats and one with Ministers)

Key stakeholders included:

- First Ministers
- Commonwealth and state and territory Ministers (16 Commonwealth and 13 state and territory covering a range of jurisdictions and portfolios)
- Secretaries and Deputy Secretaries of all Premiers and Chief Ministers Departments
- The Commonwealth Secretaries Board
- Former Commonwealth and state and territory public servants
- The Australian Local Government Association
- New Zealand officials

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The Review Taskforce consisted of Commonwealth officials as well as secondees from the states and territories (Queensland, Tasmania and Western Australia).

## **16. What will meeting support look like now secretariats have been abolished?**

Ministers will determine when meetings are needed and will set agendas. Commonwealth department secretaries will be responsible for rationalising and tasking support for **Regular and ongoing** and **Time-Limited and When Needed** groups. Officials working within relevant departmental policy areas will be delegated organisation and additional support depending on the meetings' strategic agenda, coordinating and sharing responsibility with their state and territory jurisdictional counterparts.

## **17. What makes this Review different from the previous eight into Ministerial Councils and Forums?**

This Review was undertaken in the context of the new National Cabinet working arrangements and the overhaul of Australia's federal relations architecture, presenting a unique opportunity to effectively reset the work plans of previous COAG councils and forums. This Review has sought to emulate the National Cabinet model, emphasising the need to cut through layers of bureaucracy and value informality and virtual meetings that improve effectiveness and efficiency. These changes have allowed a key issue in previous reviews to be addressed - the lack of ministerial control over their forums and agendas. This Review's recommendations aim to empower ministers to control their agendas to make decisions and deliver outcomes to benefit Australians in the most efficient and effective way possible.

## **18. Do I still need to do a Regulation Impact Statement (RIS)?**

Yes, the principles of Regulatory Impact Analysis (RIA) and the development of RISs will still apply under the new arrangements.

In particular, RIS requirements apply to agreements or decisions dealing with national regulatory problems to be given effect, whether at the Commonwealth or State/Territory level (or both) through principal and delegated legislation, administrative directions or other measures which, when implemented, would encourage or force businesses, individuals or organisations to pursue their interests in ways they would not otherwise have done (i.e. will have a more than minor impact on businesses, individuals or

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organisations). Importantly, this includes, for example, government voluntary codes and advisory instruments for which there is a reasonable expectation of widespread compliance.

RISs will still need be provided to and assessed by the Commonwealth Office of Best Practice Regulation (OBPR) within PM&C.

## **19. Who will chair meetings going forward?**

The relevant Commonwealth Minister will chair unless otherwise decided by consensus between members. At the first available meeting, these arrangements should be confirmed by Ministers.

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## Attachment B

### Messaging and Communication to Non-government Stakeholders

#### Rationale

- In May 2020 National Cabinet agreed to the formation of the National Federation Reform Council and the opportunity to review and reset intergovernmental processes.
- All governments agreed the new and less bureaucratic approach to issues taken by National Cabinet should be applied to other intergovernmental bodies including former COAG Councils and Ministerial Forums.
- This review ensures that the Australian community is served by a federal relations architecture which is responsive to issues confronting our community and economy, makes decisions efficiently with minimal bureaucracy and is able to focus on critical priorities.
- Existing ministerial forums were assessed against three key objectives (based on surveys and work plan information provided by forums and extensive consultations with a range of ministers and officials):
  1. To enable national cooperation and consistency on enduring strategic issues.
  2. To address issues requiring cross-border collaboration
  3. To perform regulatory policy and standard setting functions.

#### More flexibility, greater Ministerial autonomy

- The review highlighted the need to reflect the National Cabinet approach for more flexible processes, to allow ministers to drive more responsive agendas focussed on key strategic priorities.
- New processes will help Ministers to resolve issues rapidly and include:
  - Ministers setting and controlling agendas, with a focus on determining a small number of strategic priorities.
  - Ensuring substantial decisions are made by Ministers - non-controversial and routine matters will be delegated to officials or progressed out-of-session whenever possible to free Ministers from process and administrative work.
  - Saving time and money - virtual meetings will now be the 'norm', with minimal officials groups and associated bureaucracy and processes.

# National Cabinet Review of COAG Councils and Ministerial Forums

- Ministers are encouraged to continue to use their discretion to meet informally with their colleagues to share information and undertake decisions when required.
- Ministers are empowered to determine for themselves when an informal one-off meeting is essential.
- Streamlined processes will free Ministers to make timely and responsive decisions more rapidly.
- Unlike previous forums reporting to COAG, Ministers are now fully empowered to drive and resolve issues within their groups (and with underpinning jurisdictional cabinet approval). There will be no reporting to National Cabinet or the National Federation Reform Council unless a group has been specifically tasked.
- Regulatory functions of previous ministerial forums (even if disbanded) will continue to be the responsibility of relevant ministers or the successor meeting. These functions should be conducted out-of-session wherever possible (e.g. agreement by correspondence) or by one-off ad hoc meetings.

## Stakeholders

- All governments remain fully committed to continue working collaboratively with their stakeholders.
- The review was focussed on creating a more effective and responsive streamlined system.
- Groups can informally seek stakeholder and technical expert advice whenever they choose. Streamlining existing multiple advisory and officials groups that add to bureaucratic processes will free all groups and allow more timely decision-making.
- The changes to how these bodies operate allows Ministers greater flexibility in how they engage with stakeholders
- Ministers are empowered to engage and consult with colleagues, experts, stakeholders and the public, and getting on with their work.
- Less process will free Ministers to tailor how they engage with stakeholders, allowing greater opportunity for all views to be heard.

## Maintaining focus

- National Cabinet has the power to establish a new body at any time.
- Ministers may recommend a time limited body continue or a new body be established to address a rapidly emerging issue of national concern.

# National Cabinet Review of COAG Councils and Ministerial Forums

- If its purpose has been fulfilled or priorities change, an existing body can recommend it disband at any time.
- Regular reviews of ministerial meetings will ensure the right forums exist to address changing national priorities.
- Time-limited bodies will complete work programs on a twelve month basis, with the opportunity to re-establish if warranted.
- The principles of good regulatory practice and regulatory assessment requirements will continue to apply under the new streamlined arrangements.

## Next steps

- Disbanded forums are required to complete any outstanding actions by 1 February 2021.
- Regular, ongoing and time-limited meetings will need to reset work program priorities and identify defined delivery timeframes, reform the way they operate and review sub-structures by 1 February 2021.

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## Key points for public messaging (if required):

- National Cabinet has shown intergovernmental relations can be more effective when ministers take ownership of agendas, focus on a small number of national priorities, and make decisions quickly, supported by more informal and streamlined processes.
- The National Cabinet model has now been adapted to ministerial councils and forums – with fewer regular, ongoing forums and a more targeted focus on the critical priorities facing the nation.
- Some previous ministerial forums will be disbanded, recognising their work is complete or can be delivered in more flexible ways.
- Some groups will be established on a time-limited basis for specific tasks, and will conclude when those tasks are complete.
- To allow more responsive decision making, groups will focus on two or three nationally significant priorities to be progressed within 12 months.
- Regulatory functions of previous ministerial forums will continue to be the responsibility of relevant ministers or the successor meeting.
- Ministers can still gather informally whenever needed to share information and resolve issues, without the need for an official meeting.
- All governments remain fully committed to continue working collaboratively with their stakeholders.
- Greater flexibility and reduced bureaucracy will mean greater opportunities for stakeholder engagement.



## Potential Work Plan Items Identified in Consultations

For continuing forums, the Review has assessed identified items as either:

- **Priority Items** – a small number of high priority tangible deliverables which should be the immediate focus for delivery within the next 12 months. Delivery of these items will provide the justification for ongoing forums’ status and drive the need for regular or ad hoc meetings.
- **Work that could be taken forward informally by ministers, out-of-session through correspondence or delegated to officials** – which provides guidance on the type of routine items and longer term that could be dealt with out of session or by correspondence (where ministerial consideration is required) or might be better dealt with by officials (where ministerial consideration is not mandated), allowing ministers to focus on priority strategic issues.

The Review notes that line ministers and departments are the subject matter experts and will have greater insight into the type of items that will require ministerial consideration either as a priority item or as required under legislation. This table is to be considered as guidance only, noting that consultations may not have identified all items and that one of the key recommendations is that ministers take control in setting the direction and agenda of their meetings.

Regular and Ongoing meetings	
Environment Ministers’ Meeting	<p><b>Priority Items</b></p> <ol style="list-style-type: none"> <li>1. Climate adaption and resilience.</li> <li>2. Bushfire recovery and resilience, to the extent that it relates to the environment.</li> <li>3. Initial updates against the National Waste Policy Action Plan, including monitoring the impact of the waste export ban and associated matters.</li> </ol> <p><b>Work that could be taken forward informally, by correspondence, or by officials</b></p> <ul style="list-style-type: none"> <li>• Ongoing updates against the National Waste Policy Action Plan.</li> <li>• Collaboration to support communities affected by PFAS contamination.</li> <li>• Endorse National Environment Sustainability Agreement for recycling newspaper.</li> <li>• Environmental and heritage issues where a coordinated national approach is required.</li> <li>• Considering nominations for World Heritage List.</li> <li>• Standards setting, including industrial chemicals.</li> <li>• Progress reports on the Convention of Biological Diversity – Australia’s Strategy for Nature 2019-2030.</li> <li>• Identify and implement mechanisms to eliminate the domestic trade of ivory and rhinoceros horn.</li> <li>• Analysis of coastal erosion.</li> <li>• National alignment of container deposit schemes.</li> <li>• National feral cat control.</li> <li>• National Reserve System.</li> </ul>