

National Competition Policy

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

Volume Two: Supplementary Tables

March 2001

National Competition Policy

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

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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.

<i>Department of Education, Employment and Training</i>		
No	Legislation	Portfolio
1	<i>Education Act 1958</i>	Education

<i>Department of Human Services</i>		
No	Legislation	Portfolio
1	<i>Health Services Act 1988</i>	Health
2	<i>Psychologists Registration Act 1987</i>	Health
3	<i>Mental Health Act 1986</i>	Health
4	<i>Dentists Act 1972</i> <i>Dental Technicians Act 1972</i>	Health
5	<i>Therapeutic Goods (Victoria) Act 1994</i>	Health
6	<i>Nurses Act 1993</i>	Health
7	<i>Medical Practice Act 1994</i>	Health
8	<i>Tobacco Act 1987</i>	Health

	<i>Department of Infrastructure</i>	
No	Legislation	Portfolio
1	<i>Heritage Act 1995</i>	Planning
2	<i>Marine Act 1988</i>	Ports

	<i>Department of Justice</i>	
No	Legislation	Portfolio
1	<i>Council of Law Reporting in Victoria Act 1967</i>	Attorney-General

	<i>Department of Natural Resources and Environment</i>	
No	Legislation	Portfolio
1	<i>Agricultural Industry Development Act 1990</i>	Agriculture
2	<i>Dairy Industry Act 1992</i>	Agriculture
3	<i>Domestic (Feral and Nuisance) Animals Act 1994</i>	Agriculture
4	<i>Environment Protection Act 1970;</i> <i>Litter Act 1987</i>	Environment and Conservation
5	<i>Fisheries Act 1968 and Fisheries Act 1995</i>	Energy and Resources
6	<i>Forests Act 1958</i>	Environment and Conservation
7	<i>Mineral Resources Development Act 1990</i>	Energy and Resources
8	<i>Murray Valley Citrus Marketing Act 1989</i>	Agriculture
9	<i>Surveyors Act 1978</i>	Environment and Conservation
10	<i>Agricultural and Veterinary Chemicals (Control of Use) Act 1992;</i> <i>Agricultural and Veterinary Chemicals (Victoria) Act 1994</i>	Agriculture

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

Department of Treasury and Finance		
No	Legislation	Portfolio
1	Workplace Accident Compensation Legislation: <i>Accident Compensation Act 1985</i> , <i>Accident Compensation (WorkCover Insurance) Act 1993</i> , <i>Accident Compensation Regulations 1990</i>	WorkCover
2	Transport Accident Compensation Legislation: <i>Transport Accident Act 1986</i> <i>Transport Accident (Charges) Regulations 1986</i> , <i>Transport Accident Regulations 1996</i> <i>Transport Accident (Impairment) Regulations 1999</i>	WorkCover
3	<i>Tattersall Consultations Act 1958</i>	Gaming
4	<i>Gaming and Betting Act 1994</i>	Gaming, Racing
5	<i>Lotteries Gaming and Betting Act 1966 – Part 3, Part 4 (except Division 7) and Part 5 (except sections 69, 72 and 73)</i>	Gaming, Racing
6	<i>Casino Control Act 1991</i> Part 5A and other provisions as they relate to the conduct of approved betting competitions	Gaming, Racing
7	<i>Borrowing and Investment Powers Act 1987</i>	Treasury

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.

Department of Education, Employment and Training			
Legislation:	<i>Education Act 1958 and Associated Ministerial Orders</i>		Portfolio: Education
Reviewer:	Review Committee		Date review completed: May 2000
Consultation:	Association of Independent Schools of Victoria and the Catholic Education Office		Date response released: May 2000
No	Key Recommendations (For full list see Second Tranche report)	Response	Implementation
1	Registration of teachers in non-government schools. The existing system of teacher registration for teachers in non-government schools should be retained.	Accepted	Status quo
2	Registration of non-government schools. Proposed a less restrictive alternative to the existing legislation that would involve schools having to satisfy three criteria – those relating to suitable curriculum, suitable teachers (ie. with appropriate registration) and suitable premises – but that a fourth criterion concerning minimum numbers be removed.	Rejected	Status quo
3	The setting of fees for overseas students attending government schools. The Review Committee considered a proposal for a differential fee structure for overseas students attending government schools.	Rejected	Status quo
No	Key Restrictions on Competition Remaining	Competition Policy Justification	
1	Registration of teachers in non-government schools.	Three public benefits were identified with the retaining of the existing teacher registration for teachers in non-government schools: <ul style="list-style-type: none"> all students will be taught by teachers with minimum academic standards; there is limited student exposure to teachers who have engaged in conduct unbecoming a teacher; and universities will be in a better position to offer courses for teacher training. 	
2	Registration of non-government schools. Maintain existing legislation that involves schools having to satisfy four criteria – those relating to (1) suitable curriculum (2) suitable teachers (3) suitable premises and (4) minimum numbers.	Retaining the fourth criterion ensures that a sufficient range of subject options can be offered by a school and has a direct bearing on the financial viability of a school. Students have different abilities and it is essential that they be provided with at least minimum amount of subject choice to enable them to achieve in the curriculum areas where their abilities lie. Also, a requirement for a minimum enrolment has a direct bearing on a school's financial viability, which is important as the failure of a school, leading to its dissolution, can disrupt the educational and personal development of the students concerned. The Government has a responsibility to protect students from such a scenario.	
3	The setting of fees for overseas students attending government schools.	The government school system is marketed as a total system. It is likely that the discontinuation of the current system-wide approach would have a negative impact on broader marketing strategies across all education sectors, including universities, TAFE institutes, government and non-government schools.	

Department of Human Services			
Legislation:	<i>Health Services Act 1988</i>	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
The recommendations adopted by the Government are listed below.			
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.

No	Review Recommendations	Response	Implementation
The recommendations adopted by the Government are listed below.			
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.	<p>The bed cap will not be reimposed for day procedure centres. This recommendation will be adopted by replacing the bed cap and beds to population ratio with new a new guide for assessing adequacy under the Act which will apply to both private hospital beds and day procedure beds. The new guide will take effect on 22 July 2000.</p> <p>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.</p>	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.
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 which 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 <i>Health Services (Private Hospitals and Day Procedure Centres) Regulations 1991</i> .	Government is currently developing and piloting performance indicators, focussing initially on the public sector.

No	Review Recommendations	Response	Implementation
The recommendations adopted by the Government are listed below.			
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 <i>Health Records (Privacy and Access) Act 1997 ACT</i> . Appeals should be made to Victorian Civil and Administrative Tribunal (VCAT) against a refusal to provide access.	Accepted. Legislation is being prepared for introduction in the Spring Session of Parliament that will give patients the right of access to their health information held by public and private sector organisations and individual practitioners. The legislation will also establish privacy standards for health information.	The Health Records Bill is currently before Parliament. If passed, 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 which are imposed by or under the Health Services Act .			

Legislation:	<i>Psychologists Registration Act 1987</i>	Portfolio:	Health
Reviewer:	In-House (Panel)	Date review completed:	1998
Consultation:	Targeted consultation	Date response released:	May 2000
No	Review Recommendations	Response	Implementation
1	Restrictions on statutory registration, use of the title "psychologist", advertising and enquires into capacity and conduct were necessary to achieve the objectives of the legislation and should be retained.	Accepted	The Act passed in May 2000 reflects the outcomes of the review.
2	Restrictions on specialist approvals, psychological tests and consent to use of certain titles by bodies corporate and similar entities were not necessary to achieve the objectives of the legislation. Specialist approvals were to be replaced by less restrictive provisions providing for endorsement of the register with post graduate qualifications and/or training.	Accepted	As above
3	In view of the substantial inconsistencies between the Psychologists Registration Act and more modern health practitioner registration Acts, the Psychologists Registration Act should be repealed and a new Act introduced incorporating the above recommendations and based on the model contained in the <i>Medical Practice Act 1994</i> .	Accepted	As above
4	Amendments to model provisions which received endorsement as a result of reviews of the Medical Practice Act and <i>Nurses Act 1993</i> were to be incorporated, where appropriate, in drafting of a new Act.	Accepted	As above
5	There are no practice restrictions contained in the current Psychologists Registration Act, and none are contained in the proposal for the new Bill. The remaining restrictions are therefore those arising from the core provisions contained in the Medical Practice Act, as modified by the <i>Physiotherapists Registration Act 1998</i> and <i>Dental Practice Bill</i> .	Accepted	As above

No	Review Recommendations	Response	Implementation
6	<p>In addition to the above recommendations, the proposal provides for:</p> <ul style="list-style-type: none"> • replacement of the current PRB with a new incorporated Board of the same name; • the Board to appoint its own staff and administer its own funds, subject to certain limitations; • criteria for registration which facilitate mutual recognition; • the Board to have the power to impose conditions, limitations or restrictions on registration of a practitioner; • the Board to have the discretionary power to require a registered practitioner to have professional indemnity insurance as a condition of registration; • inclusion of a provision enabling individuals or those concerned with or taking part in the management of bodies corporate to be prosecuted for use of testimonials or false, misleading or deceptive advertising; • inclusion of model provisions relating to disciplinary inquiries, including informal hearings and open formal hearings; and • the Board to notify complainants of action taken with respect to complaints. 	Accepted	As above

Legislation:	<i>Mental Health Act 1986</i>	Portfolio:	Health
Reviewer:	In-House (Panel)	Date review completed:	1998
Consultation:	Targeted consultation	Date response released:	1999
No	Review Recommendations	Response	Implementation
1	In relation to community support services, the panel considered that the registration requirements were unnecessarily restrictive in their current form and were not necessary to achieve the objectives of the legislation. The panel recommended that the definition of 'community support service' remain in the Act (without a requirement to register with the Department) to ensure that the regulatory mechanisms in the Act continue to apply.	Accepted	Amending legislation passed in 1999, reflecting outcomes of the review.
2	The panel also considered that the current funding provisions of the Act should be removed and that community support services should be funded pursuant to the Health Services Act as are other non-government service providers. This allows streamlined and consistent funding across agencies.	Accepted	As above
3	The panel considered that in relation to proclamation of services, electro convulsive therapy (ECT) licensing requirements and the regulation making power, the benefits of the restriction on the market outweighed the costs to the community.	Accepted	As above
4	In view of the above, the restrictions in relation to proclamation of services, ECT licensing requirements and the regulation making power remain in the Act.	Accepted	As above

Legislation:	<i>Dentists Act 1972</i> <i>Dental Technicians Act 1972</i>	Portfolio:	Health
Reviewer:	Semi-public (panel)	Date review completed:	January 1999
Consultation:	Release of an issues paper and call for submissions	Date response released:	1999
No	Review Recommendations	Response	Implementation
1	Retain restrictions on use of title ("dentist", "dental technician").	Accepted	Passage of <i>Dental Practice Act 1999</i> Autumn 1999.
2	Retain restrictions on types of work.	Accepted	As above
3	Retain restrictions on advertising (limited to fair and accurate).	Accepted	As above

Legislation:	<i>Therapeutic Goods (Victoria) Act 1994</i>	Portfolio:	Health
Reviewer:	In-house (panel)	Date review completed:	August 1999
Consultation:	Internal consultation	Date response released:	A formal response has not been released but was made by the previous government.
No	Review Recommendations	Response	Implementation
1	Victoria should maintain an ongoing dialogue with the Therapeutic Goods Administration (TGA) and other States and Territories in order to canvass and explore the viability of national improvements to the uniform system of controls on "therapeutic goods" (TG).	Informally accepted	Implementation delayed because Therapeutic Goods legislation fits together with the Drugs Poisons and Controlled Substances legislation, and the latter Act is being reviewed on a national scale by COAG – consideration of implementation of the review recommendations will be given when the Drugs legislation review process is finalised.
2	Victoria should replace its mirror legislation with legislation adopting the Commonwealth Act as amended from time to time.	Informally accepted	
3	Victoria should consider repeal of the licensing provisions for wholesalers of TG – prior to this the issue of whether wholesalers of TG should be licensed should be referred to the National Co-ordinating Committee on Therapeutic Goods.	Informally accepted	
4	Should request the TGA to produce an explanatory publication with a plain English explanation of the provisions of the Commonwealth Act, in order to make these Acts intelligible to the public and easier for industry to work with. Publication should be available on the internet.	Informally accepted	
5	Should suggest to the TGA that a public information campaign be mounted to make consumers aware of the work of the TGA, the function of the ARTG, and awareness that the effectiveness of "listed goods" has not been evaluated by the TGA.	Informally accepted	
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Restrictions on the entry of "therapeutic goods" on to the "therapeutic goods" market.	This legislation is part of a national scheme – mirror legislation to Commonwealth Act; for protection of public safety it is desirable to retain a 'gatekeeping' function in relation to goods and services entering the market.	
2	Restrictions on the entry of persons into the "therapeutic goods" market.	As above	

No	Restrictions on Competition Remaining	Competition Policy Justification
3	Imposition of fees and charges for operating within the "therapeutic goods" market.	As above
4	Restrictions on the points of sale of "therapeutic goods".	As above
5	Restrictions on the advertising of "therapeutic goods".	As above

Legislation:	<i>Nurses Act 1993</i>	Portfolio:	Health
Reviewer:	In house	Date review completed:	1999
Consultation:	Discussion paper and public submission process	Date response released:	November 2000
No	Review Recommendations	Response	Implementation
1	Retention of restriction that requires nurses to register and prevents use of the title 'nurse' by non-registered persons.	Accepted	Enacted with the passage of the <i>Nurses Amendment Act 2000</i> .
2	Introduction of new restriction on use of the title 'nurse practitioner' and establishment of legislative mechanism to allow prescribing by suitably qualified nurse practitioners of scheduled drugs and poisons.	Accepted	Enacted with the passage of the Nurses Amendment Act.
3	Introduction of restrictions on advertising by nurses similar to those in the Medical Practice Act (as amended by the <i>Health Practitioner Acts (Amendment) Act 2000</i>).	Accepted	Enacted with the passage of the Nurses Amendment Act.
4	Introduction of powers for Registration Board to require evidence from registrants of satisfactory arrangements for professional indemnity insurance as a condition of registration.	Accepted	Enacted with the passage of the Nurses Amendment Act.
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Registration requirements for nurses and nurse practitioners.	Necessary for protection of the public from inadequately trained nurses. Creation of 'nurse practitioner' title restriction necessary to protect the public, and also to extend services to rural areas, to reduce the cost of medical services, and to reduce the level of restriction on prescribing of drugs and poisons by authorising suitably qualified nurse practitioners to prescribe.	
2	Advertising restrictions.	Necessary in order to protect the public, to minimise unnecessary, intrusive, potentially costly or dangerous medical procedures.	
3	Board powers to require professional indemnity insurance as condition of registration.	Necessary to implement Commonwealth Tito report and Victorian Law Reform Committee recommendations.	

Legislation:	<i>Medical Practice Act 1994</i>	Portfolio:	Health
Reviewer:	In house	Date review completed:	1999
Consultation:	Discussion paper and public submission process	Date response released:	May 2000
No	Review Recommendations	Response	Implementation
1	Retention of restriction that requires medical practitioners to register and prevents use of the title 'medical practitioner' by non-registered persons.	Accepted	Restriction retained in Medical Practice Act. No amendments required.
2	Restrictions on advertising by medical practitioners: <ul style="list-style-type: none"> removal of the restriction on advertising that prevents a medical practitioner unfavourably contrasting the services of another medical practitioner; introduction of a new restriction on advertising that prevents medical practitioners from creating an unreasonable expectation of beneficial treatment; and strengthening of the powers of the Board to regulated advertising by medical practitioners. 	Accepted	Enacted with the passage of the <i>Health Practitioner Acts (Amendment) Act 2000</i> .
3	Repeal of provisions that create and empower the Registration Board's Intern Training Accreditation Committee.	Accepted	Repealed with the passage of the Health Practitioner Acts (Amendment) Act.
4	Introduction of powers for Registration Board to require evidence from registrants of satisfactory arrangements for professional indemnity insurance as a condition of registration.	Accepted	Enacted with the passage of the Health Practitioner Acts (Amendment) Act.
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Registration requirements.	Necessary for protection of the public from inadequately trained medical practitioners, and to allow other restrictions in other legislation such as Drugs Poisons and Controlled Substances to operate effectively.	
2	Advertising restrictions.	Necessary in order to protect the public, to minimise unnecessary, intrusive, potentially costly or dangerous medical procedures.	
3	Board powers to require professional indemnity insurance as condition of registration.	Necessary to implement Commonwealth Tito report and Victorian Law Reform Committee recommendations.	

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

Legislation:	<i>Tobacco Act 1987</i>	Portfolio:	Health
Reviewer:	Review completed by Departmental officers (in-house review model) who were assisted by a report from Professor David Collins and Helen Lapsley of Austral Economics Pty Ltd.	Date review completed:	February 2000
Consultation:	No consultation was undertaken in the completion of this report.	Date response released:	No formal response announced however recent legislative amendments which further tighten the restrictions on the advertising of tobacco products indicate Government support for the review panel's recommendations.
No	Review Recommendations	Response	Implementation
1	Restrictions on competition are justified because the benefits of the restrictions outweigh the costs. The objectives of the legislation could only be achieved by continuation of those restrictions.	Legislative amendments passed in May 2000	Current from May 2000, new reforms introduced as the <i>Tobacco (Amendment) Act 2000</i> effective from 1 November 2000.
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Restrictions on advertising.	Restrictions aimed at correcting the information asymmetry which exists in the market place for tobacco products.	
2	Restrictions on promotion.	As noted above, restrictions on promotion are aimed at correcting information asymmetry which exists in the market place for tobacco products.	
3	Restrictions on provision of free samples.	Restrictions on this practice are aimed at protecting young people in particular from taking up smoking whilst not being fully aware of the total health impacts of smoking over time.	
4	Restrictions on tobacco packaging.	Tobacco packages contain warnings which are aimed at providing consumers with more complete information about tobacco than would be provided by manufacturers should the restriction not be in place.	
5	Prohibition of the sale of tobacco products to persons under 18 years of age.	This restriction aims to protect young people from taking up smoking at a time when they may not be fully aware of the longer term health impacts.	
6	Prohibition of the placing of vending machines in premises other than those which are licensed or not available for use by persons under 16 years of age.	Vending machines are accessible to the public and limiting the placing of these machines to venues where only those over the age of 16 can freely go, protects young people from purchasing a product that is known to be addictive and that may have longer term health impacts.	
7	Prohibition of sales of cigarettes in packages with less than 20 cigarettes contained therein.	Smaller packages of cigarettes are more affordable for young people. Regulating the size of packages of cigarettes ensures that tobacco products cannot be marketed specifically at young people.	
8	Prohibition on the manufacture or sale of smokeless tobacco, i.e. snuff or chewing tobacco.	These products are known to be extremely carcinogenic and also addictive. The restrictions are aimed at protecting the public from exposure to these products. Manufacturers would be unlikely to provide information about these products in a full and complete manner, if this restriction was removed.	

Department of Infrastructure			
Legislation:	<i>Heritage Act 1995</i>	Portfolio:	Planning
Reviewer:	Freehill, Hollingdale and Page (Model 2, "semi-public")	Date review completed:	April 1999
Consultation:	Public notification, targeted consultation, and consideration of submissions by interested parties.	Date response released:	March 2000
No	Review Recommendations	Response	Implementation
1	The legislation procures net benefits to the community and no preferred alternative to the Victorian framework could be found.	Accepted	No action required.
2	No legislative amendment is required to address the potential restrictions on competition or inefficiencies in some markets.	Accepted	No action required.
3	Amending some administrative processes could provide even higher net benefits. These changes are best achieved through the preparation of practice notes for the Act's administration.	Accepted	The Heritage Council of Victoria has prepared draft practice notes. The <i>Heritage (Amendment) Act 2000</i> included changes to further improve legislative clarity and transparency.
4	Key performance indicators be developed and reported on to observe and encourage compliance with the practice notes.	Accepted	From 2001, the Heritage Council will report annually on its compliance with the practice notes.
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	'Monopolistic' administrative powers granted to the Executive Director of Heritage Victoria and the Heritage Council of Victoria.	These do not warrant opening up to competition as there are no identifiable benefits to the consumer or to the community at large.	
2	Heritage protection constraints on the real estate market.	The constraints on the 'efficient' conversion of property to different uses and the potential restrictions on market competition are minor. The restrictions are necessary to achieve the objectives of the Heritage Act, and are more than offset by the significant benefits heritage protection procures for the community.	

Legislation:	<i>Marine Act 1988</i>	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. Legislative arrangements addressed in drafting instructions for new Marine Bill.
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	Legislative arrangements addressed in drafting instructions for new Marine Bill.
4	Retain both licensing and compulsory usage of pilots, but review licensing standard for compliance with NCP principles.	Accepted	Licensing standard reviewed and amended.
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	Legislative arrangements addressed in drafting instructions for new Marine Bill.
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:	<i>Council of Law Reporting in Victoria Act 1967</i>	Portfolio:	Attorney-General
Reviewer:	Minter Ellison (independent expert law firm)	Date review completed:	20 October 2000
Consultation:	High Court and Federal Court of Australia; all Victorian Courts; Supreme Court library; Council of Law Reporting; all Victorian universities; publishers of law books; electronic law services; legal professional bodies and associations; Legal Aid.	Date response released:	November 2000
No	Review Recommendations	Response	Implementation
1	No legislative changes as a regulated market is necessary to achieve the objectives of the Act.	Accepted	No legislative changes required.
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Single series of authorised law reports.	<ul style="list-style-type: none"> Ensures continuation of a single series in a small market not large enough to sustain more than one publisher. Ensures that the costs of law reports are kept as low as possible. Ensures that only relevant and important cases are reported and reduces the likelihood of confusion that would be caused by a multiplicity of law reports. There is no alternative means of achieving the objectives of the Act. 	

Department of Natural Resources and Environment			
Legislation:	<i>Agricultural Industry Development Act 1990</i>	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	-
3	<p>Murray Valley Wine Grape Industry Development Order (Victoria) 1994 and Murray Valley (New South Wales) Wine Grape Processing Industry Marketing Order 1995:</p> <ul style="list-style-type: none"> 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	<p>Functions 8(a) and 8(c) were not included when the order was remade in 1999.</p> <p>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.</p> <p>The Murray Valley Wine Grape Industry Development Council (IDC) has undertaken a planning process to ensure that there is no duplication of roles with the Grape and Wine Research and Development Council and that the IDC engages in regional activities.</p>
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.

No	Review Recommendations	Response	Implementation
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.
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 <i>Agricultural Industry Development (Amendment) Act 2000</i> .
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 recommendation in the Agricultural Industry Development (Amendment) Act.
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Nil		

Legislation:	<i>Dairy Industry Act 1992</i>	Portfolio:	Agriculture
Reviewer:	Consultant (Centre for International Economics)	Date review completed:	July 1999
Consultation:	Release of issues paper and call for submissions and targeted interviews.	Date response released:	Legislation repealed Autumn 2000 and replaced by the <i>Dairy Act 2000</i> .
No	Review Recommendations	Response	Implementation
1	That the legislation no longer contain an objective of ensuring that Victorian milk processors are supplied with sufficient milk to meet the demand for market milk, and all statutory acquisition and supply control functions and powers to that end be terminated.	Accepted	Dairy Industry Act repealed and replaced by <i>Dairy Act 2000</i> . New legislation implements recommendations.
2	That the legislation no longer contain an objective of ensuring that licensed dairy farmers share equitably in returns from market milk and that all statutory functions and powers in regard to the acquisition of milk for market milk use, the regulation of prices for the sale of milk to processors and payments of returns from sales of market milk to dairy farmers be terminated.	Accepted	As above
3	That the legislation no longer contain an objective of maximising the opportunity for the sale of market milk produced in Victoria by securing, maintaining and developing markets, and all statutory dairy product promotion and development functions be terminated.	Accepted	As above
4	That the legislation continues to contain an objective of ensuring that standards which safeguard public health are maintained in the Victorian dairy industry and a specialist dairy industry food safety organisation be established to that end.	Accepted	Dairy Industry Act repealed and replaced by Dairy Act . New legislation implements recommendations. On implementation of the new Act, the Victorian Dairy Industry Association (VDIA) was wound up and its assets sold and returned to the industry. The food safety regulatory component of the VDIA has now been vested in Dairy Food Safety Victoria (DFSV). DFSV essentially operates as the regulator of food safety, issuing licences and auditing quality control assurance systems consistent with the recommendations of the Review.

No	Review Recommendations	Response	Implementation
5	That the legislation no longer contain an objective of ensuring that standards which protect the consumer are maintained in the Victorian dairy industry, such protection to be subject to general consumer protection law and food quality standards arrangements.	Accepted	Dairy Industry Act repealed and replaced by Dairy Act. New legislation implements recommendations.
6	That the legislation continues to contain an objective that the dairy industry food safety organisation ensures that it performs its functions and exercises its powers effectively by including reporting and audit requirements to serve as indicators in this regard.	Accepted	As above
7	That the legislation contains an objective that the Dairy Industry Food Safety Organisation ensures that it performs its functions and exercises its powers efficiently by requiring (provided, in the case of export product, it is acceptable to the importing country) all full and partial audits of Food Safety Standards and Codes of Practice to be contestable by third parties which themselves are subject to audit by the food safety organisation.	Accepted in part	The Dairy Act includes an objective that the Dairy Industry Food Safety Organisation performs its functions and exercises its powers efficiently and effectively. The Act also allows for, but does not require, audits to be contestable by third parties.
8	That the regulation of price and supply management of market milk in Victoria cease on 30 June 2000.	Accepted	As for Recommendation One.
9	Termination of the Victorian Dairy Industry Authority and sale of associated assets and milk product brands.	Accepted	As for Recommendation One.
10	Replacement of the Victorian Dairy Industry Authority by a Victorian Dairy Industry Food Safety Organisation.	Accepted	As for Recommendation One.
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Full and partial audits of Food Safety Standards and Codes of Practice are not contestable by third parties, which are subject to audit by the food safety organisation.	The Act does not require that the Dairy Industry Food Safety Organisation ensure that all audits be contestable by third parties. Third party auditing is not acceptable to many importing countries which, in practice, leaves little scope for contestable third party auditing given the percentage of Victorian milk which is exported.	

Legislation:	<i>Domestic (Feral and Nuisance) Animals Act 1994</i>	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	-
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 (DAB) so that the exemption applies to only those registered breeders with no more than 2 – 3 animals.	Still under consideration	-
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 remove the reference to specific associations and 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".	Rejected	-
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.

No	Review Recommendations	Response	Implementation
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.
9	Consideration be given to imposing further restrictions on breeding, compulsory desexing and/or compulsory microchipping of domestic pets.	Rejected	-
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 and 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	To be 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.	

No	Restrictions on Competition Remaining	Competition Policy Justification
3	"Run For Profit" in the definition of Domestic Animal Business is retained.	It is important that the distinction between "hobby" and "commercial" is made very clear. The Social Development Committee Inquiry identified animal welfare concerns with commercial breeders of pet animals and recommended that the Government address these through legislation. When the legislation was introduced, it was made clear that it would not impact unduly on peoples' hobbies but that commercial breeders, who breed for the retail pet market, would be required to comply with a Code of Practice specifying minimum animal welfare standards. The legislative basis for this requirement is through registration as a domestic animal business. Hobby breeders are regulated by a Code of Ethics by industry.
4	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.
5	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.
6	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:	<i>Environment Protection Act 1970;</i> <i>Litter Act 1987</i>	Portfolio:	Environment and 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 into Parliament in 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. The Government has introduced a Bill to amend the Environment Protection Act to incorporate clear objectives.	Implementation awaits passage of the Bill by Parliament.
2	The EPA, as the authority with expertise and experience in environment management, is the body that is best placed to create State Environment Protection Policies (SEPPs), Industrial Waste Management Policies and regulations (IWMPs). To the extent possible, policy and regulation creation should be undertaken in a transparent manner that maximises industry and public input.	Accepted. The Government will ensure that, in developing SEPPs, IWMPs and regulations, EPA continues to maximise opportunities for industry and public input.	Implementation is occurring in current legislative development processes.
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. The Government is considering the adoption of the 'Polluter Pays' based approaches in the current review of the <i>Environment Protection (Fees) Regulations 1991</i> .	The review of the <i>Environment Protection (Fees) Regulations 1991</i> is currently occurring and the 'Polluter Pays' principle is being considered.
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. The Government agrees that the Environment Protection Act should be amended to clearly allow for the use of the full range economic instruments. The Government has introduced the Environment Protection (Neighbourhoods) Bill 2000 to Parliament to amend the Act to introduce such a head of power. The Bill specifies that economic instruments would need to be developed under statutory process requirements.	Implementation awaits passage of the Bill by Parliament.

No	Review Recommendations	Response	Implementation
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.
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.	The Government will review the fees for works approval as a part of the current review of the Environment Protection (Fees) Regulations.	The review of the Environment Protection (Fees) Regulations is currently occurring and appropriate fee structures for works approvals are being considered as part of this review.
8	Whilst the four month limit 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 considered that the maximum period is unnecessarily long, particularly given the need for referral of applications to other relevant agencies. However, the Government will continue to explore opportunities for making the Works Approval process more efficient.	
9	Variants 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. The Government will further explore and, where appropriate, apply co-regulatory and other approaches which reduce the regulatory burden on business.	Ongoing
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. The Government will consider enhancements to the load based licence system in the forthcoming review of the Environment Protection (Fees) Regulations.	The review of the Environment Protection (Fees) Regulations is currently occurring and a more explicit load-based licensing scheme is being considered as part of this review.

No	Review Recommendations	Response	Implementation
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.	Accepted. EPA will consider options to make the Accredited Licensee Scheme and other incentive mechanisms more accessible to small industries.	Ongoing EPA continually discusses the ALS with stakeholders and considers new mechanisms to encourage greater participation, particularly from the small industry sector.
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.	Accepted. The Environment protection levy will be retained and its objectives will be more clearly communicated.	Ongoing
13	That the requirement for financial assurance be retained.	Accepted	Implemented
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. Therefore there is no scope to combine the two authorisations. Recent changes to regulations have facilitated the use of electronic technology. Increased enforcement of prescribed waste requirements is occurring.	Implemented
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. IWRAs and similar voluntary mechanisms will be retained and further developed and used where appropriate.	Ongoing
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 metro/rural difference in fees, if any, should be made clear. If no such justification can be made, the differential should be eliminated.	Rejected: It is not felt that the purpose of this levy requires any further clarification given the fact that it was clearly stated in the <i>Environment Protection (Resource Recovery) Act 1992</i> .	No further action required

No	Review Recommendations	Response	Implementation
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. The Government is seeking to strengthen the statutory process for the appointment of Auditors in the Environment Protection (Livable Neighbourhoods) Bill 2000 currently before Parliament.	Implementation awaits passage of the Bill by Parliament
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 Government will seek to establish requirements that Auditors reveal any potential conflicts of interest.	Implementation awaits passage of the Bill by Parliament and development of implementation framework
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. The Government will continue to explore opportunities to improve enforcement of environment protection legislation.	Ongoing
20	EPA should expand its role as the delegated authority to assist local councils to better understand alternative systems to septic tanks.	Accepted. EPA will enhance the information contained on its web site regarding alternative wastewater treatment facilities.	Ongoing
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 <i>Water Act 1989</i> that permit water authorities to require premises to connect sewerage systems constructed by those authorities are being considered in the National Competition Policy Review of Victoria's Water Legislation.	The National Competition Policy Review of Victoria's Water Legislation is currently underway
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.	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.

No	Review Recommendations	Response	Implementation
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. The licensing system is justified on public benefit grounds. There are no restrictions on who can obtain a licence other than meeting standards, which are designed to protect the environment.	
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.	
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 on public benefit grounds.	

Legislation:	<i>Fisheries Act 1968</i> <i>Fisheries Act 1995</i>	Portfolio:	Energy and 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:	March 2001
No	Review Recommendations	Response	Implementation
1	Retain current conditions associated with access licences.	Accepted	-
2	Review alternative methods for non-transferable licenses such as licence buy-backs.	Accepted	Current fisheries, which have non-transferable licences, will eventually cease to exist as licence holders exit the fishery.
3	Mechanisms such as auctions, tender or ballot should be considered for efficient allocation of new licences or increases in Total Allowable Catch.	Accepted	Guidelines will be developed for the allocation of new licences or increases in Total Allowable Catch 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)	The Abalone Fisheries Management plan will investigate employee limits for abalone. 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 Individual Transferable Quotas (ITQ) management system for abalone fisheries as no less restrictive alternative is feasible.	Accepted	-
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 and the maximum limit of a quota hold will be abolished in 2002.
10	Retain the current management arrangements for scallop fisheries as no less restrictive alternative is feasible.	Accepted	-
11	Remove the regulation that enforces the requirement that there will be no shucking at sea.	Accepted in principle	A suitable management regime for shucking at sea will be developed in 2001.

No	Review Recommendations	Response	Implementation
12	Consider the introduction of an ITQ management regime for Rock Lobster Fisheries.	Accepted	To be introduced in November 2001.
13	Remove the restriction of limiting pot numbers per boat if an ITQ management regime is introduced.	Accepted	To be introduced in November 2001.
14	Remove the restriction on minimum pot holdings but consider the implications of enforcement costs.	Accepted	To be introduced in November 2001.
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 when the Act is next amended.
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Annual renewal of commercial licences.	The current annual issuance of an access licence is an automatic right of renewal (subject to specific conditions) and the fee and levy structures are more efficiently managed under an annual issuance regime.	
2	Conditions associated with Access Licences.	No less restrictive alternative is feasible.	
3	ITQ management system for Abalone fisheries.	No less restrictive alternative is feasible.	
4	Current management arrangements for scallop fisheries.	No less restrictive alternative is feasible.	

Legislation:	<i>Forests Act 1958</i>	Portfolio:	Environment and Conservation
Reviewer:	Consultant (KPMG)	Date review completed:	April 1998
Consultation:	Call for public submissions, public meetings and targeted interviews.	Date response released:	May 1999. A revised response to reflect the current Government's policy directions is being prepared.
No	Review Recommendations	Response	Implementation
1	The Act should be amended to include as 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 Government 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 also 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: <ul style="list-style-type: none"> 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	-

No	Review Recommendations	Response	Implementation
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 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 2001, will address this issue.
8	That DNRE reform its practices for issuing licences and permits to incorporate: <ul style="list-style-type: none"> • 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	-

Legislation:	<i>Mineral Resources Development Act 1990</i>	Portfolio:	Energy and Resources
Reviewer:	Consultant (Peter Day Consulting)	Date review completed:	March 1997
Consultation:	Call for public submissions and targeted interviews.	Date response released:	May 2000
No	Review Recommendations	Response	Implementation
1	Reference to "fit and proper, intends to comply and genuinely intends to do work or cause work to be done" in relation to applying for a licence, should be revoked.	Rejected	-
2	Compensation provisions for assessment of the value of land for agricultural purposes should replace provisions relating to determination of economic significance of proposals on agricultural land.	Rejected	-
3	Reference to employment condition in relation to granting of a licence should be revoked.	Accepted	Amendments introduced in the <i>Mineral Resources Development (Amendment) Act 2000</i> .
4	Any renewal of an exploration licence beyond 5 years should be limited to the area of interest to the licensee and not the total area covered by the licence.	Accepted	No legislative amendment is required as the present provisions of the Act provide for the adoption of the policy.
5	The requirement to give notice to the chief mining inspector prior to commencing work should be revoked.	Rejected	-
6	All entry requirements for certification of mine managers not related to health and safety skills, experience and knowledge should be deleted.	Accepted	Amendments introduced in the <i>Mineral Resources Development (Amendment) Act</i> .
7	An application for a small area mining licence should be able to be registered before the consent of a prior tenement holder is negotiated.	Accepted in part	Amendments introduced in the <i>Mineral Resources Development (Amendment) Act</i> .
8	It should be an offence for the holder of an exploration licence to seek or receive a financial incentive to grant consent for a mining licence without the agreement of both parties and the Minister.	Rejected	-

No	Restrictions on Competition Remaining	Competition Policy Justification
1	Reference to "fit and proper, intends to comply and genuinely intends to do work or cause work to be done" in relation to applying for a licence, should be revoked.	On balance, it is in the public interest and will encourage development of the mineral industry in harmony with community expectations.
2	Compensation provisions for assessment of the value of land for agricultural purposes should replace provisions relating to determination of economic significance of proposals on agricultural land.	It is in the public interest to maintain specific provision that ensures that where agricultural use of land outweighs any benefit from mining, mining should not proceed. This will effectively maximise the value of the land to the community.
3	The requirement to give notice to the Chief Mining Inspector prior to commencing work should be revoked.	To ensure compliance with the requirements of the Act and Regulations, the Department needs to be aware of the imminent commencement of work. However, to reduce compliance costs, the notification period was reduced to 7 days as part of the Mineral Resources Development (Amendment) Act.
4	Applications for a small area mining licence which do not meet the criteria in section 25(1)(c) will require the consent of a prior tenement holder before registration.	Arguments for abandoning this practice were based on the potential for exploration licence holders to refuse consent in order for the exploration licence holder to make an application or for the licence holder to encourage other interested parties to make an offer. Even if this practice were abandoned, it would not negate the potential for such a scenario; this can only be alleviated by the provisions for the Minister to overturn a refusal of an exploration licence holder. Therefore, there is no benefit in adopting the proposal.
5	It should be an offence for the holder of an exploration licence to seek or receive a financial incentive to grant consent for a mining licence without the agreement of both parties and the Minister.	It is not appropriate to involve the Minister in commercial disputes between parties. The costs to establish a process involving a third party arbitrator would not be offset by the benefits. Currently it is possible for the Mining Warden to be requested to investigate and make recommendations to the Minister on such a matter.

Legislation:	<i>Murray Valley Citrus Marketing Act 1989</i>	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:	March 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	It is proposed that the Act be repealed in Autumn 2001 and the Board be established under the <i>Agricultural Industry Development Act 1990</i> .
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	It is proposed that the recommendations be implemented in amendments to the Agricultural Industry Development Act in Autumn 2001.
3	That the Act in each State be amended to exclude the unused regulatory powers of the board which 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	As above
4	The review team recommends that there be more accountability regarding the components of, and size of the levy and the way the Board plans to spend the money: <ul style="list-style-type: none"> 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	As above
5	That growers should be given the opportunity to change the nature of the levy to an ad valorem rate.	Accepted	As above

No	Review Recommendations	Response	Implementation
6	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.	Accepted	As above
7	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	As above
8	The Board should give consideration to charging subscriptions for most of its market information services and reducing the size of the levy accordingly.	Accepted	As above
9	The Board should cease being a member of, and paying contributions to, Australian Citrus Growers.	Accepted	As above
10	That the Murray Valley Citrus Marketing Board be reconstituted under the Agricultural Industry Development Act and the Murray Valley Citrus Marketing Act be repealed.	Accepted	It is proposed that the Act is repealed in Autumn 2001 and that the Board is established under the Agricultural Industry Development Act.
11	That the generic legislation (Agricultural Industry Development Act) be amended to include provisions enabling extra territorial application of the Act.	Accepted	As above
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	None		

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Legislation:	<i>Surveyors Act 1978</i>		Portfolio:	Environment and Conservation
Reviewer:	Consultant (Southbridge)		Date review completed:	July 1997
Consultation:	Call for submissions, targeted interviews		Date response released:	February 1999
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	-
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	-
3	The regulatory body should have the power to accredit postgraduate practical training courses as an alternative to training under supervising surveyor.		Accepted	Already implemented by current Surveyors Board.
4	Integrity criteria barring entry to the surveying profession should be specific.		Accepted	New legislation to be introduced in Autumn 2001 will contain specific criteria.
5	Integrity criteria for removal from the surveying profession should be the same as criteria barring entry to the profession.		Accepted	New legislation to be introduced in Autumn 2001 will have the same criteria.
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 to be introduced in Autumn 2001 will not include this requirement.
7	Victoria should consider an agreement with other States to make interstate registration/licensing costless.		Accepted in principle	Current Surveyors Board is addressing costless interstate licensing through Reciprocal Surveyors Boards of Australia and 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	Current 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	Current 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	Current 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.		Rejected	-
12	The Government should remove the power of the regulatory body to set fees for surveying services.		Accepted	New legislation (Autumn 2001) will not give power to set fees.
No	Restrictions on Competition Remaining	Competition Policy Justification		
1	Non-surveyors should form a greater proportion of members of the regulatory body than at present.	The new legislation proposes to confer regulation of the industry on a recognised professional body which will be appointed by the Minister. In the transition to the appointment of a recognised professional body there will be a "transitional" surveyors Board which will have a greater proportion of non-surveyors on the board.		

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Legislation:	<i>Agricultural and Veterinary Chemicals (Control of Use) Act 1992; Agricultural and Veterinary Chemicals (Victoria) Act 1994</i>	Portfolio:	Agriculture
Reviewer:	Consultant (PricewaterhouseCoopers)	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.	The intent of recommendations 2 and 3 is supported. An inter-jurisdictional Low Regulatory Activity Task Force has been established by the Standing Committee of Agriculture and Resource Management (SCARM) to examine how best to regulate low risk chemicals.
3	That sections 4 and 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	The intent of recommendations 2 and 3 is supported. An inter-jurisdictional Low Regulatory Activity Task Force has been established by SCARM to examine how best to regulate low risk chemicals.
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	To 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 will establish a Working Group to examine all issues raised by Recommendation 5 associated with the provision of assessment services by alternative providers in accordance with the CPA.
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.	The Commonwealth will establish a Working Group to consider the appropriateness of current levies and renewal fees charged by the NRA and prepare final response to Recommendation 7.
8	That application and other registration service fees be cost-reflective.	Accepted	To follow Commonwealth administrative procedure.
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	The licensing of veterinary chemical manufacturers is supported, but the second part of Recommendation 9 is not supported.

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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	Recommendation 10 is not supported at present. The provision should be 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	Recommendation 11 is considered to be adequately covered as part of the current Commonwealth review of data protection which will be presented to SCARM/ARMCANZ for consideration.
12	That the Agriculture and Resource Management Council of Australia and New Zealand (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	The terms of reference of the Task Force should be expanded to apply to all other recommendations relating to Control of Use, that is Recommendations 13-20 below.
13	That the veterinary surgeon exemption in the AgVet code be retained.	Subject to consideration by Signatories Working Group.	The implementation of recommendations 13 – 20 will follow a report to SCARM/ARMCANZ of a Signatories Working Group (SWG) which has been established.
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.	Subject to consideration by Signatories Working Group.	As above
15	That Victoria and Queensland's control of use legislation be amended to removed the exemption afforded to veterinary surgeons in respect of agricultural chemicals.	Subject to consideration by Signatories Working Group.	As above
16	That the ARMCANZ control of use taskforce addresses the veterinary exemption.	Subject to consideration by Signatories Working Group.	As above
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: <ul style="list-style-type: none"> • maintenance of detailed records of chemical use; • using only appropriately licensed persons to perform application activities (as below); and • the provision of infrastructure to enable persons to operate at the appropriate competency level. 	Subject to consideration by Signatories Working Group.	As above

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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: <ul style="list-style-type: none"> • 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). 	Subject to consideration by Signatories Working Group.	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. This would be an appropriate matter for the ARMCANZ control of use taskforce.	Subject to consideration by Signatories Working Group.	As above
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).	Subject to consideration by Signatories Working Group.	As above
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 which are correctly labelled but have relatively low efficacy to be sold.	<ul style="list-style-type: none"> • Maintaining acceptable high levels of efficacy is justified on a range of environmental, public health and international trade outcomes. • The required level of efficacy of a product (as determined to be necessary by the NRA) is integral to reliably establishing Good Agricultural Practice, setting of Maximum Residue Limits (MRLs) and establishing Withholding Periods for agricultural produce. • 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 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. • Australia's commitment to international risk reduction efforts is inconsistent with the registration of agricultural and veterinary chemical products which, in respect of inadequate efficacy, are not compatible with the objective of achieving the efficient 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.	

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 <i>Liquor Control Reform Act 1998</i> , 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.	

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

Legislation:	<i>Racing Act 1958</i>	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	Assessment process under development.
2	Maintenance of prohibition on proprietary racing until proponents can provide detailed, costed recommendations for their independent regulation.	Accepted	Assessment of submission from Teletrak underway.
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.
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 scheduled for July 2001.
6	Allow bookmakers to incorporate.	Accepted in principle – subject to consultation with the bookmaking profession.	Consultation process underway.
7	Allow 24 hour trading by bookmakers.	Accepted in principle – subject to consultation with the bookmaking profession.	Consultation process underway.
8	Allow internet betting by bookmakers.	Accepted – awaiting detailed proposal from bookmakers.	Legislation not required – internet betting can be authorised by Ministerial approval.
9	Deregulation of tipping services.	Accepted	Amending legislation currently before Parliament.

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 is currently being considered by the Parliament. The Bill will also change the Act's name to the Professional Boxing and Combat Sports Act.
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	
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.		

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	<i>Restriction on Competition</i> A compulsion exists for employers to obtain WorkCover insurance in respect of their liability to pay compensation and common law damages to employees. <i>Review Recommendation</i> The charge should remain compulsory in the interests of achieving the social policy objectives of the Act.	Accepted	Retain status quo.
2	<i>Restriction on Competition</i> The Victorian WorkCover Authority (VWA) is the single manager of workers' compensation insurance. <i>Review Recommendation</i> 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 to identify if there is scope for greater contestability to be introduced.
3	<i>Restriction on Competition</i> Centralised premium setting (regulated price). <i>Review Recommendation</i> 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).
4	<i>Restriction on Competition</i> Approval of occupational rehabilitation service providers. <i>Review Recommendation</i> 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.

No	Review Recommendations	Response	Implementation
5	<p>Restriction on Competition: Eligibility requirements for self-insurers.</p> <p>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 health and safety outcomes rather than the insurance product.</p>	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 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.	
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:	<i>Transport Accident Act 1986</i>	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	<p><i>Restriction on Competition</i></p> <p>There is a compulsion for all registered vehicle owners in Victoria to pay a transport accident charge.</p> <p><i>Review Recommendation</i></p> <p>The charge should remain compulsory in the interests of achieving the social policy objectives of the Act.</p>	Accepted	Retain status quo.
2	<p><i>Restriction on Competition</i></p> <p>The Transport Accident Commission (TAC) is the single manager of the transport accident compensation scheme in Victoria. This is, in effect, a legislated monopoly.</p> <p><i>Review Recommendation</i></p> <p>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.</p> <p>However, the Victorian Government may wish to consider the scope for improved market testing of some of the services provided.</p>	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	<p><i>Restriction on Competition</i></p> <p>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.</p> <p><i>Review Recommendation</i></p> <p>The premium setting responsibility should remain with the TAC.</p> <p>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.</p>	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).

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.

Legislation:	<i>Tattersall Consultations Act 1958</i>	Portfolio:	Treasurer/Gaming
Reviewer:	Pryles/Swan (independent panel)	Date review completed:	August 1997
Consultation:	Targeted Consultation and submissions received	Date response released:	September 2000
No	Review Recommendations	Response	Implementation
1	Legislative monopoly to Tattersall's should be removed at the end of current licence.	Accepted	The <i>Public Lotteries Act 2000</i> will replace the <i>Tattersall Consultations Act 1958</i> – effect to the review recommendations.
2	Government should reserve the right to issue one or more licence.	Accepted	As above
3	Convert tax from turnover to player loss basis.	Accepted	As above
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Retains Tattersall's monopoly until 2004.	Any revocation to the licence before expiry would risk compensation payments that may negate any potential gains.	
2	Conditional entitlement until 2007.	<p>The Government has not yet decided on whether the licensing post-2004 will be for an exclusive licence or for multiple licences for different products. However, the legislation allows the Government to issue one licence, if it is convinced that is the best option, or additional lottery licences to be issued from 2004.</p> <p>There are various reasons why an exclusive licensing arrangement would be retained up until the commencement of a national competition. For example, a strong Victorian-based operator would maximise the possibility and success of a national market for lotteries as the Victorian and New South Wales lottery licences mature at the same time. This will also help to make transitional issues easier to handle.</p> <p>Providing conditional entitlement, with the associated threat of competition, to Tattersall's until 2007 will therefore not only facilitate the establishment of this national market but also encourage the incumbent firm to prepare for competition. The Victorian Government therefore believes that the <i>Public Lotteries Act 2000</i> strikes an appropriate balance between the possibility of new entrants in the medium term and, most importantly, a new, competitive and sustainable national market in the long-term.</p> <p>The Government notes that the 2004 expiry of guaranteed exclusivity is earlier than the other major States.</p>	

Legislation:	<i>Gaming and Betting Act 1994</i> as it relates to wagering	Portfolio:	Racing
Reviewer:	Centre for International Economics (CIE)	Date review completed:	November 1998
Consultation:	A public consultation process was undertaken in which issue and discussion papers were released and submissions sought for consideration in preparing the report.	Date response released:	August 2000
No	Key Review Recommendations	Response	Implementation
1	Expansion of sports betting licensing regime.	Rejected	Retain status quo
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Maintenance of single wagering licence	<ul style="list-style-type: none"> The review concluded that the need for adequate totalisator pool sizes justified retaining the single licence arrangements. The review also identified a public benefit in the arrangements for funding the Victorian racing industry. 	

Legislation:		Lotteries Gaming and Betting Act 1966 – Part 3, Part 4 (except Division 7) and Part 5 (except sections 69, 72 and 73)	Portfolio:	Racing
Reviewer:		CIE	Date review completed:	November 1998
Consultation:		A public consultation process was undertaken in which issue and discussion papers were released and submissions sought for consideration in preparing the report.	Date response released:	August 2000
No	Key Review Recommendations		Response	Implementation
1	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.
2	Deregulation of tipping services.		Accepted	Amending legislation currently before Parliament.
No	Restrictions on Competition Remaining	Competition Policy Justification		
1	General unlawful betting offence provisions.	The Government accepts the protection the restriction provides to the public by regulating betting operators.		

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

Legislation:	<i>Casino Control Act 1991 – Part 5A</i>		Portfolio:	Racing
Reviewer:	CIE		Date review completed:	November 1998
Consultation:	A public consultation process was undertaken in which issue and discussion papers were released and submissions sought for consideration in preparing the report.		Date response released:	August 2000
No	Key Review Recommendations		Response	Implementation
1	Removal of restriction on acceptance of sports betting communicated by persons not present at the casino.		Rejected	Retain status quo
No	Restrictions on Competition Remaining	Competition Policy Justification		
1	Restriction of sports betting to the casino.	The Government is retaining the restriction as it is in line with the decision not to expand the sports betting licensing regime on the grounds of problem gambling and regulatory efficiency.		

Legislation:	<i>Borrowing and Investment Powers Act 1987</i>	Portfolio:	Treasury and Finance
Reviewer:	In House Competition Policy Review	Date review completed:	July 1997
Consultation:	Report drafted for the former Treasurer in accordance with terms of reference approved by the former Government. The Department steering committee endorsed the final report.	Date response released:	December 2000
No	Review Recommendations	Response	Implementation
1	The Government reviews internal prudential requirements for selected GBEs and statutory bodies, with the aim of making them a subset of global corporate planning approvals and monitoring.	Accepted	The Government has undertaken to monitor the administrative arrangements applying to GBEs and regulated authorities to ensure that all borrowing and investment approvals are consistent with corporate planning approvals and monitoring, and that where possible this administrative process is streamlined.
2	Selected GBEs and regulated authorities are no longer required to use the Treasury Corporation of Victoria (TCV) to access debt markets.	Rejected	
No	Restrictions on Competition Remaining	Competition Policy Justification	
1	Restriction on GBEs and regulated authorities, excluding them from dealing directly with financial markets for borrowings. Only the TCV may transact in these markets.	<p>If this restriction was removed the Department is of the view that significant additional costs would be imposed on Victorian taxpayers and therefore it is in the public interest that the restriction is retained. The savings to Victorian taxpayers as a result of TCV being the State's single interface to financial markets are as follows:</p> <ul style="list-style-type: none"> • TCV is able to derive economies of scale in issuing securities, thereby lowering the State's debt costs. It is estimated that since its inception in 1992 TCV has generated significantly lower funding costs; • GBEs and other statutory authorities no longer need to each have a fully resourced treasury dealing operation, which has allowed them to focus more on their core business; and • the moral hazard arising from GBEs and other statutory bodies entering into inappropriate financial markets transactions is reduced. 	

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	<i>Adoption Act 1984 and Adoption (Inter-Country Fees) Regulations 1992</i>	Justice, Community Services
2	<i>Ambulance Services Act 1986</i>	Health
3	<i>Health Act 1958</i>	Health
4	<i>Pharmacists Act 1974</i>	Health
Department of Infrastructure		
No	Legislation	Portfolio
1	<i>Architects Act 1991</i>	Planning
2	<i>Building Act 1993</i>	Planning
Department of Justice		
No	Legislation	Portfolio
1	<i>Auction Sales Act 1958</i>	Consumer Affairs
2	<i>Estate Agents Act 1980</i>	Consumer Affairs
3	<i>Travel Agents Act 1986</i>	Consumer Affairs

Department of Natural Resources and Environment		
No	Legislation	Portfolio
1	<i>Broiler Chicken Industry Act 1978</i>	Agriculture
2	<i>Flora and Fauna Guarantee Act 1988</i>	Environment and Conservation
3	<i>Meat Industry Act 1993</i>	Agriculture
4	<i>Petroleum (Submerged Lands) Act 1982</i>	Energy and Resources
5	<i>Pipelines Act 1967</i>	Energy and Resources
6	<i>Wildlife Act 1975</i>	Environment and Conservation

Department of State and Regional Development		
No	Legislation	Portfolio
1	<i>Trade Measurement Act 1995</i>	Small Business

Table 4: Details of Reviews Completed/Report Released

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

Department of Human Services			
Legislation:	<i>Adoption Act 1984</i> <i>Adoption (Inter-Country Fees) Regulations 1992</i>	Portfolio:	Justice, Community Services
Reviewer:	In House (Departments of Justice and Human Services)	Date review completed:	Late 1998
Consultation:	Notice and call for submissions, targeted interviews (various organisations representing domestic and inter-country adoption agencies, birth mothers, adoptees and adoptive families).		
No	Review Recommendations		
1	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.		
2	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.		

Legislation:	<i>Ambulance Services Act 1986</i>	Portfolio:	Health
Reviewer:	External Independent Consultant	Date review completed:	November 1999
Consultation:	Discussion paper released, extensive consultation, final report released, further comments received. Response expected to be released shortly.		
No	Review Recommendations		
1	Principal recommendation that competition be introduced in provision of emergency services in the Metropolitan area.		

Legislation:	<i>Health Act 1958</i>	Portfolio:	Health
Reviewer:	In-house panel	Date review completed:	December 2000
Consultation:	Though not required under Guidelines, extensive consultation has taken place. Discussion paper released November 1998, public forums and public submissions received. Further targeted stakeholder consultation in relation to proposed legislative amendments has also taken place.		
No	Review Recommendations		
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.		
2	That the requirement for registration of pest control operators in the Health Act be repealed.		
3	That the requirement that persons who apply pesticides in the course of the business of a pest control officer be licensed be retained.		
4	That the Health Act be amended to remove commercial chemical control applicators licensed under the <i>Agricultural and Veterinary Chemicals (Control of Use) Act 1992</i> 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.		
5	That the controls on the use of prescribed pesticides in the Health Act be repealed.		
6	That the requirement in the Health Act that licensees submit to regular medical examinations be repealed.		
7	That the Health Act continue to provide qualification or experience requirements for a person providing pre-test and post-test counselling.		
8	That the Health Act continue to limit which laboratories can conduct HIV testing.		
9	That the Health Act continue to require prescribed places to provide information about the incidence of HIV.		
10	That the Health Act continue to require the registration of prescribed accommodation.		
11	That Regulation 7 of the <i>Health (Infectious Diseases) Regulations 1990</i> 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.		
12	That Regulation 15 of the Health (Infectious Diseases) Regulations be amended to bring the toilet, bath and shower facilities requirement in line with the BCA requirement of one per 10 persons.		
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.		
14	That Sections 305 and 309 of the Health Act (dealing with meat supervision) be repealed.		
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.		

Legislation:	<i>Pharmacists Act 1974</i>	Portfolio:	Health
Reviewer:	External review – for Committee of Attorneys-General (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:	<i>Architects Act 1991</i>	Portfolio:	Planning
Reviewer:	Freehill, Hollingdale and Page	Date review completed:	February 1999
Consultation:	Discussion Paper released, advertised call for public submissions, further targeted consultation with key stakeholder groups.		
No	Review Recommendations		
1	Potential net benefits to be obtained from the integration of Victoria's Architects and Building Legislation.		
2	Subject to the report's discussion on integration of the Architects and Building Legislation, retention of title restriction and registration requirements for architects.		
3	Ownership provisions be amended to ensure that in firms which use the title 'architect', or hold themselves out as offering architectural services, at least one director or partner is a qualified/practising architect.		
4	Repeal of Architects Regulations 8,9 and 12, and amendment of Regulation 10 to require that an architect acting as both developer and architect give the client notice in writing of the scope of his or her different roles.		
5	Repeal of Regulation 13 and reliance on Regulations 5, 6, 7, 10 and 14 to achieve higher net benefits.		
6	Repeal of Regulation 15 and reliance on Regulations 5, 6, 7, 10 and 14 to achieve higher net benefits.		
7	Repeal of exemption provisions in section 7 of the Act.		
8	Repeal of Regulation 19 (constraint on seeking business from clients of other architects).		

Legislation:	<i>Building Act 1993</i>	Portfolio:	Planning
Reviewer:	Freehill, Hollingdale and Page	Date review completed:	February 1999
Consultation:	Discussion Paper released, advertised call for public submissions, further targeted consultation with key stakeholder groups.		
No	Review Recommendations		
1	Potential net benefits to be obtained from the integration of Victoria's Architects and Building legislation.		
2	That companies and partnerships be subject to registration requirements.		
3	Retention of the Minister's power to issue compulsory insurance orders.		
4	Increased use of audits of building surveyors to ensure that standards are maintained and fostered.		
5	Repeal of the provisions in section 176 (5)(a) of the Act which grant exemptions to public sector employees, public authorities and the Crown. However, of these provisions, recommend retention of those which exempt certain high security Crown buildings from the requirement to lodge permit documents with the relevant council.		
6	Building permit levy should be based on a formula which is cost-reflective and includes incentives for cost-effective administration of the legislation.		

Department of Justice			
Legislation:	<i>Auction Sales Act 1958</i>	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.		
No	Review Recommendations		
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.		
2	If the licensing of auctioneers is discontinued the exemption of licensed auctioneers in section 4 of the <i>Second-Hand Dealers and Pawnbrokers Act 1989</i> 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.		
3	If the licensing of auctioneers is discontinued the exemptions in sections 42A(3) and 54(7) of the <i>Motor Car Traders Act 1986</i> will be inapplicable. In these circumstances consideration should be given to whether consistent with the objects of the Motor Car Traders Act 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 to the provisions of the Motor Car Traders Act relating to public auctions.		
4	The Review Panel recommends that if the licensing provisions of the Auction Sales Act are retained, the provisions preventing non-residents of Victoria from obtaining auctioneer's licences should be repealed.		
5	The Review Panel recommends that if the licensing provisions of the Auction Sales Act are retained, the provisions in section 33 preventing holders of liquor licences from obtaining auctioneer's licences should be repealed.		
6	The Act should not be amended to cover Internet auctions.		
7	Reference in the Act to farm produce should be repealed.		
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.		
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 <i>Livestock Disease Control Act 1994</i> .		
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 to incorporate such a registration scheme for auctioneers of cattle.		
11	Registration of auctioneers of cattle should be automatic upon payment of a registration fee and should be ongoing.		
12	Registration provisions for auctioneers of cattle should be administered by the Business Licensing Authority.		
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.		
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 or the <i>Stock (Seller Liability and Declarations) Act 1993</i> .		
15	The provisions in the Act relating to collusion should be repealed.		

No	Review Recommendations
16	The requirement in the Auction Sales Act 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.
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.)
18	There should be transitional provisions protecting the rights of current licence holders for the duration of their licences.
19	There should be transitional arrangements requiring auctioneers to retain the records made under the Auction Sales Act.

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Legislation:	<i>Estate Agents Act 1980</i>	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: an estate agent licence for residential sales; and 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; 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 failed to observe any of these regulations they would be subject to the same disciplinary procedures as currently applies to agents today.		
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 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. Instead require that the employer sight a police check and, where that police check is more than 12 months old, within 6 weeks sight a further 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 repealed.		
11	The restrictions on soliciting of listings be removed.		
12	The restrictions on commission sharing should be repealed.		
13	The restrictions on representatives not being employed by more than one agent be removed.		
14	The Estate Agents Act 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 become ineligible following an offence being proven or a fund claim allowed.		
15	Advertising provisions contained within the Estate Agents Act be maintained.		
16	Clause 36(1) provisions restricting flexibility in business naming be repealed.		
17	The Estate Agents Act should be amended to provide an auditor qualification similar to the <i>Legal Practice Act 1996</i> .		
18	The Estate Agents Guarantee Fund (EAGF) 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:	<i>Travel Agents Act 1986</i>	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	Of 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	To support this, 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:	<i>Broiler Chicken Industry Act 1978</i>	Portfolio:	Agriculture
Reviewer:	Consultant (KPMG)	Date review completed:	November 1999
Consultation:	Release of issues paper and call for submissions and targeted interviews.		
No	Review Recommendations		
1	The Act and associated regulations should be repealed because: <ul style="list-style-type: none"> the Act breaches the provisions of the <i>Trade Practices Act 1974</i>, and the Legislation is not grounded on objectives that address market failure. 		

Legislation:	<i>Flora and Fauna Guarantee Act 1988</i>	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.		

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Legislation:	<i>Meat Industry Act 1993</i>	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.		
No	Review Recommendations		
1	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.		
2	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).		
3	Although supermarket meat sales are covered by the <i>Food Act 1984</i> , supermarkets and independent butcher shops should both continue to observe common standards.		
4	Retain 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.		
5	Retain 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.		
6	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.		
7	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).		
8	The Act should 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).		
9	The provisions of the Act that allow the Authority to attach conditions to licences 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.		
10	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)(c).		
11	Section 12A(2)(d) of the Act, which confers power on the Authority to impose restrictions on who may conduct audits, should 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.		
12	There should be a right of appeal to VCAT in relation to the imposition of any restriction imposed by the Authority under section 12A(2)(d).		
13	The duties contained in sections 29-39 other than section 35(6) should be maintained.		
14	Section 35(6) of the Act should be removed and that the matter of horses and donkeys be dealt with by prescription under section 35(7).		
15	Section 5(2) of the Act should 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.		
16	Section 46(2) should 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.		

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Legislation:	<i>Petroleum (Submerged Lands) Act 1982</i>	Portfolio:	Energy and Resources
Reviewer:	Consultant (ACIL)	Date review completed:	April 2000
Consultation:	Issues paper publicly released following consultation with stakeholders. Call for submissions. Industry Forum.		
No	Review Recommendations		
1	The Act be amended to remove discretionary powers to intervene in technical (but not safety and environmental) matters.		
2	The objective based regulatory approach taken in the Act be refined in all states and territories to remove duplication of regulations across jurisdictions and between different enactments within jurisdictions.		
3	The objective of the Act.		
4	Establish ownership rights to abandoned reservoirs within production licences for storage of greenhouse gases and also the temporary storage of petroleum resources.		
5	The regulator continues to supply exploration acreage with a range of prospectivity each year such that it satisfies the demand for exploration acreage.		
6	The removal of the threshold financial and technical requirements for applications and transfers of permits to explore.		
7	No change in the way 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.		
8	The legislation retain the current permit terms and provisions for renewal.		
9	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.		
10	Both works program and cash bidding be retained in the Act and used for the award of permits. The inefficiencies of work program bidding can be avoided by using the system in permit areas that are unlikely to attract a large number of bids (say 3 or less). In these circumstances, the rivalry between firms is diminished and the temptation to over-bid reduced.		
11	The Act is amended to remove the retention lease provisions that provide for the regulator to influence the timing of development of discoveries.		
12	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.		
13	The link between exclusive exploration and production rights and the provisions that allow these rights to be exercised as long as production continues.		
14	The Act be amended to remove the provisions whereby a regulator may direct the time and rate the permit holder recovers petroleum.		
15	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.		
16	The provisions of the Act requiring work to be completed on pipelines within a specified time could be safely removed.		
17	The common carrier provisions should be removed and replaced by open access arrangements.		
18	The provisions of the Act pertaining to infrastructure licence provisions be retained in their current format.		
19	The provisions of the Act regarding the access authority, special prospecting authority and scientific investigations be retained.		
20	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.		
21	The data release provisions applying to speculative surveys be kept under continuous review to maximise the amount of work done by private operators.		
22	The general data release provisions be retained as they do not contravene NCP principles.		
23	The remaining Directions regarding good oil field practice be converted to objective based regulations because of the prescriptive provisions that they contain.		
24	The unconditional approval of transfers of title currently provided for in the Act be retained.		
25	The requirement of the Act for approval of dealings over a title be removed.		
26	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.		
27	The legislation be re written in plain English to remove some of the complexity involved in the processes regulated by the Act.		

Legislation:	<i>Pipelines Act 1967</i>	Portfolio:	Energy and Resources
Reviewer:	Consultant (Alex Dobbs)	Date review completed:	February 1997
Consultation:	Call for public submissions and targeted interviews		
No	Review Recommendations		
1	Victoria should initiate moves to introduce a consistent regulatory regime for pipelines throughout Australia. If national harmonisation is not possible, the next best option is harmonisation with neighbouring markets and with large markets. If full harmonisation is not possible, an initial step of harmonising elements such as safety regulations should take place.		
2	The exact definition of which pipelines should be placed in the Act.		
3	Consideration should be given to formalising 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 Gas Access Code. If open access provisions are to remain in the Act, they should be clarified by specific regulations concerning the exercise of those powers, and those powers should be subject to appeal.		
9	Safety requirements within the Act should be based on future guidelines being developed by the DTF.		
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, possibly through a detailed review.		
13	The Government should retain control over the development of permitted pipelines. This control should be clarified in regulations.		
14	The Government should examine the possibilities for the introduction of a standard electronic format for lodgement of maps and other documents.		

Legislation:	<i>Wildlife Act 1975</i>	Portfolio:	Environment and 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.		

<i>Department of State and Regional Development</i>			
Legislation:	<i>Trade Measurement Act 1995 (Uniform Trade Measurement Legislation)</i>	Portfolio:	Small Business
Reviewer:	National, led by Queensland (Conducted by independent consultant)	Date review completed:	Scoping Paper completed May 2000
Consultation:	Intensive consultation with key stakeholder groups.		
No	Review Recommendations		
1	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 addressed through a separate national discussion paper on the issue.		
2	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 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	<i>Cemeteries Act 1958</i>	Health	In-house panel	Discussion paper released in 1996, including NCP components. 300 responses received. Now consulting public and key stakeholders as part of review of legislation with a view to new legislation.	December 2000

Department of Infrastructure					
No	Legislation	Portfolio	Reviewer	Consultation	Date Review Completed
1	<i>Public Transport Competition Act 1995</i> (provisions relating to large commercial passenger vehicles – Buses)	Transport	Semi-public (Independent Panel)	Discussion paper released, call for public submission advertised and further targeted consultation undertaken.	August 2000
2	<i>Transport Act 1983 – Part 6, Division 5</i> (provisions relating to Taxis and small commercial passenger vehicles).) The legislative provisions of the <i>Transport Act 1983 – Schedule 7</i> (Covenants to be included in Deeds of Assignment) were also addressed as part of this review	Transport	Semi-public (Independent Panel)	Call for public submissions, and extensive consultation with targeted stakeholder groups.	December 2000
3	<i>Transport Act 1983 – Part 6, Division 8</i> (provisions relating to Tow Trucks)	Transport	Semi-public (Independent Panel)	Call for public submissions, and extensive consultation with targeted stakeholder groups.	December 2000

<i>Department of Justice</i>					
No	Legislation	Portfolio	Reviewer	Consultation	Date Review Completed
1	<i>Consumer Credit (Victoria) Act 1995 (Consumer Credit Code)</i>	Consumer Affairs	KPMG Consulting	Issues paper forwarded to all known stakeholders and placed on internet. Targeted consultations with key industry associations and consumer advocacy groups.	December 2000

<i>Department of Premier and Cabinet</i>					
No	Legislation	Portfolio	Reviewer	Consultation	Date Review Completed
1	<i>Museums Act 1983</i>	Arts	In house (consultant)	Targeted	1998

<i>Department of Treasury and Finance</i>					
No	Legislation	Portfolio	Reviewer	Consultation	Date Review Completed
1	<i>Gaming Machine Control Act 1991</i>	Gaming	Marsden Jacob and Associates	Public consultation, submissions received and further targeted consultation prior to report.	November 2000
2	<i>Club Keno Act 1993</i>	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

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	<i>Pathology Services Accreditation Act 1984</i> <i>Pathology Services Accreditation (General) Regulations 1984</i>	Health	External panel, supported by in-house program area.	To commence with release of discussion paper.	Mid-late 2001
2	<i>Drugs, Poisons and Controlled Substances Act 1981</i>	Health	External reviewer – review for COAG	Sought as part of review process, including written submissions and meetings with stakeholders in all jurisdictions.	Early 2001

Department of Infrastructure					
No	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
1	<i>Planning and Environment Act 1995</i>	Planning	Deacons Lawyers	Discussion Paper prepared and published in August 2000, call for public submissions, and written invitation for comments extended to extensive group of stakeholders.	March 2001

Department of Justice					
No	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
1	<i>Private Agents Act 1966</i>	Police and Emergency Services	Freehills Regulatory Group (for completed review of currently regulated categories completed November 1999) PricewaterhouseCoopers (for current review of unregulated activities)	Public discussion paper released July 2000. Following completion of remaining part of review, Cabinet approval will be sought to develop new legislation and release draft Bill for public comment in mid 2001.	PricewaterhouseCoopers review to be completed in March 2001.

Department of Natural Resources and Environment					
No	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
1	<i>Land Act 1958;</i> <i>Crown Land (Reserves) Act 1978</i> and related Acts	Environment and Conservation	The Allen Consulting Group	Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	February 2001
2	<i>Water Act 1989;</i> <i>Water Industry Act 1994;</i> <i>Melbourne and Metropolitan Board of Works Act 1958;</i> <i>Melbourne Water Corporation Act 1992</i>	Environment and Conservation	Marsden Jacobs and Associates	Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	April 2001

Department of Natural Resources and Environment					
No	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
3	<i>Extractive Industries Development Act 1995</i>	Energy and Resources	Peter Day Consulting Pty Ltd	Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	April 2001
4	<i>Livestock Disease Control Act 1994;</i> <i>Stock (Seller Liability and Declarations) Act 1993</i>	Agriculture	PricewaterhouseCoopers	Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	April 2001
5	<i>National Parks Act 1975;</i> <i>Water Industry Act 1994 (Part IV)</i>	Environment and Conservation	The Allen Consulting Group	Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	April 2001
6	<i>Plant Health and Plant Products Act 1995</i>	Agriculture	PricewaterhouseCoopers	Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	April 2001

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 Human Services					
No	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
1	<i>Retirement Villages Act 1986</i>	Aged Care	Dependent on outcome of scoping review	Dependent on outcome of scoping review	Office of Regulation Reform currently conducting a scoping review to determine whether an NCP review is necessary. Response expected early to mid-2001.

Department of Infrastructure					
No	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
1	<i>Architects Act 1991</i>	Planning	February 2000	Approximately late 2001	Completion date will 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.
2	<i>Building Act 1993</i>	Planning	February 2000	Approximately late 2001	Completion date will 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.

Department of Justice					
No	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
1	<i>Trustee Act 1958</i>	Consumer Affairs	June 1998	June 2001	Scoping study suggests legislation does not restrict competition but further research required.
2	<i>Legal Aid Act 1978</i>	Attorney-General	November 1998	December 2001	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	<i>Land Act 1958; Crown Land (Reserves) Act 1978 and related Acts</i>	Environment and Conservation	December 2000	March 2001	This complex review required extensive and lengthy consultation with a broad range of stakeholders.
2	<i>Water Act 1989; Water Industry Act 1994; Melbourne and Metropolitan Board of Works Act 1958; Melbourne Water Corporation Act 1992</i>	Environment and Conservation	December 2000	April 2001	This complex review required a lengthy consultation process with industry and other stakeholders.
3	<i>Extractive Industries Development Act 1995</i>	Energy and Resources	December 2000	April 2001	Review period extended to allow for additional consultation.
4	<i>Livestock Disease Control Act 1994; Stock (Seller Liability and Declarations) Act 1993</i>	Agriculture	December 2000	April 2001	COAG's extension of the timetable provided an opportunity to more thoroughly consider the issues.
5	<i>National Parks Act 1975; Water Industry Act 1994 (Part IV)</i>	Environment and Conservation	December 2000	April 2001	Review delayed due to other reforms to the legislation.

Department of Natural Resources and Environment					
No	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
6	<i>Wheat Marketing Act 1989</i>	Agriculture	December 2000	December 2001	Review delayed pending the outcome of a review of the Commonwealth Wheat Marketing Act, which was completed in December 2000.
7	<i>Plant Health and Plant Products Act 1995</i>	Agriculture	December 2000	April 2001	COAG's extension of the timetable provided an opportunity to more thoroughly consider the issues in this review.

Table 8: Reviews Removed

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

Department of Education, Employment and Training			
No	Legislation	Portfolio	Reason for Removal
1	<i>Employment Agents Act 1958</i>	Education	The Act was not proclaimed and was repealed by the <i>Training and Further Education Acts (Amendment) Act 2000</i> .

Department of Human Services			
No	Legislation	Portfolio	Reason for Removal
1	<i>Housing Act 1983</i>	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 Infrastructure			
No	Legislation	Portfolio	Reason for Removal
1	<i>Border Railways Act 1922</i>	Transport	Removed from Timetable based on absence of restrictive provisions.
2	<i>Civil Aviation (Carriers Liability) Act 1961</i>	Transport	Removed from Timetable based on absence of restrictive provisions.
3	<i>National Rail Corporation (Victoria) Act 1991</i>	Transport	Removed from Timetable based on absence of restrictive provisions.
4	<i>Transport Act 1983 – Part 3 (Powers of the Corporations)</i>	Transport	Removed from Timetable based on absence of restrictive provisions.
5	<i>Transport Act 1983 – Part 4 (Financial)</i>	Transport	Removed from Timetable based on absence of restrictive provisions.
6	<i>Transport Act 1983 – Part 6 (Traffic Regulation, Registration and Licensing) Division 1 (General Provisions)</i>	Transport	Removed from Timetable based on absence of restrictive provisions.
7	<i>Transport Act 1983 – Schedule 4 (Further Particular Powers of the Roads Corporation)</i>	Transport	Removed from Timetable based on absence of restrictive provisions.
8	<i>Transport Act 1983 – Schedule 6 (Provisions with Respect to Roads)</i>	Transport	Removed from Timetable based on absence of restrictive provisions.

Department of Justice			
No	Legislation	Portfolio	Reason for Removal
1	<i>Police Regulation Act 1958</i>	Police and Emergency Services	Found not to contain material restrictions on competition.
2	<i>Property Law Act 1958</i>	Attorney General	Only competition policy issues relate to the registry function. This part and associated regulations have been added to NRE's schedule.
3	<i>Funerals (Pre-Paid Money) Act 1993</i>	Consumer Affairs	Scoping study has shown that the legislation does not restrict competition.
4	<i>Credit (Administration) Act 1984</i>	Consumer Affairs	Scoping study has shown that the legislation does not restrict competition.
5	<i>Defence Reserves Re-Employment Act 1995</i>	Consumer Affairs	Scoping study has shown that the legislation does not restrict competition.
6	<i>Discharged Servicemen's Preference Act 1943</i>	Consumer Affairs	Scoping study has shown that the legislation does not restrict competition.
7	<i>Petroleum Retail Selling Sites Act 1981</i>	Consumer Affairs	Scoping study has shown that the legislation does not restrict competition.
8	<i>Fuel Prices Regulation Act 1981</i>	Consumer Affairs	Scoping study has shown that the legislation does not restrict competition.
9	<i>Business Names Act 1962</i>	Consumer Affairs	Scoping study has shown that the legislation does not restrict competition.
10	<i>Landlord and Tenant Act 1958</i>	Consumer Affairs	Scoping study has shown that the legislation does not restrict competition.
11	<i>Partnership Act 1958</i>	Consumer Affairs	Scoping study has shown that the legislation does not restrict competition.
12	<i>Corrections Act 1986</i>	Corrections	Review considered unnecessary as there are no competition restrictions in the legislation, which creates a framework for the multi-provider (i.e. public and private sector) corrections system in Victoria.
13	<i>Country Fire Authority Act 1958</i>	Police and Emergency Services	Function has been divested.
14	<i>Metropolitan Fire Brigades Act 1958</i>	Police and Emergency Services	Function has been divested.

Department of Natural Resources and Environment			
No	Legislation	Portfolio	Reason for Removal
1.	<i>Electricity Industry Act 1993</i>	Energy and Resources	The <i>Electricity Industry Act 1993</i> has been replaced by the <i>Electricity Industry Act 2000</i> . This Act gives effect to Victorian reforms that are in line with the introduction and implementation of a national electricity market. The Electricity Industry (Residual Provisions) Act 1993 now contains the remaining provisions from the 1993 Act that are relevant for historical purposes including the privatisation provisions.
2	<i>Catchment and Land Protection Act 1994</i>	Environment and Conservation	The Act does not restrict competition and it ensures competition in relevant markets is sustainable in the long term. An integrated Pest Management Strategy 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 Pest Management Strategy will provide clarification in relation to the discretionary powers outlined in the Act. This will be completed in 2001. The provisions of Part 7 of the Act which relate to extraction of material have been superseded by the <i>Extractive Industries Development Act 1995</i> and will be repealed when the Act is next amended.
3	<i>Mines Act 1958</i>	Energy and Resources	This Act has been largely 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 and Safety Act.
4	<i>Murray Darling Basin Act 1993</i>	Agriculture	The legislation does not contain any significant restrictions on competition and the majority of the jurisdictions to the agreement did not identify their adoptive mirror legislation for review. In addition, a review by South Australia of its Murray Darling Basin legislation did not identify any significant restrictions on competition.
5	<i>Transfer of Land Act 1958</i>	Environment and Conservation	The legislation contains a small number of minor restrictions that are necessary to the achievement of the objectives of the legislation and the restrictions are mainly in the form of compliance costs which are contained in the subordinate legislation made under the Act and subject to RIS requirements.
6	<i>Property Law Act 1958</i>	Environment and Conservation	The legislation contains a small number of minor restrictions that are necessary to the achievement of the objectives of the legislation and the restrictions are mainly in the form of compliance costs which are contained in the subordinate legislation made under the Act and subject to RIS requirements.
7	<i>Conservation, Forests and Lands Act 1987</i>	Environment and Conservation	The legislation is enabling legislation that does not, in itself, restrict competition.
8	<i>Melbourne Market Authority Act 1977</i>	Agriculture	Considered unnecessary to review the legislation as the only restrictions were those identified in the CN review of the Authority.
9	<i>State Electricity Commission Act 1958</i>	Energy and Resources	Scoping study has shown that the legislation does not restrict competition.

Department of State and Regional Development

No	Legislation	Portfolio	Reason for Removal
1	<i>Shop Trading Act 1987 and Capital City (Shop Trading) Act 1992</i>	State and Regional Development	Acts have been repealed. Therefore no reviews are to be undertaken.
2	<i>Employee Relations (ERC Oath of Office) Regulations 1993</i>	State and Regional Development	Review will not be undertaken. Regulations have lapsed following abolition of Employee Relations Commission.
3	<i>Labour and Industry Act 1958</i>	Industrial Relations	The Act has been removed from the review schedule as it does not contain restrictions on competition.
4	<i>Long Service Leave Act 1992 (formerly Employee Relations Act 1992)</i>	Industrial Relations	The Act has been removed from the review schedule as it does not contain restrictions on competition.
5	<i>Professional Boxing Control Regulations 1986</i>	Sport and Recreation	Review will not be undertaken. Regulations have been repealed.
6	<i>Martial Arts Control Act 1986</i>	Sport and Recreation	Review will not be undertaken. Act has been repealed.
7	<i>Martial Arts Control Regulations 1989</i>	Sport and Recreation	Review will not be undertaken. Regulations have been repealed.

Department of Treasury and Finance

No	Legislation	Portfolio	Reason for Removal
1	<i>Casino Control Regulations 1992 (Fees, Prescribed Authorities and Low Persons, Requirements, Special Employees)</i>	Gaming	Contains administrative and Government fee provisions that do not restrict competition.
2	<i>Casino Control Act 1991</i>	Gaming	Level of compensation required to remove exclusive casino license exceeds any benefits to be gained from removal.

Table 9: List of New Restrictive Legislation

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

Department of Human Services		
No	Legislation	Portfolio
1	<i>Chinese Medicine Registration Act 2000</i>	Health
Department of Infrastructure		
No	Legislation	Portfolio
1	<i>Building (Plumbing) Act 1998</i>	Planning
2	<i>Road Safety (Driving Instructors) Act 1998</i>	Transport
Department of Justice		
No	Legislation	Portfolio
1	<i>Hire Purchase (Amendment) Act 1997</i>	Consumer Affairs
2	<i>Introduction Agents Act 1997</i>	Consumer Affairs
3	<i>Legal Practice (Amendment) Act 1998</i>	Attorney-General
4	<i>Travel Agents Regulations 1997</i>	Consumer Affairs
5	<i>Hire Purchase (Amendment) Act 2000</i>	Consumer Affairs
6	<i>Fair Trading Act 1999</i>	Consumer Affairs

Department of Natural Resources and Environment

No	Legislation	Portfolio
1	<i>Fisheries (Commercial) Regulations 2000</i>	Energy and Resources
2	<i>Fisheries (Commercial and Aquaculture) Regulations 2000</i>	Energy and Resources
3	<i>Fisheries (Amendment) Regulations 1999</i>	Energy and Resources
4	<i>Gas Safety (Gas Appeals Board) Regulations 2000</i>	Energy and Resources
5	<i>Gas Safety (Gas Installation) Regulations 1999</i>	Energy and Resources
6	<i>Gas Safety (Gas Quality) Regulations 1999</i>	Energy and Resources
7	<i>Gas Safety (Safety Case) Regulations 1999</i>	Energy and Resources
8	<i>Electricity Safety (Equipment) Regulations 1999</i>	Energy and Resources
9	<i>Electricity Safety (Installations) Regulations 1999</i>	Energy and Resources

Department of Treasury and Finance

No	Legislation	Portfolio
1	<i>Gambling Legislation (Miscellaneous Amendments) Act 2000</i>	Gaming
2	<i>Gambling Legislation (Responsible Gambling) Act 2000</i>	Gaming
3	<i>Ministerial Direction on Gaming Machines</i>	Gaming
4	<i>Gaming No. 2 (Community Benefit) Act 2000</i>	Gaming
5	<i>Interactive Gaming (Player Protection) Act 1999</i>	Gaming
6	<i>Dangerous Goods Act 1985 (Dangerous Goods Act 1985 (Explosive) Regulations 2000)</i>	WorkCover
7	<i>Dangerous Goods Act 1985 (Dangerous Goods Act 1985 (Storage and Handling) Regulations 2000)</i>	WorkCover
8	<i>Occupational Health and Safety Act 1985, Major Hazard Facilities Regulations 2000</i>	WorkCover

Table 10: Details of New Restrictive Legislation

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

<i>Department of Human Services</i>			
Legislation:	<i>Chinese Medicine Registration Act 2000</i>		
Portfolio:	Health	Date passed:	May 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Registration requirements for Chinese Medicine practitioners and Chinese herbal dispensers.	Necessary for protection of the public from inadequately trained Chinese medicine practitioners, and mirrors provisions in other health practitioner legislation which is also justifiable on competition policy grounds.	
2	Advertising restrictions.	Necessary in order to protect the public, and mirrors provisions in other health practitioner legislation which is also justifiable on competition policy grounds.	
3	Board powers to require professional indemnity insurance as condition of registration.	Necessary to implement Commonwealth Tito report, Victorian Law Reform Committee Recommendations, and mirrors provisions in other health practitioner legislation, which is also justifiable on competition policy grounds.	

Department of Infrastructure			
Legislation:	<i>Building (Plumbing) Act 1998</i>		
Portfolio:	Planning	Date passed:	10 November 1998
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Removes the exemption from licensing for registration applying to refrigeration mechanics.	Prior to the amendment the work of refrigeration mechanics did not have the usual 10 year warranty arising from the issue of compliance certificates under Part 12A. There were no standards applying to such installations. This was anomalous as some licensed plumbers perform this work in conjunction with plumbing work which is regulated under Part 12A, while refrigeration mechanics who carry out refrigeration work alone were not regulated. The public was not given the usual protection afforded in Part 12A and it was difficult for consumers to identify which service providers are covered. The exemption could not be justified in the public interest. The amendment is consistent with competition policy principles because the benefits flowing from the amendment outweigh the costs.	

Legislation:	<i>Road Safety (Driving Instructors) Act 1998</i>		
Portfolio:	Transport	Date passed:	27 October 1998
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Introduction of registration scheme for driving instructors with mandatory minimum standards.	Introduction of the registration scheme with mandatory minimum standards will restrict competition by imposing additional costs on entry to the market for the provision of driving instruction for hire or reward and by excluding potential entrants who do not meet the standards. The costs relate to the requirements to attain minimum competency standards and to undergo criminal and driving record checks and to the administration of the scheme by a Government agency. The restrictions imposed by the mandatory minimum standards are consistent with NCP because the overall public benefits outweigh the compliance costs.	

Department of Justice

Legislation:	<i>Hire Purchase (Amendment) Act 1997</i>		
Portfolio:	Consumer Affairs	Date passed:	Autumn 1997
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Retains the principal Act's special consumer protection measures for new hire-purchase agreements for farm machinery for two years, (while removing all other new hire-purchase agreements from coverage).	There is benefit in continuing to use the Act to address rural sector difficulties in relation to hire purchase for two years while a more comprehensive policy is developed in relation to finance in the rural sector.	

Legislation:	<i>Introduction Agents Act 1997</i>		
Portfolio:	Consumer Affairs	Date passed:	Spring 1997
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Imposes disclosure requirements and a cooling-off period.	Regulation was only introduced after other forms of intervention had demonstrably failed to correct problems in the market for introductory services: large advance payments were frequently being extracted for services which did not meet the expectations created in clients; consumer complaints were not being heeded, and civil action by aggrieved consumers was not deterring further malpractice. The benefits of better informed consumers and reduced consumer loss due to poor service delivery following advance payments outweigh the compliance costs imposed. Less restrictive alternatives would not achieve the objective of deterring dishonest operators and promoting effective competition in the industry.	
2	Restricts the acceptance of advance payments to 30 per cent of the total contract price.	See above	
3	Provides for certain operators to be excluded from the market (negative licensing).	See above	

Legislation:	<i>Legal Practice (Amendment) Act 1998</i>		
Portfolio:	Attorney-General	Date passed:	Spring 1998
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Retention of statutory mutual fund monopoly on supply of compulsory professional indemnity insurance for solicitors.	The benefits of lower and more stable premiums outweigh the costs flowing from reduced incentives for product innovation and tailoring to different solicitor's needs (and those of their clientele). In addition the objectives of comprehensive cover for consumers of legal service and access to the services of sole and small firm practices, cannot be met without restricting competition.	

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Legislation:	<i>Travel Agents Regulations 1997</i>		
Portfolio:	Consumer Affairs	Date passed:	January 1997
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Prescribed qualifications for managers of travel agency offices.	The prescribed qualifications are minimal but provide some assurance that bookings made through a travel agent will not miscarry due to incompetence on the part of the agency and that the national compensation fund remains viable. The Travel Agents Act 1986 and these regulations are currently subject to a national review.	

Legislation:	<i>Hire Purchase (Amendment) Act 2000</i>		
Portfolio:	Consumer Affairs	Date passed:	Spring 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Retains the principal Act's special consumer protection measures for new hire-purchase agreements for farm machinery for a further three years.	There is benefit in continuing to use the Act to address rural sector difficulties in relation to hire purchase while a more comprehensive policy is developed in relation to finance in the rural sector. Further time is needed for this policy work.	

Legislation:	<i>Fair Trading Act 1999</i>		
Portfolio:	Consumer Affairs	Date passed:	1999
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	The Fair Trading Act was assessed against the NCP guiding legislative principle at the time it was introduced. The assessment found that only the requirements imposed on 'Off-Business Premises Sales' in Part 4 entail some restriction on competition.	The assessment found the restrictions were justified because they were the least restrictive means available to achieve the over-riding benefit of countering (i) contract sales being secured by intimidation (ii) purchasers being misinformed regarding their rights to withdraw from purchases made off business premises, that is not understanding when a cooling off period has to be five business days.	

Department of Natural Resources and Environment			
Legislation:	<i>Fisheries (Commercial) Regulations 2000</i>		
Portfolio:	Energy and Resources	Date passed:	Made on 14 March 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Increases in Seafood Industry Victoria (SIV) levies paid by Commercial fishers.	Monies raised will fund the commercial fishing peak body (SIV) and raise funding levels to a level necessary to enable them body to operate effectively and is in line with levies collected by similar peak bodies in other states. The increases have followed consultation with the industry.	

Legislation:	<i>Fisheries (Commercial and Aquaculture) Regulations 2000</i>		
Portfolio:	Energy and Resources	Date passed:	Made on 24 October 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Levy on banded morwong and bycatch limit for Ocean Fishery and Rock Lobster Fishery Access.	The levy has been created to partially recover the costs associated with research, monitoring, compliance and management of the banded morwong-developing fishery. The principle of cost recovery is that the cost of fisheries management services should be borne by those who directly benefit from them or those who drive the need for the provision of services. Experience in other Australian states has shown that banded morwong fisheries are highly susceptible to over-fishing.	
2	Restriction of ability to employ an operator on Bay and Inlet licences.	In order to meet the objectives of the Act, it is considered necessary to restrict the potential for an increase in fishing effort that would result if licence holders were able to employ an operator on their licence.	
3	Gear restrictions for commercial catch of gummy and school shark.	The regulations will result in an overall reduction in fishing effort in the shark fishery, consistent with the Memorandum of Understanding which was signed by Victoria and the Commonwealth to reduce the total annual landing of gummy and school shark in Victorian bays and inlets.	
4	Annual levy for Aquaculture (Crown Land) Type A license holders.	The levy (and the corresponding two-tier license system) has been created to recover costs incurred in the creation of the Victorian Shellfish Quality Assurance Program (VSQAP). The system is designed to minimise human health risks from contaminated shellfish. Compliance with the system is required to meet Food Safety Standards for domestic and international markets.	

Legislation:	<i>Fisheries (Amendment) Regulations 1999</i>		
Portfolio:	Energy and Resources	Date passed:	Made on 13 July 1999
No	Restrictions on Competition Introduced	Competition Policy Justification	
1.	Limited Commercial access to new bait fisheries.	The restriction is consistent with the achievement of the objective of the Regulations that fisheries of Victoria be managed on a sustainable basis. The restriction also provides for the balanced use of resources by the competing user groups.	
2.	Restrictions on Commercial Fishing Activities.	The restriction has been introduced to ensure that stocks are harvested sustainably. Conditions placed on licences provide for restrictions on gear, methods, areas, and times of fishing, etc to generally provide for sustainable stocks consistent with the objectives of the regulations.	
3.	Restrictions on activities of Aquaculture License holders.	These restrictions are required for good management of Victoria's fisheries by preventing unauthorised or illegal (and possibly unsustainable) trading in yabbies.	
4.	Restrictions on Recreational fishing activities.	The restrictions are necessary for continued sustainable use, protection and good management of Victoria's fisheries resources, habitats and ecosystems.	

Legislation:	<i>Gas Safety (Gas Appeals Board) Regulations 2000</i>		
Portfolio:	Energy and Resources	Date passed:	Made on 18 April 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	The regulations require a form to be completed and a fee paid for the lodgement of an appeal against certain decisions of the Office of Gas Safety.	The Gas Industry is a highly deregulated industry and the fee (which is either \$200 or \$1000, depending on which provision is being appealed) is part of a cost recovery program.	

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Legislation:	<i>Gas Safety (Gas Installation) Regulations 1999</i>		
Portfolio:	Energy and Resources	Date passed:	Made on 19 January 1999
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Serially produced smaller appliances (Type A) will require testing, acceptance and "badging" under an authorised acceptance scheme.	These requirements are a continuation of the regulations under the previous Act. These restrictions aim to minimise potential risks associated with faulty operation of appliances. The restriction is required to achieve the objective of the Act and the regulations.	
2	Prescribed standards for Type B (complex) appliances.	These restrictions are considered essential in view of the very significant potential risks associated with incompetently manufactured and installed Type B appliances. The restrictions are in the public benefit and are required to achieve the objectives of the Act.	
3	Compliance certificates for gas fitting work on natural gas and Liquid Petroleum gas (LPG) installations.	These are a continuation of regulations under the previous Act and regulations. The requirements for compliance plates/certificates for installations are designed to provide certainty of information leading to higher safety outcomes for operators and the community. This aim is consistent with the objectives of the Act and the regulations.	
4	Prescribed regulations for gas fitting work and domestic and industrial gas installations.	The restrictions introduced with the regulations are the current industry standards. The restrictions prescribed by the regulations aim to reduce the very significant potential risks to personal health and safety and property associated with incompetently installed and operated gas appliances. These restrictions are consistent with the objectives of the Act and the regulations.	

Legislation:	<i>Gas Safety (Gas Quality) Regulations 1999</i>		
Portfolio:	Energy and Resources	Date passed:	19 January 1999
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Minimum specifications for gas quality supply.	Uniform quality specifications ensure that all gas in the distribution pipeline network is safe for end use consumption, thereby underpinning the development of a competitive retail gas market. The requirements are considered an appropriate safety threshold for ensuring public safety and are essential to achieve the objectives of the Act.	

Legislation:	<i>Gas Safety (Safety Case) Regulations 1999</i>		
Portfolio:	Energy and Resources	Date passed:	Made on 19 January 1999
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Minimum requirements for gas safety case documents and safety management systems.	Companies in the upstream gas market need to ensure that the public is protected from hazardous conditions, which can arise resulting from gas leakage and gas emissions. Minimum safety standards and objectives are a necessary means of reducing these risks. Costs of compliance have been minimised by restricting their scope to minimum functional requirements and avoiding any prescription of style or format.	

Legislation:	<i>Electricity Safety (Equipment) Regulations 1999</i>		
Portfolio:	Energy and Resources	Date passed:	Commenced 3 May 1999
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	All electrical equipment supplied in Victoria is required to comply with Australian and New Zealand Standard AS/NZS:1998 unless a certificate of acceptance has been issued by the Office of the Chief Electrical Inspector.	These requirements may create barriers to entry into the market for the manufacture and supply of electrical equipment. Due to information asymmetries, consumers are generally unaware of safe product design and safety standards. Hence their ability to detect hazardous products can be limited. As a consequence any barriers to entry created by the regulations are justified on the grounds of protecting the public from equipment which exposes them to unacceptable risks of shock, fire or other hazards.	
2	Certain prescribed electrical equipment must be approved by the Office of the Chief Electrical Inspector or a prescribed authority.	As above	

Legislation:	<i>Electricity Safety (Installations) Regulations 1999</i>		
Portfolio:	Energy and Resources	Date passed:	Commenced 3 May 1999
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Electrical workers and inspectors are required to be licensed and electrical contractors are required to be registered.	Occupational regulation of this nature restricts competition. These requirements may create barriers to entry into the market for the provision of services by electrical workers or contractors and the market for inspection and testing services. Due to information asymmetries, consumers are generally unaware of the technical complexity of electricity and its associated hazards. Any barriers to entry created by the regulations are justified, as using unskilled workers, contractors or inspectors can result in loss of life, injury, industry down time and property damage.	
2	These regulations prescribe methods for carrying out installation work and prescribed standards for the quality of materials, fittings and apparatus to be used in electrical installations.	Prescribed methods for installation work and prescribed standards for materials, fittings and apparatus raise costs to business. As the use of inappropriate methods or substandard material can result in loss of life, injury, industry down time and property damage, this restriction is justified.	

Department of Treasury and Finance			
Legislation:	<i>Gambling Legislation (Miscellaneous Amendments) Act 2000</i>		
Portfolio:	Gaming	Date passed:	Assented to on 5 December 2000 (Autumn 2000)
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Increased accountability of the gaming industry.	Legislation ensures mandatory full reporting, enhanced probity checks and greater accountability by the gambling industry in general and the casino sector to the Parliament. The Act helps remove secrecy and allows the Victorian Casino and Gaming Authority to conduct open hearings for the first time and gives the community the right to know details of applications.	

Legislation:	<i>Gambling Legislation (Responsible Gambling) Act 2000</i>		
Portfolio:	Gaming	Date passed:	Assented to 9 May 2000 (Autumn 2000)
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Councils now have the opportunity to comment on the impact of gaming applications to the VCGA.	The initiative will ensure that potential venue operators and the wider community consider the public economic and social implications of new gaming venues.	
2	Provide for players of gaming machines to be given information relevant to gaming on gaming machines.	Better information will help ensure that consumers are better served by the gaming industry while also helping to tackle problem gambling.	
3	Regional gaming machine caps.	Regional caps will be put in place in areas where gaming machines are likely to cause harm. The policy is in line with community expectations.	
4	No 24-hour gaming venues in regional and rural Victoria. In the metropolitan areas, no new 24-hour gaming venues without demonstrated net economic and social benefit.	It is the Government's intention that in the main, 24 hour gaming should not be permitted in the State and that there must be a break from gaming each day. The ban on 24 hour gaming was not extended to either the Casino (due to contractual arrangements) or other metropolitan venues (due to their positioning to the Casino).	

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Legislation:	<i>Ministerial Direction on Gaming Machines</i>		
Portfolio:	Gaming	Date passed:	Restrictions 2, 3, 4 - August 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Freeze in the number of gaming machines in Victoria.	The last change in the setting of this Ministerial direction was 4 April 1997 when the current maximum number of machines was set at 27,500. A set number of machines across the State and will help ensure that the prevalence of gambling is limited. The policy is in line with the public interest.	
2	Electronic gaming machines are banned in unrestricted areas where minors are allowed.	Removes the undesirable situation of having children in a poker machine environment.	
3	Requirement that patrons do not have to pass through the gaming room in order to access any other part of a venue.	Removes the situation of gaming venues where patrons must go through the gaming area to reach any other part of the venue and restores the balance by ensuring that gaming is one of many services offered at venues.	
4	Requirement that physical barriers will be required to separate restricted gaming rooms from other parts of the venue.	Removes the situation of gaming venues where patrons must go through the gaming area to reach any other part of the venue and restores the balance by ensuring that gaming is one of many services offered at venues.	

Legislation:	<i>Gaming No. 2 (Community Benefit) Act 2000</i>		
Portfolio:	Gaming	Date passed:	August 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	The Act now guarantees a portion of bingo revenues returns to charity and community groups. The Act also allows community organisations to use trade promotions.	Helps stem the gradual erosion of revenues from bingo games to community organisations due to excessive market power wielded by bingo venues. Bingo games are often held by community organisations to raise revenue with a portion going to the organising venue. To ensure greater competition across the board and also provide community groups with another avenue for revenue raising opportunities, the Act also allows community organisations to use trade promotions.	
2	The Act bans machines that offer cash prizes or cash redeemable prizes in amusement centres.	These machines act as inducements to gamble and are found in amusement centres where children frequent.	

Legislation:	<i>Interactive Gaming (Player Protection) Act 1999</i>		
Portfolio:	Gaming	Date passed:	June 1999 — Spring 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	The Act makes provision for the protection of consumers participating in interactive games by regulating the provision of interactive gaming services.	<p>The Act introduces various restrictions that will help ensure that consumers who use interactive gambling services are adequately protected. Players will be protected by measures that:</p> <ul style="list-style-type: none"> • ban the use of credit betting; • restrict access to minors; • involve strict player registration guidelines; • have self exclusion; • detail operator licensing procedures; • set betting limits; and • ensure there is a minimum seven day cooling off period before increasing a bet limit. 	

Legislation:	<i>Dangerous Goods Act 1985 (Explosive) Regulations 2000</i>		
Portfolio:	WorkCover	Date passed:	Made on 27 June 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	A licence is required to manufacture explosives at a factory.	This requirement may create barriers to entry into those industries that manufacture explosives. Because of their properties, explosives present very significant risks to workers as well as to the community. Hence, any barriers to entry created by the regulations are justified in order to control the risks to workers and public safety.	
2	A licence is required to store explosives above a specified quantity.	This requirement may create barriers to entry into those industries that store explosives. Because of their properties, explosives present very significant risks to the community. Hence, any barriers to entry created by the regulations are justified in order to control the risks to public safety.	
3	A licence is required to sell explosives.	This requirement may create barriers to entry into the market to sell explosives. Because of their properties, explosives present very significant risks to the community. Hence, any barriers to entry created by the regulations are justified in order to control the risks to public safety.	
4	A licence is required to transport explosives and licence is required to drive a road vehicle transporting explosives.	This requirement may create barriers to entry into the market for the transport of explosives. Because of their properties, explosives present very significant risks to the community. Hence, any barriers to entry created by the regulations are justified in order to control the risks to public safety.	
5	A licence required to use of blasting explosives in mines and quarries.	This requirement may create barriers to entry into the market for blasting services. Because of their properties, explosives present very significant risks to workers in mines and quarries as well as to the community. Hence, any barriers to entry created by the regulations are justified in order to control the risks to workers and public safety.	
6	A licence required to discharge fireworks or to be a pyrotechnician.	This requirement may create barriers to entry into the market for fireworks discharging services. Because of their properties, fireworks present very significant risks to the community. Hence, any barriers to entry created by the regulations are justified in order to control the risks to public safety.	
7	A licence required to import explosives.	This requirement may create barriers to entry into the market for the importation of explosives. Because of their properties, explosives present very significant risks to the community. Hence, any barriers to entry created by the regulations are justified in order to control the risks to public safety.	
8	The requirement that shippings berths are to be approved for the transfer and handling of explosives.	This requirement may create barriers to entry into the market for the ship berthing services. Because of their properties, explosives present very significant risks to berthed ships as well as the community. Hence, any barriers to entry created by the regulations are justified in order to control the risks to berthed ships and to public safety.	

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Legislation:	<i>Dangerous Goods Act 1985 (Storage and Handling) Regulations 2000</i>		
Portfolio:	WorkCover	Date passed:	Made on 8 December 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Major hazard facilities are required to be licensed.	This requirement may create barriers to entry into those industries that store and handle large quantities of dangerous goods. Because of their properties, such as flammability and toxicity, dangerous goods present very significant risks to the community and the environment. Hence, any barriers to entry created by the regulations are justified in order to control the risks to public safety and the environment.	

Legislation:	<i>Occupational Health and Safety (Major Hazard Facilities) Regulations 2000</i>		
Portfolio:	WorkCover	Date passed:	Made on 22 June 2000
No	Restrictions on Competition Introduced	Competition Policy Justification	
1	Major hazard facilities are required to be registered.	This requirement may create barriers to entry into those industries that store and handle large quantities of dangerous goods. Because of their properties, such as flammability and toxicity, dangerous goods present very significant risks to the community and the environment. Hence, any barriers to entry created by the regulations are justified in order to control the risks to public safety and the environment.	

Table 11: Regulatory Impact Assessment

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

Department of Human Services		
No	Legislation	Did the Commonwealth Office of Regulation Review certify the regulatory Impact Statement? YES/NO
1	<i>National Model Food Act</i> – Regulatory Impact Statement consequent on NCP review of model Food law – proposed nationally consistent legislation. Victoria is preparing a legislative response to the proposal.	YES

Department of Natural Resources and Environment		
No	Legislation	Did the Commonwealth Office of Regulation Review certify the regulatory Impact Statement? YES/NO
1	National Environment Protection (Ambient Air Quality) Measure (made 26 June 1998)	This and the following National Environment Protection Measures (NEPMs) developed by the National Environment Protection Council (NEPC) have been, or will be, implemented during the periods 1999-2000 or 2000-2001. The Impact Statements for these measures were developed in conjunction with the Commonwealth ORR to ensure full compliance with ORR's requirements.
2	National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure (made 26 June 1998)	As above
3	National Environment Protection (National Pollutant Inventory) Measure (made 27 February 1998, varied 20 June 2000)	As above
4	National Environment Protection (Used Packaging Materials) Measure (made 2 July 1999)	As above
5	National Environment Protection (Assessment of Site Contamination) Measure (made 10 December 1999)	As above
6	National Environment Protection (Diesel Vehicle Emissions) Measure (currently being developed)	As above

Part F: Competitive Neutrality

Table 12: Public Enterprises and Business Activities Applying Competitive Neutrality

<i>Department of Human Services</i>		
Public Trading Enterprises	Competitive Neutrality Application as at December 2000	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 are relevant and Trusts have been instructed by the DHS to ensure compliance with CN pricing guideline.	Cemetery trusts are required under the <i>Cemeteries Act 1958</i> 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 <i>Associations Incorporations Act 1981</i>	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.	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.

<i>Department of Infrastructure</i>		
Public Trading Enterprises	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
Hastings Port (Holding) Corporation HPHC was incorporated under the <i>Port Services Act 1995</i>	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 <i>Port Services Act 1995</i>	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 <i>Port Services Act 1995</i> and financially compensated accordingly.
Spencer Street Station Authority SSSA was incorporated under the <i>Rail Corporations and Transport (Amendment) Act 1999</i>	The SSSA commenced operations on 1 July 2000, and has substantially implemented CN Pricing principles. The new Authority is presently addressing other potential CN issues. SSSA provides food and beverages, toilet and car-parking facilities for users of Spencer Street Station on a commercial basis. It is self-supporting on a day-to-day basis, and manages station infrastructure from within its operating budget.	The SSSA has not been directed to undertake CSOs. It provides financial assistance for Travellers Aid.
Urban Land Corporation ULC was established under the <i>Urban Land Authority Act 1979</i> and made a State Owned Company on 3 February 1998 under the <i>State Owned Enterprises Act 1992</i>	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 <i>Financial Management Act 1994</i> , 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.

Department of Infrastructure (cont'd)		
Public Trading Enterprises	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
Victorian Channels Authority VCA was established under the <i>Port Services Act 1995</i>	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 <i>Rail Corporations Act 1996</i>	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

<i>Department of Justice</i>		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
Victorian Government Solicitor's Office	CN applies to legal services.	
Provision, inspection and servicing etc of fire equipment by MFB or CFA MFB: Metropolitan Fire Brigade CFA: Community Fire Authority	Developing a fully commercial approach where CN applies.	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 2000	How does the enterprise handle community service obligations (CSOs)?
Agriculture Victoria Services Pty Ltd AVS, previously know as Daratech, 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. AVS is aware of the provisions of the NCP and apply CN Policy. The research institutes undertake commercial research projects through AVS, which fully costs their services using a pricing model developed by Agriculture Victoria. This model is consistent with CN pricing policies.	AVS does not have any specified CSOs.
Alpine Resorts Management Boards ARMB comprise Falls Creek ARMB, Lake Mountain ARMB, Mount Baw Baw ARMB, Mount Buller ARMB, Mount Hotham ARMB, and Mount Stirling ARMB The Alpine Resorts Commission was wound up and repealed under the <i>Alpine Resorts (Management) Act 1997</i> which established an Alpine Resorts Co-ordinating Council and the six ARMBs.	The ARMB are established for the management of the areas they are responsible for. The ARMB grant and administer leases of land in the resorts. The ARMB also provide a range of services on the resorts in an environmentally sound way. They are a significant business activity in total, but not all are significant individually. All ARMBs have established their pricing within guidelines prescribed by the <i>Alpine Resort (Management) Regulations 1998</i> . The ARMBs also apply CN principles by: ensuring prices charged take into account full taxes; prices reflect full cost attribution; and identifying cost advantages and disadvantages associated with government ownership.	The Council and Management Boards do not have any specified CSOs. However, services provided directly to visitors include snow clearing, traffic control and parking; ski patrols; snow reporting public information and public shelter. The Alpine Resorts Co-ordinating Council promotes and markets alpine resorts and provides policy advice on a range of cross-resort issues. Its statutory functions are set out in section 18 of the <i>Alpine Resorts (Management) Act 1997</i> .

Department of Natural Resources and Environment (cont'd)		
Public Trading Enterprises	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
<p>Non-metropolitan Urban and Rural Water Authorities</p> <p>Regional water authorities (RWAs) were established under the <i>Water Act 1989</i> to deliver services.</p> <p>These authorities are: Barwon RWA; Casey's Weir and Major Creek RWA; Central Gippsland RWA; Central Highlands RWA; Coliban RWA; East Gippsland RWA; First Mildura Irrigation Trust; Gippsland Southern RWA; Glenelg RWA; Goulburn Valley RWA; Goulburn-Murray RWA; Grampians RWA; Lower Murray RWA; North East RWA; Portland Coast RWA; South Gippsland RWA; South West Water Authority; Sunraysia RWA; Western RWA; Westernport RWA; and Wimmera-Mallee RWA.</p>	<p>The RWAs have implemented all aspects of CN apart from being subject to an income Tax Equivalent Regime (TER). Implementation includes:</p> <ul style="list-style-type: none"> • appointing independent, skills based boards; • being subject to most relevant State and Commonwealth taxes; and • implementing CN pricing principles though the full cost recovery pricing for water and waste-water services. <p>The introduction of a State income TER is proposed for these authorities in July 2001 prior to the introduction of the National TER in July 2002.</p>	<p>The RWAs' main functions are to provide water supply and sewerage services, irrigation, drainage and salinity mitigation services to the non-metropolitan areas. Their CSOs are:</p> <ul style="list-style-type: none"> • a rebate of up to \$260 a year is available on the fixed water and sewerage charges of not-for-profit organisations; • concessions of up to 50 per cent of service and usage charges are available to pensioners; and • the Water Relief Grant Scheme, which is administered by the Department of Human Services, provides once-off assistance to eligible domestic customers who are unable to pay their water and/or sewerage bills due to a temporary financial problem. <p>The Government funds these in a transparent way ensuring authorities continue to charge full cost recovery prices. Government funds the difference between the full cost and the amount paid by a customer receiving services at less than full cost.</p>
<p>Water Training Centre</p> <p>The Centre was established under the <i>State Owned Enterprises Act 1992</i> to plan, develop and deliver training courses to people working in water and other industries.</p>	<p>The Water Training Centre has fully implemented CN pricing principles. 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.</p>	<p>The Water Training Centre does not have any specified CSOs.</p>

Department of Natural Resources and Environment (cont'd)		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
<p>Murray Valley Citrus Marketing Board</p> <p>MVCMB was established under the <i>Murray Valley Citrus Marketing Act 1989</i> (MVCMA).</p> <p>It was established to provide for joint Victorian and New South Wales (NSW) marketing services for citrus growers in the Victorian and NSW sides of the Murray river.</p>	<p>Growers fund the activities of the MVCMB. The MVCMB does not trade in produce and has provided marketing services to the growers in the industry, based on an Annual Action Plan, consistent with its objectives and statutory functions.</p> <p>The MVCMB is aware of the provisions of the NCP and applies CN Policy. It reported in its Annual Report that:</p> <p>"Following a review under the NCP and recommendations by the Centre for International Economics, a number of changes are expected to be implemented. The most significant of these will be:</p> <ul style="list-style-type: none"> • repeal of the current MVCMA, which will be replaced by a generic Agricultural Industries Development Act under which various industries can operate. • so called "reserve powers" which relate to price setting, trading terms, trading powers or any kind of market intervention will not be part of the new legislation. • polls to be held every four years (the current Act calls for 6 yearly polls). • a name change to Murray Valley Citrus Board- deleting the reference to marketing; and • retention of compulsory levy with condition of project plans and budgets for Board activities to be approved by growers in advance." <p>All services funded by the MVCMB are planned and developed in a transparent fashion with the regional citrus growers. Projects are completed using external contract tenders with project delivery through a range of public and private service providers.</p>	<p>The MVCMB does not have any specified CSOs. The Act provides for a number of functions, including the promotion of domestic and international marketing of citrus fruit; the promotion of the sale and consumption of fruit; the promotion of improvements in the production, marketing, handling and processing of fruit; and the development and setting of quality standards. The MVCMB may also investigate and report on the marketing of citrus produce to growers and the government.</p>

Department of Natural Resources and Environment (cont'd)		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
<p>Murray Valley Wine Grape Industry Development Committee (MVWIDC)</p> <p>Northern Victorian Fresh Tomato Industry Development Committee (NVFTIDC)</p> <p>Victorian Strawberry Industry Development Committee (VSIDC)</p> <p>The <i>Agricultural Industry Development Act 1990</i> promotes agricultural industry development by establishing development committees. Orders are usually made for four years.</p>	<p>The three committees MVWIDC, NVFTIDC, and VSIDC are aware of the provisions of the NCP and apply CN Policy.</p> <p>All services funded by the committees are planned and developed in a transparent fashion with the growers within the respective industries. This is undertaken using a 'plan of operations', which is provided to industry. The plan of operations project delivery is outsourced to a range of public and private service providers.</p>	<p>The three committees MVWIDC, NVFTIDC, and VSIDC do not have any specified CSOs.</p> <p>MVWIDC was established to promote the Murray Valley wine grape industry through market research and the development of improved vineyard management practices.</p> <p>NVFTIDC was established to fund research into the breeding, production and the promotion of domestic and export marketing of fresh tomatoes.</p> <p>VSIDC was established to fund the domestic market promotion of fresh strawberries grown in Victoria and research and development to improve industry productivity.</p>
<p>Victorian Meat Authority</p> <p>VMA is a food standards regulator and is not considered to be a trading enterprise. The VMA was established under the <i>Meat Industry Act 1993</i> and is responsible for licence approval and accreditation and the setting of food safety standards. These standards are either National Standards or Victorian Standards.</p>	<p>The VMA is aware of the provisions of the NCP and applies CN Policy.</p> <p>The 1999-2000 Annual Report of the VMA states that it continues to comply with the Government's CN Policy Statement issued in June 1996 through implementation of contestable third-party auditing in Victoria effective from 1 July 1997.</p> <p>The VMA is totally funded from industry fees and has an annual turnover of \$1million.</p> <p>The VMA administers a licensing and control system for meat production for human consumption and pet food, which adopts and implements quality assurance programs to ensure the determined standards are maintained</p>	<p>The VMA does not have any specified CSOs.</p> <p>The VMA's functions include control and review of standards for construction and hygiene of meat processing plant and equipment through licensing and inspection system and audited quality assurance programs to ensure standards are maintained. Meat Transport Vehicles are also regulated by the VMA with regard to construction, hygiene, cleanliness and maintenance.</p>

Department of Natural Resources and Environment (cont'd)		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
<p>Australian Food Industry Science Centre AFISC was established by the <i>Australian Food Science Centre Act 1995</i>. It forms the Victorian component of Food Science Australia (FSA). FSA is an unincorporated joint venture between AFISC and the Commonwealth Scientific and Industrial Research Organisation (CSIRO) Division of Food Science and Technology, created on 1 December 1997. The Victorian State Government and Commonwealth Government each have a 50 per cent interest in Food Science Australia.</p>	<p>The joint venture structure of FSA means that it meets both Victorian and Commonwealth Government requirements. AFISC has processes in place to meet NCP and complies with CN Policy. FSA gains its revenue from a number of sources, including funding from the Government (comprising both Commonwealth and State), and from the industry, through contract research and development, testing, consulting, conferences and intellectual property licences. Contract research, testing, consulting and conferences for industry is regarded as a "significant business activity" for the FSA and is subject to CN measures. Cooperative Research Centres, and the Commonwealth Rural Research and Development Corporations conduct strategic research and development. Government funds this research to meet State or Federal policy objectives.</p>	<p>AFISC does not have any specified CSOs. It is a centre of excellence in food research and technology for the Australian food industry. Its primary objectives are: to conduct research, experimental development and innovation, intended for commercial application in food manufacture; to provide on a commercial basis research, development and allied services; and to conduct seminars and to assist in education and training programs.</p>
<p>Phillip Island Nature Park Board of Management Inc. PINP is a Committee of Management established under section 14(2) of the <i>Crown Land (Reserves) Act 1978</i> to administer and manage Crown lands and reserves on Phillip Island.</p>	<p>The PINP is aware of the obligations under the NCP and CN Policy. Fees and charges for commercial activities set by the PINP are established on a cost reflective and 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. PINP charges entry fees for the three attractions for example, it operates the Koala Conservation Centre, and the Penguin Parade. Fees are based on relativity with other attractions in the entertainment and tourism industry.</p>	<p>The PINP does not have any specified CSOs. Since its appointment in September 1996, the PINP Board of Management has been provided with \$300,000 of State Government funds to provide specific access and facilities to a number of previously inaccessible areas within the Park. The PINP Board has established long term management plans for the Park with a strong environmental focus. The PINP contributes significantly to regional tourism and the provision of information services.</p>

Department of Natural Resources and Environment (cont'd)		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
<p>Sustainable Energy Authority Victoria SEAV was established under the <i>Sustainable Energy Victoria Act 1990</i>. It is not considered to be a public trading enterprise.</p>	<p>The SEAV is aware of the obligations under the NCP and applies CN Policy and it will make CN price adjustments to commercial activities as appropriate. Most funding is from the Government. Non-government income of approximately \$600,000 annually is mostly derived from sponsorship.</p>	<p>The SEAV does not have any specified CSOs. 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.</p>
<p>Melbourne Market Authority MMA was established under the <i>Melbourne Market Authority Act 1977</i>, and is responsible for the operation of the Melbourne Wholesale Fruit and Vegetable Market and the recently developed National Flower Market Centre. The MMA owns and manages facilities for the wholesale trading of fresh produce and facilities ancillary to wholesale trading, such as car-parking, storage and other services for traders. It is essentially a landlord. It functions as a component of a major distribution chain for fresh produce in Victoria.</p>	<p>The MMA is aware of obligations under NCP and CN Policy. The MMA has some exemption from rates for land not used for commercial purposes. MMA pays rates and other charges on land used directly for commercial purposes and this cost is reflected in its lease charges. The Melbourne Markets are located close to the city and the site is valued in its financial statements at current market value. In recent years the MMA has substantially increased parking fees in line with contemporary rates and rentals have been set on a commercial basis. However, the MMA may be considered to achieve a modest return on the property it manages, based on an alternative use assessment. The comparable businesses are other capital city markets and a comparison of these indicate that the fees charged and rates of return from rental activity are similar.</p>	<p>The <i>Melbourne Market Authority Act 1977</i> specifies an obligation on the MMA to operate at the current site. The MMA does not have any specified CSOs.</p>

Department of Natural Resources and Environment (cont'd)		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
<p>Catchment Management Authorities CMAAs were established under the <i>Water Act 1989 and/or the Catchment and Land Protection Act 1994</i> on 1 July 1997. There are nine CMAs, namely: East Gippsland CMA, West Gippsland CMA, North East CMA, Goulburn Broken CMA, North Central CMA, Corangamite CMA, Wimmera CMA, Glenelg Hopkins CMA and Mallee CMA.</p>	<p>CMAs are not considered to be significant trading enterprises. CMAs can perform two roles, policy advice and operational implementation. The CMAs, which perform operational functions, are aware of the provisions of the NCP and apply CN. Where appropriate, competitively neutral pricing adjustments to outputs have been made. They are fully funded by Government to provide regional land and resource management services. Investment by State Government in CMA programs in 2000-01 amounted to \$33 million. CMAs also access Commonwealth Government funding programs.</p>	<p>The CMAs do not have specified CSOs. 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. These public authorities along with the Port Phillip Catchment and Land Protection Board cover the whole of the state undertaking land and water resource management functions. The authorities, other than Wimmera and Mallee CMAs, also have an operation and regulatory role within their respective regions.</p>

Department of Natural Resources and Environment (cont'd)		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
<p>Parks Victoria (including Yarra Bend Park Trust)</p> <p>Parks Victoria is a statutory authority established under the <i>Parks Victoria Act 1998</i>.</p> <p>In April 1997, Parks Victoria entered into a management services agreement, to manage Yarra Bend Trust lands and responsibilities. Parks Victoria will also become responsible for waterways in 2001 previously provided by the Melbourne Parks and Waterways (MPW).</p>	<p>Parks Victoria funding sources include ratepayers, State Government, and industry sponsorship through leases, and licences. Parks Victoria applies the provisions of the NCP. CN Policy is applied where appropriate.</p> <p>Parks Victoria is outsourcing a range of commercial activities through competitive tendering, such as the management of kiosks. The Yarra Bend Trust operates two golf courses and a retail shop on a competitive basis. Revenue received by Parks Victoria for fees and charges subject to CN equates annually to 11 per cent of the overall business turnover, which is \$124 million. Of that 11 per cent, 7 per cent comprises visitor charges (e.g. entry/camping fees), sales (e.g. merchandise sales), and commercial activities (e.g. events/tour permits).</p> <p>A Parks Victoria pricing policy review was completed by PricewaterhouseCoopers in June 1999, followed by the development in February 2000 of a strategy for the review of legislative and historical based fees. The implementation of the consultants' recommendations is continuing and is scheduled to be finalised by January 2002. Both the DNRE and Parks Victoria are working to address CN pricing issues.</p>	<p>Parks Victoria does not have any specified CSOs.</p> <p>Parks Victoria provide services, in an environmentally sound manner, for the management of parks, reserves and other lands to Victoria. It manages Victoria's National and other parks, conservation areas and other significant assets including Port Phillip and Western Port Bays. In total, it administers 4 million hectares, comprising 16 per cent of Victoria.</p> <p>There are some areas such as entry fees, where CN is not applied. This is on the basis that it is the public interest that the community has access to Victoria's parks.</p>

Department of Natural Resources and Environment (cont'd)		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
Environment Protection Authority The EPA is established under the <i>Environment Protection Act 1970</i>	The EPA's commercial consultancies activities comply with all aspects of CN Policy. Environment Services Australia conducts the only commercial activities. In conducting these activities the EPA have ensured that its pricing structures are in line with Government CN requirements.	The EPA does not have any specified CSOs. The EPO develops programs to protect the air, water and land from adverse impacts of waste, and for the abatement of noise and litter.
Geological Survey of Victoria GSV is a branch of Minerals and Petroleum Victoria (MPV), a division of DNRE.	The primary role of the GSV is to maintain and develop Victoria's geoscience database, thereby contributing to MPV's broader objective of promoting the development of the State's minerals and extractive industries. GSV is aware of the obligations under the NCP and CN Policy.	The GSV does not have any specified CSOs. However the Government is committed to policy to encourage minerals exploration and development, and the promotion of Victoria for mineral investment. To this end survey data is collated and made readily available as a service to encourage mining investment in Victoria. Other states adopt similar approaches within their jurisdictions.
Regional Waste Management Groups RWMG are established under section 50F of the <i>Environment Protection Act 1970</i> . RWMGs include 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 RWMGs are not considered to be public 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. RWMGs generally do not have the ability or power to tender or contract out their limited services to other bodies or enterprises. In certain instances, RWMGs may perform competitive functions with other service providers. However, these are not significant business activities. The RWMGs, which perform operational functions, are aware of the provisions of the NCP and apply CN Policy. 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.	The RWMGs do not have specified CSOs. Each RWMG acts as a strategic body with a role in developing regional waste management strategies and then facilitate and foster the implementation of those strategies through other community, private and local government organisations. Specifically, they facilitate responsible waste management (reduce, reuse, recycle) by providing publicity, education; funding advice and direction to the member Councils and the community. They do not operate on a commercial basis in competition with private providers. They may facilitate the introduction of new facilities and systems, for example, transfer stations, recycling drop-off facilities, green waste collections.

Department of Natural Resources and Environment (cont'd)		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
<p>Zoological Parks and Gardens Board ZPGB is a statutory authority and operates under the <i>Zoological Parks and Gardens Act 1995 (the Act)</i>. The ZPGB is established to conserve and protect zoological collections and maximise public enjoyment of the three zoos. The ZPGB manages three zoos, namely the Royal Melbourne Zoological Gardens (Melbourne Zoo), the Sir Colin McKenzie Zoological Park (Healesville Sanctuary) and Victoria's Open Range Zoo at Werribee (VORZ).</p>	<p>CN is applied to the trading activities of the ZPGB. Fees and charges are set by regulation and reflect Government policies. Each zoos contain a catering and retail facility for sales to visitors and at present there are no external sales facilities at retail outlets or on-line. The catering operations at Melbourne Zoo and VORZ are franchised. All retail operations undertaken are managed by the ZPGB. The benefit to the ZPGB is based on a percentage of sales, cash donation and other non financial elements that are determined at the time of entering into the contracted arrangement. The duration of such contracts is usually for a five year period, with a right to exercise an option for renewal. General sales in both catering and retail are offered solely to visitors to the zoos that have either paid an admission fee or been granted free admission consistent with the regulations attached to the Act. Catering function sales are offered to the public at large and are priced at a rate that is competitive with similar types of venues. The retail operations of the ZPGB may be subject to review. A proposal is to extend in the area of e-commerce and the creation of "Zoo Shops" at major shopping centres. These outlets may be franchised or operated directly by the ZPGB. A tender process will be undertaken and contracts entered into, should the retail operations be franchised. Maintenance of state owned of zoo exhibitory and buildings, assets depreciated at 5 per cent per annum, equating to more than \$2.5 million per annum.</p>	<p>CSOs are recognised in a number of areas through admissions and educational services. Admissions: Discounted admission is offered to holders of health cards, visitors who are aged pensioners; unemployed; or socially, physically or financially disadvantaged. As well as to senior's cards holders. During Senior Citizens' Week: free admission for senior citizens for one day at Melbourne Zoo and 50 per cent discount Monday through Friday at Healesville Sanctuary and VORZ. Discounted admission to students. Free admission to carers of intellectually and physically disadvantaged. Free admission at Melbourne Zoo and Healesville Sanctuary for all children under four years old and at VORZ all children under three years old. Education services include: development and delivery of environmental education curriculum; provision of professional development for teachers within the education system; development and delivery of classes to distanced schools using video conferencing technology; provision of on site placements for zoology and veterinary students (work experience and thesis preparation) and the schools work experience program.</p>

Department of Natural Resources and Environment (cont'd)		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
<p>Dairy Food Safety Victoria DFSVM was previously the Victorian Dairy Industry Authority (VDIA). The <i>Dairy Industry Act 1992</i> was repealed and replaced by <i>Dairy Act 2000</i>. As a consequence, the VDIA was wound up, its assets sold and returned to the industry. The food safety regulatory component of the VDIA has now been vested in DFSVM.</p>	<p>DFSVM is aware of the provisions of the NCP and applies CN Policy. The <i>Dairy Act 2000</i> allows for, but does not require, audits to be contestable by third parties. CN is applied to DFSVM operations, which sets standards for the purposes of food safety and the protection of human consumption. DFSVM applies good regulatory practices, by setting minimal standards which are performance based, and may contain requirements imposed by overseas governmental agencies. Factories may set their own, higher standards. DFSVM essentially 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.</p>	<p>DFSVM does not have any specified CSOs.</p>
<p>Sale of hardwood logs from State forests</p>	<p>Forestry Victoria was established in August 2000, to separate the commercial and regulatory functions of forestry. The Government has made a commitment to review current pricing and pricing methodologies in relation to timber production. An independent review of royalties and charges has been commissioned and will report during 2001. DNRE has advertised for a consultant to undertake this review. It is anticipated that the review will be completed in late October, following extensive public consultation.</p>	<p>Not applicable</p>

<i>Department of Premier and Cabinet</i>		
Public Trading Enterprises	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
Cinemedia Corporation The Corporation was established under the <i>Cinemedia Corporation Act 1997</i> .	The Cinemedia Corporation reported that its activities comply with the CN policy.	Not applicable
Federation Square Management Pty Ltd FSM is a company incorporated under the Corporations Law.	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 2002 and FSM will then be a self-sufficient organisation operating on usual commercial terms (without further contributions by Government).	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 <i>Geelong Performing Arts Centre Act 1980</i> .	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 <i>Queen Victoria Women's Centre Act 1994</i> .	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.
Victorian Arts Centre Trust VACT was established under the <i>Victorian Arts Centre Trust Act 1979</i> .	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.

Department of Premier and Cabinet (cont'd)		
Public Trading Enterprises	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
Victorian Interpreting and Translating Service VITS was made a State Owned Company on 1 January 1999 under the <i>State Owned Enterprises Act 1992</i> .	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 The Museum of Victoria, Geelong Performing Arts Centre, State Film Centre, National Gallery of Victoria, Victorian Arts Centre Trust and the State Library of Victoria.	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 2000	How does the enterprise handle community service obligations (CSOs)?
Emerald Tourist Railway Board The Board was established under the <i>Emerald Tourist Railway Board Act 1977</i> .	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 <i>Racing Act 1958</i> .	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 <i>Racing Act 1958</i> .	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 <i>State Owned Enterprises Act 1992</i> . Melbourne and Olympic Parks Trust The Trust was established under the <i>Melbourne and Olympic Park Act 1985</i> .	The Overseas Projects Corporation is subject to the Commonwealth Tax Equivalent Regime administered by the DTF. Generally applies CN to its significant business activities.	Not applicable Not applicable
Melbourne Convention and Exhibition Trust MCET was established under <i>Melbourne Convention and Exhibition Trust Act 1996</i> .	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

Department of State and Regional Development (cont'd)		
Relevant business activities	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
The Melbourne Sports and Aquatic Centre Trust established under <i>Melbourne Sports and Aquatic Centre Act 1994</i> 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 2000	How does the enterprise handle community service obligations (CSOs)?
Rural Finance Corporation of Victoria The Corporation was established under the <i>Rural Finance Act 1988</i> .	The corporatisation model applies including full application of the Commonwealth tax equivalent regime and State taxes and charges.	Not applicable
State Trustees Limited Trustee established under the <i>State Trustees (State Owned Company) Act 1994</i> .	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 Department of Human Services.
Transport Accident Commission TAC was established under the <i>Transport Accident Act 1986</i> and made a state owned company under the <i>State Owned Enterprises Act 1992</i> .	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 <i>Victorian Funds Management Corporation Act 1994</i> .	The corporatisation model applies including full application of the Commonwealth tax equivalent regime and State taxes and charges.	Not applicable
Victorian Managed Insurance Authority The authority was established under the <i>Victorian Managed Insurance Authority Act 1996</i> .	Victorian Managed Insurance Authority is a corporatised entity.	Not applicable
Victorian WorkCover Authority WorkCover was established under <i>Accident Compensation Act 1985</i>	The corporatisation model applies including full application of the Commonwealth tax equivalent regime and State taxes and charges.	Not applicable

Department of Treasury and Finance (cont'd)		
Public Financial Enterprises	Competitive Neutrality Application as at December 2000	How does the enterprise handle community service obligations (CSOs)?
City West Water Limited Established under the <i>State Owned Enterprises Act 1992.</i>	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 card holders in which the costs are explicitly identified and reimbursed through the budget process.
Gas Release Company Pty Ltd Company incorporated under Corporations Law.	Operating subsidiary of Gascor Pty Ltd.	Not applicable
Gascor Pty Ltd Established under the <i>State Owned Enterprises Act 1992.</i>	The corporatisation model applies including full application of State taxes and charges. To be wound up in 2001.	Not applicable
Melbourne Water Corporation Melbourne Water is a statutory corporation constituted under the <i>Melbourne Water Corporation Act 1992.</i>	The full corporatisation model applies including full application of the Commonwealth tax equivalent regime, financial accommodation levy to offset the advantage of government guarantees, State taxes and charges, and relevant regulations. Melbourne Water's major functions are to provide wholesale bulk water and sewerage services to the three metropolitan retail water companies. It earns its revenue from the charges and fees collected from the market.	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 <i>State Owned Enterprises Act 1992.</i>	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 card holders in which the costs are explicitly identified and reimbursed through the budget process.
Yarra Valley Water Ltd Established under the <i>State Owned Enterprises Act 1992.</i>	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 card holders in which the costs are explicitly identified and reimbursed through the budget process.

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

<i>Department of Human Services</i>	
Relevant business activity	Reason for non application of Competitive Neutrality as at December 2000
Treatment of private patients in public hospitals	<p>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.</p> <p>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.</p> <p>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.</p>
Office of Housing	<p>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.</p> <p>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.</p>

Department of Infrastructure

Relevant business activity	Reason for non application of Competitive Neutrality as at December 2000
Building Services Agency	The Building Services Agency was sold to technology consulting group Sinclair Knight Merz in April 1999.
Land Information and Survey	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.
Road and Bridge Design	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.
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 <i>Transport Act 1983</i> .	Following the franchising of public transport in Victoria to five private passenger businesses in August 1999, the PTC ceased to operate public transport services. The 'shell entity' is expected to be abolished within the next twelve months.
Urban Traffic Control Systems	Reviewed under CN Policy finding - the work involves intermittent consulting with private sector partners and does not fit the definition of a significant business activity.

Department of Justice

Relevant business activity	Reason for non application of Competitive Neutrality as at December 2000
Sale, servicing, installation and monitoring of alarm units in CFA	The majority of the business activity has been sold to Tyco with the country services currently subject to a further tender process.
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 Premier and Cabinet

Public Trading Enterprise	Reason for non application of Competitive Neutrality as at December 2000
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, like hundreds of other similar agencies.

Department of State and Regional Development

Public Trading Enterprise	Reason for non application of Competitive Neutrality as at December 2000
Australian Grand Prix Corporation Incorporated under the <i>Australian Grand Prix Act 1994.</i>	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 2000
Treasury Corporation of Victoria Corporation established under <i>Treasury Corporation of Victoria Act 1992.</i>	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.
Generation Victoria (Ecogen)	Sold in May 1999.
State Electricity Commission of Victoria SECV was established under Corporation Law.	SECV is now a shell entity which 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 which reports to Parliament annually. Company limited by guarantee incorporated under Corporations Law.
Victorian Energy Networks Corporation VENCorp was established under <i>Gas Industry Act 1994.</i>	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.

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