National Competition Policy

Volume 2: Supplementary Tables - March 2002

Report for the Third Tranche Assessment on Victoria's
Implementation of the National Competition Policy

Victoria
The Place To Be

National Competition Policy

Third Tranche Assessment on Victoria's Implementation of the National Competition Policy

Volume Two: Supplementary Tables

March 2002

National Competition Policy

Third Tranche Assessment on Victoria's Implementation of the National Competition Policy

Summary of Contents

Volume One: Main Report

Part A: Overview

Part B: Report on the Elements of the Policy

Part C: Infrastructure

Part D: Agriculture, Resources, Manufacturing and Services

Volume Two: Supplementary Tables

Part E: Legislation Review

Part F: Competitive Neutrality

Volume Two: Supplementary Tables Table of Contents

Part E: Legislation Review ... 1

Table 1: List of Reviews Completed/Response Announced ... 1

Department of Human Services ... 1
Department of Infrastructure ... 1
Department of Justice ... 1
Department of Natural Resources and Environment ... 2
Department of State and Regional Development ... 2
Department of Treasury and Finance ... 3

Table 2: Details of Reviews Completed/Response Announced ... 4

Department of Human Services ... 4
Department of Infrastructure ... 17
Department of Justice ... 19
Department of Natural Resources and Environment ... 22
Department of State and Regional Development ... 54
Department of Treasury and Finance ... 57

Table 3: List of Reviews Completed/Report Released ... 65

Department of Human Services ... 65
Department of Infrastructure ... 65
Department of Justice ... 65
Department of Natural Resources and Environment ... 66

Table 4: Details of Reviews Completed/Report Released ... 67

Department of Human Services ... 67
Department of Infrastructure ... 69
Department of Justice ... 72
Department of Natural Resources and Environment ... 75

Table 5: Reviews Completed/Report Not Released ... 80

Department of Human Services ... 80
Department of Justice ... 80
Department of Treasury and Finance ... 80
Department of Natural Resources and Environment ... 81

Table 6: Reviews Commenced but Not Completed ... 82

Department of Human Services ... 82
Department of Justice ... 82
Department of Natural Resources and Environment ... 83
Department of State and Regional Development ... 83

Table 7: Reviews Expected to be Delayed 85

Department of Infrastructure 85
Department of Justice 85
Department of Natural Resources and Environment 86

Table 8: Reviews Removed 87

Department of Human Services 87
Department of Justice 87
Department of Natural Resources and Environment 88

Table 9: List of New Restrictive Legislation 90

Department of Natural Resources and Environment 90

Table 10: Details of New Restrictive Legislation 91

Department of Natural Resources and Environment 91

Table 11: Regulatory Impact Assessment 94

All Departments 94

Part F: Competitive Neutrality 96

Table 12:
Public Enterprises and Business Activities Applying Competitive Neutrality 96

Department of Employment, Education and Training 96
Department of Human Services 97
Department of Infrastructure 98
Department of Justice 100
Department of Natural Resources and Environment 101
Department of Premier and Cabinet 104
Department of State and Regional Development 106
Department of Treasury and Finance 107

Table 13:
Public Enterprises and Business Activities Not Applying Competitive Neutrality 110

Department of Human Services 110
Department of Infrastructure 111
Department of Justice 111
Department of Natural Resources and Environment 112
Department of Premier and Cabinet 114
Department of State and Regional Development 115
Department of Treasury and Finance 116

Part E: Legislation Review

Table 1: List of Reviews Completed/Response Announced

Table 1 lists, by Victorian State Departments and portfolios, completed legislation reviews where the Victorian Government has announced its response.

	Department of Human Services	
No	Legislation	Portfolio
1	*Ambulance Services Act 1986*	Health
2	*Cemeteries Act 1958*	Health
3	*Food Act 1984*	Health
4	*Health Act 1958*	Health
5	*Health Services Act*	Health
6	*Radiation Protection Legislation (in Victoria it is Div 2AA of Pt 5 of the Health Act 1958).*	Health
7	*Therapeutic Goods (Vic) Act*	Health
8	*Tobacco Act*	Health

	Department of Infrastructure	
No	Legislation	Portfolio
1	*Marine Act 1988*	Ports

	Department of Justice	
No	Legislation	Portfolio
1	*Auction Sales Act 1958*	Consumer Affairs

	Department of Natural Resources and Environment	
No	Legislation	Portfolio
1	*Agricultural Industry Development Act 1990 **	Agriculture
2	*Agricultural & Veterinary Chemicals (Control of Use) Act 1992; Agriculture & Veterinary Chemicals (Victoria) Act 1994*	Agriculture
3	*Barley Marketing Act 1993*	Agriculture
4	*Broiler Chicken Industry Act 1978*	Agriculture
5	*Domestic (Feral & Nuisance) Animals Act 1994*	Agriculture
6	*Environment Protection Act 1970; Litter Act 1987*	Environment & Conservation
7	*Fisheries Act 1968 & 1995*	Energy & Resources
8	*Forests Act 1958*	Environment & Conservation
9	*Meat Industry Act 1993*	Agriculture
10	*Murray Valley Citrus Marketing Act 1989*	Agriculture
11	*Petroleum Act 1958*	Energy & Resources
12	*Petroleum (Submerged Lands) Act 1982*	Energy & Resources
13	*Prevention of Cruelty to Animals Act 1986*	Agriculture
14	*Surveyors Act 1978*	Environment & Conservation

	Department of State and Regional Development	
No	Legislation	Portfolio
1	*Liquor Control Act 1987*	Small Business
2	*Racing Act 1958*	Racing
3	*Professional Boxing and Martial Arts Act 1985*	Sport

	Department of Treasury and Finance	
No	Legislation	Portfolio
1	Workplace Accident Compensation Legislation: *Accident Compensation Act 1985],* *Accident Compensation (WorkCover Insurance) Act 1993,* *Accident Compensation Regulations 1990*	WorkCover
2	Transport Accident Compensation Legislation: *Transport Accident Act 1986* *Transport Accident (Charges) Regulations 1986,* *Transport Accident Regulations 1996* *Transport Accident (Impairment) Regulations 1999*	WorkCover
3	*Tattersall Consultations Act 1958*	Gaming
4	*Gaming and Betting Act 1994*	Gaming, Racing
5	*Gaming Machine Control Act 1991*	Gaming
6	*Lotteries Gaming and Betting Act 1966 – Part 3, Part 4 (except Division 7) and Part 5 (except sections 69, 72 and 73)*	Gaming, Racing

Table 2: Details of Reviews Completed/Response Announced

Table 2 summarises, by Victorian State Departments, completed legislation reviews where the Victorian Government has announced its response.

<table>
<tr><th colspan="6">Department of Human Services</th></tr>
<tr><td colspan="2">Legislation:</td><td colspan="2">Ambulance Services Act 1986</td><td>Portfolio:</td><td>Health</td></tr>
<tr><td colspan="2">Reviewer:</td><td colspan="2">External Independent Consultant</td><td>Date review completed:</td><td>November 1999</td></tr>
<tr><td colspan="2">Consultation:</td><td colspan="2">Discussion paper released, extensive consultation, final report released, further comments received.</td><td>Date response released:</td><td>No formal announcement</td></tr>
<tr><td>No.</td><td colspan="3">Review Recommendations</td><td>Government Response</td><td>Implementation</td></tr>
<tr><td>1</td><td colspan="3">Principal recommendation that competition be introduced in provision of emergency services in the Metropolitan area.</td><td>Rejected recommendation of introduction of competition in the provision of emergency ambulance services.</td><td>N/a</td></tr>
<tr><td>No.</td><td colspan="2">Restrictions on Competition Remaining</td><td colspan="3">Competition Policy Justification</td></tr>
<tr><td>1</td><td colspan="2">Emergency services provided by Metropolitan Ambulance Service, Rural Ambulance Victoria, one volunteer service (Alexandra and District).</td><td colspan="3">Public benefit outweighs any cost of restriction on competition in this area.
The objectives of public safety and confidence can only be achieved if the emergency ambulance services remain as public services.
The Department is concerned that:
• access to appropriate levels and standard of service for all Victorians could not be ensured, in particular services to people in regional and other less densely populated areas could be at risk; and
• it would not be possible to develop contractual specifications that ensure high quality and otherwise appropriate services, in particular, there would be difficulties in managing a time critical service against a contract, and specifications to ensure that community service obligations for non-fee paying patients are met but not over serviced.</td></tr>
</table>

Legislation:	*Cemeteries Act 1958*	Portfolio:	Health
Reviewer:	In-house panel	Date review completed:	2001
Consultation:	Issue paper and public consultation.	Date of response:	July 2001

No	Review Recommendations	Response	Implementation
1	That the Act recognise the special nature of land in which human remains are interred, and give cremated remains that are interred the same tenure in the Act as human remains.	Accepted	It is anticipated that the legislation will be considered by Parliament in the Spring Session 2002.
2	That replacement of the cross subsidisation of cemeteries and crematoria be adopted as a long-term objective, and investigate alternative funding sources for maintenance costs and economically unviable cemeteries.	This recommendation will be the subject of further consideration.	As above
3	That the restriction on vertical integration of the death care market in Victoria which prevents funeral directors and others in the death care industry operating cemeteries and crematoria be retained.	Accepted	As above
4	That cemeteries remain within the public sector, and crematoria which include memorial sites for interred ashes remain in the public sector, and the sale of cemeteries and crematoria with memorial sites be prohibited.	Accepted	As above
5	That consideration be given to merging some of the smallest cemetery trusts where there are other local cemetery trusts operating in close proximity.	This recommendation will be given further consideration. The Government is reluctant to take action to force mergers of cemetery trusts against the wishes of individual cemetery trusts, particularly where such action would result in volunteers ceasing to support the cemetery. However, there may be occasions where this action is necessary, perhaps as an alternative to appointing an administrator or where new trust members from the local community cannot be found. The Government would want to consider each such merger on a case by case basis.	As above

…/cont

No	Review Recommendations	Response	Implementation
6	That a power for the Secretary to the Department of Human Services to contract out the operation of a cemetery be provided. This would give the Secretary the option of exploring contracting out arrangements as an alternative to giving responsibility for an uneconomically viable cemetery to another cemetery trust to administer.	This recommendation has been rejected. Cemetery trusts are regulated by Government but are not funded by Government. If a power to contract out the operation of a cemetery was included in the new cemeteries legislation and the power was used to contract out the operation of a cemetery this would change the role of the Government from regulator to funding body. This would lead to an inequitable situation where contracted providers of cemetery services were being paid by the Government to provide cemetery services whilst cemetery trusts were not being paid for the provision of the same service.	Not applicable.
7	That restrictions which are aimed at reducing public health risks (eg that graves and vaults must be water tight) be retained.	Accepted	It is anticipated that the legislation will be considered by Parliament in the Spring Session 2002.
8	That the restriction on where a crematorium can be constructed be repealed and included in planning legislation.	Accepted	As above
9	That the restriction that bodies are not to be buried without a burial permit and without the production of prescribed documents be retained.	The intent of this recommendation is accepted. Burial permits are intended to ensure that burial does not occur without production of a death notification under the *Births, Deaths and Marriages Registration Act 1996*, a statutory declaration that this is not possible due to special circumstances, or permission to bury under the *Coroners Act 1985*. However, it is not considered necessary for the legislation to require that a burial permit be issued provided that the prescribed documents have been submitted and been considered satisfactory by the cemetery trust or their representative, the permission of the trust or its representative has been given for a burial to take place and a record kept of the documentation submitted. A trust may choose to issue a permit for this purpose but should not necessarily be required to do so by legislation.	As above
10	That the limitation on the fees that can be charged by cemeteries be repealed and cemeteries and crematoria be allowed to set their own fees without obtaining prior approval.	Accepted with conditions. It is proposed that under new cemeteries and crematoria legislation the approval of the Secretary will be required for the establishment of new fees.	As above

…/cont

No	Review Recommendations	Response	Implementation
11	That cemeteries and crematoria be required to lodge a copy of their full fee list with the Department of Human Services annually, and be required on an ongoing basis to advise the Department of Human Services of the introduction of any new fees.	The Government has accepted this recommendation with conditions. The new legislation could provide that fees for new goods and services will be required to be submitted to the Secretary for approval before they can be levied by the trust. This would ensure that trusts do not charge fees for services or goods that are beyond the limits of their statutory powers to provide (for example, funeral directing services). It would also give flexibility to the Act to accommodate changed practices within the industry and the community at large.	As above
12	That cemeteries and crematoria be required on an ongoing basis to advise the Department of Human Services of any increases in their fees that exceed increases in the consumer price index.	This recommendation is accepted, with additional requirements. Cemetery trusts will also be required to provide a written justification of the reasons why the fee increase exceeds increases in the consumer price index. The new Act could provide that fee increases that exceed the level of the CPI increase will need to be approved by the Secretary.	As above
13	That the Minister or the Secretary to the Department of Human Services has the power to investigate, disallow or give direction on fees that are unreasonable.	Accepted	As above
14	That the Department of Human Services publish annually, a publication that sets out the fees, and distribute model sets of fees that can be adopted by cemetery trusts.	Accepted	As above
15	That all cemeteries and crematoria be required to have a full fee list available, and provide consumers with a full fee list when giving price quotations.	Accepted	As above
16	That cemeteries and crematoria associations be requested to consult with their members to develop an agreed list of terms for core burial and cremation products and services, and encouraged to develop a code of practice that incorporates the agreed list of terms and requires use of those terms in price lists.	Accepted	As above

…./cont

No	Restrictions on Competition Remaining	Competition Policy Justification
17	Restriction on vertical integration of the death care market in Victoria that prevents funeral directors and others in the death care industry operating cemeteries and crematoria, be retained.	The restriction on vertical integration ensures a separation between funeral directors, who are often the first point of contact for consumers and cemeteries and crematoria. The restriction reduces the risk of a conflict of interest for the funeral director when advising consumers on options for burial.
18	Restrictions that are aimed at reducing public health risks (eg that graves and vaults must be water tight) be retained.	Standards for graves and vaults are designed principally for public health reasons and as a result address potential negative impacts on third parties of burial practices. Accordingly, there is a benefit to the public from standards regulation and in comparison to the costs of complying with the standards, a public interest.
19	Continuing fee regulation by the Secretary.	Fee regulation will be reformed to place greater emphasis on disclosure of terms, conditions and fees while retaining some residual control over excessive fees through the power to investigated and overturned excessive fees and the requirement for justification and approval for fee increased above changes in the CPI. Fee regulation is necessary due to the presence of cemeteries and crematoria on Crown Land and hence the Government's interest in the efficient use of that land. In addition, fee regulation serves to protect access by the community to burial sites.

Legislation:	*Radiation Protection Legislation (in Victoria it is Div 2AA of Pt 5 of the Health Act 1958).*	Portfolio:	Health
Reviewer:	Australian Radiation Protection and Nuclear Safety Agency ("ARPANSA")	Date review completed:	May 2001
Consultation:	ARPANSA consulted with State and Territory Departments responsible for regulating radiation safety and relevant independent advisory bodies (eg Victorian Radiation Advisory Committee).	Date response completed:	October 2001

No	Review Recommendations	Response	Implementation
1	Jurisdictions are to amend the objectives statement of their legislation to "the protection of public health and safety and the environment from the harmful effects of ionising and non-ionising radiation".	Victoria has accepted all of the recommendations of the Final Report by way of a letter from John Catford, Director, Public Health to ARPANSA dated 24 October 2001. However, the recommendations will need to be formally endorsed at a national level. Victoria's preferred option for the National Competition Policy Review Implementation Plan is that a summary Implementation Plan and National Response to the Final Report be prepared by ARPANSA for out of session consideration by AHMC. The existing restrictions were found to be of net public benefit.	Implementation awaiting national endorsement by AHMC
2	Jurisdictions are to identify duplication and discrepancies between radiation protection legislation and other related legislation, standards or codes of practice and take action to minimise the duplication and discrepancies consistent with national uniformity policies.	As above.	As above.
3	Jurisdictions are to include nationally consistent provisions in radiation protection legislation to protect the public from the harmful effects of non-ionising radiation.	As above.	As above.
4	Jurisdictions are to retain the regulatory approach to achieve radiation protection objectives.	As above.	As above.

…/cont

No	Review Recommendations	Response	Implementation
5	Jurisdictions are to consider using performance-based approaches where appropriate (that is, description of outcomes rather than the prescription of required action) based on risk management principles and all applicable quality and process standards. This is to be done in a nationally uniform manner within the framework of the National Directory for Radiation Protection.	As above.	As above.
6	Jurisdictions are to incorporate risk management principles in the National Directory for Radiation Protection.	As above.	As above.
7	Jurisdictions are to develop a uniform set of protocols on functions that can be outsourced to third-party service providers and establish national accreditation processes and guidelines for such providers. This could be done as part of the National Directory for Radiation Protection.	As above.	As above.
8	Jurisdictions are to legislate to review their radiation protection legislation at intervals of no more than 10 years.	As above.	As above.
9	Jurisdictions are to participate fully and unconditionally in the formulation and implementation of the National Directory for Radiation Protection and conduct a review of its effectiveness and efficiency within three years of its commencement.	As above.	As above.
10	The National Directory for Radiation Protection should take account of all existing standards, including those produced by ARPANSA, the National Health and Medical Research Council, the National Occupational Health & Safety Commission and Standards Australia.	As above.	As above.
11	Standards and codes of practice that will be adopted in the National Directory for Radiation Protection are to be, as far as practicable, consistent with relevant recommendations of international organisations and international standards.	As above.	As above.
12	The current systems of licensing and registration of operators, radiation equipment and radioactive substances are to be retained.	As above.	As above.

…/cont

No	Review Recommendations	Response	Implementation
13	Jurisdictions are to review the need to license dentists as part of the development of the National Directory for Radiation Protection.	As above.	As above.
14	Jurisdictions are to retain the prescriptive approach in their legislation.	As above.	As above.
15	Jurisdictions are to take into account the needs of rural, remote and Aboriginal and Torres Strait Islander communities when formulating radiation protection policies.	As above.	As above.
16	Jurisdictions are to remove any provision that restricts any licensee, holder of an exemption or registration from referring to that fact in any advertising or promotional material.	As above.	As above.
17	Jurisdictions are to incorporate an administrative protocol in the National Directory for Radiation Protection for the application of mutual recognition principles to the grant of licences and registrations to inter-State/Territory applicants.	As above.	As above.
18	Jurisdictions should recover the cost of their regulatory oversight from licensing and registration fees except for activities of the regulatory authorities that are of a public good nature.	As above.	As above.
19	Jurisdictions should agree on a nationally uniform system of classification for radiation incidents, accidents or emergencies and develop a cost-effective national system to collect and collate information and publish a national register for radiation incidents.	As above.	As above.

Legislation:	*Food Act 1984*	Portfolio:	Health
Reviewer:	Australian New Zealand Food Authority ("ANZFA")	Date review completed:	2000
Consultation:	There was extensive consultation.	Date response completed:	2001

No	Review Recommendations – core provisions of the National Model Food Act	Response	Implementation
1.	Nationally consistent definitions of "food", "food business", "primary food production", "unsafe" food and "unsuitable" food.	Accepted.	Implemented in the *Food (Amendment) Act 2001(Vic).*
2.	Nationally consistent provisions relating to the application of food legislation to primary food production.	Accepted.	As above.
3.	Nationally consistent provisions relating to the following offences: handling of food in an unsafe manner; sale of unsafe food; false description of food; handling and sale of unsafe food; handling and sale of unsuitable food; misleading conduct relating to sale of food; sale of food not complying with purchaser's demand; sale of unfit equipment or packaging or labelling material; compliance with food standards code; false descriptions of food and failure to comply with an emergency order.	Accepted.	As above.
4.	Nationally consistent provisions relating to the application of offence provisions outside a State or Territory's jurisdiction.	Accepted.	As above.
5.	Nationally consistent provisions relating to the following: defences relating to publication of advertisements; defences in respect of food for export; defences of due diligence; defences in respect of handling food and defences in respect of sale of unfit equipment or packaging or labelling material.	Accepted.	As above.
6.	Nationally consistent provision that defence of mistaken and reasonable belief as to the facts that constituted the offence is not available for specified offences.	Accepted.	As above.
7.	Nationally consistent provisions relating to the following aspects of emergency powers: making of the order; the nature of the order; special provisions relating to recall orders and compensation.	Accepted.	As above.

Legislation:	*Health Act 1958*	Portfolio:	Health
Reviewer:	In-house panel	Date review completed:	December 2000
Consultation:	Though not required under Guidelines, extensive consultation took place. A discussion paper was released in November 1998 and there were public forums and public submissions received. Further targeted stakeholder consultation in relation to proposed legislative amendments also took place.	Date response completed:	February 2001

No	Review Recommendations	Response	Implementation
1	That the Health Act be amended to provide that local councils may employ as an environmental health officer, a person with prescribed qualifications, and that the Secretary to the DHS be empowered to prescribe the qualifications of environmental health officers.	Accepted	Amending legislation passed in 2001 reflected outcomes of the review.
2	That the requirement for registration of pest control operators in the Health Act be repealed.	Accepted	As above
3	That the requirement that persons who apply pesticides in the course of the business of a pest control officer be licensed be retained.	Accepted	Not applicable.
4	That the Health Act be amended to remove commercial chemical control applicators licensed under the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* from the licensing requirements of the Health Act and regulations where they apply pesticides in the course of a business in areas where there is no substantial risk to public health.	Accepted	Amending legislation passed in 2001 reflected outcomes of the review.
5	That the controls on the use of prescribed pesticides in the Health Act be repealed.	Accepted	As above
6	That the requirement in the Health Act that licensees submit to regular medical examinations be repealed.	Accepted	As above
7	That the Health Act continues to provide qualification or experience requirements for a person providing pre-test and post-test counselling.	Accepted	Not applicable.
8	That the Health Act continues to limit which laboratories can conduct HIV testing.	Accepted	Not applicable.
9	That the Health Act continues to require prescribed places to provide information about the incidence of HIV.	Accepted	Not applicable.
10	That the Health Act continues to require the registration of prescribed accommodation.	Accepted	Not applicable.
11	That Regulation 7 of the *Health (Infections Diseases) Regulations 1990* be amended to bring the room size requirement in line with NSW and South Australian requirements (one person for every two square metres) and to amend the short stay accommodation exclusion from 14 to 31 days or less.	Accepted	The new provisions are in the *Health (Infectious Diseases) Regulations 2001*
12	That Regulation 15 of the *Health (Infectious Diseases) Regulations 1990* be amended to bring the toilet, bath and shower facilities requirement in line with the BCA requirement of one per 10 persons.	Accepted	As above

…/cont

…./cont

No	Review Recommendations	Response	Implementation
13	That Sections 230, 231, 238, 242, 245, 246, 270A, 271 and 274 of the Health Act (dealing with drugs, substances and articles) be repealed.	Accepted	Amending legislation passed in 2001 reflected outcomes of the review.
14	That Sections 305 and 309 of the Health Act (dealing with meat supervision) be repealed.	Accepted	As above
15	That the Health Act continue to require registration of premises from which the activities of hairdressing, beauty therapy and skin penetration procedures are conducted.	Accepted	Not applicable.

Legislation:	*Health Services Act 1988*	Portfolio:	Health
Reviewer:	External consultants	Date review completed:	March 2000
Consultation:	Targeted consultations prior to release of public discussion paper, 75 submissions received, final report released.	Date response released:	July 2000

No	Review Recommendations	Response	Implementation
1	Sections 83(1)(b) and 71(1)(a)(iii) of the Health Services Act should be repealed. The Secretary of the DHS should no longer be able to take into account adequacy of health services in an area when considering applications for approval in principle or registration of new private hospital developments. The Department should remove the bed cap by withdrawing the existing Guidelines for the Development of Acute Hospital Beds.	Accepted. The Government accepts the Review's recommendation to remove the bed cap and will therefore replace the current guidelines with a new guide for assessing applications for registration of both private hospital and day procedure developments under the Act. The new guide took effect on 22 July 2000. It will introduce new criteria for determining adequacy of services (as required under the Act) and will remove the requirement to source beds from the existing pool. Many stakeholders consider that the statutory provisions about adequacy of services have the potential to be a useful planning mechanism. It is therefore not proposed to amend the Health Services Act to remove them at this time. Instead, the Government will evaluate the impact of the new criteria for assessing adequacy once they have operated for a sufficient period to enable an assessment of their effectiveness.	The private hospital bed cap has been removed administratively. This occurred on 22 July 2000 when new criteria for assessing applications for private hospital developments (which do not involve a cap on bed numbers) were introduced. No change to legislation was necessary to achieve this outcome. Government will evaluate the operation of the new criteria before considering whether further legislative change is necessary. There are no plans to reintroduce a bed cap and this would be extremely difficult in practice.
2	The bed cap should not apply to day procedure centres. The necessary steps should be taken to remove the bed cap, pending the repeal of sections 71(1)(a)(iii) and 83(1)(b) of the Health Services Act.	The bed cap was not reimposed for day procedure centres. This recommendation was adopted by replacing the bed cap and beds to population ratio with a guide for assessing adequacy under the Act that applies to both private hospital beds and day procedure beds. The new guide took effect on 22 July 2000. Many stakeholders consider that the statutory provisions about adequacy of services have the potential to be a useful planning mechanism. It is therefore not proposed to amend the Health Services Act to remove them at this time. Instead, the Government will evaluate the impact of the new criteria for assessing adequacy once they have operated for a sufficient period to enable an assessment of their effectiveness.	On 22 July 2000, new criteria for assessing applications for both private hospital and day procedure centre developments (which do not involve a cap on bed numbers) were introduced. Government will evaluate the operation of the new criteria before considering whether further legislative change is necessary. There are no plans to re-introduce a bed cap and this would be extremely difficult in practice.

…/cont

No	Review Recommendations	Response	Implementation
3	The Commonwealth and the States should collaborate to develop by 1 July 2001 a set of indicators of organisation and management of care including risk-adjusted clinical performance indicators that are comprehensive, consumer focused and current. Hospitals and day procedure centres should have one year to validate the indicators and review their performance. From 1 July 2002, the Department should publish annually comparative performance information on the indicators for public and private hospitals and day procedure centres. In the absence of an agreed national set of indicators, Victoria should develop and publish its own set.	Accepted in principle subject to the development of meaningful indicators. The application of performance indicators to private hospitals and day procedure centres will be considered as part of the review of the *Health Services (Private Hospitals and Day Procedure Centres) Regulations 1991*.	Government is currently developing and piloting performance indicators, focussing initially on the public sector.
4	Legislation should be enacted to enable consumers of health services to have an enforceable right of access to their health records held by health providers, whether the provider is a private or public sector agency or individual health practitioner (medical or otherwise). The scope of the legislation should be similar to the *Health Records (Privacy and Access) Act 1997*. Appeals should be made to Victorian Civil and Administrative Tribunal (VCAT) against a refusal to provide access.	Accepted. Legislation was passed in 2001 that gives patients the right of access to their health information held by public and private sector organisations and individual practitioners. The legislation establishes privacy standards for health information.	The *Health Records Act 2001* was passed in Spring 2001. When it takes effect on 1 July 2002, it will give consumers of health services in both public and private sectors a legally enforceable right of access to their health records. This should assist consumers to exercise greater choice among health practitioners.
5	The Secretary of the DHS should not be able to take into account the adequacy of services in an area when considering applications for approval in principle and registration of supported residential services. Sections 71(a)(iii), 71(1)(c)(iii) and s.83(1)(b) of the Health Services Act should therefore not apply to supported residential services.	Accepted	There have never been any 'bed cap' style controls on the distribution of private sector supported residential services, and there are no plans to introduce any.
Restrictions on Competition Remaining and Competition Policy Justification			
The private hospital bed cap has been removed. The CPAs do not require Governments to outsource health care functions that have traditionally been performed by public bodies or adopt any particular organisational form as the preferred vehicle for health service delivery. Accordingly it is considered that there are no significant restrictions on competition remaining that are imposed by or under the Health Services Act .			

	Department of Infrastructure		
Legislation:	*Marine Act 1988*	Portfolio:	Ports
Reviewer:	Independent Panel	Date review completed:	December 1998
Consultation:	Information Paper, Discussion Paper, submissions received and further targeted consultation prior to final report.	Date response released:	December 1998

No	Review Recommendations	Response	Implementation
1	Rules, standards and determinations issued by the Marine Board under the Act should be consistent with NCP principles.	Accepted	All determinations, rules, and standards reviewed and amended.
2	Legislative arrangements and licensing standard for harbour masters in commercial ports should be reviewed.	Accepted	Licensing standard reviewed and amended. Preparation of a new Marine Act has been deferred pending the outcomes of a review of port reform and the Port Services Act conducted by Professor Bill Russell. The independent review is now complete. and is being considered by the Government. Work will commence in mid-2002 on the preparation of revised marine legislation that incorporates the relevant findings of the port reform review.
3	Allocate responsibility for safe management of local ports to local authorities, and eliminate Marine Board power to appoint and licence harbour masters in local ports.	Accepted	Preparation of a new Marine Act has been deferred pending the outcomes of a review of port reform and the Port Services Act conducted by Professor Bill Russell. The independent review is now complete and is being considered by the Government. Work will commence in mid-2002 on the preparation of revised marine legislation that incorporates the relevant findings of the port reform review.
4	Retain both licensing and compulsory usage of pilots, but review licensing standard for compliance with NCP principles.	Accepted	Licensing standard reviewed and amended.

…/cont

No	Review Recommendations	Response	Implementation
5	Monopoly agreement for the provision of pilotage services should be allowed to expire – but amendments to legislation required to ensure competition will not negatively affect safety standards.	Accepted	Monopoly agreement has not been renewed. Marine Act amended in 1999 to ensure that safety is not compromised by open competition.
6	The Act should enable survey services to be undertaken by the private sector, subject to resolution of safety issues.	Accepted	Preparation of a new Marine Act has been deferred pending the outcomes of a review of port reform and the Port Services Act conducted by Professor Bill Russell. The independent review is now complete. and is being considered by the Government. Work will commence in mid-2002 on the preparation of revised marine legislation that incorporates the relevant findings of the port reform review.
7	Subject to reform at a national level, the Marine Board should continue to determine crewing levels for commercial vehicles.	Accepted	Referred to National Marine Safety Committee.
8	Retain vessel registration.	Accepted	No action required.

No	Restrictions on Competition Remaining	Competition Policy Justification
1	Retain vessel registration.	Benefits outweigh limited costs. Fee contributes to safety and provision of facilities.

Department of Justice

Legislation:	*Auction Sales Act 1958*	Portfolio:	Consumer Affairs
Reviewer:	Victoria University of Technology, Public Sector Research Unit	Date review completed:	November 1999
Consultation:	Submissions invited on public issues paper; direct discussions with key stakeholders.	Date response released:	February 2001

No	Review Recommendations	Response	Implementation
1	Auctioneers of goods other than cattle should no longer be required to hold an auctioneer's licence. Nor should licensing be replaced with a system of registration, notification or the like.	Accepted.	The *Auction Sales (Repeal) Act 2001* will commence by 1 January 2003.
2	If the licensing of auctioneers is discontinued the exemption of licensed auctioneers in section 4 of the *Second-Hand Dealers and Pawnbrokers Act 1989* will be inapplicable. In these circumstances consideration should be given to whether, consistent with the objects of that Act, a substitute provision should be introduced exempting auctioneers generally or when acting as agents for persons who wish to sell second-hand goods.	Accepted. The auctioneer exemption is being considered as part of broader review of Second-Hand Dealers and Pawnbrokers Act.	Consequential amendments were made in the Repeal Act, preserving the effect of the exemption.
3	If the licensing of auctioneers is discontinued the exemptions in sections 42A(3) and 54(7) of the *Motor Car Traders Act 1986* will be inapplicable. In these circumstances consideration should be given to whether consistent with the objects of the *Motor Car Traders Act 1986* substitute provisions should be introduced covering sales by auctioneers generally. Consideration should also be given to the relevance, if any, of any changes to the *Auction Sales Act 1958* to the provisions of the *Motor Car Traders Act 1986* relating to public auctions.	Accepted. The "licensed auctioneer" references in sections 42A(3) and 54(7) and other auction-related provisions will be addressed in developing other miscellaneous amendments to the Motor Car Traders Act.	Consequential amendments were made in the Repeal Act, preserving the effect of the exemption.
4	The Review Panel recommends that if the licensing provisions of the *Auction Sales Act 1958* are retained, the provisions preventing non-residents of Victoria from obtaining auctioneer's licences should be repealed.	Not applicable as recommendation 1 is accepted.	Not applicable as Act repealed.
5	The Review Panel recommends that if the licensing provisions of the *Auction Sales Act 1958* are retained, the provisions in section 33 preventing holders of liquor licences from obtaining auctioneer's licences should be repealed.	Not applicable as recommendation 1 is accepted.	Not applicable.
6	The Act should not be amended to cover Internet auctions.	Accepted.	Not applicable.
7	Reference in the Act to farm produce should be repealed.	Accepted.	Not applicable.
8	Provisions of the Act relating to the playing of music, disorderliness of persons at auctions and the venues at which auctions are conducted should be repealed.	Accepted.	Not applicable.
9	The provisions in the Act that require the recording of transactions at cattle auctions are justified and should be preserved. However, consideration should be given to whether the provisions should be in the Act or incorporated in other legislation specifically relating to cattle, for instance, section 94A of the *Livestock Disease Control Act 1994*.	Accepted. The requirement for recording transactions at livestock auctions will be incorporated into the Livestock Disease Control Act.	The Livestock Disease Control (Amendment) Regulations 2001 take effect from 1 January 2002.

…/cont

No	Review Recommendations	Response	Implementation
10	The licensing provisions of the Act should be replaced by provisions requiring auctioneers of cattle to be registered. There should be provision for cancellation of registration for appropriate breaches of the law, including failure to comply with any record keeping requirements. Consideration should be given to whether the provisions should be in the Act or in other legislation specifically relating to cattle. In particular, consideration should be given to extending the provisions of the *Livestock Disease Control Act 1994* to incorporate such a registration scheme for auctioneers of cattle.	Rejected. The Government does not consider that the registration of livestock auctioneers is necessary considering that other sellers of livestock are not required to be registered.	A government-industry working party will examine the best approach to livestock auctioneering issues.
11	Registration of auctioneers of cattle should be automatic upon payment of a registration fee and should be ongoing.	Not applicable as recom-mendation 10 is rejected.	As above.
12	Registration provisions for auctioneers of cattle should be administered by the Business Licensing Authority.	Not applicable as recom-mendation 10 is rejected.	As above.
13	The registration provisions recommended in relation to auction sales of cattle should apply to persons conducting the auction sales described in section 3(2) of the *Auction Sales Act 1958*.	Not applicable as recom-mendation 10 is rejected.	As above.
14	The definition of "cattle" in the Act or alternative legislation dealing with registration should be replaced by a broad definition along the lines of those in the *Livestock Disease Control Act 1994 or the Stock (Seller Liability and Declarations) Act 1993*.	Rejected. Livestock which is considered to pose a potential health or disease risk will be prescribed in the *Livestock Disease Control Regulations 1995*.	The Livestock Disease Control (Amendment) Regulations 2001 prescribe specific animal species for which records are to be kept. The government-industry working party will examine the best approach to other livestock auctioneering issues.
15	The provisions in the Act relating to collusion should be repealed.	Accepted	Act repealed.
16	The requirement in the *Auction Sales Act 1958* for auctioneers to establish the bona fides of vendors at cattle auctions should be preserved in the Act or in alternative legislation requiring registration of the details of cattle sales at auction. However, the provisions should be amended to enable proof of identity by means of the production of driver licences or the equivalent.	Accepted	Provision preserved through *Livestock Disease Control (Amendment) Act 2001.*
17	Sections 40 and 41 of the Act should be repealed. (Section 40 states that an auctioneer who complies with the provisions of the Act and does not exhibit any neglect or carelessness is exempt from the provisions of any Act enabling a Magistrates' Court to enforce repayment by a vendor of the purchase money for stolen cattle or sheep skins. Section 41 states that an auctioneer is not liable to the true owner of cattle or sheep skins sold by him if he complied with the provisions of the Act and acted in good faith and believed the vendor was the true owner.)	Accepted	Act repealed.
18	There should be transitional provisions protecting the rights of current licence holders for the duration of their licences.	Not applicable as recom-mendation 10 is rejected.	Not applicable.
19	There should be transitional arrangements requiring auctioneers to retain the records made under the *Auction Sales Act 1958*.	Accepted.	Transitional provisions were made in the Repeal Act.

…/cont

No	Restrictions on Competition Remaining	Competition Policy Justification
20	Nil: the Act has been repealed with effect no later than 1 January 2003.	

	Department of Natural Resources and Environment		
Legislation:	*Agricultural Industry Development Act 1990*	Portfolio:	Agriculture
Reviewer:	Consultant (KPMG)	Date review completed:	4 January 1999
Consultation:	Release of an issues paper and call for submissions, targeted interviews	Date response released:	September, 2000
No	**Review Recommendations**	**Response**	**Implementation**
1	The Murray Valley (Victoria) Wine Grape Industry Marketing Order 1994 not be renewed after it expires on 23 November 1998.	Accepted	Order has expired and will not be remade.
2	The Murray Valley (New South Wales) Wine Grape Processing Industry Marketing Order 1995 not be renewed after it expires on 30 November 1998.	Not Applicable to Victoria	Not applicable.
3	Murray Valley Wine Grape Industry Development Order (Victoria) 1994 and Murray Valley (New South Wales) Wine Grape Processing Industry Marketing Order 1995: • Remove the function prescribed in sub-clauses 8(a) regarding closer relationships between industry participants and 8(c) regarding provision of resources to the Murray Valley Wine Grape Growers Council; • Retain the market information function prescribed in sub-clauses 8(b) and (d) in the short term while considering whether these could be undertaken by industry organisations; and, • Review the activities of the Grape and Wine Research and Development Corporation to determine whether it could undertake or fund the research and development currently undertaken by the Murray Valley Wine Grape Industry Development Council.	Accepted	Functions 8(a) and 8(c) were not included when the order was remade in 1999. Sub-clauses 8(b) and (d) were included in the 1999 order but industry has been given notice of further review prior to polling on the continuation of the order. Discussion between The Murray Valley Wine Grape Industry Development Council (IDC) and the Grape and Wine Research and Development Council have developed a clear understanding of the roles of each party.
4	Remove from the Northern Victoria Fresh Tomato Industry Development Order 1995 and the Victorian Strawberry Industry Development Order 1996 sub-clause 10(b) which provides a power for the respective Industry Development Council to act as a purchasing agent.	Accepted	Function was removed when new Orders were made in June and July 2000.
5	Remove from the Emu Industry Development Order 1996 the discretionary function in sub-clause 11(b) of providing resources to the Emu Producers Association of Victoria.	Accepted	The order has expired. The function will not be permitted if a new order is made.
6	Review the effectiveness of the Northern Victoria Fresh Tomato, Victorian Strawberry and Emu Industry Development Councils in undertaking or funding research and development and promotion. Examine whether other statutory-based agricultural research and development and promotion bodies could undertake or fund these activities. Seek an explanation from each of these Industry Development Committees for the level of unexpended funds and examine the appropriateness of the investment of the funds.	Accepted	Reviews completed and new Tomato (1999) and Strawberry (2000) orders involve increased accountability measures and revised functions. The Emu Industry Development Committee Order has lapsed.

…/cont

No	Review Recommendations	Response	Implementation
7	Remove from the Agricultural Industry Development Act provisions relating to price recommendation and payment terms and conditions functions of Negotiating Committees. These provisions are Section 1(a)(iii), (iv) and (v); 1(b); 15(1)(d), (e) and (f); 15(2); 15(3); 15(4); 17(c); 23(5); 24(4); 35(2); 37(1) and 43.	Accepted	Repealed in the *Agricultural Industry Development (Amendment) Act 2000*.
8	Remove from the Agricultural Industry Development Act the power for an Industry Development Committee to act as a purchasing agent (Section 16(1)(a)).	Accepted	As above
9	Consider amending the Act to provide that all Orders made must require reasons for any retention of funds raised from charges to be published in the Industry Development Council financial statements in annual reports; particularly in view of the fact that Orders are limited in time to four years.	Accepted	Section 39 amended, to reflect the recommendation, in the *Agricultural Industry Development (Amendment) Act 2000.*

No	Restrictions on Competition Remaining	Competition Policy Justification
	None	

Legislation:	*Agricultural & Veterinary Chemicals (Control of Use) Act 1992; Agriculture & Veterinary Chemicals (Victoria) Act 1994*	Portfolio:	Agriculture
Reviewer:	Consultant (Price Waterhouse Coopers)	Date review completed:	January 1999
Consultation:	Release of issues paper and call for submissions, targeted interviews	Date response released:	January 2000

No	Review Recommendations	Response	Implementation
1	Retention of a single provider of registration decisions in Australia.	Accepted	-
2	That the AgVet Code be altered to specifically provide for the identification of low risk chemicals, hence enabling potentially faster registration. This would enable unnecessary registration cost burdens on the manufacturers of these chemicals to be removed.	Accepted in part, subject to further consideration by Low Regulatory Activity Task Force.	An inter-jurisdictional Low Regulatory Activity Task Force has been established by SCARM to examine how best to regulate low risk chemicals. Draft legislation has been prepared and is under consideration by all States and Territories; to be finalised in March 2002.
3	That sections 4 & 5 of the AgVet Code be amended to provide guiding principles for the inclusion or exclusion of chemicals by regulation. These principles should emphasise the relevant risks that the Scheme was developed to manage.	Accepted in part	As above.
4	That the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) establish service agreements with its current suppliers and purchase assessment services on a fee for service basis.	Accepted	Not applicable to Victoria. Will follow Commonwealth administrative procedure.
5	That the NRA both accepts alternative suppliers of assessment services and actively alert likely providers of this fact.	Accepted in principle, subject to consideration by Working Group.	Commonwealth Working Group has examined issues associated with the provision of assessment services by alternative providers in accordance with the Competition Principles Agreement. The working group is finalising its report.
6	That Section 14(3)(f) of the AgVet Code be amended to specify that efficacy review extends only to ensuring that the chemical product meets the claimed level of efficacy on the label.	Rejected	-
7	That the levy be changed to a simple flat rate levy with no exemptions or caps. The annual renewal fee should be abolished and a nominal minimum levy liability (per registered product) set instead.	Accepted in principle, subject to consideration by Working Group.	Commonwealth Working Group will consider the appropriateness of current levies and renewal fees charged by the NRA.
8	That application and other registration service fees be cost reflective.	Accepted	To follow Commonwealth administrative procedure.

…/cont

No	Review Recommendations	Response	Implementation
9	That the licensing of veterinary chemical manufacturers be retained. However, Good Manufacturing Practice should be optional for manufacturers of low risk veterinary chemicals, in line with the introduction of a low risk category of registration.	Accepted in part. Licensing of veterinary chemical manufacturers is supported.	-
10	That the AgVet Code be amended to remove the present requirement for licensing of agricultural chemical manufacturers until the case for such an extension is made.	Rejected, subject to further consideration.	Provision retained in its exempted state until the Commonwealth completes a review of the need for the provision. Any activation would be conditional on satisfaction of requirements of a thorough Regulatory Impact Assessment.
11	That the compensation process provisions of the AgVet Code be modified to adopt the procedures and principles for determining third party access pricing under the various Codes in operation under Part IIIA of the *Trade Practices Act*.	Rejected, alternative arrange-ments in hand. Third party access to data is a complex matter associated with proprietary rights, which belong to the original provider of the data. Issues associated with access to data and in particular the aspect of third party pricing, are currently being addressed under the commonwealth review of data protection legislation with respect of the operation of the National Registration Authority.	Adequately covered as part of the current Commonwealth review of data protection that will be presented to SCARM/ARMCANZ for consideration.
12	That ARMCANZ establish a control of use task force to develop a nationally consistent approach to off-label use and other control of use issues.	Accepted	It has been agreed that nationally consistent outcomes in chemical risk management are essential and that currently no areas have been identified in which there is a deficiency in desired outcomes. The taskforce has agreed that more data is required nationally to substantiate risk management performance in agricultural and veterinary chemicals across the country. This approach has been endorsed be SCARM (now Primary Industry Standing Committee PISC).
13	That the veterinary surgeon exemption in the AgVet code be retained.	Accepted	No amendments necessary.

…/cont

No	Review Recommendations	Response	Implementation
14	That Tasmania's control of use legislation be amended to limit the exemption afforded to pharmaceutical chemists to those circumstances where they are acting under the instructions of a veterinary surgeon.	Not applicable	-
15	That Victoria and Queensland's control of use legislation be amended to remove the exemption afforded to veterinary surgeons in respect of agricultural chemicals.	Accepted	Change made in *Agricultural and Veterinary Chemicals (Control of Use) (Further Amendment) Act 2001*.
16	That the ARMCANZ control of use taskforce addresses the veterinary exemption.	Accepted	Complete.
17	That an appropriate business licensing system for AgVet chemical spraying businesses (ground or aerial) would entail no more than the relevant state AgVet authority issuing a licence; subject to: • maintenance of detailed records of chemical use • using only appropriately licensed persons to perform application activities; and • the provision of infrastructure to enable persons to operate at the appropriate competency level.	Accepted	Change made in *Agricultural and Veterinary Chemicals (Control of Use) (Further Amendment) Act 2001*. In addition, Victoria has retained its requirement for insurance for aerial applicators.
18	That an appropriate occupational licensing system for persons undertaking AgVet chemical spraying (ground or aerial) for fee or reward would entail no more than the relevant State AgVet authority issuing a licence, subject to: • holding accreditation of appropriate competencies (including scope for provisional accreditation of new employees) • operating at that competency level; and • working only for a licensed business (as above).	Accepted	As above.
19	That the States and Territories examine the scope to co-ordinate their business and occupational licensing requirements, specifically the scope to standardise accreditations and the scope to recognise interstate licences.	Accepted	Victoria has put administrative arrangements in place to recognise interstate licences (as far as possible under current legislative arrangements in other States and Territories). Victoria is chairing a national working party to harmonise licensing arrangements for aerial applicators.
20	That the exemption from business and occupational licences (but not from generic controls) be retained for persons spraying AgVet chemicals on their own land (this exemption is mainly aimed at primary producers).	Accepted	No change.

…cont

No	Restrictions on Competition Remaining	Competition Policy Justification
1	The extent to which chemical efficacy rates may be determined by the NRA rather than allowing products that are correctly labelled but have relatively low efficacy to be sold.	A chemical with adequate efficacy (i.e. As determined by NRA) has the effect of minimising the quantity of chemical required to be used in a particular situation and thus minimises worker exposure to that chemical. In contrast, a chemical with inadequate efficacy (i.e. As could be determined by the registrant) could lead to excessive use of that chemical, relative to the use pattern of a chemical with adequate efficacy, to achieve an equivalent control over pests and diseases. In brief, inadequate efficacy of a chemical is likely to equate to an increased occupational health and safety risk to workers. The use of agricultural and veterinary chemicals with inadequate efficacy may also give rise to unnecessary risk to the environment. The use of inadequate efficacy products is likely to entice more frequent application and higher rates of application of a chemical in order to achieve effective control of pests and diseases.
2	Compulsory Good Manufacturing Practice (GMP) for manufacturers of low risk veterinary chemicals.	In considering the notion of different "risk" categories, especially "low risk" categories, attracting different licensing standards, it is important to note that substandard products, regardless of their prima facie risk status, may result in damage to people, crops or animals. GMP is designed to address risks associated with the chemical manufacturing process as distinct from the risks associated with the use of a chemical and addresses matters such as contamination of chemicals during manufacture.

<table>
<tr><td>Legislation:</td><td colspan="2">Barley Marketing Act 1993</td><td>Portfolio:</td><td>Agriculture</td></tr>
<tr><td>Reviewer:</td><td colspan="2">Consultant (Centre for International Economics)</td><td>Date review completed:</td><td>November 1997</td></tr>
<tr><td>Consultation:</td><td colspan="2">Release of issues paper and call for submissions, targeted interviews</td><td>Date response released:</td><td>Completed in November 1998</td></tr>
<tr><td>No</td><td colspan="2">Review Recommendations</td><td>Response</td><td>Implementation</td></tr>
<tr><td>1</td><td colspan="2">That the domestic market for feed barley in South Australia and Victoria be formally deregulated. This can be achieved by abolishing the current permit system and exempting, in a regulation, feed barley destined for the domestic trade.</td><td>Accepted.</td><td>De-regulated by the Barley Marketing (Amendment) Act 1999.
Deregulation took effect on 1 July 2001.</td></tr>
<tr><td>2</td><td colspan="2">That the domestic market for malting barley in Victoria and South Australia be deregulated. This can be achieved by removing the current requirements for maltsters and processors to have deeds of arrangements with the ABB and the need for licences for purchases of malting barley other than from the ABB. As for feed barley, malting barley for domestic sale can be exempted in a regulation from the current provisions to compulsorily deliver barley to the ABB.</td><td>Accepted.</td><td>De-regulated by the Barley Marketing (Amendment) Act 1999.</td></tr>
<tr><td>3</td><td colspan="2">That the ABB retains its single desk for export barley sales for the shortest practicable transition period.</td><td>Accepted</td><td>Single desk export arrangements ceased to exist on 30 June 2001. Amendments introduced as part of the Barley Marketing (Amendment) Act 1999.</td></tr>
<tr><td>4</td><td colspan="2">That the oats market in South Australia be deregulated by removing oats from a new barley-marketing act in South Australia.</td><td>Not applicable to Victoria</td><td>Not applicable</td></tr>
<tr><td>No</td><td>Restrictions on Competition Remaining</td><td colspan="3">Competition Policy Justification</td></tr>
<tr><td></td><td>None</td><td colspan="3"></td></tr>
</table>

<table>
<tr><td>Legislation:</td><td colspan="2">Broiler Chicken Industry Act 1978</td><td>Portfolio:</td><td>Agriculture</td></tr>
<tr><td>Reviewer:</td><td colspan="2">Consultant (KPMG)</td><td>Date review completed:</td><td>November 1999</td></tr>
<tr><td>Consultation:</td><td colspan="2">Issues paper and call for submissions, targeted interviews.</td><td>Date response released:</td><td>December 2001</td></tr>
<tr><td>No</td><td colspan="2">Review Recommendations</td><td>Response</td><td>Implementation</td></tr>
<tr><td>1</td><td colspan="2">The Act and associated regulations should be repealed because they:
• create restrictions on competition, through the use of a prescribed contract and the determination of a standard growing fee, that are not necessary to achieve the stated objectives;
• impose costs on the community that are likely to exceed the benefits; and
• may expose industry participants to breaches of the Trade Practices Act.</td><td>Agreed, in principle.</td><td>The Government intends to retain the legislation to facilitate a transition to new industry arrangements.</td></tr>
<tr><td>2</td><td colspan="2">That an authorisation from the Australian Competition and Consumer Commission (ACCC) be sought so as to allow growers to collectively negotiate with processors without the risk of prosecution under the Trade Practices Act.</td><td>Agreed.</td><td>An ACCC authorisation came into effect on 24 July 2001, which allows for collective negotiations within a Code of Conduct.</td></tr>
<tr><td>No</td><td>Restrictions on Competition Remaining</td><td colspan="3">Competition Policy Justification</td></tr>
<tr><td>1</td><td>The Act imposes restrictions on competition through two mechanisms, the use of a prescribed contract, and the determination of a standard growing fee.</td><td colspan="3">Growers, or groups of growers, are able to negotiate contracts with individual processors under the Code of Conduct authorised by the ACCC. This represents an improvement in industry competition. Authorised collective contract negotiations between growers and processors allow a level of security of price and supply, and also provide incentives for competition and efficiency. The Act is being retained for the time being as a safety net for the industry.</td></tr>
<tr><td>2</td><td>The Minister for Agriculture appoints 11 members of the Victorian Broiler Chicken Industry Negotiation Committee (VBCINC).</td><td colspan="3">The Government will advise members of VBINC of the implications, in relation to the Trade Practices Act, of further negotiation on prices. VBINC will be asked to monitor and assist the Government with transition to new industry arrangements.</td></tr>
</table>

Legislation:	*Domestic (Feral & Nuisance) Animals Act 1994*	Portfolio:	Agriculture
Reviewer:	Consultant (KPMG)	Date review completed:	November 1998
Consultation:	Release of an issues paper and call for submissions, public meetings and targeted interviews.	Date response released:	Legislation amended Spring 2000.

No	Review Recommendations	Response	Implementation
1	Retain the registration and Code of Practice requirements for the supply of domestic animals .	Accepted	Not applicable.
2	Retain the prohibition on the supply of domestic animals from places other than premises but consider alternative instruments for achieving the legislative objectives.	Accepted in part	Consideration of other provisions will occur on an as needs basis, as there are already other instruments in place to control the sale of animals.
3	Amend the definition of Domestic Animal Business so that the exemption applies to only those registered breeders with no more than 2 – 3 animals.	Under consideration	See 'Response' column at left.
4	Remove references to specific associations in the Act so that the exemptions and concessions can apply to members of all recognised dog and cat associations. Applicable organisations should be more accountable for the performance of their members in adhering to the Codes. They should be required to report on the operation of their Codes to the Bureau of Animal Welfare (BAW) annually.	Accepted	Amendments to the Act in 2000 removed the reference to specific associations. The associations will have to show compliance with Codes of Practice to ensure applicable organisation status.
5	Amend the Act and Code so as to deal on an even handed basis with suppliers of domestic animals, by amending the definition of Domestic Animal Business to remove the term "run for profit".	Under consideration	The issue of "run for profit" will be referred to the Domestic Animal Management Implementation Committee.
6	The provision requiring regulation of obedience training establishments should be repealed. Establishments that carry out protection training, whether or not they are run for profit, should be subject to regulation and the Code of Practice. Participants in the industry should nevertheless be encouraged to join an industry association to help promote best practice. Codes of Practice should undergo regular review and amendment where necessary.	Accepted in part	All Codes of Practice are subject to regular review.
7	Retain provisions relating to the regulation of boarding kennels and catteries until the industry can demonstrate that the regulations could be replaced by an effective system of self-regulation. The Codes of Practice should undergo regular review and amendment where necessary.	Accepted	All Codes of Practice are subject to regular review
8	A mix of instruments should be pursued to improve compliance and the consistency of enforcement between Local Councils. Councils should report on performance to the BAW. An approach involving greater participation of the associations within a system of co-regulation, together with increased education and information and better resourcing should be pursued.	Accepted	Government is working closely with Councils to ensure that enforcement levels are adequate and are consistent across municipalities.

…/cont

No	Review Recommendations	Response	Implementation
9	Consideration be given to imposing further restrictions on breeding, compulsory desexing and/or compulsory microchipping of domestic pets.	Rejected. The recommendation is based on the erroneous assumption that that there is an oversupply problem. The legislation already allows municipalities to introduce compulsory microchipping but no municipality has yet done so.	
10	Consideration should be given to removing the Section 50 exemption and inserting a section into Part 4 Division 1, which applies the Division to Councils as it does to private sector DAB's with the Minister as decision maker on Council regulations.	Accepted	Amendments to the Act in 2000 removed the exemption for all DAB's except pounds & shelters. Councils must apply to the Minister for registration of a DAB.
11	Local Councils should be encouraged to ensure an administrative separation of their regulatory and commercial functions in relation to domestic animal businesses.	Accepted	Addressed administratively in consultation with Councils.

No	Restrictions on Competition Remaining	Competition Policy Justification
1	Retain the registration and Code of Practice requirements for the supply of domestic animals.	The Review states that due to the relatively insignificant registration fee ($100 set by Councils), the registration system does not give rise to significant restrictions on competition because they do not create a barrier to entry. Similarly, the standards imposed by the Codes of Practice for the Operation of Pet Shops and Breeding and Rearing Establishments raise the cost of doing business, and do potentially at least, limit the number of firms in the market. However, the review found that the standards set the framework within which competition occurs, rather than restricting competition per se. The Review found that both the registration and standard requirements provide net public benefits.
2	Retain the prohibition on the supply of domestic animals from places other than premises.	The legislation aims to improve animal welfare. The main problem with the sale of pet animals at casual markets is impulse buying and the animal welfare concerns that arise with this practice. Also of concern is the adequacy of the housing facilities for the animals at the markets and the lack of provision of literature on care and husbandry of the particular animal. There is no guarantee provided on the health of the animal and often there is no possibility for a purchaser to locate the supplier at a later date for any form of compensation. The benefits of the restriction, in terms of increased levels of animal welfare, are likely to be significant. The costs of the restriction include the compliance costs for businesses and the administrative costs for Councils. On balance it is considered that the restriction provides a net benefit.
3	Provisions regulating obedience training establishments.	The recommendation to repeal the requirements for obedience training establishments was substantially based on the high level of non-compliance by obedience dog trainers resulting in failure to meet the objectives of the legislation. Arguably this is a question of appropriate enforcement as where compliance occurs, the animal safety and responsible ownership objectives of the Act are met.
4	Establishments that carry out protection training are subject to regulation.	The benefits of regulation in relation to protection training are likely to be greater, due to the reduction in risk to public safety, than the costs.
5	Regulation of boarding kennels and catteries.	The review determined that, on balance, the benefits of compliance with minimum standards by kennels and catteries outweighs the costs.

Legislation:		*Environment Protection Act 1970; Litter Act 1987*	Portfolio:	Environment & Conservation
Reviewer:		Consultant (The Allen Consulting Group)	Date review completed:	August 2000
Consultation:		Release of issues paper and call for submissions and targeted interviews or meetings	Date response released:	Legislation introduced to Parliament Spring 2000.
No	Review Recommendations		Response	Implementation
1	The objectives of the Act should be clearly stated to provide clarity to industry, the community, and the EPA. The objectives should be developed with reference to the principles listed in the *Intergovernmental Agreement on the Environment*, the principles of competition policy and the objectives used in similar Acts in other jurisdictions.		Accepted.	Completed. The Government has passed legislation to amend the *Environment Protection Act* to incorporate clear objectives.
2	The EPA, as the authority with expertise and experience in environment management, is the body that is best placed to create SEPPs, IWMPs and regulations. To the extent possible, policy and regulation creation should be undertaken in a transparent manner that maximises industry and public input.		Accepted.	Completed. In developing SEPPs, IWMPs and regulations, EPA continues to maximise opportunities for industry and public input.
3	That pollution sources, whether from point or diffuse sources, should be treated equitably. Furthermore, point source polluters, through existing fees and levies, should not be required to subsidise regulation and monitoring of diffuse source pollution. Possible fees or levies on diffuse source polluters should be considered where practicable.		Accepted.	Completed. Recent statutory policies such as the SEPP (Air Quality Management) have an appropriate emphasis on diffuse point sources. The *Environment Protection (Fees) Regulations 2001* are designed to ensure that there is no cross subsidisation from point sources to diffuse sources because the 'Polluter Pays' principle is applied.
4	The use of economic instruments should be made clearly available to EPA under the Act. The development of an economic measure should be treated in the same manner as the development of a regulation—the objectives of the instrument should be clear; an impact statement should be prepared; and the measure should be periodically reviewed.		Accepted.	Completed. The Government has passed legislation to amend the *Environment Protection Act* to allow for the use of the full range of economic instruments. The amendment specifies that economic instruments need to be developed under statutory process requirements.
5	Premises should continue to be scheduled according to function, and the degree of environmental impact should continue to be addressed by regulatory tools.		Accepted	Current arrangements to continue.
6	That the requirement for Works Approval be retained as the competition restriction is outweighed by the benefits of certainty to industry and the community		Accepted	Current arrangements to continue.

…/cont

No	Review Recommendations	Response	Implementation
7	The Works Approval fee structure should be revised to cap the fee as a proportion of works for small firms to no greater than 5 per cent of the value of the works. Further down the track, the fee for works approvals should be calculated based on a reflection of user pays principles that more closely matches the time and financial cost of EPA resources, rather than on the size of the works. Changes to fee calculation should be considered when the Fees Regulations are reviewed in the near future.	Partially accepted. The 5% suggestion was considered during the recent review of the *Environment Protection (Fees) Regulations*. Consultation and analysis revealed that this is not a significant issue for works approval applicants and the suggested change would have compromised the principles of simplicity and polluter pays which underlie the fees system.	Completed. Suggestions considered during review of *Environment Protection (Fees) Regulations*. Options for establishing the user pays basis for works approval were considered and it was decided that the size of works provides the most practical way of matching EPA costs to a works approval.
8	While the four month rule for processing of works approval applications is appropriate for the most complex of processes, the EPA should consider a shorter allowable maximum processing period for Works Approval assessments of a less complex nature to minimise delays and avoid potential disadvantage to the applicant.	Rejected. The Government does not consider that the maximum period is unnecessarily long, particularly given the need for referral of applications to other relevant agencies.	Completed. Current arrangements to continue. EPA to continue to investigate ways of making the works approval process more efficient.
9	Variations to licensing that reduce compliance costs, such as greater use of co-regulatory approaches and amalgamation of licences should be explored and further applied, where appropriate, to introduce greater flexibility into licensing and minimise the regulatory burden on business.	Accepted.	Ongoing. EPA to further explore and, where appropriate, apply co-regulatory and other approaches (eg. industry covenants) which reward environmental innovation and leadership in industry and to reduce the regulatory burden on business.
10	The case for the introduction of a more explicit load–based licensing scheme should be considered when the Fees Regulations are reviewed. The present system already provides some incentives for pollution reduction, and there may be other less costly means of reducing pollution, such as through greater communication of the benefits of cleaner production to industry.	Accepted. These suggestions were considered during the recent review of the *Environment Protection (Fees) Regulations*.	Completed. Load-based licence regime retained and refined and new incentive mechanisms are incorporated into the revised *Environment Protection (Fees) Regulations*. New approaches in EPA's cleaner production programs, such as supporting supply chain arrangements, have been put in place.
11	The Accredited Licensee Scheme (ALS) should be made more attractive to firms of all sizes to encourage greater participation. EPA should consider options for communicating the benefits of ALS and should also examine whether there are benefits in developing an alternative or modified scheme for smaller firms.	Partially accepted. While the ALS is available to all licensees, it was always understood that it would be, at least initially, most attractive to larger firms.	Ongoing. EPA will continue to discuss the ALS with stakeholders, including smaller firms. EPA will also consider any new mechanisms to reward good environmental performance from smaller firms.

…/cont

No	Review Recommendations	Response	Implementation
12	The Environment Protection Levy should be reviewed with the purpose of more clearly defining its objectives (and effectiveness in meeting those objectives), abolished, or incorporated into the licence fee.	Rejected. The Environment protection levy was reviewed and it was decided that the Act provides a clear definition of its objectives. This was confirmed during the review of the Environment Protection (Fees) Regulations.	Completed.
13	That the requirement for financial assurance be retained.	Accepted	Completed.
14	The EPA should consider combining the permit requirement for transport of waste with the licensing system to reduce administration costs. Greater use of electronic technology should also be considered to reduce administration and compliance costs. Increased levels of enforcement should also be considered to monitor compliance.	Accepted in part. Permits are used to control vehicles while licences relate to premises, and therefore there is no scope to combine the two authorisations.	Completed. Recent changes to regulations have facilitated the use of electronic technology. Increased enforcement of prescribed waste requirements is occurring.
15	Industry Waste Reduction Agreements (IWRAs) should be retained and continue to be developed where State or National agreements do not exist. Rigorous analysis of the economic and public benefit justifications for IWRAs should continue to be undertaken by both EPA and the industry.	Accepted.	Ongoing. IWRAs and similar voluntary mechanisms will be retained and further developed and used where appropriate.
16	The objectives of the landfill levy to reduce waste and provide funds for waste management and reduction processes should be made clearer in the Act. The economic justification for the metropolitan/rural difference in fees, if any, should be made clear. If no such justification can be made, the differential should be eliminated.	Partially accepted. The objectives of the landfill levy were clearly stated in the *Environment Protection (Resource Recovery) Act 1992*.	Ongoing. The suite of landfill levies under the Act is currently subject to review to see whether there is a need for reform including any justification for differential levies.
17	The Act should be amended to include provision for the appointment of auditors and set out general criteria for such an appointment consistent with competition policy principles. More specific criteria should continue to be published in the guidelines.	Accepted.	Completed. The Government has passed legislation to amend the Act to strengthen the statutory process for the appointment of Auditors.
18	The Act should be amended to include a requirement that auditors reveal any potential conflicts of interest in undertaking an audit required by the Act.	Accepted. The Act specifies that an Auditor must not conceal any relevant information or document from the Authority. Audit guidelines issued under the Act that do not currently require auditors to disclose conflicts of interest will be updated accordingly.	Partially completed. Review of all Audit Guidelines is presently underway.
19	The availability of third party enforcement is a policy decision for government rather than a competition issue. There does not appear to be significant evidence from the review that the current approach is not effective.	Accepted.	Ongoing. The Government will continue to explore opportunities to improve enforcement of environment protection legislation.

…/cont

No	Review Recommendations	Response	Implementation
20	EPA should expand its role as the delegated authority to assist local councils to better understand alternative systems to septic tanks.	Accepted.	Ongoing. EPA enhanced the information contained on its website regarding alternative waste water treatment facilities and has developed a number of Information Bulletins regarding these options. In conjunction with MAV EPA is also developing a model management plan to deal with septic tanks and their alternatives.
21	The suggestion to transfer the regulatory function that currently resides with the water authorities to the EPA would sit well with existing regulations for septic tanks and should be considered in the NCP Review of the Water Act. It is not perceived that the regulatory function would lead to any competition issues under the auspices of the EPA because the EPA is not in the business of installing or maintaining sewerage systems.	Accepted.	Provisions in the *Water Act 1989* that permit water authorities to require premises to connect sewerage systems constructed by those authorities are considered in the recently released NCP Review of Water Legislation.
22	The impact of new regulations on the overall regulatory burden should be assessed, where appropriate, under EPA's Protocol for the Development of Regulations and the Preparation of Regulatory Impact Statements.	Accepted.	Ongoing. The impact of new regulations on the overall regulatory burden will continue to be assessed, where appropriate, under EPA's Protocol for the Development of Regulations and the Preparation of Regulatory Impact Statements.
23	The *Environment Protection Act* should be amended to include the *Litter Act* to make the *Litter Act* a more forceful piece of legislation. The new provisions should be subject to a competition policy test and allow EPA to employ economic measures to limit litter in Victoria.	The Government is considering incorporating the Litter Act into the Environment Protection Act.	Currently subject to consideration by Government.

No	Restrictions on Competition Remaining	Competition Policy Justification
1	The requirement for works approval restricts the undertaking of works subject to the conditions set by EPA.	The requirement for works approval is justified under the precautionary principle. The competition restriction is outweighed by the benefits of certainty to industry and the community.
2	Licensing of premises where operations pose a potentially significant risk to the environment.	Licensing as a regulatory tool is a fundamental restriction on competition because it dictates who can operate a business, by restricting the activities of a business and prohibiting those firms that cannot meet the requirements of the licence from operating. There are no restrictions on who can obtain a licence other than meeting standards, which are designed to protect the environment. The licensing system is justified on public benefit grounds.
3	The requirement for financial assurance imposes a cost on companies due to the cost of funds.	Although it is likely that companies would insure against liability of environmental hazard anyway, the risk that this may not occur, added to the potential delays and costs of litigation, are sufficient to justify the retention of financial assurance requirements.
4	The requirement for a permit is a restriction on competition as it restricts who can transport waste.	There are no restrictions on who can obtain a permit other than meeting standards, which are designed to protect the environment from spills and leakages. The restriction passes the public benefit test under the precautionary principle.

…/cont

No	Restrictions on Competition Remaining	Competition Policy Justification
5	Some provisions of the Act, such as those that prohibit placing advertising leaflets on motor vehicles, may also be seen to be placing competitive restrictions on smaller operators who cannot afford major electronic advertising campaigns.	Restrictions under the Act are justified under the public benefit.

Legislation:		*Fisheries Act 1995*	Portfolio:	Energy & Resources
Reviewer:		Consultant (ACIL)	Date review completed:	July 1999
Consultation:		Release of Issues paper and call for submissions, public meetings and targeted interviews	Date response released:	December 2001
No	Review Recommendations		Response	Implementation
1	Retain current conditions associated with access licences.		Accepted	Not applicable.
2	Review alternative methods for non-transferable licenses such as licence buy-backs		Accepted	Fisheries which have non-transferable licences will eventually cease to exist as licence holders exit the fishery, or the fishery converts to a transferable licence under a Fisheries Management Plan.
3	Mechanisms such as auctions, tender or ballot should be considered for efficient allocation of new licences or increases in Total Allowable Catch (TAC).		Accepted	Guidelines will be developed for the allocation of new licences or increases in TAC above threshold limits by auction, tender or ballot.
4	That licences could be granted for longer periods (up to 5 years) and that licences have automatic rights of renewal, subject to specific conditions.		Rejected.	
5	Review the effects of employee limits on fishers. These restrictions may be essential in input controlled fisheries to control effort. Current definitions need clarification.		Accepted (Further investigation required for the abalone fishery)	Investigation of the Abalone Fishery found that it was necessary to retain diver limits due to the need to control effort. Regulations will be amended for other ITQ Fisheries.
6	The full cost recovery should be introduced in future to recover management costs, subject to formal policy development.		Accepted	Phased cost recovery programs to commence once a mechanism has been agreed. Expected to take 4 – 5 years.
7	Broader introduction of royalties or rent taxes should be considered in the future, subject to government policy.		Accepted	Will be introduced once full cost recovery has been achieved.
8	Retain the ITQ management system for Abalone fisheries as no less restrictive alternative is feasible.		Accepted	Not applicable.
9	The minimum and maximum quota holding and restrictions on transfer of abalone quota should be removed or reduced.		Accepted	The minimum quota holding will be reduced to one unit of quota. The maximum limit of a quota holding will be abolished in 2002.
10	Retain the current management arrangements for scallop fisheries as no less restrictive alternative is feasible.		Accepted	Not applicable.

…/cont

No	Review Recommendations	Response	Implementation
11	Remove the regulation that enforces the requirement that there will be no shucking at sea.	Accepted in principle	An alternative management regime for shucking at sea cannot be implemented until jurisdictional issues relating to the Victorian, Tasmanian and Commonwealth fisheries are resolved. If Victoria continues to manage all or part of the fishery, implementation of an alternative management regime will be investigated.
12	Consider the introduction of an ITQ management regime for Rock Lobster Fisheries.	Accepted	Fisheries (Rock Lobster and Giant Crab) Regulations 2001 introduced in October 2001.
13	Remove the restriction of limiting pot numbers per boat if an ITQ management regime is introduced.	Accepted	As above.
14	Remove the restriction on minimum pot holdings but consider the implications of enforcement costs.	Accepted	As above.
15	Retain the current input control mechanisms associated with the Bay and Inlet Fisheries. An evaluation of alternative output control mechanisms such as ITQ should be investigated for some species.	Accepted	Investigations will occur under management plans.
16	Remove the requirement for an access licence holder to be a fit and proper person.	Accepted	Reference to "fit and proper" will be replaced with a more specific clause.

No	Restrictions on Competition Remaining	Competition Policy Justification
1	Fisheries Access Licences specify conditions of the licence.	No less restrictive alternative is feasible to achieve government public-good objectives.
2	Fisheries licences are issued for one year.	The current annual issuance of an access licence is an automatic renewal (subject to specific conditions). The fee and levy structures are more efficiently managed under an annual issuance regime.
3	Abalone fisheries are subject to an ITQ management system.	No less restrictive alternative is feasible to achieve government public-good objectives.
4	Current management arrangements for scallop fisheries restrict access.	No less restrictive alternative is feasible to achieve government public-good objectives.

Legislation:	*Forests Act 1958*	Portfolio:	Environment & Conservation
Reviewer:	Consultant (KPMG)	Date review completed:	April 1998
Consultation:	Call for public submissions, public meetings and targeted interviews.	Date response released:	May 1999

No	Review Recommendations	Response	Implementation
1	The Act should be amended to include a specific objective, which sets out the balance required between commercial exploitation and non-commercial uses of forests, such as protection of flora and fauna.	A Government response was released in May 1999. A revised response is currently being developed to reflect the new Government's directions.	-
2	The Act should be amended to clarify Section 5 in respect of the activities included in the term "control and management" and regarding exclusive control of the forests by DNRE. The possibility of an alternative provider of commercial forest management services should be considered.	As above	-
3	The sustainable yield provision should be clarified to make clear that DNRE is not required to supply sawlogs up to the sustainable yield level regardless of demand. The sustainable yield level should be unambiguously a maximum level of supply only, not a minimum.	As above	-
4	The Act should specify broad criteria or guidelines for licences where these relate to rights to commercially exploit forest produce. These should require: • transparent criteria and process for issue, renewal and revocation; • market-based allocation where practicable; and • regular reporting by the administering Department.	As above	-
5	That DNRE consider amending the provisions of the Act relating to commercial activities, such as hardwood resource allocation and pricing, to include a more pro-competitive approach.	As above	-
6	That a comprehensive assessment of the effects of separating the commercial and regulatory/policy functions of forest management be undertaken.	As above	Forestry Victoria was established in August 2000 as a departmental business unit with a clear commercial focus and separate and transparent financial and reporting arrangements.
7	That the current administered allocation and pricing policy in relation to sawlogs be changed to a more market based determination of log prices.	As above	The Timber Pricing Review to be completed in May 2002 will address this issue.

…/cont

No	Review Recommendations	Response	Implementation
8	That DNRE reform its practices for issuing licences and permits to incorporate: • clear explicit criteria for issue; • transparent processes for issue, including review mechanisms where applications are refused or licences revoked; • charges to reflect competitively neutral cost of provision of the relevant forest product; and • comprehensive reporting on the operation of licensing schemes.	As above	-

No	Restrictions on Competition Remaining	Competition Policy Justification
	None	

Legislation:	*Meat Industry Act 1993*	Portfolio:	Agriculture
Reviewer:	Public Sector Research Unit, Victoria University of Technology	Date review completed:	March 2001
Consultation:	Issues paper publicly released. Call for submissions. Targeted consultation of key stakeholders	Date response released:	April 2001

No	Review Recommendations	Response	Implementation
1	The Review Panel recommends that the Act should continue to require the licensing of operators of meat processing facilities. The Review Panel has identified the relevant sections as secs.14, 16-17, 19-22, 25-26 and 40.	Accepted.	No further action required.
2	The Review Panel recommends that shops that sell more manufactured meat or products that contain some or no meat, than they do unmixed meat (such as supermarkets) should continue to be excluded from the Act. The Review Panel has identified the relevant section as sec.3 (1).	Accepted.	No further action required.
3	The Review Panel recommends that although supermarket meat sales are covered by the *Food Act 1984*, supermarkets and independent butcher shops should both continue to observe common standards.	Accepted.	No further action required.
4	The Review Panel recommends the retention of sec.15 (1) of the Act that enables a person who wishes to sell food containing Victorian meat in a place outside Victoria to obtain a licence under this Act to satisfy the requirements of the law of that place.	Accepted.	No further action required.
5	The Review Panel recommends the retention of sec.25 and sec.27 of the Act that require that where a meat processing facility is operated by a corporation or partnership, an officer or partner must be nominated as the operator.	Accepted.	No further action required.
6	The Review Panel recommends that the provisions requiring vehicles used for the conveyance of any carcass or meat intended for human consumption to be licensed should be maintained. The Panel has identified the relevant sections and regulations as sec. 42 A and regs. 6, 47 – 49, 51 – 52, 55 and 57.	Accepted.	No further action required.
7	The Review Panel recommends that the provisions of the Act relating to meat inspection and that require that persons who provide meat inspection services must have appropriate qualifications as determined by the Authority should remain. The Panel has identified the relevant sections as secs.6-9 and 34(1)(b).	Accepted.	No further action required.
8	The Review Panel recommends that the Act be amended to permit persons or bodies who are not approved by the Authority to be approved meat inspection services to have a right of appeal to the Victorian Civil and Administrative Tribunal (VCAT).	Accepted.	Section 24 of the Act was amended in 2001 to allow right of appeal to VCAT.
9	The Review Panel recommends that the provisions of the Act that allow the Authority to attach conditions to licenses should be retained. The Panel has identified the relevant sections as sec.17 (2) and 17(4). It is important that the conditions imposed on businesses continue to conform to prescribed standards.	Accepted.	No further action required.

…/cont

No	Review Recommendations	Response	Implementation
10	The Review Panel recommends that the provisions of the Act that enable the Authority to specify minimum qualifications and experience for auditors should remain. The Panel has identified the relevant section as sec.12A (2)©.	Accepted.	No further action required.
11	The Review Panel recommends that section 12A(2)(d) of the Act, which confers power on the Authority to impose restrictions on who may conduct audits, be amended to limit the exercise of the power to the imposition of restrictions related to the suitability of a person to conduct an audit.	Accepted.	The Act was amended in 2001.
12	The Review Panel recommends that there be a right of appeal to VCAT in relation to the imposition of any restriction imposed by the Authority under section 12A(2)(d).	Accepted.	The Act was amended in 2001 to allow right of appeal to VCAT.
13	The Review Panel recommends that the duties contained in sections 29-39 other than section 35(6) should be maintained.	Accepted.	No further action required.
14	The Review Panel recommends that section 35(6) of the Act be removed and that the matter of horses and donkeys be dealt with by prescription under section 35(7).	Accepted.	The Act was amended to repeal S.35(6). A new regulation will be created to prohibit the slaughter of horses and donkeys for human consumption.
15	The Review Panel recommends that section 5(2) of the Act be amended so that it does not permit the Minister to grant exemptions to an individual owner or meat processing facility from licensing and particular provisions of the Act.	Accepted.	Section 5(2) of the Act was amended in 2001 to limit the exemption power to classes of owner and processing facilities.
16	The Review Panel recommends that section 46(2) be amended so that the Minister may not direct the Authority in regard to the circumstances of particular businesses and that directions should be limited to policy and general operational matters of the Authority.	Rejected.	The Act was amended in 2001 so that the Authority will be required to undertake its functions and powers with regard to written Ministerial Directions and that any directions must be published in the Authority's annual report and the Government Gazette.

No	Restrictions on Competition Remaining	Competition Policy Justification
1	All meat processing facilities must be licensed to operate.	The licensing scheme provides a number of benefits related to the Act's objective of setting standards for meat production for human consumption. The licensing system provides a means of monitoring the operation of market participants, as well as providing a mechanism through which standards can be applied and enforced. The benefits of the licensing scheme are substantial and the costs are comparatively small.
2	Vehicles used for the conveyance of any carcass or meat intended for human consumption must be licensed.	The licensing scheme and its associated standards ensure that meat transport is undertaken in a manner that reduces the risk to public health. The benefits of the licensing scheme outweigh the costs.

…/cont

No	Restrictions on Competition Remaining	Competition Policy Justification
3	Persons who provide meat inspection services must have appropriate qualifications as determined by the Victorian Meat Authority.	Meat inspection services ensure that animals brought to abattoirs are not diseased or unsuitable for human consumption and thus minimise the risk to public health. In practice the Authority approves inspection services for meat processing facilities rather than undertaking meat inspection itself. In approving an inspection service, the Authority must determine whether the service is provided by an appropriately qualified person and it may impose conditions on the inspection service. Although the Act does not specify the minimum required qualifications, there is a national agreement under which the Meat hdustry National Training Register Accredited Course sets minimum standards that are applied by the Authority.
4	Licensees for meat processing facilities are subject to the condition that the licensee must comply with a quality assurance program approved by the Authority. Quality assurance programs are monitored by audits and the Authority specifies the minimum qualifications and experience to be held by an auditor.	The provisions, which ensure appropriately qualified auditors, assist in achieving the objective of public health. Although in practice the Authority uses four companies accredited under the Joint Accreditation System of Australia and New Zealand, the Authority would accept any company or individual with the same qualifications. The benefits of the provisions outweigh the costs.
5	The Minister is able to give directions to the Authority that may be in regard to the circumstances of particular businesses.	The Government considers it is reasonable that the Minister have a power to be able to direct the Authority. Provisions similar to those in the *Dairy Act 2000* would provide the Minister with a sufficient level of power to exercise his responsibilities while providing a high level of public accountability and scrutiny. The Act was amended in 2001 so that the Authority will be required to undertake its functions and powers with regards to written Ministerial Directions and that any directions must be published in the Authority's annual report and the Government Gazette.

Legislation:		*Murray Valley Citrus Marketing Act 1989*	Portfolio:	Agriculture
Reviewer:		Consultant (Centre for International Economics)	Date review completed:	July 1999
Consultation:		Release of issues paper and call for submissions, public meetings and targeted interviews.	Date response released:	Released to industry December 2001
No	Review Recommendations		Response	Implementation
1	That legislation should continue to underpin the operations of the Board and that its core functions which provide benefits of a "Public Good" nature should continue to be funded by compulsory levy where growers vote this to be beneficial.		Accepted	Legislation scheduled for Autumn 2002 will provide for the repeal of the Act. The Board will be reconstituted under the *Agricultural Industry Development Act 1990*, subject to a poll of the producers.
2	That in future legislation, the wording of the purpose of that legislation be changed to better reflect the current and future activities of the Board in facilitating marketing and enhancing technological innovation in the Murray Valley citrus industry.		Accepted	To be implemented through the proposed Order to reconstitute the Board under the *Agricultural Industry Development Act 1990*.
3	That the objectives of any future legislation should not contain reference to the "orderly marketing" of citrus fruit or to public health.		Accepted	As above.
4	That the Act in each State be amended to exclude the unused regulatory powers of the board that enable it to become actively engaged in the marketing or processing of citrus fruit. Associated with this would be the removal of all penalties and other conditions directly associated with these powers.		Accepted	To be implemented by repeal of the *Murray Valley Citrus Marketing Act 1989*.
5	That grower polls be held at least every four years to decide on the future existence of the Board. There should also be explicit provision for a grower poll at any time on the continuation of the Board if the majority of growers at a properly constituted meeting call for such a poll.		Accepted	To be implemented by reconstituting the Board under the *Agricultural Industry Development Act 1990*.
6	That there be more accountability regarding the components of, and size of the levy and the way the Board plans to spend the money: • at each AGM, growers should approve the Board's annual operating plan and the budgeted funding for each approved activity or project; • growers should also approve the levy for the forthcoming year; and • any substantial build up in reserves should be explained by the Board.		Accepted	Implemented by amendments to the *Agricultural Industry Development Act 1990,* in 2000 and will apply when the Board is reconstituted under the Act.
7	That growers should be given the opportunity to change the nature of the levy to and *ad valorem* rate.		Accepted in principle	Government considers this issue to be one for administrative action by the Board, rather than a legislative one for the Government.

…/cont

No	Review Recommendations	Response	Implementation
8	That the system of all formal voting be changed to better reflect the stake each grower has in total levy receipts. The principle should be adopted that the number of votes per grower should be proportional to the levy they pay.	Change to the voting system accepted in principle	In consultation with industry, general agreement was reached to recommend the introduction of a weighted voting system based on the area of citrus a producer grows. To be implemented when the Board is reconstituted under the *Agricultural Industry Development Act 1990*.
9	Murray Valley levy payers should decide on the type and level of promotion, R&D and fruit fly activities as these activities are funded through the compulsory levy system. With the sale of its brands and strategy of undertaking joint generic promotions with other boards/committees, the Board should give consideration to reducing the promotion component of the levy.	Accepted in principle	The legislative framework for the accountability for activities and levies is addressed in recommendation 6. Otherwise, to be implemented by the Board in consultation with producers.
10	The Board should place greater weight on the user pays principle and directly charge individuals for those services, the benefits of which clearly accrue to individuals rather than the industry collectively. The compulsory levy should be reduced accordingly.	Accepted in principle	To be implemented through new provisions of the *Agricultural Industry Development Act 1990* that will apply when the Board is reconstituted under the Act.
11	The Board should give consideration to charging subscriptions for most of its market information services and reducing the size of the levy accordingly.	Accepted in principle	To be implemented through new provisions of the *Agricultural Industry Development Act 1990* that will apply when the Board is reconstituted under the Act.
12	The Board should cease being a member of, and paying contributions to, Australian Citrus Growers.	Accepted	Implemented by the Board in 2001.

No	Restrictions on Competition Remaining	Competition Policy Justification
	None	

Legislation:	*Petroleum Act 1958*	Portfolio:	Agriculture
Reviewer:	Consultant (KPMG)	Date review completed:	February 1997
Consultation:	Call for submissions and targeted interviews	Date response released:	March 1999

No	Review Recommendations	Response	Implementation
1	Retention of Crown ownership of petroleum resources, along with the overall permit lease system for petroleum exploration and production, to be justified under NCP.	Accepted	*Petroleum Act 1998* passed in Spring 1998 sitting.
2	That a number of changes be made to the legislation in order to remove obstacles to exploration and production of petroleum and to increase administrative efficiency, i.e. a longer term for exploration permits and greater certainty for persons wishing to move from an exploration permit to a production licence.	Accepted	See above

No	Restrictions on Competition Remaining	Competition Policy Justification
1	Crown ownership of petroleum resource with access for exploration and production restricted via permit lease system.	The permit/licence system enhances security of tenure for potential investors without compromising safety and environmental considerations. The allocation process by which tenure is secured is a process that affords maximum opportunity for participation and enhances contestability for petroleum rights. Two aspects of the permit/licence system may restrict competition due to increased compliance costs for permit and licence holders. The Act requires compensation to be paid to landowners for use and damage to freehold land. The Act also provides for the imposition of conditions on permits, leases and licences with regards to safety standards and protection of the environment. The Act also contains provisions to vary conditions upon consolidation and transfer of titles, at the request of the titleholder and otherwise at intervals of not less than 5 years. This provision recognises that the basis of project progress or development may have altered and therefore a review of the ground rules is appropriate both in terms of orderly development and public benefit. The benefits to the community from the restrictions flow from the orderly development of valuable petroleum resources with due regard to public safety and environmental protection. The legislation ensures that petroleum exploration and extraction activities are carried out with minimal effects on the environment and, as the value of recovery of petroleum is very high, that such recovery represents optimal land use without impacting substantially on other land uses. There is also provision for land to be readily returned to some alternate land use upon completion of petroleum activities. Costs to explorers or producers of petroleum arising from restrictions will arise primarily through complying with requirements for safety and environmental protection, compensation to owners of land and the payment of royalties. Such costs are considered essential in deriving optimal community benefit and to achieve the objectives of the proposal. The costs of any restrictions are considered to be outweighed in terms of returns to the operator and benefits to the community as a whole. Therefore the permit/lease system satisfies the guiding legislative principle as it pertains to national competition policy considerations.

Legislation:	*Petroleum (Submerged Lands) Act 1982*	Portfolio:	Energy & Resources
Reviewer:	Consultant (ACIL)	Date review completed:	April 2000
Consultation:	Commonwealth wide consultation, including: consultation with stakeholders, a publicly released Issues paper, and call for submissions.	Date response released:	March 2001

No	Review Recommendations	Response	Implementation
1	That the Act be amended to remove discretionary powers to intervene in technical (but not safety and environmental) matters.	Rejected	
2	That the objective based regulatory approach taken in the PSL Act be refined in all states & territories to remove duplication of regulations across jurisdictions and between different enactments within jurisdictions.	Accepted	Subject to work from Commonwealth DISR
3	Adopt a legislative objective for the PSL Act and strategies to achieve that objective (specified in the Review).	Accepted in part	The Government will consider an alternative legislative objective recommended by the Commonwealth review committee.
4	Establishment of the ownership of the rights to abandoned reservoirs still within production licences for the purposes of storage of greenhouse gases and also the temporary storage of petroleum resources.	Accepted in part	Government to decide whether PSLA is appropriate means of delivery.
5	That the regulator continues to supply exploration acreage with a range of prospectivity each year such that it satisfies the demand for exploration acreage.	Accepted	No change required.
6	The removal of the threshold financial and technical requirements for applications and transfers of permits to explore.	Rejected	
7	No change in the manner in which the regulator determines the size of exploration permits. The regulator should continue to be transparent in its decision making about the size of permit areas.	Accepted	No change required.
8	The legislation retain the current permit terms and provisions for renewal	Accepted in part	A limit of 2 or 3 renewals on new permits under the work program bidding system is proposed. Implementation is currently held up at the Commonwealth level.
9	That in the event of tied bids in relation to work program bidding the award of the permit should be decided by drawing the winner out of a hat.	Rejected. Supplementary bid system in place considered to be pro-competitive.	

…/cont

No	Review Recommendations	Response	Implementation
10	That both works program and cash bidding be retained in the PSL Act and used for the award of permits. The inefficiencies of work program bidding can be avoided by choosing to use the system in permit areas that are not likely to attract a large number of bids (say 3 or less).	Accepted in part	No change Each jurisdiction to use the system it deems appropriate to the acreage offered.
11	That Act is amended to remove the retention lease provisions that provide for the regulator to influence the timing of development of discoveries.	Rejected	Government to discuss any perceived deficiencies in decision making for these matters.
12	That the application and re-evaluation provisions be abolished for retention leases. These provisions should also be abolished if the alternate approaches for limiting retention lease tenure are adopted.	Rejected	Legislation is to be amended to allow only one re-evaluation during the term of the lease.
13	That the link between exclusive exploration and production rights and the provisions that allow these rights to be exercised as long as production continues.	Accepted	Government to participate in national consideration of options to encourage exploration of "fallow" acreage, while recognising the rights of the licensee.
14	That the Act be amended to remove the provisions whereby a regulator may direct the time and rate the permit holder recovers petroleum.	Rejected	Government to articulate the criteria that would be used in deciding to issue a Direction.
15	That the Act be amended to remove the provisions requiring applicants for pipeline licences to provide details of their financial and technical resources, to provide consistency with recommended changes to requirements for permits.	Rejected	
16	That the provisions of the act requiring work to be completed on pipelines within a specified time could be safely removed.	Rejected	Government to articulate criteria for assessing applications to re-schedule pipeline construction.
17	That the common carrier provisions should be removed and replaced by open access arrangements.	Rejected at this time	Government to review the implementation of access principles developed by industry, and then discuss third party access under the PSLA.
18	That the provisions of the act pertaining to infrastructure licence provisions be retained in their current format.	Accepted	No change required.
19	That the provisions of the act regarding the access authority, special prospecting authority and scientific investigations be retained.	Accepted	No change required.

…/cont

No	Review Recommendations	Response	Implem entation
20	That the data release provisions as they apply to title areas be retained. However, the provisions should be continually reviewed to ensure the greatest amount of data is made available consistent with the security of tenure offered by the title.	Accepted	On-going review of data release provisions
21	That the data release provisions applying to speculative surveys be kept under continuous review to maximise the amount of work done by private operators.	Accepted	On-going review of data release provisions for speculative surveys
22	That the general data release provisions be retained as they do not contravene NCP principles.	Accepted	No change required.
23	That the remaining Directions regarding good oil field practice be converted to objective based regulations because of the prescriptive provisions that they contain.	Accepted	Government to develop objectives-based regulations to replace existing prescriptive provisions.
24	That the unconditional approval of transfers of title currently provided for in the PSLA be retained.	Accepted in principle. Reserve power to refuse an application for transfer of title will be retained.	Government to articulate the objectives and criteria considered in applications to transfer title.
25	That the requirement of the Act for approval of dealings over a title be removed.	Rejected	Government will review legislative provisions for the approval and registration of dealings, to lower compliance and administrative costs.
26	That formal policy be developed identifying the objectives and the relevant criteria to be used by the regulator when deciding on a case-by-case basis the extent to which infrastructure must be removed before the expiration of titles.	Accepted	Pending Commonwealth de-commissioning guidelines.
27	That the legislation be re-written in plain English to remove some of the complexity involved in the processes regulated by the Act.	Accepted	Re-draft following consultation on scope of the re-write.

No	Restrictions on Competition Remaining	Competition Policy Justification
1	The regulator has discretionary powers to intervene in issues of the "good oilfield practices" of licence holders.	The legislation provides that companies exploring for, or producing petroleum must follow good oil field practice. The concept is not intrinsically prescriptive and evolves with community and professional standards, and with advances in technology. Regulators interpret good oil field practice to include those things necessary to manage negative externalities in relation to safety and the environment, and other externalities that may occur in the course of exploration, production and decommissioning. Exploration companies have a strong interest in maximising the value of the resource, and can usually be relied on to follow good oil field practice. Occasionally, situations occur where commercial considerations or imperatives over-ride considerations of good oil field practice, and substantial negative externalities may result. Any one instance of market failure in resource management could entail costs to the community, through inability to recover resources and loss of government revenue, in the order of tens, and in some cases hundreds, of millions of dollars. On the other hand, compliance costs incurred by regulators and industry as a result of government involvement are of an entirely lower order of magnitude.

…/cont

No	Review Recommendations	Response	Implementation
2	Regulators assess the financial and technical resources available to applicants for exploration permits, and may choose not to award title to an applicant that fails to demonstrate that it has the resources.	The objective of the provisions is a prudential one, and in practice, a rarely used reserve power. The transaction costs to the industry and regulators are small in comparison to costs to the community if an inexperienced or inadequately resourced company failed to meet title conditions. In addition, the costs are negligible, relative to development costs.	
3	Regulators assess the financial and technical resources of applicants for pipeline licences, and may choose not to award title to an applicant that fails to demonstrate that it has the resources.	As for exploration permits, above.	
4	Retention leases are granted for 5 years for resources shown to be non-commercial (but likely to become so within 15 years). The holder must re-apply after 5 years and may be required to review non-commercial status during the period of the lease.	The Review Committee comments that this issue is largely a matter of theoretical rather than practical importance. There is an underlying presumption in the legislation that, once discovered, commercial resources will be promptly developed. This is normally in the best interests of both the developer and the wider community. Where those interests differ, the Committee argues that the Crown is entitled to weight its own preferences about the value of present versus future production. And, it argues, allowing developers to "stockhold" resources may be detrimental to Australia, as other petroleum producing nations presume prompt development. The Committee notes that retention leases have costs to the lease holder, however a secure title is provided to non-commercial discoveries.	
5	The regulator may direct a licensee to recover petroleum that is not currently being recovered in a licence area. Similarly, a regulator may direct the licensee to increase or decrease the rate of recovery.	These provisions form a reserve power to avert market failure regarding timing of extraction in exceptional circumstances. In worst case situations the power to intervene has substantial benefits, especially to address negative externalities. Unless exercised, they entail no compliance or administrative costs. Other petroleum producing nations have similar provisions.	
6	A pipeline licence can be granted subject to the condition that the licensee shall complete construction within a specified period.	Provisions for pipelines to be completed within a specified period are intended to protect the interests of other users of the sea. Construction work may entail loss of amenity in the vicinity of the work, impacting others' costs and convenience. The provision is a reserve power. In practice, licensees usually achieve expeditious construction, and an assessment of externalities is rarely necessary.	
7	Licensees must apply to transfer title of a licence. Regulators have the power to refuse the transfer.	This is a reserve power to apply in situations where the regulator has serious concerns that the proposed transferee would be in a position to acquit the conditions of title. In some circumstances, there is potential for very large negative externalities.	

Legislation:	*Prevention of Cruelty to Animals Act 1986*	Portfolio:	Agriculture
Reviewer:	Consultant (KPMG)	Date review completed:	November 1997
Consultation:	Release of issues paper and call for submissions, targeted interviews	Date response released:	September 1998

No	Review Recommendations	Response	Implementation
1	Retain requirement for a registered veterinarian to be present at rodeos.	Accepted	Not applicable.
2	Retain requirement that a registered veterinarian inspect animals and remain on stand-by at rodeo schools.	Accepted	Not applicable.
3	Remove requirement that an Australian Professional Rodeo Association (APRA) stock contractor supply animals to rodeos and rodeo schools. Stock contractors are to be any stock contractors subject to the introduction of a Code of Practice.	Accepted	Regulations to be amended in 2002 so that a stock contractor is any stock contractor accredited by an organisation approved by the Minister. A Code of Practice was tabled in Parliament in Spring 2000, but introduction of the Code is delayed while a National Code of Practice is being developed.
4	Remove the requirement that rodeo school instructors are APRA accredited.	Accepted	See above.
5	Retain requirements on scientific establishments to adhere to minimum standards concerning animal housing, cleanliness, equipment, record keeping and reporting.	Accepted	Not applicable.
6	Retain minimum space and other requirements contained in the animal farming and transport codes of practice.	Accepted	Not applicable.
7	Retain requirement for minimum cage floor areas in egg production.	Accepted	Not applicable.

No	Restrictions on Competition Remaining	Competition Policy Justification
1	Requirement for a registered veterinarian to be present at rodeos.	No alternative as practitioner must be able to administer drugs and perform surgery.
2	Requirement that a registered veterinarian inspects animals and remains on stand-by at rodeo schools.	No alternative as practitioner must be able to administer drugs and perform surgery.
3	Requirements on scientific establishments to adhere to minimum standards concerning animal housing, cleanliness, equipment, record keeping and reporting.	The requirements do not impose a burden on institutions above that which they would do as a matter of course.
4	Minimum space and other requirements contained in the animal farming and transport codes of practice.	The requirements do not have a substantial effect on competition in the market for production and transport of animals. Further, they contribute to reducing the chance of foreign markets imposing trade sanctions on animal welfare grounds under the relevant WTO agreement.
5	Requirement for minimum cage floor areas in egg production.	Benefit of improved bird welfare outweighs small increase in egg prices. The previous voluntary code was found to be ineffective.

Legislation:	*Surveyors Act 1978*	Portfolio:	Environment & Conservation
Reviewer:	Consultant (Southbridge)	Date review completed:	July 1997
Consultation:	Call for submissions, targeted interviews	Date response released:	February 2001

No	Review Recommendations	Response	Implementation
1	The restrictions on entry to the cadastral surveying market should be retained, in order to safeguard the credibility of the Torrens title system.	Accepted	Registration and licensing arrangements are being replaced with legislated minimum requirements to practise. New legislation is in Parliament.
2	Entry to the surveying profession should continue to be regulated by a single body. This body should continue to impose a high-uniform standard of entry.	Accepted	Not applicable.
3	The regulatory body should have the power to accredit postgraduate practical training courses as an alternative to training under supervising surveyor.	Accepted	Implemented by Surveyors Board.
4	Integrity criteria barring entry to the surveying profession should be specific.	Accepted	New legislation is in Parliament.
5	Integrity criteria for removal from the surveying profession should be the same as criteria barring entry to the profession.	Accepted	New legislation is in Parliament.
6	The requirement for surveyors or related professions to form a majority of members/directors of a firm/corporation engaging in cadastral survey work should be removed.	Accepted	New legislation is in Parliament.
7	Victoria should consider an agreement with other States to make interstate registration/licensing costless.	Accepted in Principle	Surveyors Board is addressing costless interstate licensing through Reciprocal Surveyors Boards of Australia & New Zealand (RSBANZ).
8	Victoria should consider an agreement with other States to make registration / licensing in one jurisdiction sufficient for automatic practise in all reciprocating jurisdictions, without a need for application to the local regulatory authority.	Accepted in Principle	Surveyors Board is addressing automatic interstate practising through RSBANZ.
9	Victoria should prioritise negotiations with other jurisdictions to co-ordinate cadastral law.	Accepted in Principle	Surveyors Board is addressing coordinated interstate cadastral laws through RSBANZ.
10	There should be thorough examination of all options for extending mutual recognition beyond current boundaries.	Accepted in Principle	Surveyors Board is addressing extending mutual recognition through RSBANZ.
11	Non-surveyors should form a greater proportion of members of the regulatory body than at present.	Accepted	New legislation is in Parliament.

…/cont

No	Review Recommendations	Response	Implementation
12	The Government should remove the power of the regulatory body to set fees for surveying services.	Accepted	New legislation is in Parliament.

No	Restrictions on Competition Remaining	Competition Policy Justification
1	Entry to the surveying profession is restricted to persons meeting minimum qualification / training standards.	The legislative restrictions on entry to the cadastral surveying market safeguard the credibility of the Torrens title system. The consultant found the present form of regulation by a statutory body is the lowest cost means of maintaining a high level of quality of plans lodged. The new legislation includes changes to registration and licensing arrangements, allowing legislated minimum requirements to practise.

Department of State and Regional Development

Legislation:	*Liquor Control Act 1987*	Portfolio:	Small Business
Reviewer:	Independent review panel	Date review completed:	April 1998
Consultation:	Issues Paper, Discussion paper, Public consultation, submissions received and further targeted consultation prior to report.	Date response released:	October 1998

No	Key Recommendations	Response	Implementation
1	Removal of 'needs criteria' for assessing packaged liquor licence applications.	Accepted	Act replaced by *Liquor Control Reform Act 1998*, effective from February 1999.
2	Removal of 'primary purpose' requirements that limit that nature of business activities permitted by a licence.	Accepted	
3	Removal of 8 per cent limit on holdings of general licences.	Accepted	
4	Streamlining of licence categories – from 17 types to 9.	Accepted	

No	Key Restrictions on Competition Remaining	Competition Policy Justification
1	Limit of 8 per cent on packaged liquor licence holdings ("8 per cent rule").	Following NCC's second tranche assessment, a further review of the 8 per cent rule was conducted by the Office of Regulation Reform with the assistance of an expert reference group. The review, which was announced in March 2000, included two rounds of extensive public consultation. The report, which was publicly released in September 2000, found that both small and large businesses agree that the 8 per cent rule is becoming less effective in promoting diversity in the industry, particularly as the pool of packaged liquor licences grows over time due to the abolition of the needs criteria and the nature of liquor retailing changes. As a result, the Government announced in January 2001 that the 8 per cent rule will be phased out from the end of 2003. The advance notice of the reforms will enable affected small retailers to adapt to the changes in regulatory arrangements and enable the development of long-term strategies that build on the strengths of independent liquor retailers.
2	Prohibition on licensing certain businesses (petrol stations or drive-in cinemas) and restrictions on licensing milk bars, convenience stores and mixed businesses.	Youth under the age of 18 years are often attracted to, or in proximity to, convenience stores, in response to the products offered for sale. The potential for increased underage access to liquor through convenience stores, if licensed, would be contrary to its underage drinking policy. Special consideration would be given if there is no alternative supply of liquor available to the community. In its second tranche assessment, the NCC accepted that the Government's adoption of the review panel's recommendation to retain the prohibition on harm minimisation grounds is consistent with competition policy principles.

Legislation:	*Professional Boxing and Martial Arts Act 1985*	Portfolio:	Sport
Reviewer:	In-house	Date review completed:	August 1999
Consultation:	Discussion Paper, submissions received and further targeted consultation prior to report.	Date response released:	November 2000

No	Review Recommendations	Response	Implementation
1	Streamline contestant registration system so that the Act refers to competing in a professional contest, rather than either a boxing contest or a martial arts contest.	Accepted	Amending legislation was passed by the Parliament during the Spring 2001 sittings. The Act's name was also changed to the *Professional Boxing and Combat Sports Act 1985.*
2	Examine the scope for replacing detailed Rules and Conditions of contests with less prescriptive national or international industry standards.	Rejected. As the industry is fragmented into different bodies that follow various rules, it is not possible for it to adopt one set of rules.	
3	Amend the provision that exempts the Victorian Amateur Boxing Association from the Act's requirements to enable other suitably qualified amateur boxing associations to be exempted.	Accepted	As above.

No	Restrictions on Competition Remaining	Competition Policy Justification
1	Occupational regulation of professional contestants, promoters, trainers, match-makers, referees and judges.	Requirements have a minimal impact on the community, generate a net public benefit and are consistent with the Act's objectives of promoting safety and reducing the risk of malpractice.
2	Individual promotions – business regulation and conduct requirements.	Business conduct requirements (e.g. obtaining a permit to conduct a promotion) do not impose a heavy compliance burden or have an appreciable impact on competition. Their retention is necessary to meet the objectives of the Act.

Legislation:	*Racing Act 1958*	Portfolio:	Racing
Reviewer:	Consultant	Date review completed:	November 1998
Consultation:	Issues Paper, Discussion paper, Public consultation, submissions received and further targeted consultation prior to report.	Date response released:	August 2000

No	Key Review Recommendations	Response	Implementation
1	Measures to allow the development of other codes of racing including providing opportunities for them to demonstrate their integrity assurance for wagering purposes.	Accepted	*Racing and Betting Acts (Amendment) Act 2001* commenced on 1 May 2001 to abolish restrictions on other codes' meetings in terms of geographic location and participation by licensed jockeys and drivers. Integrity assurance assessment process established and awaiting submissions from proponents.
2	Maintenance of prohibition on proprietary racing until proponents can provide detailed, costed recommendations for their independent regulation.	Accepted	Assessment process established and awaiting submissions from proponents.
3	Removal of restrictions on cross-border advertising by betting operators.	Accepted – subject to development of national uniformity.	Under review by the Australian Racing Ministers' Conference. Awaiting finalisation of NCP reviews in other jurisdictions.
4	Expansion of sports betting licensing regime.	Rejected on grounds of problem gambling and regulatory efficiency.	
5	Abolition of the minimum telephone bet limits for bookmakers.	Accepted – by way of a staged reduction.	First reduction effected on 1 July 2001. Limits to be totally abolished by 1 July 2004.
6	Allow bookmakers to incorporate.	Accepted in principle – subject to consultation with the bookmaking profession.	Joint Government-racing industry working party examining implementation options. To report to the Minister by February 2002.
7	Allow 24-hour trading by bookmakers.	Accepted in principle – subject to consultation with the bookmaking profession.	Joint Government-racing industry working party examining implementation options. To report to the Minister by February 2002.
8	Allow internet betting by bookmakers.	Accepted in principle – subject to consultation with the bookmaking profession.	Legislation not required – Internet betting can be authorised by Ministerial approval. Joint Government-racing industry working party examining implementation options. To report to the Minister by February 2002.
9	Deregulation of tipping services.	Accepted	Effected by the *Racing and Betting Acts (Amendment) Act 2001* on 1 May 2001.

	Department of Treasury and Finance		
Legislation:	*Accident Compensation Act 1985* *Accident Compensation (WorkCover Insurance) Act 1993*	Portfolio:	WorkCover
Reviewer:	PricewaterhouseCoopers and Minter Ellison Lawyers	Date review completed:	December 2000
Consultation:	Advertisements were placed for the receipt of submissions, targeted stakeholder consultation was also undertaken.	Date response released:	February 2001 (Draft Response).
No	Review Recommendations	Response	Implementation
1	*Restriction on Competition* A compulsion exists for employers to obtain WorkCover insurance in respect of their liability to pay compensation and common law damages to employees. *Review Recommendation* The charge should remain compulsory in the interests of achieving the social policy objectives of the Act.	Accepted	Retain status quo.
2	*Restriction on Competition* The Victorian WorkCover Authority (VWA) is the single manager of workers' compensation insurance. *Review Recommendation* The single manager arrangement should be maintained at this time, as it provides the greatest net public benefit.	Accepted	Retain status quo. However, the Government will continue to review the functions preformed by the Victorian WorkCover Authority (VWA) to identify if there is scope for greater contestability to be introduced.
3	*Restriction on Competition* Centralised prem ium setting (regulated price). *Review Recommendation* The premium setting responsibility should remain with the VWA. However, an independent third party should review the premiums and associated rationale for setting the premiums. The independent review should be made public prior to the approval of the new premiums. This would provide greater transparency in the review setting process.	Accepted	Further work will be undertaken to determine how the mechanism will work in practice (e.g. the appropriate party, timing of independent advice).

…/cont

No	Review Recommendations	Response	Implementation
4	*Restriction on Competition* Approval of occupational rehabilitation service providers. *Review Recommendation* The ability to approve occupational rehabilitation service providers should be retained to ensure that service providers are suitably qualified to perform the tasks required of them.	Accepted	Retain status quo.
5	*Restriction on Competition* Eligibility requirements for self-insurers. *Review Recommendation* Self-insurance requirements should be adjusted to increase flexibility and promote the expansion of self-insurance as it allows greater emphasis to be placed on innovative occupational heath and safety outcomes rather than the insurance product.	Accepted	VWA to assess the prospect of increasing self-insurance type arrangements.

No	Restrictions on Competition Remaining	Competition Policy Justification
1	A compulsion exists for employers to obtain WorkCover insurance in respect of their liability to pay compensation and common law damages to employees.	Retention of the compulsory scheme is justified on the grounds of meeting the legislated objectives, which may not be achieved in the absence of compulsory workers' compensation. These objectives aim to improve the health and safety of people at work and to reduce the economic and social costs to the Victorian community of workplace accident compensation.
2	The VWA is the single manager of workers' compensation insurance.	The retention of a single supplier is justified on the basis that the review identifies a net benefit in the retention of a single supplier arrangement. However, it should be noted that the Government would continue to review the functions performed by the VWA to identify if there is scope for greater contestability to be introduced.
3	Centralised premium setting (regulated price).	Given the recommendation to retain a single supplier is endorsed, it is not possible to introduce competition into the premium setting process. However, it has been agreed that a third party review mechanism be introduced. Further evaluation of how this will be done is to be undertaken.
4	Approval of occupational rehabilitation service providers.	The retention of the existing accreditation process is on the basis that service providers with reputable credentials provide services to those persons injured in the workplace.
5	Eligibility requirements for self-insurers.	This restriction is to be retained whilst consideration is given to the extension of this program. However, it is not anticipated to eliminate this restriction as to do so may jeopardise the long-term viability of the scheme.

Legislation:	*Gaming Machine Control Act 1991* (and the *Gaming and Betting Act 1994* as it relates to a gaming operator's licence and relevant regulations)	Portfolio:	Gaming
Reviewer:	Marsden Jacob and Associates	Date review completed:	November 2000
Consultation:	Public consultation, submissions received and further targeted consultation prior to report.	Date response released:	18 July 2001
No	**Review Recommendations**	**Response**	**Implementation**
1	*Two-Operator System* The excessive generosity of the current licenses and resulting monopoly rents should end as soon as practicable. The two-operator system should not be continued beyond the expiry of the current contracts and that a competitive model be based on Queensland. However, whichever model is chosen we strongly recommend that there be no profit sharing. It was recommended that the Victorian Government use the discretion provided by clause 8 of the Gaming Operator's Licence to: i) remove the monopoly profits above the level of payments necessary to ensure competitive or regulated provision of monitoring, servicing and machine rental; ii) provide the operators with a flat cost-based fee for these services to venues. Unlike the 1996 review, any future review should be public and transparent.	The Government notes that the recommendation does not directly deal with a competitive restriction and does not require Government action for the purpose of NCP compliance. However the Government notes the findings of the review with regard to the accrual and distribution of economic rents resulting from the industry arrangements. The Government agrees that a comprehensive review should be conducted closer to the expiry of the current licences to examine the appropriate industry structure beyond 2012. Without pre-empting the review, the Government is supportive of greater competition in the industry.	Any comprehensive review of the post-2012 industry structure should consider a number of the issues raised by the review, including the appropriateness of the continuation of the profit sharing arrangements, ownership structure and number of gaming operator licenses. However, the review erred in presenting the option of a further 'clause 8 review' of profit sharing and taxation arrangements. Following that review, conducted in 1996, the previous Government removed that provision from the legislation and the licences. Changes to the profit sharing and taxation arrangements before 2012 would require a fundamental alteration of the operating environment established for the terms of the licences. The Government has given an undertaking to honour the principles and commitments given at the time the licences were issued.
2	The Government and the racing industry should take the early opportunity to renegotiate the current open-ended Agreement Act to ensure on-going support independent of the existing duopoly and financing arrangements, so that agreed new arrangements can be in place when the existing contracts/licenses expire in 2012.	Accepted in-principle	The Government accepts in principle the recommendation, noting that the review identifies support of the racing industry as an objective of the legislation.

…/cont

No	Review Recommendations	Response	Implementation
3	The legislation should be amended to remove the requirement that monitoring and control be a requirement of the operator's licence. There would consequently be no need to require the system to be on-line, real-time.	Accepted in-principle	While the intention is to retain the requirement that monitoring and control be a requirement of the operator's licence for the life of the current arrangements, the Government will consult with the Victorian Casino and Gaming Authority (VCGA) and the industry on the most appropriate way forward for monitoring arrangements. A key consideration in examining this issue will be to ensure the absolute integrity of the on-line monitoring regime.
4	The allocation of at least 20 per cent of gaming machines to non-metropolitan Victoria – this restriction should be removed from the legislation.	Rejected – issue will be monitored and addressed as the impacts of recent policy initiatives are known.	The Government notes the recommendation and will monitor the impact of the recent, more sophisticated, reforms on the distribution of machines across the State. Until the impacts of recent policy initiatives introducing regional caps and social and economic benefit tests are known the Government will retain the current restriction.
5	Club-Hotel 50:50 Split – this restriction should be retained.	Accepted	No action required.
6	*Quasi-Clubs* This package of measures should be adopted: (a) separate liquor and gaming licences and break the presumption that award of a liquor licence automatically qualifies the venue for a gaming licence. The legislative change has already been made, but the change needs to be signalled; (b) provide legislative clarity and guidance to the VCGA by explicitly listing the items to be considered in any case by case assessment of the 'reasonableness' or otherwise of commercial arrangements; (c) prohibit in totality profit-sharing arrangements or prohibit, subject to specifically authorised exceptions, profit-sharing arrangements; (d) require and resource the VCGA to undertake ex-post analysis of the sources and uses of funds from gaming and other activities in those clubs contracting external management contract services and leasing premises from related third parties; (e) provide and enforce penalties on companies, their directors and the club directors found to be involved in non-genuine club gaming activities. For instance, banning these persons and entities from further involvement in gaming; and	(a) Accepted (b) Accepted in-principle (c) Accepted in-principle (d) Accepted in-principle (e) Rejected	The Government has already put in place measures that introduce Recommendation (a). The Government accepts in-principle recommendations (b) & (d) to provide broader scope for the assessment of club venues and the appropriateness of applying the Community Support Fund levy and to provide a mechanism for venues to demonstrate the wider community benefits of their gaming activities. The Government is considering a number of options. The Government accepts in-principle recommendation (c). However it should be recognised that some clubs have benefited from such management arrangements. The Government will examine the issue in more detail to determine the appropriate changes to the existing regime.

…/cont

No	Review Recommendations	Response	Implementation
	(f) tighten direct responsibilities for clubs engaging in substantial gaming activity. For instance, amend the gaming machine control act to require directors of such clubs to be bound by the same responsibilities of directors of companies under Corporations Law.	(f) Rejected	The Government does not accept recommendations (e) & (f) believing that the principal focus of gaming legislation should be to ensure the honesty and integrity of the gaming industry and its participants, rather than duplicate Corporations Law and other legislative governance of general commercial activities.
7	Limits on machine numbers per venue – this restriction should be retained for the time being.	Accepted	No action required
8	24-hour Gaming Restrictions – this restriction should be retained.	Accepted	No action required
9	*Gaming Venues restricted to Licensed Premises only* Only venues with one of: a general licence under the *Liquor Control Reform Act 1998*, a club licence under s.10 of the same Act or a licence under Part I of the *Racing Act 1958* (or a licence issued under these sections but with conditions under s.80 of the Liquor Control Act 1987) can be approved premises (s.12A).	Accepted	The Government accepts the recommendation to restrict gaming to licensed club and hotel venues.
10	*Denominations and Betting Limits* The general ability to set bet limits under Ministerial Direction should be retained. We also recommend that the use of more aggressive bet limits should follow appropriate research and testing.	Accepted	The Government accepts the recommendation to retain the ability to set bet limits. The Government would wish to see research conducted into the effectiveness of bet limits to promote responsible gambling behaviour.
11	*Venue Operator Cannot Have Two Premises Within 100m* Where an applicant (or an associate) has an existing venue within 100m of a proposed venue, these venues must be independent of each other.	Accepted	No action required
12	*General probity requirements* The existing probity restrictions should be retained and continue to be subject to on-going independent review.	Accepted in-principle	The Government is satisfied that the barriers to entry presented by the stringent probity arrangements are in the public interest to ensure integrity and honesty in the gaming industry.
13	*Secrecy restrictions under Section 139* More explicit guidance should be given to the VCGA on its role and responsibilities.	Accepted	While the recommendation does not strictly deal with matters of competitive restrictions, the Government supports in principle the notion of continual review of these provisions. Recent amendments to this section of the Act provide for more accountability and openness of the VCGA including the conduct of open hearings. To the extent that more public information assists competitive outcomes then the Government has already acted to remove competitive restrictions.

…/cont

No	Restrictions on Competition Remaining	Competition Policy Justification
1	Recommendation 4 The allocation of at least 20 per cent of gaming machines to non-metropolitan Victoria – this restriction should be removed from the legislation	The Government notes the recommendation and will monitor the impact of the recent, more sophisticated, reforms on the distribution of machines across the State. Until the impacts of recent policy initiatives introducing regional caps and social and economic benefit tests are known the Government will retain the current restriction.
2	Recommendation 6 (e) provide and enforce penalties on companies, their directors and the club directors found to be involved in non-genuine club gaming activities. (f) tighten direct responsibilities for clubs engaging in substantial gaming activity.	The Government does not accept recommendations (e) & (f) believing that the principal focus of gaming legislation should be to ensure the honesty and integrity of the gaming industry and its participants, rather than duplicate Corporations Law and other legislative governance of general commercial activities.

Legislation:	*Transport Accident Act 1986*	Portfolio:	WorkCover
Reviewer:	PricewaterhouseCoopers and Minter Ellison Lawyers	Date review completed:	December 2000
Consultation:	Advertisements were placed for the receipt of submissions, targeted stakeholder consultation was also undertaken.	Date response released:	February 2001 (Draft Response).

No	Review Recommendations	Response	Implementation
1	*Restriction on Competition* There is a compulsion for all registered vehicle owners in Victoria to pay a transport accident charge. *Review Recommendation* The charge should remain compulsory in the interests of achieving the social policy objectives of the Act.	Accepted	Retain status quo.
2	*Restriction on Competition* The Transport Accident Commission (TAC) is the single manager of the transport accident compensation scheme in Victoria. This is, in effect, a legislated monopoly. *Review Recommendation* The single manager arrangement should be maintained for Compulsory Third Party personal insurance in Victoria at this time, as it provides the greatest net public benefit. However, the Victorian Government may wish to consider the scope for improved market testing of some of the services provided.	Accepted	Retain status quo. However, the Government will continue to review the functions performed by the TAC to identify if there is scope for greater contestability to be introduced.
3	*Restriction on Competition* Centralised premium setting (regulated price). The transport accident charge is determined by the TAC, subject to provisions in the Act and approval by the Minister. *Review Recommendation* The premium setting responsibility should remain with the TAC. However, an independent third party review of the TAC's proposed premiums should occur prior to Ministerial approval. The review should be made public prior to the Minister's decision and it should examine and report on the premium methodology, and the cross subsidies that exist within the premium structure. This would provide greater transparency in the review setting process.	Accepted Accept recommendation of a third party review of premium.	Further work will be undertaken to determine how the mechanism will work in practice (e.g. the appropriate party, timing of independent advice).

…/cont

No	Restrictions on Competition Remaining	Competition Policy Justification
1	There is a compulsion for all registered vehicle owners in Victoria to pay a transport accident charge.	Retention of the compulsory scheme is justified on the grounds of meeting the legislated objectives, which may not be achieved in the absence of compulsory transport accident compensation. The scheme aims to achieve broader social policy objectives through universal coverage, access to fair and just benefits, affordable premiums for all users, and through an emphasis on accident prevention and rehabilitation.
2	The TAC is the single manager of the transport accident compensation scheme in Victoria. This is, in effect, a legislated monopoly.	The retention of a single supplier is justified on the basis that the review identifies a net benefit in the retention of a single supplier arrangement. However, it should be noted that the Government would continue to review the functions performed by the TAC to identify if there is scope for greater contestability to be introduced.
3	Centralised premium setting (regulated price). The transport accident charge is determined by the TAC, subject to provisions in the Act and approval by the Minister.	Given the recommendation is to retain a single supplier is endorsed, it is not possible to introduce competition into the premium setting process. However, it has been agreed that a third party review mechanism be introduced. Further evaluation of how this will be done is to be undertaken.

Table 3: List of Reviews Completed/Report Released

Table 3 lists, by Victorian State departments and portfolios, legislation reviews completed where the report has been released.

	Department of Human Services	
No	Legislation	Portfolio
1	*Adoption Act 1984* *Adoption (Inter–Country Fees) Regulations 1992*	Community Services
2	*Pharmacists Act 1974*	Health

	Department of Infrastructure	
No	Legislation	Portfolio
1	*Planning and Environment Act 1987*	Planning
2	*Transport Act 1983 – Part 6 Div 5 (Provisions relating to taxis and small commercial vehicles)*	Transport
3	*Transport Act 1983 Part 6 of Division 8 – (Provisions relating to tow trucks)*	Transport

	Department of Justice	
No	Legislation	Portfolio
1	*Estate Agents Act 1980*	Consumer Affairs
2	*Travel Agents Act 1986*	Consumer Affairs

	Department of Natural Resources and Environment	
No	Legislation	Portfolio
1	*Flora & Fauna Guarantee Act 1988*	Environment & Conservation
2	*Pipelines Act 1967*	Energy and Resources
3	*Water Act 1989; Water Industry Act 1994; Melbourne & Metropolitan Board of Works Act 1958; Melbourne Water Corporation Act 1992*	Environment & Conservation
4	*Wildlife Act 1975*	Environment & Conservation

Table 4: Details of Reviews Completed/Report Released

Table 4 summarises, by Victorian State departments, legislation reviews completed where the report has been released.

<table>
<tr><th colspan="5">Department of Human Services</th></tr>
<tr><td colspan="2">Legislation:</td><td>Adoption Act 1984
Adoption (Inter–Country Fees) Regulations 1992</td><td>Portfolio:</td><td>Justice, Community Services</td></tr>
<tr><td colspan="2">Reviewer:</td><td>In House (Departments of Justice and Human Services)</td><td>Date review completed:</td><td>Late 1998</td></tr>
<tr><td colspan="2">Consultation:</td><td colspan="3">Notice and call for submissions, targeted interviews (various organisations representing domestic and inter-country adoption agencies, birth mothers, adoptees and adoptive families).</td></tr>
<tr><td>No</td><td colspan="4">Review Recommendations</td></tr>
<tr><td>1</td><td colspan="4">That adoption legislation meets the guiding legislative criteria that the benefits to the community as a whole outweigh the costs, and the objective of the legislation can only be achieved by restricting competition.</td></tr>
<tr><td>2</td><td colspan="4">In order to protect the interests of children, and meet Australia's obligations as signatory to the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption, that legislative safeguards remain in place in relation to each section of the Adoption Act and the Adoption (Inter–Country Fees) Regulations identified as containing competitive restrictions.</td></tr>
</table>

Legislation:	*Pharmacists Act 1974*	Portfolio:	Health
Reviewer:	External review – for COAG	Date review completed:	February 2000
Consultation:	National Review now under final consideration by Senior Officials Working Group – expected to be presented to COAG mid-2001.		

No	Review Recommendations
	The following summarises some of the main recommendations. Refer to the national review report for a complete list of recommendations.
1	Legislative restrictions on who may own and operate community pharmacies are to be retained (confined to registered pharmacists).
2	Remove residential requirements for pharmacy ownership. Retain requirements that pharmacists must be registered in a jurisdiction in order to own a pharmacy – pending adoption of national arrangements.
3	Retain pharmacy ownership structures, and in addition, corporations with shareholders of defined types.
4	Lift restrictions on the number of pharmacies a person may own or have interest in, but monitor effect of lifting restriction on market; retain requirements that pharmacists must be in charge of, or under direct supervision of, a registered pharmacist.
5	Friendly societies may continue to operate pharmacies, but no new friendly societies to be owned, established or operated; all corporately owned pharmacies to be restricted under grandparenting provisions. Refer financial and corporate arrangements of pharmacist and friendly-society owned pharmacies to the ACCC and take into account findings in legislative reform.
6	Retain some form of restriction on the number of pharmacies as outlets for the Pharmaceutical Benefits Scheme (PBS). Parties to the Australian Community Pharmacy Agreement consider, in the interests of greater competition in community pharmacy, a remuneration system for PBS services that restricts the overall number of pharmacies by rewarding more efficient pharmacy businesses and practices.
7	Pharmacy remains a registrable profession, and that legislation governing registration should be the minimum necessary to protect the public interest by promoting the safe and competent practice of pharmacy. Legislative requirements restricting the practice of pharmacy, with limited exceptions, to registered pharmacists are retained. Legislative limitations on the use of the title "pharmacist" and other appropriate synonyms for professional purposes are retained. Legislative requirements for a registered pharmacist, to have particular personal qualities, other than appropriate proficiency in written and spoken English, and good character, are removed. Legislative requirements for membership of a professional association or society as being necessary for registration as a pharmacist are removed. Legislative requirements specifying qualifications, training and professional experience needed for initial registration as a pharmacist are retained, but States and Territories should move towards replacing qualifications-based criteria with solely competency-based registration requirements if, and as appropriate, workable assessment mechanisms can be adopted and applied.

Department of Infrastructure			
Legislation:	*Planning and Environment Act 1987*	Portfolio:	Planning
Reviewer:	Deacons Lawyers	Date review completed:	March 2001
Consultation:	Discussion Paper released, public call for submissions advertised and targeted consultation undertaken.		

No	Review Recommendations
1	That the Government develop and maintain a database providing information re number of planning scheme amendments/planning applications by type, number of objections by type, number of appeals by type and number of successful appeals by type.
2	That the Government scrutinise provisions in the legislation (including those relating to Responsible Authorities and monopoly powers, zoning and overlay controls, activity centre provisions and development contribution plans), and give consideration to either removing the restriction imposed, or modifying it to lessen restriction.
3	That planning-specific NCP guidelines and workshops be implemented to assist Planning and Responsible Authorities to ensure that the public benefit outweighs the costs of any planning intervention. If the guidelines and workshops are not effective, an overarching public benefit test should be inserted into the Act.
4	That section 60 of the Act be amended to make it consistent with other parts of the Act.
5	That (where it is cost-effective to do so) performance-based overlays and particular provisions be used in preference to potentially costly prescriptive criteria.
6	That costs associated with restrictions on competition under activity centre controls be reduced.
7	That consistency of planning decisions concerning planning scheme amendments and permit applications be improved.
8	Ensure that exceptions to Particular Provisions, zones, overlays and particular State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) policies (including those relating to activity centres) are consistent with NCP principles and objectives and are regularly reviewed to determine whether additional exceptions are appropriate.
9	That exemptions of land use or development by Responsible Authorities either be removed from the Ministerial permit process, or that the application of exemptions be narrowed.
10	That the Home Occupation Particular Provision be amended to make it more consistent with performance criteria, and ensure that exceptions reflect community preferences.
11	That costs associated with Section 173 Agreements be reduced.
12	That costs associated with economic objections, and with the lack of enforcement of existing provisions of the Act intended to prevent economic objections, be reduced.
13	That a review be conducted to determine whether it is feasible to remove from Planning Authorities and Responsible Authorities the monopoly on provision of certain administrative functions that may be performed by other parties at lower cost.
14	That consideration be given to the introduction of a sunset clause in permits for alternative uses, where the likely community benefits associated with an alternative use will not outweigh the costs, and the alternative use generates a major negative externality.

Legislation:	*Transport Act 1983 (Division 8 of Part 6, provisions relating to tow trucks)*	Portfolio:	Infrastructure
Reviewer:	KPMG Consulting	Date review completed:	May 1999
Consultation:	Targeted consultation with key stakeholders, written submissions from stakeholders.		

No	Review Recommendations
1	Basic licensing requirements should cover accident and trade towing. Accreditation of operators to also be considered.
2	Motorcycle carriers should be exempt from basic licensing requirements. License requirements should allow more flexibility in vehicle type.
3	Removal of need restrictions on accident and heavy accident licenses.
4	Amalgamate licence types and conditions into a single category.
5	Consider accreditation of operators holding Single Holder licenses.
6	The required hours of opening for depots should be relaxed.
7	The need criterion for location restrictions should be removed.
8	The Accident Towing Driver Authority should cover accident and trade towing.
9	The TPA status of the allocation scheme should be reviewed. A franchise bidding scheme for tow truck services to be considered.
10	Allocation zones should be made more transparent and more aligned with LGA areas.
11	RACV involvement in the allocation scheme is currently subject to the TPA and therefore should be maintained.
12	Dual tows to be allowed where appropriate.
13	Allow insurance companies to monitor ATT verification.
14	Consumers to have access to information pamphlet and insurance company advice at the towing destination.
15	Self-Management Areas to apply only where market failures are clearly evident and cannot be addressed more directly. A regulatory impact statement should be required where a Self-Management Area is proposed. The TPA status of the Geelong Scheme should be reviewed.
16	The Office of the Regulator-General should assume responsibility for fee regulation. Fee regulation controls are not to be extended in scope.
17	Repeal of the legislative prohibition on touting. Voluntary or mandatory codes of conduct should be adopted.
18	Prohibition on drop fees to be removed. Competition between repairers to be enhanced by stricter enforcement of laws preventing retention of accident vehicles.
19	ATT verification of repair obligations to be retained. The 48-hour cooling off period currently allowed to customers of repairers to be retained with stronger enforcement.

<table>
<tr><td colspan="2">Legislation:</td><td>*Transport Act 1983* (Division 5 of Part 6, provisions relating to taxis and small commercial vehicles)</td><td>Portfolio:</td><td>Infrastructure</td></tr>
<tr><td colspan="2">Reviewer:</td><td>KPMG Consulting</td><td>Date review completed:</td><td>October 2000</td></tr>
<tr><td colspan="2">Consultation:</td><td colspan="3">Submissions invited on discussion paper; direct discussions with key stakeholders.</td></tr>
<tr><td>No</td><td colspan="4">Review Recommendations</td></tr>
<tr><td>1</td><td colspan="4">The public interest entry restrictions for taxis and hire cars should be removed. Buyback of licenses in the cruising market should be funded by a levy on the industry.</td></tr>
<tr><td>2</td><td colspan="4">The zoning restrictions for taxi-cabs and hire cars should be removed.</td></tr>
<tr><td>3</td><td colspan="4">In the short term, fare regulation powers in relation to the taxi market should be moved to the Regulator-General. In the long term, fare regulation in the cruising market should be removed when effective competition is achieved at ranks. No fare restrictions to apply to hire cars.</td></tr>
<tr><td>4</td><td colspan="4">Vehicle standards should be related to safety objectives. However, there should no change to livery or to other standards. Vehicle standards should apply equally to taxi-cabs, hire cars and special purpose vehicles.</td></tr>
<tr><td>5</td><td colspan="4">In the short term, the requirement for operators to belong to a depot should be maintained. However, this should be removed in the long term. There should also be an elimination of 'excessive' authorisation requirements for depots.</td></tr>
<tr><td>6</td><td colspan="4">Taxi-cabs must have a meter.</td></tr>
<tr><td>7</td><td colspan="4">The prohibition on route services should be removed where public transport is not operating or where under contract.</td></tr>
<tr><td>8</td><td colspan="4">Hire cars should be eligible for Multi-Purpose Taxi Program subsidies, providing that price problems can be overcome.</td></tr>
<tr><td>9</td><td colspan="4">There should be a standard set of license conditions for the cruising taxi-cab market, including hire on demand. There should also be a standard set of license conditions for the pre-booked market, including no plying for hire and no standing at ranks.</td></tr>
<tr><td>10</td><td colspan="4">In regards to driver regulation, a driver 'demerit' point system should be introduced for breaches of certificate conditions and regulations.</td></tr>
</table>

Department of Justice			
Legislation:	*Estate Agents Act 1980*	Portfolio:	Consumer Affairs
Reviewer:	KPMG Consulting Pty Ltd	Date review completed:	October 2000
Consultation:	Submissions invited on public issues paper; direct discussions with key stakeholders.		

No	Review Recommendations
1	Two levels of licensing be introduced: 1. an estate agent licence for residential sales ; and 2. a general estate agent licence.
2	Applicants for a general estate agent's licence should be required to meet the eligibility criteria currently specified in clause 14(5) of the *Estate Agents Act 1980;* and would need to comply with existing regulations relating to trust accounts and the legislative code of conduct.
3	Applicants for residential sales licence should meet minimum competency standards; and the eligibility criteria currently specified in clause 14(5). Residential sales agents would also need to comply with existing regulations relating to trust accounts and professional conduct. In the event that agents fail to observe any of these regulations they would be subject to the same disciplinary procedures, as currently applies to agents.
4	In addition to the existing prescribed qualifications, other persons should be eligible for a residential estate agents licence via: an amendment to the *Estate Agents Act 1980* to include a general deeming clause, with the specific qualifications eligible for deeming spelled out in the regulations (e.g. legal profession qualifications); and prescribing alternative competency standards in regulations.
5	Applicants be able to choose between a one-year internship with an agent or the completion of a practical training course.
6	Agents' representatives working in residential sales should complete the agents' representatives course as currently prescribed.
7	The requirement that an employer sight a police check not more than 14 days old before employing a person as an agent's representative be replaced with requirements that the employer sight a police check and - where a police check more than 12 months old is relied upon - within 6 weeks sight a police check not more than 6 weeks old.
8	Corporations should be able to obtain a licence if: every director meets the probity requirements of clause 14(5); and the corporation has a licensed agent or agents who supervises all agents representatives and is responsible and accountable for all real estate transactions. This could be satisfied by the current officer in effective control provisions requiring a licensed agent to supervise each place of business; or alternatively, businesses could make a case to the Business Licensing Authority that their arrangements meet the supervision, responsibility and accountability objectives of the Act.
9	The restrictions on shareholdings for agents' representatives be removed.
10	Part (e) of the definition of an estate agent, including compiling information and preparing reports on property transactions within the estate agents monopoly, be removed.
11	The restrictions on soliciting of listings be removed.
12	The restrictions on commission sharing should be removed.
13	The restrictions on representatives not being employed by more than one agent be removed.

…/cont

No	Review Recommendations
14	The *Estate Agents Act 1980* be amended to provide a 30-day period in which an agent's representative may apply to VCAT to show cause why he or she should not becom e ineligible following an offence being proven or a fund claim allowed.
15	Advertising provisions contained within the *Estate Agents Act 1980* be maintained.
16	Clause 36(1) provisions restricting flexibility in business naming be repealed.
17	The *Estate Agents Act 1980* should be amended to provide an auditor qualification similar to the *Legal Practice Act 1996*.
18	The Estate Agents Guarantee Fund be retained. However, there is merit in Consumer and Business Affairs Victoria investigating the feasibility of giving agents the choice of being covered by EAGF or taking out an alternative form of fidelity guarantee protection, such as private-professional indemnity insurance, to a prescribed level.

Legislation:	*Travel Agents Act 1986*	Portfolio:	Consumer Affairs
Reviewer:	Centre for International Economics	Date review completed:	March 2000
Consultation:	Submissions invited on public issues paper; direct discussions with key stakeholders.		

No.	Review Recommendations
1	The qualification and experience specified for licensing should be removed.
2	The main reason for retaining a fit and proper person test would be to facilitate a mandatory insurance or compensation scheme. If there were no such scheme the fit and proper person test should be dropped on the ground that demonstrated benefits do not exceed the costs.
3	The requirement for TCF membership should be dropped.
4	In reference to alternative methods of regulation, a competitive insurance system whereby private insurers would be allowed to compete with the TCF — according to prescribed rules and conditions — is the best of the available options.
5	The current positive licensing *framework* should remain, and be administered by the present state licensing authorities. However, licensing functions should be limited to a fit and proper person test and a check that any compulsory insurance requirements are satisfied.
6	A 'voluntary' or 'no legislated requirements' model with no mandatory membership of the TCF or prescriptive licensing is the long-term recommendation for the regulation of travel agents. Licensing would be unnecessary and a registration system providing a basis for monitoring trace back and sanctions would be sufficient.

Department of Natural Resources and Environment			
Legislation:	*Flora and Fauna Guarantee Act 1988*	Portfolio:	Environment and Conservation
Reviewer:	Consultant (KPMG)	Date review completed:	February 1999
Consultation:	Issues paper and call for submissions, targeted interviews.		

No	Review Recommendations
1	No change to the listing process for species under the Act.
2	No change to the provisions outlining management processes.
3	No legislative change to the provisions detailing Interim Conservation Orders, the provisions provide a 'safety net' for protection of native flora and fauna. However, they have the potential to be restrictive if applied in a discriminatory manner.
4	No legislative changes to the current permit provisions for native flora collection. However, there are effects on competition created by the division of the permit system by land ownership (public or private) and the pricing of these permits. Charging for permits should reflect full costs, including opportunity costs of alternative land uses. Decision guidelines for issuing of permits should facilitate transparency and reflect awareness of competition issues.
5	No legislative change to the processes used in the operation of the Act. Consideration should be given to taking a broader legislative approach to environmental regulation.
6	The regulations created under the Act do not restrict competition.

Legislation:	*Pipelines Act 1997*	Portfolio:	Energy and Resources
Reviewer:	Consultant (Alex Dobbs)	Date review completed:	February 1997
Consultation:	Release of issues paper and call for submissions, targeted interviews.		

No	Review Recommendations
1	Victoria should initiate moves to introduce a consistent regulatory regime for pipelines throughout Australia.
2	The Act should include a definition of which pipelines are covered by the Act.
3	Consideration should be given to formalise time limits for government assessment of pipeline projects.
4	The system of separate permits and licences should be clarified and consideration given to a system of stages of approval.
5	The restrictions on tradeability of pipelines, permits and licences should be relaxed in a way which removes possible delays from the mergers and acquisitions process, but which maintains safety and environmental standards.
6	Unilateral powers on the part of regulators to alter permits or licences should be subject to appeal to the Victorian Civil and Administrative Tribunal.
7	The restriction on transporting only authorised substances in pipelines should be retained.
8	Open access provisions should be removed from the Act and open access should be governed by the forthcoming National Third Party Access Code for Natural Gas Pipelines.
9	Safety requirements within the Act should be based on future guidelines being developed by the Department of Treasury and Finance.
10	Absolute prohibitions on damage should be modified to allow for prior agreed compensation for damage.
11	The liability of operators for damages should be extended beyond two years.
12	The Government should consider issues connected with future rehabilitation and compensation expenses, as it relates to the decommissioning of pipelines.
13	The report considered native title matters to be beyond the scope of an NCP legislation review and declined to make any recommendations.
14	The Government should retain control over the development of permitted pipelines. This control should be clarified in guidelines.
15	The Government should examine the possibilities for the introduction of a standard electronic format for lodgement of maps and other documents.
16	The Government should consider using the Internet for the public display of maps.

<table>
<tr><td>Legislation:</td><td colspan="2">Water Act 1989; Water Industry Act 1994; Melbourne & Metropolitan Board of Works Act 1958; Melbourne Water Corporation Act 1992</td><td>Portfolio:</td><td>Environment & Conservation</td></tr>
<tr><td>Reviewer:</td><td colspan="2">Marsden Jacobs and Associates</td><td>Date review completed:</td><td>June 2001</td></tr>
<tr><td>Consultation:</td><td colspan="4">Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.</td></tr>
<tr><td>No</td><td colspan="4">Review Recommendations</td></tr>
<tr><td>1</td><td colspan="4">Exclusive licences within defined areas should be retained as the preferred model for the provision of water and sewerage services, subject to the implementation of:
• independent price regulation
• efficiency benefits from contracting out, and
• 'vetted competition' for cross-border developments.</td></tr>
<tr><td>2</td><td colspan="4">Competition for the right to supply major new developments, on the basis of cost efficiency, should be encouraged, i.e. to represent 'vetted-competition' against a cost benchmark. A formal protocol should be developed to specify the objectives, criteria and process to be followed. This process should be subject to scrutiny by the Office of the Regulator-General.</td></tr>
<tr><td>3</td><td colspan="4">The Government should implement a review of the costs and benefits of introducing a formal access regime, under Clause 6 of the Competition Principles Agreement, for third party access rights to essential water infrastructure in Victoria. The objective of the regime would be to establish appropriate objectives and criteria, subject to oversight by the Office of the Regulator-General, to ensure that access was consistent with wider Government objectives, such as:
• protecting the rights of existing users of the assets,
• demonstrating significant cost efficiencies, and
• ensuring high standards of accountability for drinking water quality.</td></tr>
<tr><td>4</td><td colspan="4">The following alternative approaches to service delivery should be implemented:
• customers and groupings of customers should be allowed to supply themselves, subject to compliance with health and environmental standards;
• all supply by an entity to customers should be licensed (if greater than a set trigger). Licensees must comply with health, environmental and pricing guidelines.</td></tr>
<tr><td>5</td><td colspan="4">The following suite of reforms should be implemented regarding Water Entitlements and water trading:
• the remaining links between the ownership of land and the ownership of water should be progressively removed, subject to an implementation plan which takes account of incidence effects;
• the interpretation of bulk entitlements and their relationship to individual rights (whether implicit or explicit) should be clarified;
• the discriminative approach to bulk-water pricing should be reviewed. Alternative arrangements should be implemented which ensure compliance with the Strategic Framework and minimise adverse effects on the water markets; and
• the cap on trades should be progressively removed as wider trading rules and protocols become established.</td></tr>
</table>

…/cont

No	Review Recommendations
6	The power to require connection in S147 of the Water Act should be amended, in line with the provisions in S65 of the Water Industry Act, to separate: • the power to require connection, • infrastructure provision and service delivery, and • the power to hear appeals.
7	The provisions, in the Water Act, for the making of by-laws should be amended to reflect current practice, with responsibility for drafting those by-laws to be held by the Minister, subject to an Authority proposing minor amendments to reflect local circumstances.
8	The current restrictive legislative provisions for the licensing of individuals for drilling, and the associated arrangements, should be retained.
9	A single regulatory and legislative framework should be established to ensure a consistent unitary approach to the different water supply entities. That framework will need to be implemented in a way that reflects and recognises the widely different characteristics of those entities.

Legislation:	*Wildlife Act 1975*	Portfolio:	Environment & Conservation
Reviewer:	Consultant (KPMG)	Date review completed:	September 1998
Consultation:	Issues paper and call for submissions, targeted interviews		

No	Review Recommendations
1	Differences in licensing systems and enforcement practices between States and Territories should be reviewed, and possibly harmonised, to minimise monitoring and enforcement problems.
2	The current licensing system does not restrict competition. However, there is potential for the current system to be simplified.
3	More visible mechanisms, such as education campaigns, in conjunction with increased enforcement, should be used to ensure compliance with the provisions of the Act.
4	The provisions requiring authorisation before commercial harvesting of kangaroos can be undertaken are not a significant restriction on competition. The present decision not to grant authorisation is apparently based on current government policy.
5	Permits should continue to be issued to cover tourist activities related to dolphins in Port Phillip Bay. Industry development and dolphin numbers should be monitored to ensure that the activities of active permit holders enable close interaction with dolphins up to the sustainable limits. Once the sustainable threshold of interaction is reached, permits should be auctioned periodically.
6	Estimates of the value of alternative uses for wetlands used for waterfowl hunting should be undertaken to determine if there are other, more highly valued uses. Then the opportunity costs can be reflected in the fees charged for waterfowl hunting licences.

Table 5: Reviews Completed/Report Not Released

Table 5 summarises, by Victorian State Departments, legislation reviews completed where the report has not yet been released.

Department of Human Services					
No.	Legislation	Portfolio	Reviewer	Consultation	Date Review Completed
1	*Drugs, Poisons and Controlled Substances Act 1981*	Health	External reviewer – review for COAG	Sought as part of review process, including written submissions and meetings with stakeholders in all jurisdictions.	Submitted to COAG in January 2001. COAG referred report to AHMC and AHMAC to an AHMAC Working Party, which has sought comments from jurisdictions and stakeholders but is yet to report.

Department of Justice					
No	Legislation	Portfolio	Reviewer	Consultation	Date Review Completed
1	*Trustee Act 1958*	Consumer Affairs	Consumer & Business Affairs Victoria	Targeted.	December 2001.

Department of Treasury and Finance					
No	Legislation	Portfolio	Reviewer	Consultation	Date Review Completed
1	*Club Keno Act 1993*	Gaming	In house - DTF. Review drafted under the supervision of DTF's steering committee for all NCP reviews.	Consultation with two key industry stakeholders, Tattersalls and Tabcorp.	August 1997

Department of Natural Resources and Environment					
No	Legislation	Portfolio	Reviewer	Consultation	Date Review Completed
1	*Extractive Industries Development Act 1995*	Environment and Conservation	Peter Day Consulting Pty Ltd	Issues paper and call for submissions, targeted interviews.	March 2002
2	*Land Act 1958*; *Crown Land (reserves) Act 1978* and related Acts	Environment & Conservation	The Allen Consulting Group	Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	July 2001

Table 6: Reviews Commenced but Not Completed

Table 6 summarises, by Victorian State Departments, legislation reviews commenced and progressing within target completion dates.

Department of Human Services					
No	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
1	*Pathology Services Accreditation Act 1984* *Pathology Services Accreditation (General) Regulations 1984*	Health	External panel, supported by in-house program area.	Consultation completed. Final Report to Minister being edited in preparation for printing.	Early 2002

Department of Justice					
No	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
1	*Consumer Credit (Victoria) Act 1995*	Consumer Affairs	KPMG	Submissions invited on public issues paper and discussions with key stakeholders.	March 2002
2	*Private Agents Act 1966*	Police and Emergency Services	Freehills Regulatory Group (for review of currently regulated categories, completed November 1999) PricewaterhouseCoopers (for current review of unregulated activities)	Public discussion paper released July 2000. Departmental review and consultation ongoing.	Completion date will depend on outcomes achieved following targeted consultation.

Department of Natural Resources and Environment					
No	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
1	*Livestock Disease Control act 1994; Stock (Seller Liability & Declarations) Act 1993*	Agriculture	PriceWaterhouseCoopers	Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	March 2002
2	*National Parks Act 1975; Water Industry Act (Part IV)*	Environment & Conservation	The Allen Consulting Group	Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	March 2002
3	*Plant Health & Plant Products Act 1995*	Agriculture	PriceWaterhouseCoopers	Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	March 2002

Department of State and Regional Development					
No	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
1	*Trade Measurement Act 1995* *(Uniform Trade Measurement Legislation)*	Small Business	National, led by Queensland (Conducted by independent consultant)	Scoping Paper completed and assessed August 2001. The scoping paper broadly considered that restrictions on the method of sale (relating to meat, beer and spirits, and pre-packaged goods) appear to have little if any adverse impact on competition but provide benefits to consumers. The paper's concerns regarding the costs of restrictions on the sale of non-prepacked meat are being examined through a separate public benefit test.	Public benefit assessment may be completed mid 2002.

…/cont

No	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
				Other restrictions on competition are considered to be sound, imposing few costs while potentially generating widespread and significant benefits. These restrictions relate to the oversight of measurement standards, the prohibition of end-and-end weighing at public weighbridges and the licensing of services organisations and public weighbridges.	

Table 7: Reviews Expected to be Delayed

Table 7 summarises, by Victorian State Departments, legislation reviews commenced but progressing towards completion dates beyond those initially scheduled.

Department of Infrastructure					
No	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
1	*Architects Act 1991*	Planning	February 2000	30 June 2002	A combined NCP review of Victoria's Architects and Building legislation was completed in 1999. The completion date for the **implementation** of reform emanating from this combined review will to some extent depend on outcomes of the Inter-Governmental Working Party established in November 2000 to consider a response to the Productivity Commission's National Review of Legislation Regulating the Architectural Profession. It is anticipated, however, that implementation (including legislation, if such a response is deemed necessary) will be completed by 30 June 2002.
2	*Building Act 1993*	Planning	February 2000	30 June 2002	See information in box above.

Department of Justice					
No	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
1	*Legal Aid Act 1978*	Attorney-General	November 1998	June 2002	Completion is contingent on resolution of discussions with Commonwealth over legal aid funding.

Department of Natural Resources and Environment					
No	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
1	*Livestock Disease Control Act 1994; Stock (Seller Liability & Declarations) Act 1993*	Agriculture	December 2000	March 2002	COAG's extension of the timetable provided an opportunity to more thoroughly consider the issues. Review being finalised.
2	*National Parks Act 1975; Water Industry Act (Part IV)*	Environment & Conservation	December 2000	March 2002	Review delayed due to other reforms to the legislation. Draft review report is being finalised by steering committee.
3	*Plant Health & Plant Products Act 1995*	Agriculture	December 2000	March 2002	COAG's extension of the timetable provided an opportunity to more thoroughly consider the issues in this review. Review being finalised.
4	*Flora & Fauna Guarantee Act 1988*	Environment & Conservation	Review complete: February 1999	Govt response expected January 2002	Government response now being finalised.
5	*Wildlife Act 1975*	Environment & Conservation	Review complete: Sept 1998	Govt response expected January 2002	Government response being finalised in line with policy on Flora and Fauna. A Bill was introduced to Parliament in 2001, but has yet to be passed.

Table 8: Reviews Removed

Table 8 summarises, by Victorian State Departments, legislation reviews which have been removed from the review schedule.

Department of Human Services			
No	Legislation	Portfolio	Reason for Removal
1	*Retirement Villages Act 1986*	Senior Victorians	The Office of Regulation Reform undertook an assessment of the Act, and reported that the Act complies with competition principles as it does not contain substantive restrictions on competition, and recommended that the Act be removed from Victoria's National Competition Policy review schedule. Its removal from the timetable of review has been accepted.
2	*Housing Act 1983*	Housing	Reassessment of this Act demonstrated that there are no restrictions on competition contained in the Act. Its removal from the timetable of review has been accepted.

Department of Justice			
No	Legislation	Portfolio	Reason for Removal
1	*Building Societies Act 1986*	Consumer Affairs	Repealed. Jurisdiction has passed to the Commonwealth under financial sector reforms.
2	*Business Investigations Act 1958*	Consumer Affairs	Act repealed.
3	*Co-operation Act 1981*	Consumer Affairs	Replaced by the *Co-operatives Act 1996*.
4	*Financial Institutions (Victoria)Act 1992*	Consumer Affairs	Repealed. Jurisdiction has passed to the Commonwealth under financial sector reforms.
5	*Fundraising Appeals Act 1984*	Consumer Affairs	Repealed and replaced by the *Fundraising Appeals Act 1984.*

Department of Natural Resources and Environment			
No	Legislation	Portfolio	Reason for Removal
1	*Alpine Resorts Act 1983*	Environment & Conservation	Act replaced by the *Alpine Resorts (Management) Act 1997*.
2	Order – authorises the Alpine Resorts Commission to act as a gas undertaking solely within the Mount Buller Alpine Resort.	Environment & Conservation	Order made under Gas & Fuel Corporation Act. Amendments made by an order under the Gas Industry Act make this order redundant.
3	*Biological Control Act*	Agriculture	National legislative scheme. Not considered to restrict competition because it requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.
4	*Catchment and Land Protection Act 1994*	Environment and Conservation	The Act does not restrict competition and it ensures competition in relevant markets is sustainable in the long term. An integrated Victorian Pest Management Framework is being developed by NRE in consultation with key stakeholders as part of the stated Government policy to establish a Rivers and Catchment Restoration program. The Victorian Pest Management Framework will provide the directions for the strategic management of existing and introduced pests in Victoria over the next 5 years. It is expected that the Framework will be released for implementation in mid 2002. The provisions of Part 7 of the Act that relate to extraction of material have been superseded by the *Extractive Industries Development Act 1995* and will be repealed when the Act is next amended.
5	*Dried Fruits Act 1958*	Agriculture	Act repealed by the *Dried Fruits (Repeal) Act 1998* following industry decision to wind-up the Dried Fruits Board.
6	*Electricity Industry Act*	Energy & Resources	The Act gives effect to Victorian reforms that are in line with the introduction & implementation of a national electricity market. An independent legal consultant audited the Act in 1998 and concluded that while there are some restrictions on competition, these restrictions were necessary to achieve the public interest and government's policy objectives.
7	Forest agreement Acts (primarily for softwoods) including: Victree Forests Agreement; Australian Newsprint Mill Limited; Bowater-Scott Agreement; Laminex Industries Agreement; Pulpwood Agreement; and Wood Pulp Agreement.	Environment & Conservation	These are contractual agreements between the owner of the Victorian Plantations Corporation (VPC) and private parties. They were taken on by the newly privatised VPC on behalf of the Government. Several of these agreements have expired/terminated and the legislation will be repealed. These include the Victree Forests Agreement & Bowater-Scott Agreement. The Australian Newsprint Mill Ltd, Laminex Industries Agreement & Woodpulp Agreement remain and have been exempted from review by the Premier so that the Government is not exposed to damages from breach of contract.
8	*Gas Industry Act 1994*	Energy and Resources	The *Gas Industry Act 1994* has been replaced by the *Gas Industry Act 2001*. This Act gives effect to Victorian reforms that are in line with the introduction and implementation of full retail competition. The *Gas Industry (Residual Provisions) Act 1994* now contains provisions of historical import, particularly the restructure and privatisation of the gas industry.

…/cont

No	Legislation	Portfolio	Reason for Removal
9	*Mines Act*	Energy & Resources	This Act has largely been repealed. The few remaining provisions relate to occupational health and safety. These will be reviewed in consultation with the WorkCover Authority with a view to consolidating them with the *Occupational Health & Safety Act*
10	*Veterinary Surgeons Act 1958*	Agriculture	Act repealed and replaced by the *Veterinary Practice Act 1997*.
11	*Victorian Plantations Corporation Act 1993*	Agriculture	The assets of the Corporation were sold in December 1998. Consequently most of the Act will be repealed leaving only provisions related to the Crown's residual interests in the land, licence and legislated supply agreements.
12	*Wheat Marketing Act 1989*	Agriculture	The legislation is redundant and is inconsistent with the Commonwealth legislation, which was reviewed in 2000. It is anticipated that the Act will be repealed at the first available opportunity.

Table 9: List of New Restrictive Legislation

Table 9 lists, by Victorian State Departments, new legislation that restricts competition.

Department of Natural Resources and Environment		
No	Legislation	Portfolio
1	*Electricity Safety (Installations) (Amendment) Regulations 2001*	Energy & Resources
2	*Fisheries (Rock Lobster and Giant Crab) Regulations 2001*	Energy & Resources
3	*Forestry Rights (Amendment) Act 2001*	Environment & Conservation
4	*Gas Industry Act 2001*	Energy & Resources
5	*Livestock Disease Control (Amendment) Act 2001*	Agriculture
6	*Water Industry (Reservoir Parks Land) Regulations 2001*	Environment & Conservation
7	*Wildlife (Whales) (Logans Beach) Regulations 2001*	Environment & Conservation

Table 10: Details of New Restrictive Legislation

Table 10 summarises, by Victorian State Departments, new legislation that restricts competition (detailed summary of Table 9).

Department of Natural Resources and Environment				
Legislation:	*Electricity Safety (Installations) (Amendment) Regulations 2001*			
Portfolio:	Energy & Resources		Date passed:	30 January 2001
No	Restrictions on Competition Introduced	Competition Policy Justification		
1	Prescribed regulations for the installation of electrical equipment, and the quality of materials, fittings and apparatus used.	The regulations reflect changes in work practices brought about by the release of a new Australian/New Zealand standard, AS/NZS 3000:2000 – Wiring Rules. The objective of the regulations is to continue to enhance and promote public safety and minimise risk to persons and damage to property resulting from electrical accidents. The regulations do not limit the number of persons or organisations supplying electrical services to the market, but will require that their knowledge base or skill set remains up to date. The benefits to the public are considered to be significant, and to outweigh the costs.		

Legislation:	*Fisheries (Rock Lobster and Giant Crab) Regulations 2001*			
Portfolio:	Energy & Resources		Date passed:	30 October 2001
No	Restrictions on Competition Introduced	Competition Policy Justification		
1	Introduction of a Quota Management System for the rock lobster and giant crab fisheries.	The QMS restricts competition by limiting the overall catch of the fishery. The NCP review of fisheries legislation found that quota managed fisheries are an efficient approach to regulation that achieve the objectives of the Act with minimal restrictions on competition, and recommended its introduction for rock lobster and giant crab.		
2	The giant crab fishery has a closed season, coinciding with the rock lobster closed season.	The closed season restricts the availability of the resource, but not the ability of a person to enter or operate within the fishery. The restriction is justified on sustainability grounds, as the fishery is closed during a critical phase in the reproductive cycle.		
3	The giant crab fishery access licence is linked to a rock lobster fishery access licence (for the first two years of the operation of the fishery).	This requirement raises the costs of entering the giant crab fishery, as new fishers must hold or purchase a rock lobster fishery licence. This is a transitional restriction (will sunset after 2 years) to allow fishers to adjust to the creation of a giant crab fishery separate from the rock lobster fishery.		
4	Maximum pot limits for giant crab are specified on the licence.	The NCP review found that pot limits for rock lobster prevented the attainment of scale economies and raised the cost of catching rock lobster. A similar restriction for giant crab is likely to have a similar effect. The restriction on pot numbers will be retained for only 2 years, and is considered a transitionary arrangement during the establishment of the new fishery. It is a precautionary measure to ensure sustainability of the stocks.		

Legislation:	*Forestry Rights (Amendment) Act 2001*		
Portfolio:	Environment and Conservation	Date passed:	2 May 2001
No	**Restrictions on Competition Introduced**	**Competition Policy Justification**	
1	A person who wishes to enter a forest property agreement must obtain the consent of registered encumbrance holders before the agreement can be registered. Consent must also be obtained before a registered agreement is amended or terminated.	The Forestry Rights Act provides for the creation of forest property rights and for the ability to protect those rights by registering agreements. The requirement to obtain consent is necessary to ensure that forest property agreements do not adversely impact on the rights of other parties. The costs of obtaining consent are outweighed by the potential adverse impact on the rights of registered encumbrance holders. The restriction is minor in comparison to the likely benefits of an expanded market for carbon rights and plantations.	

Legislation:	*Gas Industry Act 2001*		
Portfolio:	Energy & Resources	Date passed:	7 June 2001
No	**Restrictions on Competition Introduced**	**Competition Policy Justification**	
1	An exclusive franchise to supply gas to a new area may be granted by the ORG.	The Gas Industry Act promotes competition in the retail gas market – retailers compete against each other to provide services to all customers. The exclusive franchise for a defined period allows the development of services in a new area, so that the costs to the developer of building new systems may be recovered. The restriction is considered necessary to encourage supply in a new area. The Essential Services Commission will regulate the granting of exclusive franchises with criteria established in the 1997 Inter-Governmental Agreement.	

Legislation:	*Livestock Disease Control (Amendment) Act 2001*		
Portfolio:	Agriculture	Date passed:	5 December 2001
No	**Restrictions on Competition Introduced**	**Competition Policy Justification**	
1	The mandatory permanent identification scheme introduced by the Act increases compliance costs in the livestock industry.	The compliance costs apply to all industry participants. The additional costs are not considered to be a significant barrier to entry. The costs are outweighed by the benefits of effective livestock disease control.	
2	The Act limits the removal of cattle from sewage farms for slaughter.	This may represent a restriction on competition, but is outweighed by the benefit of preventing *Cystericercus bovis* entering the food chain and leading to tapeworm infestations in humans.	

Legislation:	*Water Industry (Reservoir Parks Land) Regulations 2001*		
Portfolio:	Environment & Conservation	Date passed:	27 November 2001

No	Restrictions on Competition Introduced	Competition Policy Justification
1	Commercial activity is prohibited in reservoir parks, except by permit. The permit may place conditions on trade. The number of permits granted in a park may be limited.	These restrictions limit the number and nature of commercial services provided within reservoir parks. The costs of the permit process are minor, and Parks Victoria operates a system to gain expressions of interest from potential operators. The cost to potential operators of the limited number of permits is considered small given the range of alternative venues in which such services can be provided. The impact on park visitors is not considered significant. In fact, the lack of commercial services is part of the value to visitors of the park experience.

Legislation:	*Wildlife (Whales) (Logans Beach) Regulations 2001*		
Portfolio:	Environment & Conservation	Date passed:	30 January 2001

No	Restrictions on Competition Introduced	Competition Policy Justification
1	The regulations prohibit all boating in Logans Beach while Southern Right Whales are in residence from 1 June to 31 October each year.	The prohibition restricts the ability of people to conduct boat-based whale-watching in this area. (The prohibition also applies to professional fishers. However, they already stay out of the area while the whales are in residence under a voluntary Code of Practice.) The regulations ensure that Southern Right Whales (listed as endangered) are protected from disturbance at the part of the coastline where they regularly come close to shore to calve. The restriction is considered necessary to ensure the long tem conservation of the whales. The economic impact of the restriction on the local community is likely to be small in comparison with the total tourism dollars from land-based whale watching.

Table 11: Regulatory Impact Assessment

Table 11 summarises, by Victorian State Departments, regulatory impact assessments certified by the Commonwealth Office of Regulation Review.

All Departments		
No	Legislation	Did the Commonwealth Office of Regulation Review certify the regulatory Impact Statement? YES/NO
	None	

Part F: Competitive Neutrality

Table 12: Public Enterprises and Business Activities Applying Competitive Neutrality

Department of Employment, Education and Training		
Business Activities	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Significant business activities of post secondary education institutions, viz: TAFE Institutes, Universities, and Council of Adult Education.	All post secondary education agencies have reported that they have complied with the application of competitive neutrality principles to their business activities.	The overriding CSO of ensuring the provision of high quality education, training and employment services to all Victorians is applicable to all of these business activities.
Adult Multicultural Education Services (AMES)	AMES has been restructured as a service agency. As a service agency, AMES receives no State recurrent funding and is therefore obliged to apply pricing principles that reflect full cost attribution.	No applicable CSOs.
Tuition of full fee paying students in Universities	The application of competitive neutrality is subject to consultation with the other States and the Commonwealth because of national implications and joint State/Commonwealth funding arrangements. The tuition of full fee paying students in Universities in Victoria is based on full cost attribution.	Universities as distinct entities are required to comply with all legislation and agreements covering public institutions. Victorian universities include in their annual report to parliament a statement on the extent of progress in implementation and compliance with NCP. No other applicable CSOs.
Competitive tendering between TAFE institutes and registered private training providers for taxpayer funded programs	CN is being applied to the Victorian Government funded program and the New Apprenticeship Program, currently about 18 per cent of TAFE budget. CN is being applied by TAFE institutes in Victoria in all competitive tendering for Government funded programs. This matter is the subject of mandatory reporting in the annual report for each institute.	No applicable CSOs.
Full fee paying overseas students in government schools	Standard fees are set for Government schools in line with the relevant entity being the Government school system rather than individual schools. In setting these fees, the Department has been mindful of the need to apply full cost attribution so as to avoid any suggestion of unfair competition with non-government schools, which has not been at issue.	No applicable CSOs.

Department of Human Services		
Public Trading Enterprises	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
State Cemetery and Crematorium Trusts: Anderson's Creek Cemetery Trust; Ballarat General Cemeteries Trust; Bendigo Cemeteries Trust; Cheltenham and Regional Cemeteries Trust; Trustees of the Fawkner Crematorium and Memorial Park; Geelong Cemeteries Trust; Keilor Cemetery Trust; Trustees of the Lilydale Memorial Park and Cemetery; Memorial Park Cemetery Trust; Mildura Cemetery Trust; Trustees of the Necropolis, Springvale; Preston Cemetery Trust; Templestowe Cemetery Trust; Wyndham Cemeteries Trust	Services provided by cemetery trusts on a monopoly basis (such as the cremation of bodies and the provision of 'rights of burial') are priced on a full-cost recovery basis, with a margin included to cover CSOs, current maintenance and the future cost of maintaining cemeteries and crematoria in perpetuity. As bodies are interred in perpetuity in Victoria cemetery trusts require sufficient reserves to maintain the cemetery when all burial sites have been sold and fees for services are no longer a source of ongoing revenue. A small number of services (e.g. the provision of plaques) are provided in competition with the private sector. In these cases, the application of CN principles is relevant and Trusts have been instructed by the DHS to ensure compliance with CN pricing guideline.	Cemetery trusts are required under the *Cemeteries Act 1958* to provide for the burial of poor persons at no charge when an order is issued by a magistrate to do so. In addition, cemetery trusts may also choose to offer a reduced fee or no fee for burial or cremation of a poor person in circumstances where an order has not been given.
Central Health Interpreter Service CHIS is an incorporated entity under the *Associations Incorporations Act 1981*	CHIS services were formerly provided directly by DHS. In 1989 the Government decided to create CHIS as a separate legal entity with its own management. The predominant service provided by CHIS is interpreting in the health environment. CHIS competes with other interpreting and translation agencies. In January 2001, a company lodged a competitive neutrality complaint with the Competitive Neutrality Complaints Unit. Refer to Volume One, Chapter Six of the current version of the Assessment Report for detail.	DHS purchases from CHIS a guaranteed volume of interpreter services for health industry organisations. CHIS plays a role in informing the medical community in metropolitan and country Victoria of the need for interpreting services in the health industry.
Relevant business activities		
Commercially provided ancillary services undertaken by public hospitals	The DHS has encouraged hospitals to apply CN pricing to their business activities to support more transparent pricing structures and foster competition for the provision of support services. Individual hospitals have applied CN principles to their business activities since 30 June 1998.	Victorian public hospitals have the legal status of independent public statutory bodies and all qualify as Public Benevolent Institutions to which CN does not apply. However, there are no CSOs relating to the ancillary services.

Department of Infrastructure		
Public Trading Enterprises	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Hastings Port (Holding) Corporation HPHC was incorporated under the *Port Services Act 1995*	The HPHC is a statutory corporation (or 'shell'), which holds the freehold titles, and head leases to the land and seabed that make up the commercial Port of Hastings. It is not liable for State or Federal taxes, or for local government fees or charges.	The HPHC administers the port management agreement with a private operator, but has no regulatory powers or obligations to provide CSOs.
Melbourne Port Corporation MPC was incorporated under the *Port Services Act 1995*	The MPC is subject to all State and Federal taxes, including compliance with the Victorian Income Tax Equivalent System. The MPC is subject to all local government rates and charges, and is also subject to the State Government's Financial Accommodation Levy, which aims to offset the competitive advantage associated with government guarantees. The MPC is subject to all State and Federal regulations applying to private sector organisations.	The MPC does not undertake CSOs unless directed by the Treasurer in accordance with Section 38 of the *Port Services Act 1995* and financially compensated accordingly.
Spencer Street Station Authority SSSA was incorporated under the *Rail Corporations and Transport (Amendment) Act 1999*	The SSSA commenced operations on 1 July 2000, and has implemented CN pricing principles. In addition to enabling the provision of commercial services (i.e., food and beverages, toilet and car parking facilities) for users of Spencer Street Station, the SSSA, through the Rail Projects Group of the Department of Infrastructure, is preparing to undertake a major redevelopment of the Spencer Street Station. This redevelopment is proposed to be delivered by a private party, which would be responsible for its design, construction and operation for 25 or 30 years under a concession granted by the State. The State's appointment of that party will be governed by the Partnerships Victoria policy of the Department of Treasury and Finance – under that policy, the Competitive Neutrality principle is applied to allow for a like-by-like comparison of public sector delivery and private sector delivery.	The SSSA has not been directed to undertake CSOs. It provides financial assistance for Travellers Aid.
Urban Land Corporation ULC was established under the *Urban Land Authority Act 1979* and made a State Owned Company on 3 February 1998 under the *State Owned Enterprises Act 1992*	The ULC is subject to all State and Federal taxes, including compliance with the Victorian Income Tax Equivalent regime. The ULC operates in a competitive environment in an open market. It enjoys no preferential access to Government land purchase or services. It operates under the provisions of the Victorian *Financial Management Act 1994*, rather than the Corporations Law, and is subject to all State and Federal regulations applying to private sector organisations.	The ULC does not undertake CSOs unless directed to do so by the Treasurer. The ULC has never been so directed.

Public Trading Enterprises	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Victorian Channels Authority VCA was established under the *Port Services Act 1995*	The VCA is subject to all local government rates and charges, and to all State and Federal taxes, including compliance with the Victorian Income Tax Equivalent regime. The VCA is also subject to the State Government's Financial Accommodation Levy, which aims to offset the competitive advantage associated with government guarantees, although the VCA currently does not have any external borrowings requiring government guarantees. The VCA is subject to all State and Federal regulations applying to private sector organisations.	Not applicable
Victorian Rail Track Vic Track was established under the *Rail Corporations Act 1996*	Vic Track is subject to full tax equivalent status, is levied a capital asset charge by Government and is subject to the normal planning and approval processes and environmental process faced by the private sector. All Vic Track charges are market-based and fully recover costs.	Vic Track separately identifies activities undertaken for the public good, as opposed to its commercial undertakings.
Relevant business activities		
VicRoads - Bituminous Surfacing	Processes are in place to assure CN applies to this business.	Not applicable

Department of Justice		
Relevant business activities	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Victorian Government Solicitor's Office	CN applies to legal services. The Victorian Government Solicitor provides legal services to the Executive Government, Administrative Bodies, and Statutory Authorities.	Not applicable – VGSO is only permitted to undertake work for Executive Government, Administrative Bodies, and Statutory Authorities.
Provision, inspection and servicing etc of fire equipment by Metropolitan Fire Brigade or Country Fire Authority	MFB has fully developed and implemented a commercial business unit that complies with competitive neutrality principles and requirements for the provision of inspection and servicing of fire equipment.	Previously the activity was undertaken in part on a voluntary basis reflecting CSOs.
Emergency management planning and training consultancy services by VICSES	CN applies to services.	

Department of Natural Resources and Environment		
Public Trading Enterprises	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Agriculture Victoria Services Pty Ltd AVS is a company established under Corporations Law owned by the Government. It is the vehicle for the commercialisation of intellectual property developed in the DNRE, and for the research and development contracts entered into by the research institutes.	AVS competes with other providers for research and development funding. The research institutes undertake commercial research projects using a pricing model developed by AVS, consistent with competitive neutrality pricing policies.	AVS does not have any specified CSOs.
Alpine Resorts Management Boards The ARMB were established under the *Alpine Resorts (Management) Act 1997.* Falls Creek ARMB, Lake Mountain ARMB, Mount Baw Baw ARMB, Mount Buller ARMB, Mount Hotham ARMB, and Mount Stirling ARMB	The Boards do not comprise significant business entities within the total tourism business in the areas that they manage. The Boards apply full cost reflective pricing to contestable operations. They establish visitor pricing for park entry within guidelines prescribed by the *Alpine Resort (Management) Regulations 1998*. Some Boards contract out some of their functions, eg waste collection.	The Boards do not have any specified CSOs.
Australian Food Industry Science Centre AFISC was established by the *Australian Food Science Centre Act 1995.* All of the operations of AFISC are conducted through Food Science Australia (FSA), an unincorporated joint venture with the Commonwealth Scientific and Industrial Research Organisation (CSIRO).	FSA provides contract research and development, testing, consulting and conferences at full cost recovery pricing to the food industry. AFISC makes price adjustments to commercial activities to achieve competitive neutrality if necessary.	AFISC does not have any specified CSOs.

…/cont

Relevant business activities	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Forestry Victoria Forestry Victoria was established in August 2000, to separate the commercial and regulatory functions of forestry within DNRE.	Forestry Victoria is progressing towards full cost pricing, and is a signatory to the National Forest Policy Statement, which provides guidelines for market based pricing. An independent Timber Pricing Review is due to be finished in May 2002 and will guide the Government's future approach to appropriate pricing for timber and associated products.	Forestry Victoria does not have any specified CSOs.
Melbourne Market Authority MMA was established under the *Melbourne Market Authority Act 1977* and is responsible for the operation of the Melbourne Wholesale Fruit and Vegetable Market and the National Flower Market Centre.	MMA is progressively addressing full cost recovery pricing to comply with competitive neutrality policy. It makes a relatively modest return on its assets and re-invests profits in on-site capital development to support industry requirements. The Act specifies an obligation on the MMA to operate at its current site close to the city. A review is currently being conducted on the future location of the Market.	The MMA does not have any specified CSOs.
Parks Victoria (including Yarra Bend Park Trust) Parks Victoria is a statutory authority established under the *Parks Victoria Act 1998* Parks Victoria provides management services to Yarra Bend Trust (for Yarra Bend Park) and to Melbourne Water (for the reservoir parks).	Parks Victoria engaged PriceWaterhouseCoopers to prepare a cost allocation model to apply market-based fees and charges to those park services that have charges (about $11 million of total $124 million revenues). Work on the model is continuing and Parks Victoria is progressing with the application of CN pricing.	Parks Victoria does not have any specified CSOs.
Phillip Island Nature Park Board of Management Inc. PINP is a Committee of Management established under section 14(2) of the *Crown Land (Reserves) Act 1978* to administer and manage Crown lands and reserves on Phillip Island.	PINP establishes fees and charges for commercial activities on a cost reflective, commercial basis. The PINP receives no recurrent public funding. Its main source of funding is from visitors and all receipts are spent for the benefit of the Crown land it manages.	The PINP does not have any specified CSOs.
Zoological Parks and Gardens Board ZPGB is a statutory authority and operates under *the Zoological Parks and Gardens Act 1995*.	The Board's funding comes from Government grants, donations, admissions and other trading activities. Admission prices are set by regulation and reflect Government policies. The Board applies Competitive Neutrality to any undertakings that compete with the public sector. Catering operations at Melbourne Zoo and Victoria's Open Range Zoo at Werribee are contracted out.	Discounted admission is offered to some identified groups, particularly children, pensioners and people with disabilities.

…/cont

Relevant business activities	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Non-metropolitan Urban Water Authorities NMUs were established under the *Water Act 1989* to provide water and wastewater services. Barwon Water; Central Highlands Rural Water Authority; Coliban Water; East Gippsland Rural Water Authority; Gippsland Water; Glenelg Water; Goulburn Valley Water; Grampians Water; Lower Murray Water; North East Water; Portland Coast Water; South Gippsland Water; South West Water Authority; Western Water; and Westernport Water.	The NMUs use full cost recovery pricing. They are subject to a State income Tax Equivalent Regime (TER) from July 2001 prior to the introduction of the National TER in July 2002.	The NMUs administer concessions for eligible pensioners, low-income households and other benefit cardholders on behalf of the Department of Human Services. The Government funds these in a transparent way ensuring authorities continue to charge full cost recovery prices.
Rural Water Authorities RWAs were established under the *Water Act 1989* to provide and manage water in rural Victoria. First Mildura Irrigation Trust; Goulburn-Murray RWA; Southern RWA; Sunraysia RWA; and Wimmera-Mallee RWA..	The RWAs use full cost recovery pricing. They are subject to a State income Tax Equivalent Regime (TER) from July 2001 prior to the introduction of the National TER in July 2002.	RWAs also administer, on behalf of the Department of Human Services, concessions for eligible pensioners, low-income households and other benefit cardholders receiving domestic water supply. The Government funds these in a transparent way ensuring authorities continue to charge full cost recovery prices.

Department of Premier and Cabinet		
Public Trading Enterprises	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Cinemedia Corporation The Corporation was established under the *Cinemedia Corporation Act 1997.*	The Cinemedia Corporation reported that its activities comply with the CN policy In 2001 the Cinemedia Corporation Act was repealed by the *Film Act 2001*. The Cinemedia Corporation was reclassified from a Public Trading Enterprise and incorporated into the General Government Sector on 1 July 2001. From 1 January 2002 Cinemedia was split into Film Victoria and Australian Centre for Moving Image (ACMI) under the Film Act.	Not applicable.
Federation Square Management Pty Ltd FSM is a company incorporated under the Corporations Law. It was established to manage the operations of Federation Square once it was built. It has since been given the responsibility to manage the construction of the facility. Its role in the ownership of the facility is still to be determined.	With respect to on-going operations, FSM received initial 'start up' funding of $7.5 million from Government in the nature of an equity contribution to cash-flow/operations until such time as Federation Square (FS) opens and rental income is generated from commercial tenancies. This will happen in early – mid 2002 and FSM will then be a self-sufficient organisation operating on usual commercial terms (without further contributions by Government). FSM's role as project manager for the construction is separate to that for ongoing operations. It contracts private sector providers to do this work on its behalf.	FSM also has responsibility for implementing the Cultural and Civic Charter at Federation Square and must bear all associated costs. The Charter was approved by Shareholders with implied CSOs. At the end of the day, FSM will return significantly more funds to FS for cultural and civic events for which it receives no revenue than the amount it has received from Government.
Geelong Performing Arts Centre Trust GPAC was established under the *Geelong Performing Arts Centre Act 1980.*	The Trust is committed to the implementation of the Victorian Government's CN Policy and related aspects of NCP. Ticket Prices are set at competitive levels bearing in mind the capacity to pay of a regional audience whilst not undercutting the Melbourne market.	The GPAC handles this matter in accordance with the CN Policy by offering concessional prices to selected age groups and special deals to community service organisations such as The Salvation Army.
Queen Victoria Women's Centre Trust The Trust was established under the *Queen Victoria Women's Centre Act 1994.*	The Trust is established as a statutory authority independently from government under its own Act of Parliament. Full CN principles apply.	The Trust does not have any CSOs.

…./cont

Public Trading Enterprises	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Victorian Arts Centre Trust VACT was established under the *Victorian Arts Centre Trust Act 1979.*	The VACT is committed to the implementation of CN policy through the application of full cost reflective pricing of selected ancillary activities. Many activities, such as cleaning, gardening, catering, car park operations and various building maintenance services, are provided to the Centre by private contractors selected by open tender.	The VACT handles this matter in accordance with the CN Policy and the CN Guide to Implementation in Victoria 2000.
Victorian Interpreting and Translating Service *VITS was made a State Owned Company on 1 January 1999 under the State Owned Enterprises Act 1992.*	VITS is subject to the Commonwealth Tax Equivalent regime administered by the DTF. VITS pays a dividend to the government.	Not applicable
Relevant business activities		
Ancillary activities of Cultural Centres Museum Victoria, Geelong Performing Arts Centre, National Gallery of Victoria, Victorian Arts Centre Trust, the State Library of Victoria and Australian Centre for the Moving Image.	All venues have implemented CN policy in relation to ancillary activities (such as venue and facility hire, function centre type activities and catering) of major venues.	Not applicable

Department of State and Regional Development		
Public Trading Enterprises	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Emerald Tourist Railway Board The Board was established under the *Emerald Tourist Railway Board Act 1977.*	The Railway receives no recurrent funding or operating subsidies from Government and hence must remain commercially focused at all times. It is Board policy to review fares on an annual basis.	Not applicable
Greyhound Racing Victoria GRV was established under the *Racing Act 1958.*	GRV complies with the requirements and application of principles in respect to CN policy. It is noted that GRV operations do not include any operation whereby it could be seen to have a competitive advantage.	Not applicable
Harness Racing Victoria HRV was established under the *Racing Act 1958.*	HRV is not a government funded service. Approximately 80 per cent of the Board's income is derived from Tabcorp Holdings Limited pursuant to a Joint Venture agreement with the remainder being derived from 'arms length' business operations.	Not applicable
Overseas Projects Corporation of Victoria Ltd *Made a State Owned Company on 1 July 1996 under the State Owned Enterprises Act 1992.*	The Overseas Projects Corporation is subject to the Commonwealth Tax Equivalent Regime administered by the DTF.	Not applicable
Melbourne and Olympic Parks Trust The Trust was established under the *Melbourne and Olympic Park Act 1985.*	Generally applies CN to its significant business activities.	Not applicable
Melbourne Convention and Exhibition Trust *MCET was established under Melbourne Convention and Exhibition Trust Act 1996.*	MCET recognises the requirements of the NCP relating to CN pricing of products. The Trust continues to review its prices having regard to the obligations outlined in the CN Policy aiming to achieve these obligations over the medium term.	Not applicable
The Melbourne Sports and Aquatic Centre Trust established under Melbourne Sports and Aquatic Centre Act 1994 **Has been renamed the State Sport Centres Trust.**	The Trust applies the principles of CN to all its significant business activities in accordance with the Victorian CN Policy, where it is in competition with private sector enterprises.	Where the provision of services or facilities by the Trust is deemed to be in the public interest, full cost reflective pricing is not implemented.

Department of Treasury and Finance		
Public Financial Enterprises	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Rural Finance Corporation of Victoria The Corporation was established under the *Rural Finance Act 1988*.	The corporatisation model applies including full application of the Commonwealth tax equivalent regime and State taxes and charges. RFC administers schemes including: Young Farmer Finance Scheme, FarmBis, Productivity Enhancement Program, Ovine Johne's Disease Loan Scheme, Land Aggregation Program, Natural Disaster Relief, Regional Rural Adjustment Initiatives and Rural Adjustment Scheme Interest Subsidies.	RFC administers several concessional lending and State Government Schemes pursuant to directions received from the Treasurer.
State Trustees Limited Trustee established under the *State Trustees (State Owned Company) Act 1994*.	The corporatisation model applies including full application of the Commonwealth tax equivalent regime and State taxes and charges.	Fully explicit CSOs with a contract between State Trustees Limited and the Minister for Community Services.
Transport Accident Commission *TAC was established under the Transport Accident Act 1986 and made a state owned company under the State Owned Enterprises Act 1992.*	The corporatisation model applies including full application of the Commonwealth tax equivalent regime and State taxes and charges.	Not applicable
Tricontinental Holdings Ltd and Controlled Entities	A fully corporatised entity under Corporations Law subject to Commonwealth taxes.	Not applicable
Victorian Funds Management Corporation *The Corporation was established under Victorian Funds Management Corporation Act 1994.*	The corporatisation model applies including full application of the Commonwealth tax equivalent regim e and State taxes and charges.	Not applicable
Victorian Managed Insurance Authority *The authority was established under the Victorian Managed Insurance Authority Act 1996.*	Victorian Managed Insurance Authority is a corporatised entity.	Not applicable

Public Trading Enterprises	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
Victorian WorkCover Authority *WorkCover was established under Accident Compensation Act 1985*	The corporatisation model applies including full application of the Commonwealth tax equivalent regime and State taxes and charges.	Not applicable
City West Water Limited *Established under the State Owned Enterprises Act 1992.*	The full corporatisation model applies including full application of the Commonwealth tax equivalent regime, financial accommodation levy, State taxes and charges, and relevant regulations.	A transparent concessions policy applies for eligible pensioners and other relevant cardholders in which the costs are explicitly identified and reimbursed through the budget process.
Gascor Pty Ltd *Gascor is a company incorporated under Corporations Law. Established under the Gas Industry Act 1994.*	The corporatisation model applies including full application of State taxes and charges. To be wound up following the introduction of full retail contestability in the gas market.	Not applicable
Melbourne Water Corporation *Melbourne Water is a statutory corporation constituted under the Melbourne Water Corporation Act 1992.*	The full corporatisation model applies including full application of the Commonwealth income tax equivalent regime, local government rate equivalent regime, financial accommodation levy to offset the advantage of government guarantees, State taxes and charges, and relevant regulations.	Melbourne Water does not have any specified CSOs. Melbourne Water provides major drainage services, manages designated waterways and undertakes the operational functions of floodplain management to the greater Melbourne area.
South East Water Ltd *Established under the State Owned Enterprises Act 1992.*	The full corporatisation model applies including full application of the Commonwealth income tax equivalent regime, financial accommodation levy, State taxes and charges, and relevant regulations.	A transparent concessions policy applies for eligible pensioners and other relevant cardholders in which the costs are explicitly identified and reimbursed through the budget process.
Yarra Valley Water Ltd *Established under the State Owned Enterprises Act 1992.*	The full corporatisation model applies including full application of the Commonwealth income tax equivalent regime, financial accommodation levy, State taxes and charges, and relevant regulations.	A transparent concessions policy applies for eligible pensioners and other relevant cardholders in which the costs are explicitly identified and reimbursed through the budget process.
VicFleet Management and Leasing (VML)	VML provides those services in competition with private sector fleet managers. During 2001 VML arranged a professional review of its pricing model to ensure that it was based on full cost recovery and competitive neutrality principles. The new model is being implemented across VML clients during 2002.	VML is a DTF business unit providing motor vehicle fleet management services to a range of Government departments and agencies. CSOs are not applicable.

…./cont

Public Trading Enterprises	Competitive Neutrality Application as at December 2001	How does the enterprise handle community service obligations (CSOs)?
State Government Vehicle Pool (SGVP)	SGVP provides services in competition with private sector car hire companies. Following the review of VML's pricing model (see above), SGVP made similar adjustments to its pricing model to reflect Competitive Neutrality principles. The new pricing structure was implemented across all clients during 2001.	SGVP is a DTF business unit providing motor vehicle hire services to a range of Government departments and agencies. CSOs are not applicable.
Property Management Services	Property management services are provided under service contracts outsourced by competitive processes to the private sector. Accordingly, the property management services provided by DTF relate to strategy, policy, whole of government coordination and contract management and do not compete with the private sector.	Property management services entail: • the sale of surplus government property (land and buildings) at market rate • the purchase of property (land and buildings) for government agencies • leasing of offices for government agencies at market rates • management of leased and government owned offices for government agencies • fitout and refurbishment of offices for government agencies. In addition property advisory services are provided to government agencies, **generally related to public interest** rather than commercial issues for which no fees are charged. This is the only CSO.

Table 13: Public Enterprises and Business Activities Not Applying Competitive Neutrality

Department of Human Services	
Relevant business activity	Reason for non application of Competitive Neutrality as at December 2001
Treatment of private patients in public hospitals	Any decision to apply CN will need to be made in consultation with other States and the Commonwealth because of the national implications and joint Commonwealth/State funding arrangements. The final Health Services review report (July 2000) recommended that the State Government should no longer prescribe fees for private patients in public hospitals and should not set targets for private patient activity. The State government response was that is a complex issue and implementation is difficult. Policy options are constrained by Commonwealth policy on access by private patients in public hospitals to default benefits and the behaviour of private health insurance funds. The expansion of the private hospital market has seen declining numbers of private patients being treated in public hospitals over the past 10 years. In view of this and the difficulties associated with implementation, it is questionable whether the costs of moving to a policy of full cost recovery for private patients would outweigh the benefits. It is not proposed to explore the costs and benefits until such time as the Commonwealth takes the necessary first step towards feasibility by making second tier benefits available to private patients in public hospitals.
Office of Housing	While notionally a state business activity, public rental housing almost exclusively meets the needs of a client group who cannot access or afford private housing market opportunities. Funding for this program continues under the 1999-2003 CSHA. Current funding arrangements for State Housing Authorities are built around significant subsidy levels and CSO's in recognition of the low incomes of those being housed. Due to the Commonwealth/State Housing Agreement, no unilateral decision can be made by any State on the issue of CN pricing. No significant change in these arrangements is expected in the medium term.

Department of Infrastructure	
Relevant business activity	Reason for non application of Competitive Neutrality as at December 2001
Building Services Agency	The Building Services Agency was sold to technology consulting group Sinclair Knight Merz in April 1999.
VicRoads – **Land Information and Survey** **Road and Bridge Design** **Urban Traffic Control Systems** **Printing Services**	Reviewed under CN Policy - the business activity is small in relation to the size of the market, has minor influence or competitive impact on that market and employs a relatively low level of resources.
Public Transport Corporation PTC was established under the *Transport Act 1983*.	Following the franchising of public transport in Victoria to five private passenger businesses in August 1999, the PTC ceased to operate public transport services. Legislation to abolish the PTC has been passed and is currently awaiting proclamation; this is anticipated to take place in the second half of 2002, following the resolution of outstanding contractual issues between the PTC and the franchisees.

Department of Justice	
Relevant business activity	Reason for non application of Competitive Neutrality as at December 2001
Sale, servicing, installation and monitoring of alarm units in CFA	The majority of the business activity has been sold to Tyco. The CFA is currently developing a tender for the sale of the alarm unit business operating in country areas.
Prison industries	Not required to apply CN principles. The previous Premier exempted prison industries from applying full cost reflective pricing on the grounds that the primary objective of the business activity is to provide meaningful employment for prisoners and to assist in prisoner rehabilitation.
Manufacture and sale of fire trucks and equipment by CFA	Commercially operated - CFA sold its residual 10 per cent share in the joint venture in 1999.

Department of Natural Resources and Environment	
Relevant business activity	Reason for non application of Competitive Neutrality as at December 2001
Catchment Management Authorities CMAs were established on 1 July 1997 under the *Water Act 1989* and/or the *Catchment and Land Protection Act 1994.* Corangamite CMA; East Gippsland CMA; Glenelg Hopkins CMA; Goulburn Broken CMA; Mallee CMA; North Central CMA; North East CMA; West Gippsland CMA; and Wimmera CMA.	CMAs are not significant trading enterprises. CMAs advise the Government on the management of land and water resources in their regions; oversee the preparation and implementation of regional catchment management strategies, and promote the sustainable land and water resource management in partnership with other agencies and local government. Investment by State Government in CMA programs in 2000-01 amounted to $33 million. CMAs also access Commonwealth Government funding programs.
Dairy Food Safety Victoria DFSV was previously the Victorian Dairy Industry Authority (VDIA). *The Dairy Industry Act 1992* was repealed and replaced by the *Dairy Act 2000.*	DFSV is not a significant trading enterprise. DFSV operates as the regulator of food safety, issuing licences and auditing quality control assurance systems. Its main source of funding is through the licence fees and service fees for audits. Fees are based on the outputs.
Environment Protection Authority The EPA is established under the *Environment Protection Act 1970*	The EPA is not a significant trading enterprise. The EPA develops programs to protect the air, water and land from adverse impacts of waste, and for the abatement of noise and litter. Its commercial consultancies are at normal market rates, however income from consultancy is not significant.
Geological Survey of Victoria GSV is a branch of Minerals and Petroleum Victoria (MPV), a division of DNRE.	GSV is not a significant trading enterprise. GSV maintains and develops Victoria's geoscience database, contributing to MPV's broader objective of promoting the development of the State's minerals and extractive industries. GSV sells and makes available to the public information from the database.

…/cont

Relevant business activity	Reason for non application of Competitive Neutrality as at December 2001
Murray Valley Citrus Marketing Board MVCMB was established under the Murray Valley Citrus Marketing Act 1989.	MVCMB is not a significant trading enterprise. MVCMB was established to provide marketing services for citrus growers on both the Victorian and NSW sides of the Murray river. Growers fund the activities of the MVCMB. It does not trade in produce, but provides services to growers based on an Annual Action Plan, consistent with its objectives and statutory functions.
Murray Valley Wine Grape Industry Development Committee (MVWIDC) **Northern Victorian Fresh Tomato Industry Development Committee (NVFTIDC)** **Victorian Strawberry Industry Development Committee (VSIDC)** The *Agricultural Industry Development Act 1990* promotes agricultural industry development by establishing development committees. Orders are usually made for four years.	The three committees MVWIDC, NVFTIDC, and VSIDC are not significant trading enterprises. MVWIDC was established to promote the Murray Valley wine grape industry through market research and the development of improved vineyard management practices. NVFTIDC was established to fund research into the breeding, production and the promotion of domestic and export marketing of fresh tomatoes. VSIDC was established to fund the domestic market promotion of fresh strawberries grown in Victoria and research and development to improve industry productivity.
Regional Waste Management Groups RWMG are established under section 50F of the *Environment Protection Act 1970.* Barwon RWMG; Calder RWMG; Central Murray RWMG; Desert Fringe RWMG; East Gippsland RWMG; Eastern RWMG; Gippsland RWMG; Grampians RWMG; Highlands RWMG; Mildura RWMG; Mornington Peninsula RWMG; Northern East Victorian RWMG; Northern RWMG; South Eastern RWMG; South Western RWMG; and Western RWMG.	The RWMG are not significant trading enterprises. Their role is to facilitate and foster best practice in discarded resource management in the Region pursuant to its functions and powers under the Act. These groups meet their statutory obligations usually through "as of right" funding from the State landfill levy, contributions from member organisations, for example councils within regions, and seeding funds from EcoRecycle Victoria.

…/cont

Relevant business activity	Reason for non application of Competitive Neutrality as at December 2001
Sustainable Energy Authority Victoria SEAV was established under the *Sustainable Energy Victoria Act 1990*	The SEAV is not a significant trading enterprise. SEAV is a provider of information on energy efficiency for the benefit of the Victorian community, business and government enterprises. It also promotes the reduction of green house gas emissions. Most funding is from the Government. Non-government income of approximately $600,000 annually is largely derived from sponsorship.
Victorian Meat Authority The VMA was established under the *Meat Industry Act 1993*	The VMA is not a significant trading enterprise. VMA is a food standards regulator, responsible for licence approval and accreditation and the setting of food safety standards (national and Victorian standards). It is funded from industry fees and has an annual turnover of $1 Million.
Water Training Centre The Centre was established under the *State Owned Enterprises Act 1992*	The Water Training Centre is not a significant trading enterprise. It exists to plan, develop and deliver training courses to people working in water and other industries. It does apply CN pricing principles to its services. The fee structure for the delivery of training is based on the payment of a notional taxation at the corporate rate and the distribution of 50 per cent of the after tax profit as a dividend to the Treasurer.

Department of Premier and Cabinet	
Public Trading Enterprise	Reason for non application of Competitive Neutrality as at December 2001
Victorian Major Events Company Ltd Company limited by guarantee incorporated under Corporations Law.	CN Policy not applicable. The Victorian Major Events Company does not compete with private industry or private organisations in the market place.
Melbourne International Festival of the Arts Ltd Company limited by guarantee incorporated under Corporations Law.	CN not applicable. The Melbourne International Festival of the Arts Ltd is a non-government organisation that receives a grant through Arts Victoria, comparable to many other similar agencies.

Department of State and Regional Development	
Public Trading Enterprise	Reason for non application of Competitive Neutrality as at December 2001
Australian Grand Prix Corporation *Incorporated under the Australian Grand Prix Act 1994.*	Not applicable – its task of staging this major event is not in competition with other private sector activities.
Melbourne 2002 World Masters Games Ltd Company limited by guarantee incorporated under Corporations Law in July 1998.	Not applicable – its task of staging this major event is not in competition with other private sector activities.
Melbourne 2006 Commonwealth Games Pty Ltd Company limited by guarantee incorporated under Corporations Law in July 1999.	Not applicable – its task of staging this major event is not in competition with other private sector activities.
Victorian Institute of Sport Ltd Trustee company limited by guarantee established under Corporations Law.	Not applicable – the Victorian Institute of Sport's key task is the allocation of scholarships to athletes.
Victorian Medical Consortium Pty Ltd Trustee company limited by guarantee established under Corporations Law.	Not applicable – VMC acts as a trustee for the Institutes of Biotechnology Trust. In 1999-2000, the company did not trade in its own right and has made neither a profit nor a loss.

Department of Treasury and Finance	
Public Trading Enterprise	Reason for non application of Competitive Neutrality as at December 2001
Treasury Corporation of Victoria Corporation established under *Treasury Corporation of Victoria Act 1992*.	Not applicable – centralised borrowing service for State Government operating in a non-competitive environment.
Gas Transmission Corporation	Shell entity of Gascor Pty Ltd. Sold in 1999. GTC was restructured as Transmission Pipelines Australia.
Gascor Holdings No 1 Pty Ltd	Shell entity of Gascor Pty Ltd. Sold in 1999. Company limited by guarantee incorporated under Corporations Law.
Gascor Holdings No 2 Pty Ltd	Shell entity of Gascor Pty Ltd. Sold in 1999. Company limited by guarantee incorporated under Corporations Law.
Gascor Holdings No 3 Pty Ltd	Shell entity of Gascor Pty Ltd. Sold in 1999. Company limited by guarantee incorporated under Corporations Law.
Gas Release Company Pty Ltd	Operating subsidiary of Gascor Pty Ltd. Sells gas to new entrant retailers at cost.
Generation Victoria (Ecogen)	Sold in May 1999.
State Electricity Commission of Victoria SECV was established under Corporation Law.	SECV is now a shell entity that trades electricity to the aluminium smelters under the Electricity Supply Agreement together with managing residual issues and non-commercial contracts following industry restructuring in non-competitive environment.
Transmission Pipelines Australia (Holdings) Pty Ltd	Shell entity of Gascor Pty Ltd. Sold in 1999.
Vic Fleet Pty Ltd	Vic Fleet is a non-trading shell entity that reports to Parliament annually. Company limited by guarantee incorporated under Corporations Law.
Victorian Energy Networks Corporation VENCorp was established under *Gas Industry Act 1994.*	Not applicable – centralised transmission operator ensuring reliable and secure supply in non-competitive environment.
V/Line Freight	Sold in February 1999.
Victorian Power Exchange	Victorian Power Exchange - wound up and transferred to VENCorp.