

VICTORIA

1997 Victorian Progress Report



State Government
of Victoria

National Competition Policy

Victoria's progress in implementing COAG and related reforms

Interim 1996-97 annual report
for the half-year
to 31 December 1996

March 1997

Contents

Overview	203
PART I: Review of legislative restrictions on competition	209
Table 1 Reviews scheduled to commence by 31 December 1996	211
Table 2 Reviews that have commenced early	228
Table 3 Variations to the legislative review timetable	231
PART II: Competitive Neutrality (CN) principles	243
Table 4 Application of CN principles to GBEs	244
Table 5 Application of CN principles to other significant government business activities	245
Table 6 Allegations of non-compliance with CN principles	254
PART III: Local government reforms	257
Table 7 Implementation by local government of competition principles	258
PART IV: Other related reforms	261
Table 8 Implementation of related reforms in electricity, gas and road transport	262

Overview

Introduction

This report responds to a request to all jurisdictions by the National Competition Council (NCC) to provide an interim 1996-97 annual report on progress achieved in implementing the Competition Principles Agreement and related reforms, to assist the NCC in its assessment of whether Victoria has met the criteria attached to the first tranche of competition payments from the Commonwealth.

Following this overview, the detail of the report is divided into four parts. Parts I to III deal with progress achieved by Victoria against the commitments made under the Competition Principles Agreement in the areas of legislative reviews, competitive neutrality and local government reform, while Part IV sets out progress against the Implementation Agreement first tranche reforms for electricity, gas and road transport.

Legislative reviews

<u>Summary of First Tranche Criteria</u>	<u>Victoria's progress</u>
Developed a timetable by June 1996 to review by 2000 all existing legislation that contains restrictions on competition	Achieved <ul style="list-style-type: none"> Victorian Government's timetable was published in June 1996, with reviews scheduled so that they are completed before 2000 (Tables 1, 2 and 3 provide an interim annual report on progress achieved to date)

Although it is still early in the process, considerable momentum has been generated by Departments undertaking reviews of legislation that restrict competition. In general, 1996-97 reviews are progressing as scheduled. In addition to commencing reviews scheduled for completion in 1996-97, reviews for approximately a dozen pieces of legislation that were scheduled for later years have been brought forward. Furthermore, the Victorian Government has been active in eliminating unnecessary red tape. The Government has already acted to remove restrictions on competition in nearly two dozen pieces of legislation, by either removing offending provisions or repealing them in their entirety.

To ensure that the gains from the reviews are not undermined by the introduction of new restrictions on competition, new legislative proposals have been rigorously assessed to ensure that any anti-competitive provisions are justified on net public benefit grounds. The competition test has been applied to Acts of Parliament passed since January 1996 and their associated regulations. In each case Cabinet has been satisfied that this test was appropriately completed. Similarly, in accordance with the guidelines, the responsible Minister was satisfied that the competition test was appropriately applied in relation to new regulation enacted during 1996. The Premier will shortly be writing to the National Competition Council providing further details on this issue.

Competitive neutrality principles

<u>Summary of First Tranche Criteria</u>	<u>Victoria’s progress</u>
Applied competitive neutrality (CN) principles to GBEs	Achieved - see Table 4
Published a policy statement on CN by June 1996 and published the required annual reports on the implementation of CN principles	Achieved <ul style="list-style-type: none"> • Victorian Government’s CN policy statement was published in June 1996 • Tables 4, 5 and 6 provide an interim annual report on implementation of CN principles, including allegations of non-compliance

The Victorian Government has been at the forefront of reforming the structure of Government Business Enterprises and the financial and regulatory environment within which they operate so that they do not receive a net competitive advantage over private sector providers simply as a result of their public ownership. For instance, the TER requirement for tax-equivalent payments was extended to certain GBEs in the ports sector, while the Financial Accommodation Levy was expanded to cover certain water and electricity GBEs. Furthermore, planning legislation is being reformed to make the requirements for GBEs more in line with those faced by the private sector.

Although the application of competitive neutrality principles to other significant business activities is in general not scheduled to commence until

July 1997, Departments have made notable progress in restructuring activities in preparation for the introduction of those principles. For instance, Health Computing Services is being sold, while significant structural reform is occurring in prison industries.

Furthermore, the Government will be releasing in the first half of 1997 rigorous yet user-friendly guidelines to assist agencies in applying competitive neutrality costing and pricing principles to their significant business activities.

Finally, Competitive Neutrality Complaints Unit has been in place since July 1996 to investigate allegations of non-compliance by Departments to competitive neutrality principles. The Unit has:

- published and widely distributed a simple brochure outlining the function, procedures and accessibility of the complaints unit; and
- received and reported findings in relation to 9 complaints.

Local government reforms

<u>Summary of First Tranche Criteria</u>	<u>Victoria's progress</u>
Published by June 1996 a statement applying Competition Principles Agreement principles to local government	Achieved <ul style="list-style-type: none"> • Victorian Government's local government NCP statement was published in June 1996 (Table 7 provides information on Victoria's progress in implementing the reforms outlined in its local government statement)

Competition reforms being implemented at the local government level in Victoria are fostering increased efficiency as well as encouraging innovation and greater responsiveness to customer preferences. Councils are now subject to the Competition Code, making them liable to prosecution for breaches of prohibited market conduct such as price-fixing between competitors, misusing market power and anti-competitive agreements. Furthermore, consultations are occurring with local government on a strategy to review local laws by 1999 to ensure that they comply with NCP principles regarding legislation that restricts competition.

Councils are reviewing their structures in accordance with competitive neutrality principles and are on target to meet the requirement that by 1996-97 they competitively tender 50% of their total operating expenditure; in 1995-96 councils tendered 37% of expenditure. Victorian councils, ratepayers and the community at large are now beginning to see the material benefits generated from competitive tendering, which is contributing to lower rate levels and the provision of more efficient and effective services. For instance in 1995-96, Victorian ratepayers paid \$263m less in council rates compared to 1993-94 as a direct result of recent reforms, with efficiency gains also releasing funds for new capital works initiatives.

Other related reforms

<u>First Tranche Criteria</u>	<u>Victoria's progress</u>
Signed the Competition Principles Agreement and the Conduct Code Agreement at the April 1995 COAG meeting	Achieved
Applied Competition Code	Achieved - <i>Competition Policy Reform (Victoria) Act 1995</i> received Royal Assent on 14 November 1995
At time of payment, is still a fully participating jurisdiction	Achieved
Taken all necessary measures to implement an interim competitive National Electricity Market	Achieved - see Table 8
Introduced free and fair trading in gas	Being contingent upon resolving the Petroleum Resource Rent Tax issue, Victoria's reforms to date have fulfilled its commitments - see Table 8
Effective observance of agreed package of road transport reforms	Achieved - see Table 8

In the electricity and gas sectors, on-going reforms are establishing competitive industry frameworks that will facilitate greater efficiency and customer responsiveness. In the area of electricity, Victoria is genuinely committed to the relevant agreements and is taking the necessary steps to implement a national market. It has subscribed to the National Electricity Code Administrator (NECA) and the National Electricity Market Management Company (NEMMCO) and structurally separated generation

and transmission, while the 'retail' and 'wires' businesses within distribution have been ring-fenced.

In relation to gas reform, as noted in the COAG Communique of February 1995, Victoria's ability to commit to the agreed timetable was contingent upon satisfactory and timely resolution of the Petroleum Resource Rent Tax (PRRT) issue. Upon resolution of the issue in mid-November 1996, the Government announced major reform of the Victorian gas industry which will create a competitive market framework. These reforms are to be implemented as soon as possible.

Having adopted legislation to apply both national charges on heavy vehicles and dangerous goods transport requirements, Victoria has fulfilled within the required timeframe its obligations in relation to those elements of the national road transport law envisaged by the inter-governmental road transport agreements.

Conclusion

This report provides information to the National Competition Council on Victoria's progress to date in implementing agreed reforms that should satisfy both the intent and spirit of the criteria for the commencement from 1 July 1997 of the first tranche of competition payments from the Commonwealth.

PART I:

Review of legislative restrictions on competition

As part of the Competition Principles Agreement, all Australian governments agreed to adopt the following guiding legislative principle:

“that legislation (including Acts, enactments, ordinances or regulations) should not restrict competition unless it can be demonstrated that:

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.”

To give effect to this principle, and consistent with COAG requirements, the Department of Premier and Cabinet released in June 1996 the *Victorian Government Timetable for Review of Legislative Restrictions on Competition*. The legislation covered in this timetable includes Acts of Parliament and regulations or subordinate legislation made under the authority of the Act which had been made, or were in force, prior to January 1996. Due to the timing of Victorian Parliamentary Sittings, this date, not April 1995, was chosen as the date from which the competition test to new legislative proposals is to apply. However the effect is the same; all legislation has been subjected either to the legislative review process or the new legislative proposal competition test.

In July 1996, the Department of Premier and Cabinet released *Guidelines for the Review of Legislative Restrictions on Competition*, a document setting out the administrative and methodological guidelines to ensure that the reviews are undertaken in accordance with the agreed NCP principles. Local Government by-laws are being reviewed under a separate process outlined in Part III of this report.

Progress achieved with reviews of existing legislation that restrict competition which were scheduled to commence by 31 December 1996 are outlined in **Table 1**. While this interim report only requires information on progress achieved to 31 December 1996 to be provided, in many cases additional information on progress

achieved since then is also given. There are some reviews that, although scheduled to commence after 31 December 1996, have been brought forward and are already underway; these are outlined in **Table 2**. Copies of the terms of reference for reviews and the final reports for completed reviews can be provided on request.

In addition to these reviews that have been brought forward, changed circumstances have necessitated certain variations to the review timetable; these are outlined in **Table 3**. Changes to the official timetable are subject to the approval of the Premier. It is intended that an updated version of the timetable will be published in the second half of 1997 around the time that the full annual report for 1996-97 is prepared. The updated timetable will continue to ensure that all reviews are to be completed by the end of 1999.

As well as scrutinising legislation in place before January 1996 against the guiding legislative principle, new proposed legislation since then is being subjected to this test. The Victorian Government issued to agencies *Guidelines for the Application of the Competition Test to New Legislative Proposals* in January 1996, a step-by-step manual to assist agencies in complying with the legislative review guidelines. Furthermore, Cabinet submissions containing new legislative proposals are required indicate that the competition test has been applied and justify restrictions on competition. Their continued compliance, including associated regulations made under the Acts, with the guiding legislative principle will be reassessed, as required, every 10 years.

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
Agriculture and Natural Resources			
<i>*Veterinary Surgeons Act 1958 & Regs</i>	<ul style="list-style-type: none"> proposed to be repealed and replaced by non-restrictive legislation. 	<ul style="list-style-type: none"> Cabinet considering new Bill 	
<i>*Barley Marketing Act 1993</i>	<ul style="list-style-type: none"> draft Terms of Reference (ToR) being developed 	<ul style="list-style-type: none"> ToR agreed 	<ul style="list-style-type: none"> Resolving administrative and financial arrangements with South Australia for review has led to some delays.
<i>*Wheat Marketing (Prescribed Provisions) Regs 1990</i>	<ul style="list-style-type: none"> assessment indicates that regs may no longer be required. 		<ul style="list-style-type: none"> regulations may be revoked; appropriateness of this is currently being assessed.
<i>Petroleum Regs 120/1992</i>	<ul style="list-style-type: none"> draft ToR going through approval process 	<ul style="list-style-type: none"> review is being undertaken, final report due Mar 1997 	
<i>Ministerial Directions under Petroleum Act 1958</i>	<ul style="list-style-type: none"> draft ToR going through approval process 	<ul style="list-style-type: none"> review is being undertaken, final report due Mar 1997 	
<i>Exemption under Section 9 of the Petroleum Act 1958</i>	<ul style="list-style-type: none"> draft ToR going through approval process 	<ul style="list-style-type: none"> review is being undertaken, final report due Mar 1997 	
<i>Pipelines Act 1967 & Regs</i>	<ul style="list-style-type: none"> draft ToR going through approval process 	<ul style="list-style-type: none"> review is being undertaken, final report due Mar 1997 	
<i>Petroleum (Submerged Lands)</i>	<ul style="list-style-type: none"> no action yet 	<ul style="list-style-type: none"> no action yet 	<ul style="list-style-type: none"> The Commonwealth, States and NT maintain mirror legislation regarding off-shore petroleum activities. A national review is therefore appropriate.

(* denotes legislation for which reviews were scheduled to be completed by December 1996)

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Arts			
*Museums Act 1983		<ul style="list-style-type: none"> see comments 	<ul style="list-style-type: none"> DPC Steering Committee is currently examining the nature of any restrictions on competition contained in the Museums Act, their broader implications & how best to proceed in order to fulfill the legislative review requirements
Attorney-General			
Adoption Act 1984 and related regulations			<ul style="list-style-type: none"> To be discussed with Dept of Human Services (Joint review)
Benefits Association Act 1958		<ul style="list-style-type: none"> draft ToR and background paper being developed 	
Legal Aid Act 1978 and related regulations		<ul style="list-style-type: none"> draft ToR and background paper being developed 	<ul style="list-style-type: none"> Legal Aid Commission (Application Form Regulations 1986 and Legal Aid Commission (Legal Aid Review Committees Allowances) Regulations 1986 have a sunset clause.
Council of Law Reporting in Victoria Act 1967		<ul style="list-style-type: none"> draft ToR and background paper being developed 	
Accident Compensation Act 1985			<ul style="list-style-type: none"> To be discussed with Dept of Treasury & Finance (Joint review).
Workers Compensation Act 1958 Division 8 of Part 1 and related regulations			<ul style="list-style-type: none"> To be discussed with Dept of Treasury & Finance (Joint review).

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Conservation and Land Management			
<i>Surveyors Act 1978</i>	<ul style="list-style-type: none"> • draft ToR being developed 	<ul style="list-style-type: none"> • ToR approved and review has commenced 	
<i>Environmental Protection Litter Act 1987</i>	<ul style="list-style-type: none"> • draft ToR being developed • draft ToR being developed 		
Corrections			
<i>Corrections Act 1986</i>	<ul style="list-style-type: none"> • draft ToR being developed 	<ul style="list-style-type: none"> • background paper to ToR developed 	
Education			
<i>Education Act 1958 & related Ministerial Orders as outlined below</i>	<ul style="list-style-type: none"> • draft ToR being developed 	<ul style="list-style-type: none"> • draft ToR is going through approval process 	<ul style="list-style-type: none"> • Review on target to be completed by June 1997 as scheduled.
<i>Ministerial Order No. 3 as amended by No. 9 of 1996 (Payment of fees by overseas students) under sections 25A amended and 84 of the Education Act 1958</i>	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	
<i>Ministerial Order No. 4 of 1995 (Distance Education Centre) under sections 25A and 84 of the Education Act 1958</i>	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
<p>(* denotes legislation for which reviews were scheduled to be completed by December 1996)</p>			
<p>Education</p>			
<p>Ministerial Order No. 5 of 1995 (English Language Centres) under section 25A and 84 of the Education Act 1958)</p>	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	
<p>Ministerial Order No. 8 of 1996 (Victoria School of the Arts Secondary School under section 25A & 84 of the Education Act 1958</p>	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	
<p>Fair Trading</p>			
<p>Estate Agents Act 1980 and related regulations</p>	<ul style="list-style-type: none"> • draft ToR prepared 	<ul style="list-style-type: none"> • proposed final ToR submitted to Premier for approval 	
<p>Finance Brokers Act 1969 and Finance Brokers (General) Regulations 1992</p>	<ul style="list-style-type: none"> • draft ToR prepared 	<ul style="list-style-type: none"> • background paper to ToR being developed 	
<p>Motor Car Traders Act 1986 and Motor Car Traders</p>	<ul style="list-style-type: none"> • draft ToR prepared 	<ul style="list-style-type: none"> • proposed final ToR submitted to Premier for approval 	
<p>Prostitution Control Act 1994 and Prostitution Control Regulations 1995</p>	<ul style="list-style-type: none"> • draft ToR prepared 	<ul style="list-style-type: none"> • background paper to ToR being developed 	
<p>Second-hand Dealers & Pawn-brokers Act 1989 and Second-hand Dealers and Pawnbrokers Regulations 1990</p>	<ul style="list-style-type: none"> • draft ToR prepared 	<ul style="list-style-type: none"> • completed report submitted to Minister; proposed Government response referred to Premier 	

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Fair Trading			
<i>Travel Agents Act 1986 and Travel Agents Regulations 1987</i>	<ul style="list-style-type: none"> draft ToR being developed nationally 	<ul style="list-style-type: none"> Victoria's comments on first draft ToR referred to Western Australia (lead agency under Ministerial Council on Consumer Affairs resolution) 	<ul style="list-style-type: none"> Proposed for national review
<i>Associations Incorporation Act 1981 and Associations Incorporation Regulations 1993</i>	<ul style="list-style-type: none"> draft ToR prepared; action deferred given near-completion of prior review, allowing reason for scheduling Competition Policy review to be addressed 		<ul style="list-style-type: none"> Cabinet currently considering amendments which would remove restrictions on competition.
<i>Auction Sales Act 1958</i>	<ul style="list-style-type: none"> action deferred pending separately proposed repeal and substitution of new legislation (subject to satisfaction of Guiding Legislative Principle) 		
<i>Building Societies Act 1986</i>	<ul style="list-style-type: none"> action deferred pending outcome of Wallis Inquiry 		
Finance			
<i>Workers' Compensation Act 1958 (Division 8 of Part 1), Accident Compensation Act 1985, Accident Compensation Regulations 1990, Accident Compensation (WorkCover Insurance) Act 1993</i>		<ul style="list-style-type: none"> Draft ToR prepared 	

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Finance			
*Dangerous Goods Act 1985 (s.15) & regs		<ul style="list-style-type: none"> Review is at initial stages 	<ul style="list-style-type: none"> Change in portfolio from Industry, Science & Technology to Finance.
*Order to Subject to Conditions or Restrictions the Supply & Use of High Risk Carcinogenic Substances		<ul style="list-style-type: none"> Review is at initial stages 	<ul style="list-style-type: none"> Change in portfolio from Industry, Science & Technology to Finance.
Occupational Health and Safety (Asbestos, 1992) & (Lead Control, 1988) regs		<ul style="list-style-type: none"> Review is at initial stages 	<ul style="list-style-type: none"> Change in portfolio from Industry, Science & Technology to Finance.
*State Superannuation Act 1988		<ul style="list-style-type: none"> Review is at initial stages 	<ul style="list-style-type: none"> Offending provision was repealed in the Spring 1996 session of Parliament
*Construction Industry Long Service Leave Act 1983, Construction Industry Long Service Leave Regulations 1993 (SR No. 139/1993)			<ul style="list-style-type: none"> The Act is to be repealed in the Autumn 1997 session of Parliament
Gaming			
Club Keno Act 1993 & Regs			<ul style="list-style-type: none"> A preceding study of the gaming industry is being undertaken. This study will establish a framework for assessing alternative regulatory options. Also see Table 3.

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
Health			
<i>Advanced Dental Technicians Regs. 1985</i>	<ul style="list-style-type: none"> Timing and scope of review approved by Minister. Overseas literature search completed by external consultant. 	<ul style="list-style-type: none"> Project officer appointed to work on review. 	<ul style="list-style-type: none"> These regs are incorrectly described in the schedule - it should refer to the 1996 regs.
<i>Ambulance Services Act 1986</i>	<ul style="list-style-type: none"> Draft ToR are going through approval process. 	<ul style="list-style-type: none"> Background paper for review panel being prepared 	
<i>Cemeteries (Incorporation Of Trusts) Regs. 1995</i>	<ul style="list-style-type: none"> No action as yet. 		<ul style="list-style-type: none"> Need for review is dependent upon the outcome of the review of the <i>Cemeteries Act 1958</i>.
<i>Cemeteries Act 1958</i>		<ul style="list-style-type: none"> ToR under development, linking to earlier review initiative 	
<i>* Chiropodists Act 1968</i>	<ul style="list-style-type: none"> Departmental review of legislation completed & endorsed by the Minister. 	<ul style="list-style-type: none"> Cabinet considering legislative amendments. 	
<i>*Chiropodists Regs. 1988</i>	<ul style="list-style-type: none"> Departmental review of legislation completed & endorsed by the Minister. 	<ul style="list-style-type: none"> Cabinet considering legislative amendments. 	
<i>*Chiropactors And Osteopaths Act 1978</i>			<p>To be repealed. Two new Acts, the <i>Chiropactors Registration Act 1996</i> & the <i>Osteopaths Registration Act 1996</i>, were passed by Parliament in the 1996 Spring session. The new Acts will commence operation on 1 July 1999</p>

(* denotes legislation for which reviews were scheduled to be completed by December 1996)

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Health			
* <i>Chiropractors and Osteopaths Regs. 1992</i>	<ul style="list-style-type: none"> • Regs will be repealed on 1 July 97 and new regulations will be developed in accordance with NCP criteria. 		
<i>Dental Technicians Act 1972</i>	<ul style="list-style-type: none"> • Timing and scope of review approved by Minister. • Overseas literature search completed by external consultant. 	<ul style="list-style-type: none"> • Project officer appointed to work on review. 	
<i>Dentists Act 1972</i>	<ul style="list-style-type: none"> • Timing and scope of review approved by Minister. • Overseas literature search completed by external consultant. 	<ul style="list-style-type: none"> • Project officer appointed to work 	
<i>Dentists Regs. 1992</i>	<ul style="list-style-type: none"> • Timing and scope of review approved by Minister. • Overseas literature search completed by external consultant. • No action as yet. 	<ul style="list-style-type: none"> • Project officer appointed to work 	
<i>Drugs, Poisons and Controlled Substances Act 1981</i>	<ul style="list-style-type: none"> • No action as yet. 		
<i>Drugs, Poisons and Controlled Substances Regs. 1995</i>	<ul style="list-style-type: none"> • No action as yet. 		
<i>Health Act 1958</i>	<ul style="list-style-type: none"> • No action as yet. 	<ul style="list-style-type: none"> • Draft ToR being developed 	<ul style="list-style-type: none"> • A variation to the schedule is proposed.

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
---------------------	----------------------------------	------------------------------------	-------------------------------

(* denotes legislation for which reviews were scheduled to be completed by December 1996)

Health

<i>Health Services (Private Hospitals & Day Procedure Centres) Regs 1991</i>	<ul style="list-style-type: none"> Draft ToR are going through the approval process. 	<ul style="list-style-type: none"> Background paper for review panel being prepared. 	
<i>Health Services Act 1988</i>	<ul style="list-style-type: none"> Draft ToR are going through the approval process. 	<ul style="list-style-type: none"> Background paper for review panel being prepared. 	<ul style="list-style-type: none"> To be repealed. A new Act, the <i>Optometrists Registration Act</i> in the 1996 Spring session. The new Act will commence operation on 1 July 1997.
<i>*Optometrists Registration Act 1958</i>			<ul style="list-style-type: none"> These regulations will be repealed on 1 July 1997 and new regs will be developed in accordance with NCP criteria.
<i>*Optometrists Regs. 1992</i>			
<i>Pathology Services Accreditation (General) Regs. 1990</i>	<ul style="list-style-type: none"> Draft ToR are going through the departmental approval process. 	<ul style="list-style-type: none"> Background paper for review panel being prepared. 	
<i>Pathology Services Accreditation Act 1984</i>	<ul style="list-style-type: none"> Draft ToR are going through the departmental approval process. 	<ul style="list-style-type: none"> Background paper for review panel being prepared. 	
<i>Tobacco (Promotion Of Sponsorship) Regs. 1989</i>	<ul style="list-style-type: none"> No action as yet. 		
<i>Tobacco Act 1987</i>	<ul style="list-style-type: none"> No action as yet. 		

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
---------------------	----------------------------------	------------------------------------	-------------------------------

(* denotes legislation for which reviews were scheduled to be completed by December 1996)

Industry, Science and Technology

<i>*Employment Agents Act 1983</i>	<ul style="list-style-type: none"> Review deferred pending consideration of future arrangements. 	<ul style="list-style-type: none"> No further action. 	<ul style="list-style-type: none"> Government will be making an announcement soon.
<i>Employee Relations Act 1992</i>	<ul style="list-style-type: none"> Review deferred pending referral of employee relations functions to Commonwealth 	<ul style="list-style-type: none"> No further action. 	<ul style="list-style-type: none"> Employee Relations functions have now been transferred to the Commonwealth. This Act now only deals with Long Service Leave and has been renamed the <i>Long Service Leave Act 1992</i>. Now be reviewed in accordance with timetable for the <i>Employee Relations Act 1992</i>.
<i>Employee Relations (ERC Oath of Office) Regulations 1993</i>	<ul style="list-style-type: none"> Review deferred pending referral of employee relations functions to Commonwealth 	<ul style="list-style-type: none"> No further action. 	<ul style="list-style-type: none"> Regulations will not be reviewed because they are no longer operative following the abolition of the Employee Relations Commission.
<i>Fuel Emergency Act 1977</i>	<ul style="list-style-type: none"> Draft ToR prepared & submitted to Minister for approval. 	<ul style="list-style-type: none"> Premier's approval of terms of reference sought and obtained. Review to commence. 	

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
Planning and Local Government <i>*Bourke Street Mall Act</i> 1982			<ul style="list-style-type: none"> In line with NCP principles, virtually all of the provisions in the Act have been repealed by the <i>Local Government (Amendment) Act 1996</i>. Repeal of the remain provisions, Council's power to grant permits for any vehicle to enter & remain are delayed so that the Council can consider making a local law under the <i>Local Government Act</i> to regulate entry into the Mall.
<i>*City of Greater Geelong Act</i> 1993			<ul style="list-style-type: none"> Most of Act repealed by <i>Local Government (Amendment) Act 1996</i>, in line with NCP principles legislation. Remaining provisions are technical in nature only and do not restrict competition.
<i>City of Melbourne Act</i> 1993			<ul style="list-style-type: none"> Most of Act repealed by <i>Local Government (Amendment) Act 1996</i>, in with NCP principles to remove anti-competitive legislation. Remaining provisions are technical in nature only & do not restrict competition.

(* denotes legislation for which reviews were scheduled to be completed by December 1996)

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments since 1 Jan 1997
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Planning and Local Government			
* <i>Cultural & Recreational Lands Act 1963</i>	<ul style="list-style-type: none"> Initial basic analysis of legislation and consideration of possible review model 	<ul style="list-style-type: none"> Preliminary investigation is being undertaken Draft report on findings is being compiled 	<ul style="list-style-type: none"> Preliminary investigation has indicated a need to consider the impact of council rate exemptions for certain recreational lands
* <i>Impounding of Livestock Act 1994</i>	<ul style="list-style-type: none"> Initial basic analysis of legislation and consideration of possible review model 	<ul style="list-style-type: none"> Preliminary investigation is being undertaken Draft report on findings is being compiled 	<ul style="list-style-type: none"> As the main concern is the appointment of 'authorised officers', inter-department discussions (Justice, DPC) are required.
<i>Local Government Act 1989</i>	<ul style="list-style-type: none"> Initial basic analysis of legislation. Further assessment required to ascertain whether the legislation does restrict competition and if so the relevant review model. 	<ul style="list-style-type: none"> Waiting on the completion of the minor reviews before undertaking more detailed assessment and determining whether the <i>Local Government Act</i> needs to be reviewed. 	<ul style="list-style-type: none"> Consultation with other States as to their approach to similar legislation had not been taken into account but seems desirable because of similarity of issues; Compulsory Competitive Tendering provisions currently in the Act are in line with NCP principles.
* <i>Public Authorities Marks Act 1958</i>	<ul style="list-style-type: none"> Initial basic analysis of legislation and consideration of possible review model 	<ul style="list-style-type: none"> Preliminary investigation Draft report on findings is being compiled 	<ul style="list-style-type: none"> Preliminary investigation indicates that the Act may no longer be required.

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Police and Emergency Services			
<i>Control of Weapons Act 1990 and related regulations</i>	<ul style="list-style-type: none"> National review arrangements being considered. 	<ul style="list-style-type: none"> National review arrangements being considered. 	
<i>Firearms Act 1958 and related regs</i>	<ul style="list-style-type: none"> Act repealed 		<ul style="list-style-type: none"> Repeal effective April 1997
<i>Private Agents Act 1966 and related regulations</i>	<ul style="list-style-type: none"> draft ToR prepared 	<ul style="list-style-type: none"> background paper to ToR being developed 	<ul style="list-style-type: none"> Could involve national review arrangements or at least national considerations given mutual recognition and extensive licensing regimes in all States
<i>Police Regulation Act 1958 and related regulations</i>	<ul style="list-style-type: none"> draft ToR prepared 	<ul style="list-style-type: none"> background paper to ToR being developed 	
Premier			
<i>Parliamentary Salaries and Superannuation Act 1968</i>	<ul style="list-style-type: none"> Not yet commenced. 	<ul style="list-style-type: none"> Not yet commenced. 	<ul style="list-style-type: none"> Reprioritisation of DPC's reviews with the bringing forward of the <i>Audit Act</i> and the subsequent expansion in the nature of its review, has led to the deferral of review of <i>Parliamentary Salaries and Superannuation Act 1968</i>. Proposed to commence review in

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Roads and Ports			
*Transport Act 1993	<ul style="list-style-type: none"> consideration being given to compressing the reviews of separately listed components of the Act into a single or reduced number of reviews. 		<ul style="list-style-type: none"> review could not commence as originally scheduled because of complex nature of legislation; detailed analysis is required to determine which components of the Act should be reviewed as part of a single review
Marine Act 1988 & associated regulations	<ul style="list-style-type: none"> as above 		<ul style="list-style-type: none"> as above
Small Business			
Shop Trading Act 1987/Capital City (Shop Trading) Act 1992			<ul style="list-style-type: none"> Repealed by <i>Shop Trading Reform Act 1996</i>. Responsibility for the <i>Shop Trading Act 1987</i> had been shifted, via an administrative order, from Small Business to Industry, Science & Technology Portfolio.
Sport			
Racing Act 1958.	<ul style="list-style-type: none"> Not commenced 	<ul style="list-style-type: none"> Not commenced 	<ul style="list-style-type: none"> Act erroneously not listed in Sport portfolio. National review of Racing Acts under consideration by Racing Ministers Conference. Gambling Industry Framework Study to commence soon under Gaming portfolio may have implications for review.

Table 1 - Reviews scheduled to commence by 31 December

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Sport			
<i>Rules of the Harness Racing Board made under section 49 of the Racing Act 1958.</i>	• Not commenced	• Not commenced	<ul style="list-style-type: none"> • Review to be conducted as part of the review of the <i>Racing Act 1958</i> . • National review of Racing Acts under consideration by Racing Ministers Conference. • Gambling Industry Framework Study to commence shortly under auspices of Gaming portfolio may have implications for this review.
<i>Rules of Greyhound Racing Control Board made under s 82 of Racing Act</i>	• Not commenced	• Not commenced	• as above
<i>Lotteries, Gaming and Betting Act 1966.</i>	• Not commenced	• Not commenced	<ul style="list-style-type: none"> • Note that this Act is jointly administered with the Minister for Gaming and not as is indicated in the timetable. The Gaming portfolio will have prime responsibility for the review. However, the betting provisions in the Act have major implications for the Sport portfolio. • Gambling Industry Framework Study to be commenced shortly under auspices of Gaming portfolio may have implications for this review.

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Tertiary Education and Training			
<i>Adult, Community and Further Education Act 1991</i>	<ul style="list-style-type: none"> • draft ToR being developed 	<ul style="list-style-type: none"> • draft ToR is going through approval process. 	<ul style="list-style-type: none"> • Review scheduled to be completed by June 1997.
<i>Vocational Education and Training Act 1990</i>	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above
<i>Guidelines for educational services to International Students under section 85 of the Voc. Ed and Training Act</i>	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above
<i>Ministerial Directions on fees & charges under the Adult, Community & Further Education Act</i>	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above
<i>Ministerial Directions on fees & charges under the Voc. Ed. and Training Act</i>	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above
<i>Private Provider Guidelines under s.81 of the Voc. Ed. and Training Act</i>	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above
<i>Tertiary Education Act 1993</i>	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above
Tourism			
<i>*Australian Grands Prix Act 1994</i>	<ul style="list-style-type: none"> • The review has been completed in accordance with the Guidelines. It found that the Act does not restrict competition. Therefore, no option for reform has been recommended. 		

Table 1 - Reviews scheduled to commence by 31 December 1996

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
Treasury			
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
<i>Borrowing and Investment Powers Act 1987</i>	Terms of reference approved	Interim report in draft	
<i>*Business Franchise (Tobacco) Act 1974</i>		No action yet	Amendments to the Act are being considered by Cabinet.
<i>State Trustees (State Owned Company) Act 1994</i>		Draft ToR prepared	This review will parallel development of options for State Trustees.
<i>Electricity-related legislation</i>			See Table 2 and Part IV.
<i>Gas industry legislation</i>			See Table 2 and Part IV.
Youth and Community Services			
<i>Adoption Act 1984</i>	<ul style="list-style-type: none"> Discussion with DPC and Justice to resolve double listing (Attorney-General and Health) and conflicting timetable. Prepared draft ToR 		<ul style="list-style-type: none"> It was listed for review Dec. 96 - Dec. 97 (Attorney-General) and July 97 - Jan. 2000 (Health).
<i>Adoption Regs. 1987</i>	<ul style="list-style-type: none"> Discussion with DPC and Justice to resolve double listing (Attorney-General and Health) and conflicting timetable. Prepared draft ToR 		<ul style="list-style-type: none"> Listed for review Dec. 96 - Dec. 97 (Attorney-General) and July 97 - Jan. 2000 (Health).
<i>Adoption (Inter-Country Fees) Regs. 1992</i>	<ul style="list-style-type: none"> Discussion with DPC and Justice to resolve double listing (Attorney-General and Health) and conflicting timetable. Prepared draft ToR 		<ul style="list-style-type: none"> Listed for review Dec. 96 - Dec. 97 (Attorney-General) and July 97 - Jan. 2000 (Health).

Table 2 - Reviews that have commenced early

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
---------------------	----------------------------------	------------------------------------	-------------------------------

(* denotes legislation for which reviews were scheduled to be completed by December 1996)

Agriculture and Natural Resources

<i>Adoption Act 1984</i>	<ul style="list-style-type: none"> Discussion with DPC and Justice to resolve double listing (Attorney-General and Health) and conflicting timetable. Prepared draft ToR 		<ul style="list-style-type: none"> It was listed for review Dec. 96 - Dec. 97 (Attorney-General) and July 97 - Jan. 2000 (Health).
<i>Mineral Resources Development Act 1990</i>	<ul style="list-style-type: none"> Draft ToR going through approval process 	<ul style="list-style-type: none"> ToR agreed by Premier on 3 January 1997 review is being undertaken, final report due by 21/2/97 	

Education

<i>Proposed Ministerial Orders No.s 9 and 10 of 1997 under section 25A and 84 of the Education Act 1958.</i>	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Draft ToR going through approval process 	
--	---	--	--

Health

<i>Health (Infectious Diseases) Regs. 1990</i>	<ul style="list-style-type: none"> Review of whole of regs commenced. Terms of reference for NCP review of Regulation 18 only is yet to be developed. 		
--	---	--	--

Table 2 - Reviews that have commenced early

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Health (cont.)			
<i>Mental Health Act 1986</i>	<ul style="list-style-type: none"> Draft terms of reference developed for consideration by departmental steering committee. 		
<i>Pharmacists Act 1974</i>	<ul style="list-style-type: none"> Health practitioner reform agenda review approved by minister. ToR developed and to be considered by departmental steering committee. 	<ul style="list-style-type: none"> In-house health practitioner review commenced. NCP included in this wider context review. 	<ul style="list-style-type: none"> Scale/priority needs further consideration.
<i>Pharmacists Regs. 1992</i>	<ul style="list-style-type: none"> Regs to be considered in conjunction with review of Act. 		
<i>Psychologists Registration Act 1987</i>		<ul style="list-style-type: none"> Draft ToR developed for consideration by departmental steering committee. 	
Housing and Aboriginal Affairs			
<i>Residential Tenancies Act 1980</i>		<ul style="list-style-type: none"> Terms of reference approved by the Premier on 3 February 1997. Selective tender process for selection of consultants completed. 	<ul style="list-style-type: none"> Consultant's report due for completion by end March 1997.

Table 2 - Reviews that have commenced early

Name of Legislation	Progress achieved to 31 Dec 1996	Progress achieved since 1 Jan 1997	Other considerations/comments
(* denotes legislation for which reviews were scheduled to be completed by December 1996)			
Housing and Aboriginal Affairs (cont.)			
<i>Residential Tenancies Regs. 1992</i>		<ul style="list-style-type: none"> ToR approved by the Premier on 3 February 1997. Selective tender process for selection of consultants in progress. 	<ul style="list-style-type: none"> Consultant's report due for completion by end March 1997.
Premier			
<i>Audit Act 1994</i>	Independent Committee established and review is underway.	Discussion Paper released 25 February 1997	Final report due with Premier on 18 April 1997

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
Agriculture and Natural Resources			
<i>Petroleum Act 1958</i>	<ul style="list-style-type: none"> July 1997 - December 1998 	<ul style="list-style-type: none"> December 1996 - February 1997 	So that the competition review would be completed in time for consideration in the preparation of major amendments scheduled for 1997
<i>Mineral Resources Development Act 1990</i>	<ul style="list-style-type: none"> June 1998 - February 1999 	<ul style="list-style-type: none"> December 1996 - February 1997 	As above
<i>Barley Marketing Act 1993</i>	<ul style="list-style-type: none"> September 1996 - December 1996 	<ul style="list-style-type: none"> March 1997 - May 1997 	Delays in finalising review arrangements between two states (SA and Vic)
<i>Veterinary Surgeons Act 1958 & Regs</i>	<ul style="list-style-type: none"> October 1995 - December 1996 	<ul style="list-style-type: none"> see comments 	Replacement legislation proposed which does not contain restrictions on
<i>Wheat Marketing (Prescribed Provisions) Regs 1990</i>	<ul style="list-style-type: none"> September 1996 - October 1996 	<ul style="list-style-type: none"> see comments 	Regulations may no longer be required, appropriateness of revoking regulations to be negotiated and finalised
<i>Petroleum (Submerged Lands) Acts 1982</i>	<ul style="list-style-type: none"> November 1996 - September 1997 	<ul style="list-style-type: none"> see comments 	Arrangements for a National review need
Conservation and Land Management			
<i>Environmental Protection Act 1970</i>	<ul style="list-style-type: none"> July 1996 - January 1997 	<ul style="list-style-type: none"> April 1997 - September 1997 	Review arrangements still to be resolved. See table 1
<i>Litter Act 1987</i>	<ul style="list-style-type: none"> December 1996 - December 1997 	<ul style="list-style-type: none"> April 1997 - September 1997 	Review arrangements still to be resolved. See table 1

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
Finance			
<i>State Superannuation Act 1988</i>	<ul style="list-style-type: none"> • October 1996 - December 1996 	<ul style="list-style-type: none"> • see comments 	Restructure provision was repealed in the Spring 1996 session of Parliament
<i>Construction Industry Long Service Leave Act 1983, Construction Industry Long Service Leave Regulations 1993 (SR No. 139/1993)</i>	<ul style="list-style-type: none"> • November 1995 - July 1996 	<ul style="list-style-type: none"> • see comments 	The Act is to be repealed in the Autumn 1997 session of Parliament
Gaming			
<i>Casino Control Act 1991</i> (excluding sections 128H to 128L which are administered by the Minister for Major Projects, excepting section 128K(2), which is administered by the Minister for Finance)	<ul style="list-style-type: none"> • July 1997 - July 1998 	<ul style="list-style-type: none"> • 	A precedent study for the gaming industry, to be finalised by 30 April 1997 is being undertaken. This study will establish a framework for assessing alternative regulatory options.
<i>Casino (Management Agreement) Act 1993</i>	<ul style="list-style-type: none"> • July 1997 - July 1998 	<ul style="list-style-type: none"> • 	As above
<i>Club Keno Act 1993</i>	<ul style="list-style-type: none"> • June 1996 - June 1997 	<ul style="list-style-type: none"> • 	As above

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
Gaming & Betting Act 1994 (all except Part 5, Division 2 of Part 6, Part 15, and Division 2 of Part 18, which are jointly administered with the Office of Racing)	<ul style="list-style-type: none"> July 1997 - June 1998 		As above
Gaming Machine Control Act 1991	<ul style="list-style-type: none"> January 1997 - December 1997 		As above
Lotteries Gaming & Betting Act 1966 (all except Parts I, IA, II, III, IV & V which are jointly administered with the Office of Racing)	<ul style="list-style-type: none"> January 1997 - December 1997 		As above
Tattersall Consultations Act (only sections 4(1), (3) & (4), 5(4) & (5) & s. 11 insofar as it relates to the making of regulations for or with respect to s. 4(1), (3) & (4), 5(4) & (5))	<ul style="list-style-type: none"> January 1997 - December 1998 		As above
Casino Control (Fees) Regulations 1992	<ul style="list-style-type: none"> July 1997 - June 1998 		As above
Casino Control (Prescribed Authorities & Persons) Regulations 1992	<ul style="list-style-type: none"> July 1997 - June 1999 		As above

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
Casino Control (Requirements) Regulations 1992	<ul style="list-style-type: none"> July 1997 - June 1998 		As above
Casino Control (Special Employees) Regulations 1992	<ul style="list-style-type: none"> June 1996 - June 1997 		As above
Club Keno Regulations 1994	<ul style="list-style-type: none"> June 1996 - June 1997 		As above
Racing Act 1958	<ul style="list-style-type: none"> June 1996 - June 1998 		As above
Health			
<i>Advanced Dental Technicians Regs. 1985</i>	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A 	These regs are incorrectly described in the schedule should refer to the 1996 regs of the same name.
<i>Drugs, Poisons and Controlled Substances Act 1981</i>	<ul style="list-style-type: none"> July 96 - August 98 	<ul style="list-style-type: none"> July 97 - August 98 	A deferral is required, pending completion of external consultancy review of the Department's drugs and poisons program.
<i>Drugs, Poisons and Controlled Substances Act 1995</i>	<ul style="list-style-type: none"> July 96 - August 98 	<ul style="list-style-type: none"> July 97 - August 98 	A deferral is required, pending completion of external consultancy review of the Department's drugs and poisons program.
<i>Health Act 1958</i>	<ul style="list-style-type: none"> July 96 - August 97 	<ul style="list-style-type: none"> Jan 97 - Dec 98 	The review is affected by the Commonwealth initiative, National Public Health Partnerships, which has formed a working party to co-ordinate this process. Consultants employed by the Commonwealth will not report until April 1997.

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
Health Services (Private Hospitals And Day Procedure Centres) Regs. 1991	<ul style="list-style-type: none"> Jan. 96 - Dec. 97. 	<ul style="list-style-type: none"> see comments. 	Regulations 203 and 204 were revoked by the Health Services (Private Hospitals and Day Procedure Centres) (Amendment) Regs. 1996 . Review of these regs. is no longer necessary.
Health Services Act 1988	<ul style="list-style-type: none"> Jan. 96 - Dec. 97. 	<ul style="list-style-type: none"> see comments. 	Division 2, part 4 of the Act was repealed by the Miscellaneous Acts (Health and Justice) Amendment Act 1995. Review of this division is no longer necessary.
Pathology Services Accreditation Act 1984	<ul style="list-style-type: none"> June 96 - June 97. 	<ul style="list-style-type: none"> see comments 	Section 19(1-7) of the act was repealed by the Health Acts (Amendment) Act 1996. Review of these provisions is no longer necessary.
Tobacco (Promotion Of Exempt Sponsorship) Regs. 1989	<ul style="list-style-type: none"> December 1996 - November 1997 	<ul style="list-style-type: none"> June 97 - Dec. 98. 	<ul style="list-style-type: none"> Priority given to reviews underway.
Tobacco Act 1987	<ul style="list-style-type: none"> December 1996 - November 1997 	<ul style="list-style-type: none"> December 1996 - November 1997 	<ul style="list-style-type: none"> Priority given to reviews underway.
Housing and Aboriginal Affairs			
Rooming Houses Act 1990	<ul style="list-style-type: none"> Jan 1998 - June 1998 	<ul style="list-style-type: none"> Jan 97 - June 97 	<ul style="list-style-type: none"> Included in review of Residential Tenancies Act 1980.
Rooming Houses Regulations 1990	<ul style="list-style-type: none"> Jan 1998 - June 1998 	<ul style="list-style-type: none"> Jan 97 - June 97 	<ul style="list-style-type: none"> Included in review of Residential Tenancies Act 1980.

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
Industry, Science and Technology <i>Employment Agents Act 1983</i>	<ul style="list-style-type: none"> July 1996 - December 1996 	<ul style="list-style-type: none"> see comments 	Act proposed for repeal in Autumn 1997 Parliamentary sittings. Cabinet is expected to consider on 24/2/97 approval in principle submission recommending repeal.
<i>Shop Trading Act 1987 and Capital City (Shop Trading) Act 1992</i>	<ul style="list-style-type: none"> July 1996 - January 1997 	<ul style="list-style-type: none"> see comments 	Acts have been repealed by the <i>Shop Trading Reform Act 1996</i> . Note that the Acts are incorrectly listed under the Small Business portfolio.
<i>Employee Relations Act 1992</i>	<ul style="list-style-type: none"> July 1996 - December 1997 	<ul style="list-style-type: none"> No change to timeframe. 	Act has been renamed <i>Long Service Leave Act 1992</i> following transfer of employee functions to the Commonwealth. The residual provisions of this Act will be reviewed in accordance with the original timetable for the <i>Employee Relations Act 1992</i> .
<i>Employee Relations (ERC Oath of Office) Regulations 1992</i>	<ul style="list-style-type: none"> July 1996 - December 1997 	<ul style="list-style-type: none"> see comments 	Regulations will not be reviewed because they are no longer operative following the abolition of the <i>Employee Relations Commission</i> .
<i>Labour and Industry Act 1958</i>	<ul style="list-style-type: none"> January 1997 - July 1997 	<ul style="list-style-type: none"> see comments 	Proposed deferral of review pending consideration for possible repeal of Act in Spring 1997 Parliamentary sittings.
Premier			
<i>Parliamentary Salaries and Superannuation Act 1968</i>	<ul style="list-style-type: none"> See table 1(a) 	<ul style="list-style-type: none"> April - June 1997 	Reprioritisation of DPC's reviews, with the bringing forward of the <i>Audit Act</i> and the subsequent expansion in the nature of the review, has led to the deferral of review of <i>Parliamentary Salaries and Superannuation Act 1968</i> .
<i>Audit Act 1994</i>	<ul style="list-style-type: none"> June - August 1998 	<ul style="list-style-type: none"> December 1996 - April 1997 	Premier decided to bring review forward in accordance with Competition Policy Timetable guidelines.

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
Roads and Ports <i>Road Safety Act 1986</i>	<ul style="list-style-type: none"> consideration being given to bringing the date of the review forward from the scheduled date of December 1997; draft terms of reference & review arrangements prepared 	<ul style="list-style-type: none"> proposed March 1997 - June 1997 	<ul style="list-style-type: none"> The existing regulations made under the Act will sunset in Feb 1998. The reason for bringing the review date forward is to allow sufficient time for the preparation of new regulations to take account of the result of the review.
Sport <i>Professional Boxing Control Act 1985</i>	<ul style="list-style-type: none"> December 1997 - December 1998 	<ul style="list-style-type: none"> see comments 	Act to be renamed <i>Professional Boxing and Martial Arts Act 1985</i> when <i>Professional Boxing and Martial Arts Act 1996</i> fully proclaimed in April/May 1997. The new Act will consolidate professional boxing and professional martial arts laws. It will be reviewed in accordance with the timetable for the <i>Professional Boxing Control Act 1985</i> .
<i>Martial Arts Control Act 1986</i>	<ul style="list-style-type: none"> December 1997 - December 1998 	<ul style="list-style-type: none"> Review not to be conducted. 	<ul style="list-style-type: none"> Act to be repealed when <i>Professional Boxing and Martial Arts Act 1996</i> fully proclaimed in April/May 1997.

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
<i>Professional Boxing Control Regulations 1986</i>	<ul style="list-style-type: none"> December 1997 - December 1998 	<ul style="list-style-type: none"> Review not to be conducted. 	Act to be repealed when <i>Professional Boxing and Martial Arts Act 1996</i> fully proclaimed in April/May 1997. Regulations otherwise sunset on 30 June 1997.
<i>Martial Arts Control Regulations 1986</i>	<ul style="list-style-type: none"> December 1997 - December 1998 	<ul style="list-style-type: none"> Review not to be conducted. 	Act to be repealed when <i>Professional Boxing and Martial Arts Act 1996</i> and <i>Martial Arts Control Act 1986</i> is repealed.
<i>Racing Act 1958</i>	<ul style="list-style-type: none"> June 1996 - June 1998 	<ul style="list-style-type: none"> June 1997 - June 1998 	Act currently not listed in Sport portfolio (erroneous). National review of Racing Acts under consideration by Racing Ministers Conference. Gambling Industry Framework Study to be commenced shortly under auspices of Gaming portfolio may have implications for this review

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
Rules of the Harness Racing Board made under section 49 of the <i>Racing Act 1958</i>	June 1996 - June 1998	June 1997 - June 1998	Review to be conducted as part of the review of the <i>Racing Act 1958</i> . National review of Racing Acts under consideration by Racing Ministers Conference. Gambling Industry Framework Study to be commenced shortly under auspices of Gaming portfolio may have implications for this review.
Rules of the Greyhound Racing Control Board made under section 82 of the <i>Racing Act 1958</i> .	June 1996 - June 1998	June 1997 - June 1998	As above
Treasury			
<i>Electricity Industry Act 1993</i>	June 1997 - June 1998	see comments	Competition review requirements will be met through substantial electricity and gas reform being undertaken at State level as well as at the national level through the COAG process
Electricity Industry (Trade Practices) Regulations 1994	June 1997 - June 1998	see comments	Repealed
<i>Energy Consumption Levy Act 1982</i>	June 1997 - June 1998	see comments	To be repealed

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
<i>Electric Light & Power Act 1958</i>	<ul style="list-style-type: none"> July 1996 - September 1996 	<ul style="list-style-type: none"> see comments 	To be repeated
<i>Gas Industry Act 1994</i>	<ul style="list-style-type: none"> November 1996 - June 1997 	<ul style="list-style-type: none"> see comments 	Competition review requirements will be met through substantial gas reform being undertaken at State level as well as at the national level through the COAG process
Gas & Fuel (Supply) Regulations 210/1988	<ul style="list-style-type: none"> November 1996 - June 1997 	<ul style="list-style-type: none"> see comments 	As above
Gas & Fuel (Gas Installation) Regulations 119/1992	<ul style="list-style-type: none"> November 1996 - June 1997 	<ul style="list-style-type: none"> see comments 	As above
<i>Snowy Mountains Hydro-Electric Agreements Act 1958</i>	<ul style="list-style-type: none"> July 1996 - June 1997 	<ul style="list-style-type: none"> see comments 	Subject to national reforms.
<i>State Electricity Commission Act 1958</i>	<ul style="list-style-type: none"> July 1996 - December 1997 	<ul style="list-style-type: none"> see comments 	See above comment on electricity reforms.
Orders made under the State Electricity Commission Act 1958	<ul style="list-style-type: none"> July 1996 - December 1997 	<ul style="list-style-type: none"> see comments 	As above
Electrical Approvals Regulations 173/1994	<ul style="list-style-type: none"> July 1996 - December 1996 	<ul style="list-style-type: none"> see comments 	As above
Electrical Approvals Board Regulations 102/1994	<ul style="list-style-type: none"> July 1996 - December 1998 	<ul style="list-style-type: none"> see comments 	As above

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
Electrical Works Protection Regulations 242/1988	<ul style="list-style-type: none"> July 1996 - December 1996 	<ul style="list-style-type: none"> see comments 	As above
Electricity Supply & Construction Regulations 260/1988	<ul style="list-style-type: none"> January 1996 - July 1996 	<ul style="list-style-type: none"> see comments 	As above
SEC (Code of Practice for Tree Clearing) Regulations 270/1991	<ul style="list-style-type: none"> December 1996 - December 1997 	<ul style="list-style-type: none"> see comments 	As above
SEC (Energy Efficiency Labelling) (Clothes Washing Machines) Regulations 146/1990	<ul style="list-style-type: none"> July 1996 - July 1996 	<ul style="list-style-type: none"> see comments 	National RIS process has been adopted. RIS and replacement regulation ensure that Victoria will meet competition test for new legislative proposals contained in Guide-lines and, therefore, satisfy CP requirements.
SEC (Energy Efficiency Labelling) (Dishwashers for Domestic Use) Regulations 311/1988	<ul style="list-style-type: none"> July 1996 - July 1996 	<ul style="list-style-type: none"> see comments 	As above
SEC (Energy Efficiency Labelling) (Refrigerative Air Conditioners) Regulations 310/1988	<ul style="list-style-type: none"> July 1996 - July 1996 	<ul style="list-style-type: none"> see comments 	As above
SEC (Energy Efficient Labelling) (Refrigerators, Refrigerator-Freezers & Freezers) Regulations 88/1987	<ul style="list-style-type: none"> July 1996 - July 1996 	<ul style="list-style-type: none"> see comments 	As above

Table 3 - Variations to the legislative review timetable

Name of Legislation	Original timeline	New timeline	Reason for Variation
SEC (Energy Efficiency Labelling) (Rotary Clothes Dryers) Regulations 4.14/1989	<ul style="list-style-type: none"> July 1996 - December 1996 	<ul style="list-style-type: none"> see comments 	As above
<i>Tattersall Consultations Act</i> (only sections 4(1), (3) & (4), 5(4) & (5) & section 11 insofar as it relates to the making of regulations for or with respect to sections 4(1), (3) & (4), 5(4) & (5)	<ul style="list-style-type: none"> January 1997 - December 1997 	<ul style="list-style-type: none"> see comments 	Precedent study for the gaming industry is being undertaken
Youth and Community Services			
<i>Adoption Act 1984</i>	<ul style="list-style-type: none"> Dec. 1996 - 'Dec. 1997 (Attorney-General) And July 1997 - Jan. 2000 (Health). 	<ul style="list-style-type: none"> July 1997 - Jan. 2000. 	Legislation scheduled twice in timetable. Original Department of Human Services proposed timetable will be followed.
Adoption Regs. 1987	<ul style="list-style-type: none"> as above 	<ul style="list-style-type: none"> Not to be reviewed. 	Adoption Regulations 1987 sunset in October 1997. All existing Adoption regs. will be repealed and consolidated regs. will be produced in accordance with NCP principles.
Adoption (Inter-Country Fees) Regs. 1992	<ul style="list-style-type: none"> as above 	<ul style="list-style-type: none"> Not to be reviewed. 	As above

PART II:

Competitive neutrality principles

Competitive Neutrality: A Statement of Victorian Government Policy, released in June 1996, fulfils Victoria's obligations under the Competition Principles Agreement to publish a policy statement on competitive neutrality, including an implementation timetable for applying, where appropriate, competitive neutrality principles to Government Business Enterprises, other significant business activities, new business activities and in-house bids when competition to the supply of services to government is being introduced. **Table 4** updates Table 1 of the statement, while progress in applying competitive neutrality principles to other significant business activities, as outlined in Table 2 of the statement, is outlined in **Table 5**. The Government will be releasing in the first half of 1997 rigorous yet user-friendly guidelines to assist agencies in applying competitive neutrality costing and pricing principles to their significant activities.

The Competitive Neutrality Complaints Unit in the Department of Treasury and Finance has been operational since July 1996, being established by administrative order. It is the aim of the Unit to investigate all complaints fairly, independently and rigorously and to come to a finding on the basis of the best available information. Details in relation to the complaints received and investigated by the Unit are set out in **Table 6**. The Unit is currently:

- developing target benchmarks for response times;
- developing a protocol on the collection and use of information;
- participating in the development of a guide to the application of costing and pricing principles; and
- assessing the Unit's compliance with the Australian Standard on complaints handling.

Table 4 - Application of CN principles to significant Public Trading and Public Financial Enterprises

Element of Model 1	Current Status
<p><i>Relevant regulations</i></p>	<p>Dept of Infrastructure examined 3 pieces of legislation identified in Statement as having potential to impose different requirements for GBEs from those faced by private sector, and concluded:</p> <ul style="list-style-type: none"> • Heritage Act 1995: replaced the Historic Buildings Act, new provisions based on principle that should be no difference between government and privately owned buildings and provide for two year implementation of this principle; by 23 May 1998 (or earlier), the Heritage Act will not provide for differential treatment of Government or privately owned buildings; • Planning and Environment Act 1987: most of the exemptions apply more to the activities of the Crown than to specific government owned businesses. The Crown's exemptions will be considered in the context of the review of legislative restrictions on competition; • Building Act 1993: amendment to impose equivalent requirements with regard to payment of building permit levy (ie remove Crown's exemptions) to be introduced to Parliament in Autumn
<p>Progress with reviews currently underway:</p>	
<p><i>Urban Land Authority</i></p>	<p>Reform options are currently being considered.</p>
<p><i>Public Transport Corporation</i></p>	<p>Govt considering major structural reforms; outcomes will be consistent with CN principles.</p>
<p><i>Office of Housing</i></p>	<p>Discussions with other jurisdictions are still continuing</p>
<p><i>Victorian WorkCover Authority</i></p>	<p>Competitive neutrality principles will be applied if and when competition is introduced following a review of the relevant legislation. Draft terms of reference have already been prepared for the legislative review and is scheduled to be completed by July 1998.</p>

Table 5 - Application of CN principles to other significant government business activities

Significant Government business activity	Model 1 or Model 2 or other	Progress achieved to 31 December 1996	Progress achieved since 1 January 1997
Agriculture and Natural Resources			
Scientific research and development activities	<ul style="list-style-type: none"> • Review 	<ul style="list-style-type: none"> • Standing Committee on Agricultural and Resource Management (SCARM) National Working Party established 	<ul style="list-style-type: none"> • Progress report to SCARM, consultant's brief being prepared
Melbourne Market Authority	<ul style="list-style-type: none"> • Review 	<ul style="list-style-type: none"> • Discussions with Market Authority 	<ul style="list-style-type: none"> • Terms of Reference being drafted
Geological Survey Victoria	<ul style="list-style-type: none"> • Model 2 	<ul style="list-style-type: none"> • Not yet applicable 	<ul style="list-style-type: none"> • Not yet applicable
Daratech	<ul style="list-style-type: none"> • Review 	<ul style="list-style-type: none"> • No action yet 	<ul style="list-style-type: none"> • Decisions may depend on the outcome of the SCARM Working Party recommendations on the application of competitive neutrality to research & development

Table 5 - Application of CN principles to other significant government business activities

Significant Government business activity	Model 1 or Model 2 or other	Progress achieved to 31 December 1996	Progress achieved since 1 January 1997
Arts			
<p>Ancillary activities (such as venue and facility hire, function centre type activities and catering) of major venues, including Geelong Performing Arts Centre, State Film Centre, National Gallery of Victoria, Victorian Arts Centre Trust and the State Library of Victoria.</p> <p>NB: State Film Centre has now become Cinemedia, and is the responsibility of Department of State Development.</p>	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Policy not yet applicable 	<ul style="list-style-type: none"> Arts Victoria is about to commence a review of relevant agency activities.
Conservation and Land Management			
<p>Scientific research and development activities</p>	<ul style="list-style-type: none"> Review 	<ul style="list-style-type: none"> Standing Committee on Agricultural and Resource Management (SCARM) National Working Party established. 	<ul style="list-style-type: none"> Progress report to SCARM, consultant's brief being prepared.
<p>Discretionary recreation/nature based tourism services in National Parks</p>	<ul style="list-style-type: none"> Review 	<ul style="list-style-type: none"> Awaiting finalisation of restructuring. 	<ul style="list-style-type: none"> Awaiting finalisation of restructuring.

Table 5 - Application of CN principles to other significant government business activities

Significant Government business activity	Model 1 or Model 2 or other	Progress achieved to 31 December 1996	Progress achieved since 1 January 1997
Conservation and Land Management			
Ancillary activities of Melbourne Zoo (function/reception centre)	<ul style="list-style-type: none"> • Model 2 	<ul style="list-style-type: none"> • Policy not yet applicable 	<ul style="list-style-type: none"> • Not yet applicable
Alpine Resorts Commission	<ul style="list-style-type: none"> • Review 	<ul style="list-style-type: none"> • Structure and functions of Commission reviewed. 	<ul style="list-style-type: none"> • Government announced on 11 March 1997 the disbandment of ARC, allowing greater competition in the management and development of ski resorts.
Sale of hardwood logs from State forests	<ul style="list-style-type: none"> • Review 	<ul style="list-style-type: none"> • Terms of Reference drafted 	<ul style="list-style-type: none"> • Review underway
Commercial consultancies of the Environment Protection Agency	<ul style="list-style-type: none"> • Model 2 	<ul style="list-style-type: none"> • Terms of Reference approved 	<ul style="list-style-type: none"> • Review underway

Table 5 - Application of CN principles to other significant government business activities

Significant Government business activity	Model 1 or Model 2 or other	Progress achieved to 31 December 1996	Progress achieved since 1 January 1997
<p>Corrections</p> <p>Prison industries NB This activity is described as “correctional enterprises” in the document <i>Competitive Neutrality: A Statement of Victorian Government Policy</i> (table 2). However, that term has since been adopted for the public sector correctional service agency as a whole, “CORE: The Public Correctional Enterprise”. It would be confusing to continue to use “correctional enterprises” to refer to the prison industries component of the system.</p>	<ul style="list-style-type: none"> Review 	<ul style="list-style-type: none"> Draft National Code of Practice by a national working party and submitted to Competition Policy Task Force for comment. 	<ul style="list-style-type: none"> Victorian Prison Industries Commission for prison industries developed abolished on 6 February 1997. Draft National Code of Practice for prison industries under consideration by public and private providers of prison services. Final Draft Code of Practice to be considered by the National Correctional Administrators Conference in April 1997.
<p>Health</p> <p>Health Computing Services (HCS)</p>	<ul style="list-style-type: none"> Model 1 	<ul style="list-style-type: none"> Decision made to sell HCS to a private sector business 	<ul style="list-style-type: none"> Advertisements seeking expressions of interest for the purchase of HCS placed in major media on 13 February, to close 26 March. Evaluation and assessment process to follow.

Table 5 - Application of CN principles to other significant government business activities

Significant Government business activity	Model 1 or Model 2 or other	Progress achieved to 31 December 1996	Progress achieved since 1 January 1997
Health (cont.)			
Significant business activities undertaken within public hospitals	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Policy not yet applicable 	<ul style="list-style-type: none"> Public hospitals have been reminded of the requirement for them to publish timetables for the application of CN principles to these activities by June 1997; responses are to be co-ordinated by the Department of Human Services.
Treatment of private patients in public hospitals	<ul style="list-style-type: none"> Review 		<ul style="list-style-type: none"> Victoria and Queensland have both released discussion papers canvassing options. It is likely that this issue will be a major item discussed as part of the Medicare renegotiation, due to take effect in July 1998.
Industry, Science and Technology			
Overseas Projects Corporation of Victoria Ltd.	<ul style="list-style-type: none"> Model 1 	<ul style="list-style-type: none"> Made a State Owned Company under the State Owned Enterprises Act 1992. 	
Planning and Local Government			
Building Services Agency	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Policy not yet applicable 	<ul style="list-style-type: none"> preparations being made in accordance with the CN principles from 1 July 1997.

Table 5 - Application of CN principles to other significant government business activities

Significant Government business activity	Model 1 or Model 2 or other	Progress achieved to 31 December 1996	Progress achieved since 1 January 1997
Police and Emergency Services			
Sale, servicing, installation and monitoring of alarm units in CFA.	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Pricing now reflects full cost attribution. Review commenced, with intention of selling 50-70% of business. 	<ul style="list-style-type: none"> Review continuing.
Sale, servicing, installation and monitoring of alarm units in MFB.	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Enterprise has been sold - no longer an MFB function. 	
Provision, inspection, installation and servicing of fire equipment by CFA.	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Function carried out solely by volunteers. All profits are for benefit of volunteer brigades, and CFA has no direct involvement or receipt of funds. 	
Provision, inspection, installations servicing of fire equipment by MFB.	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Business run as a separate entity with pricing reflecting full cost attribution. 	
Manufacture and sale of fire trucks and equipment by CFA.	<ul style="list-style-type: none"> Review 	<ul style="list-style-type: none"> Joint venture agreement entered with private industry, CFA holds 10% share. Fully competitive in market. 	
Emergency management planning and training consultancy services (VICSES).	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Services provided on full cost recovery basis including full cost conferred resulting from Government ownership. 	

Table 5 - Application of CN principles to other significant government business activities

Significant Government business activity	Model 1 or Model 2 or other	Progress achieved to 31 December 1996	Progress achieved since 1 January 1997
Premier			
Victorian Interpreting and Translation Service	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Policy not yet applicable 	<ul style="list-style-type: none"> Once the pricing principles guidelines are released in April, 1997, a review will be undertaken to ensure compliance with the Policy.
Roads and Ports			
Commercial activities of VicRoads comprising: <ul style="list-style-type: none"> land to information and survey; road & bridge design; printing services; implementation of traffic control systems; and bituminous surfacing. 	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Policy not yet applicable 	<ul style="list-style-type: none"> preparations being made apply the pricing principles in accordance with competitive neutrality principles from 1 July 1997.
Sport			
Ancillary activities (such as venue and facility hire, function centre-type activities & catering) of major venues, including the Melbourne and Olympic Parks Trust (which includes the National Tennis Centre).	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Legislation to remove the statutory requirement for Tennis Australia to manage the National Tennis centre (Melbourne Park) planned. 	<ul style="list-style-type: none"> Cabinet submission to amend the Melbourne and Olympic Parks Act 1985 prepared. Yet to be considered

Table 5 - Application of CN principles to other significant government business activities

Significant Government business activity	Model 1 or Model 2 or other	Progress achieved to 31 December 1996	Progress achieved since 1 January 1997
Sport			
<p>New business: <i>Melbourne Convention and Exhibition Trust</i></p>	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> <i>Melbourne Convention and Exhibition Trust Act</i> passed Spring 1996 Parliament. 	<ul style="list-style-type: none"> Act proclaimed and came into operation on 5 February 1997. CN principles will be applied in accordance with requirements.
Tertiary Education and Training			
<p>Significant business activities of post secondary education institutions, viz: TAFE Colleges, Universities, and Council of Adult Education.</p>	<ul style="list-style-type: none"> Model 2 	<ul style="list-style-type: none"> Policy not yet applicable 	
<p>Adult and Migrant Education Service</p>		<ul style="list-style-type: none"> as above 	<p>Any decision to apply competitive neutrality will need to be made in consultation with other States & the Commonwealth because of national implications and joint State/Commonwealth funding arrangements</p>

Table 5 - Application of CN principles to other significant government business activities

Significant Government business activity	Model 1 or Model 2 or other	Progress achieved to 31 December 1996	Progress achieved since 1 January 1997
Tertiary Education and Training			
Tuition of full fee paying students in Universities	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	
Competitive tendering between TAFE colleges and accredited private training providers for taxpayer funded programs	<ul style="list-style-type: none"> • as above 	<ul style="list-style-type: none"> • as above 	
Treasury			
Energy Brix Australia	<ul style="list-style-type: none"> • Review 	<ul style="list-style-type: none"> • Sold, policy no longer applicable 	

Table 6 - Allegations of non-compliance with CN principles

Sector	Target of Complaint	Summary of complaint	Finding	Action Taken
<i>Local Government</i>	<ul style="list-style-type: none"> Commercial Waste Disposal Services at City of Greater Bendigo 	<ul style="list-style-type: none"> It was alleged that the Council waste disposal service was not operating on a full cost recovery basis & enjoyed exemptions from certain taxes. 	<ul style="list-style-type: none"> Technically no breach of the policy was found. However, when policy applies from July 1997, Council must apply pricing principles to in house bids for competitive tenders. 	<ul style="list-style-type: none"> Finding was sent to complainant and to target of complaint.
<i>Budget Sector - Human Services</i>	<ul style="list-style-type: none"> Melbourne Diagnostic Unit of the University of Melbourne 	<ul style="list-style-type: none"> It was alleged that MDU competes with private laboratories to provide statutory food analysis for Councils on a less than full cost recovery basis. 	<ul style="list-style-type: none"> No breach of the policy was found. Survey in question was subsidised by DHS and undertaken for public policy objectives. 	<ul style="list-style-type: none"> Findings sent to complainant and to DHS.
<i>Budget Sector - Human Services</i>	<ul style="list-style-type: none"> Ambulance Services Victoria 	<ul style="list-style-type: none"> It was alleged that the ambulance services enjoy advantages over private operators transporting non-urgent patients to hospitals and nursing clinics. 	<ul style="list-style-type: none"> Technically no breach of the policy was found, but on a number of occasions the Ambulance Services would be in breach once the policy applies from 1 July 1997. 	<ul style="list-style-type: none"> Findings sent to both complainant and to target of complaint.

Table 6 - Allegations of non-compliance with CN principles

Sector	Target of Complaint	Summary of complaint	Finding	Action Taken
<i>Budget Sector - Human Services</i>	<ul style="list-style-type: none"> Hospital prosthetic departments 	<ul style="list-style-type: none"> It was alleged that hospital prosthetic departments did not have to factor in a range of overheads and taxes when bidding for Medicare funded artificial limb work in Dec 94. It was also alleged that the TAC would only enter into supply contracts for artificial limb work with Caulfield Hospital. 	<ul style="list-style-type: none"> Technically, no breach of the policy was found but hospital prosthetics departments would be in breach of the policy once it applies from July 1997. Policy does not require TAC to purchase services from an alternative supplier. 	<ul style="list-style-type: none"> Findings sent to both the complainant and to DHS.
<i>Budget Sector - Education</i>	<ul style="list-style-type: none"> TAFE colleges providing security instruction courses 	<ul style="list-style-type: none"> It was alleged that due to government subsidies, TAFEs could offer significantly lower course fees per student when competing with private government funded security training programs. 	<ul style="list-style-type: none"> No breach of the policy was found. 	<ul style="list-style-type: none"> Finding was sent to both complainant and the Department of Education.
<i>Local Government</i>	<ul style="list-style-type: none"> City of Greater Geelong childcare services 	<ul style="list-style-type: none"> It was alleged that the Council childcare service, by virtue of its local government ownership, made exclusive use of an internal database of immunisation records when compiling a childcare facility. 	<ul style="list-style-type: none"> Technically, no breach of the policy was found, but the Council would be in breach of the policy from 1 July 1997 	<ul style="list-style-type: none"> Finding sent to both the complainant the target of the complaint. Council advised to review procedures to ensure full compliance by 1 July 1997.

Table 6 - Allegations of non-compliance with CN principles

Sector	Target of Complaint	Summary of complaint	Finding	Action Taken
<i>Local Government</i>	<ul style="list-style-type: none"> • Baw Baw Shire Council 	<ul style="list-style-type: none"> • It was alleged that the Council proposed to develop a new saleyard without establishing how it would operate on a full cost recovery basis. 	<ul style="list-style-type: none"> • No breach of the policy was found as the complaint related to two prospective investments. 	<ul style="list-style-type: none"> • Findings sent to complainant and target of complaint
<i>Budget Sector - Human Services</i>	<ul style="list-style-type: none"> • Laundries operated by Hospitals 	<ul style="list-style-type: none"> • It is alleged that public sector laundries compete unfairly with the private sector because of tax exemptions, subsidised operations, and no requirement for commercial returns. 	<ul style="list-style-type: none"> • Technically no breach of the policy was found. However competitive advantages of hospital laundries will according to a timetable to be determined by the hospitals by June 1997. 	<ul style="list-style-type: none"> • Findings sent to complainant and to Department of Human Services
<i>Budget Sector - Justice</i>	<ul style="list-style-type: none"> • Production of Table Tennis Tables by Prison Industries 	<ul style="list-style-type: none"> • It is alleged that prison industries enjoy competitive advantages in the costing and pricing of table tennis tables. 	<ul style="list-style-type: none"> • Technically, no breach of the policy was found. However, it is recommended that prison industries be subject to Model 2 from July 1997. 	<ul style="list-style-type: none"> • Findings sent to complainant and target of complaint.

PART III:

Local government reforms

The release in June 1996 of the document *National Competition Policy and Local Government* fulfils Victoria's obligation under the Competition Principles Agreement to publish a statement, prepared in consultation with local government, on the application of competition principles to local government.

The statement contains an implementation timetable for the key policy elements of the application of competition principles to local government: competition code; compulsory competitive tendering; competitive neutrality; and review of local laws. Victoria's progress in meeting this timetable are set out in **Table 7** below. The progress to date is consistent with the objective of completing the implementation of the package of reforms by June 1999.

Table 7 - Implementation by local government of competition principles

Policy Element	Required Action	Action to Date
Compliance with Competition Code	<ul style="list-style-type: none"> • All councils subject to the Code from July 1996. • Full pecuniary penalties to apply from July 1997. 	<ul style="list-style-type: none"> • All councils informed of their responsibilities under the Code. • Most councils have now undertaken an audit of their compliance with the provisions of the Code, and have prepared strategies for ongoing compliance.
Compulsory Competitive Tendering	<ul style="list-style-type: none"> • Councils to tender 30% of total expenses in 1995-96 and 50% from 1996-97 onwards. 	<ul style="list-style-type: none"> • Councils have reviewed their structures as part of the implementation of competitive tendering. Councils tendered 37% of aggregate operating expenditure in 1995-96, and are required to move to 50% in 1996-97.
Implementation of Competitive Neutrality	<ul style="list-style-type: none"> • By June 1997, councils are to have reviewed the corporate structure of their business activities and determined which of Model 1 or Model 2 competitive neutrality policies will apply. • Councils to apply competitively neutral pricing principles to Model 2 business activities from July 1997. • Councils to report annually on the implementation of competitive neutrality principles from 1996-97. 	<ul style="list-style-type: none"> • A guide to the implementation of competitive neutral pricing principles is presently being prepared and will be distributed to all councils. • The Office of Local Government will advise councils on the form their annual reports on implementation are to take during early 1997.

Compliance with Competition Code	<ul style="list-style-type: none"> • All councils subject to the Code from July 1996. • Full pecuniary penalties to apply from July 1997. 	<ul style="list-style-type: none"> • All councils informed of their responsibilities under the Code. • Most councils have now undertaken an audit of their compliance with the provisions of the Code, and have prepared strategies for ongoing compliance.
Compulsory Competitive Tendering	<ul style="list-style-type: none"> • Councils to tender 30% of total expenses in 1995-96 and 50% from 1996-97 onwards. 	<ul style="list-style-type: none"> • Councils have reviewed their structures as part of the implementation of competitive tendering. Councils tendered 37% of aggregate operating expenditure in 1995-96, and are required to move to 50% in 1996-97.
Implementation of Competitive Neutrality	<ul style="list-style-type: none"> • By June 1997, councils are to have reviewed the corporate structure of their business activities and determined which of Model 1 or Model 2 competitive neutrality policies will apply. • Councils to apply competitively neutral pricing principles to Model 2 business activities from July 1997. • Councils to report annually on the implementation of competitive neutrality principles from 1996-97. 	<ul style="list-style-type: none"> • A guide to the implementation of competitive neutral pricing principles is presently being prepared and will be distributed to all councils. • The Office of Local Government will advise councils on the form their annual reports on implementation are to take during early 1997.

PART IV:

Other related reforms

Structural reform of public monopolies

The Victorian Government is committed to the structural reform of public monopolies in sectors where competition is being introduced. Structural reform is an important element of Victoria's competitive neutrality policy, with the requirements outlined in the Government's competitive neutrality statement on structural reform for Government Business Enterprises and general government services being closely adhered to. Progress achieved by Victoria in the structural reform of public monopolies is reported to the Industry Commission as part of its micro-economic reform stocktake.

Competitive Conduct Code

In accordance with the Conduct Code Agreement to introduce the required legislation within the required 12 months after the Commonwealth's Competition Policy Reform Bill received Royal Assent, the Competition Policy Reform (Victoria) Act 1995 received Royal Assent on 14 November 1995.

Electricity, Gas and Road Transport

Victoria is diligently implementing its commitments to reform these sectors, as outlined in **Table 8**. The Government is undertaking major structural reform of the electricity and gas sectors and has fulfilled its road transport obligations to adopt both national charges on heavy vehicles and dangerous goods legislation.

Table 8 - Implementation of related reforms in electricity, gas and road transport

RELATED REFORM	CONDITION(S) FOR FIRST TRANCHE OR COMPETITION PAYMENTS	MEASURES TAKEN/IMPLEMENTED
<p>National Electricity Market Reform</p>	<p>Relevant jurisdictions have taken all measures necessary to implement an interim competitive National Electricity Market, as agreed at the July 1991 special Premiers' Conference, and subsequent COAG agreements, from 1 July 1995 or on such other date as agreed by the parties, including signing any necessary Heads of Agreement and agreeing to subscribe to the National Electricity Market Management Company and National Electricity Code Administrator.</p>	<p>May 1996:</p> <ul style="list-style-type: none"> • Victoria agreed to subscribe to NEMMCO and NECA by signing the necessary intergovernmental Agreements. <p>November 1996:</p> <ul style="list-style-type: none"> • Victoria executed a Heads of Agreement with NSW and ACT to introduce NEM1.* • Application for ACCC authorisation and approval of the National Electricity Code lodged (on 15 November). <p>December 1996:</p> <ul style="list-style-type: none"> • Victoria and NSW commenced harmonisation of market rules. • Market rules submitted to the ACCC for authorisation (on 23 December).**

Notes:

*NEM1 is defined in the Heads of Agreement as "the market for wholesale trading of electricity ... which ... is to be an interim market involving two stages of development in the movement to the proposed National Electricity Market."

**Under the Heads of Agreement, the intended introduction date for Stage 1 of NEM1 is 2 February 1997. Victoria, NSW and the ACT have been liaising with the ACCC to expedite authorisation of the market rules. Authorisation was granted on 5 March 1997. There will be further consultation with industry participants on aspects of operation, commencement of wholesale electricity trading in first stage of NEM1 expected some time in the near future. Jurisdictions are also continuing to coordinate the transition to Stage 2 of NEM1 and further arrangements for the introduction of the full national market by early 1998.

Table 8 - Implementation of related reforms in electricity, gas and road transport

RELATED REFORM	CONDITION(S) FOR FIRST TRANCHE OR COMPETITION PAYMENTS	MEASURES TAKEN/IMPLEMENTED
Gas reforms	Relevant jurisdictions have implemented any arrangements agreed between the parties as necessary to introduce free and fair trading in gas between and within the States by 1 July 1996 or such other date as agreed between the parties, in keeping with the February 1994 COAG agreement.	<ul style="list-style-type: none"> • The COAG Communique of February 1995 noted that in relation to gas reform, Victoria's ability to commit to the agreed timetable was contingent upon satisfactory and timely resolution of the Petroleum Resource Rent Tax (PRRT) issue. That issue was resolved in mid-November 1996. • Details of the settlement were announced concurrently with the announcement of a major reform of the Victorian gas industry. This will create a competitive market with opportunities for direct sales of gas to customers, greater incentives for new exploration and the entry of new suppliers and retailers into Victoria. Work in underway to implement these reforms as soon as possible. • As part of that reform process Victoria will institute an access regime covering both transmission and distribution which will be consistent with the draft national access code.
Road Transport Reform	<i>[e]ffective observance of the agreed package of national road transport reforms.</i>	<ul style="list-style-type: none"> • Victorian legislation to adopt and to apply the respective legislation for heavy vehicle charges and transport of dangerous goods was enacted in November 1995. The Premier wrote to the President of the NCC on 21 February 1997 on the issue of the transport reforms.