

DEPARTMENT OF TREASURY AND FINANCE

# LEGISLATION REVIEW PROGRAM

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PROCEDURES AND GUIDELINES MANUAL

May 2003



	LEGISLATION REVIEW PROGRAM PROCEDURES AND GUIDELINES	<b>1</b>
APPENDIX 1	RESTRICTIONS ON COMPETITION	<b>2</b>
APPENDIX 2	ISSUES RELATING TO THE PUBLIC BENEFIT TEST	<b>3</b>
APPENDIX 3	TEMPLATE TERMS OF REFERENCE FOR REVIEWS	<b>4</b>
APPENDIX 4	REGULATORY IMPACT STATEMENTS	<b>5</b>
APPENDIX 5	MINOR REVIEW/ ASSESSMENT STATEMENTS	<b>6</b>
APPENDIX 6	PRELIMINARY LRP STATEMENTS FOR PROPOSED LEGISLATION	<b>7</b>
APPENDIX 7	REGULATION REVIEW UNIT CONTACT DETAILS	<b>8</b>

## TABLE OF CONTENTS

1.	INTRODUCTION .....	1
1.1.	National Competition Policy .....	1
1.2.	The Tasmanian Government's Regulatory Reform Program .....	3
2.	PROCEDURES AND GUIDELINES .....	4
2.1.	Reviews of Existing Legislation that Restricts Competition .....	5
2.1.1.	The Guiding Principle for Reviews .....	5
2.1.2.	Scope of Reviews .....	6
2.1.3.	Format for Reviews of Existing Legislation .....	6
2.1.4.	The Determination of Review Bodies and the Terms of Reference .....	8
2.1.5.	Community Standard Legislation .....	9
2.1.6.	Major Reviews of Existing Legislation .....	10
2.1.7.	Minor Reviews of Existing Legislation .....	12
2.1.8.	Endorsements Required .....	12
2.1.9.	Final Review Report for Cabinet .....	13
2.2.	Assessment of All Proposed Primary Legislation .....	14
2.2.1.	Guiding Principle for Proposed Legislation .....	14
2.2.2.	Statement of Intent.....	15
2.2.3.	Format for Assessments of Proposed Primary Legislation ..	15
2.2.4.	Preliminary Paper .....	17
2.2.5.	Major Assessments of Proposed Primary Legislation .....	17
2.2.6.	Minor Assessments of Proposed Primary Legislation .....	19
2.2.7.	Endorsements Required .....	20
2.2.8.	Final Assessment Report for Cabinet.....	20
2.3.	Assessments of Proposed Subordinate Legislation .....	21
2.4.	Treatment of Local Government by-laws under LRP.....	21
2.5.	Treatment of Fisheries Plans Agreements under LRP .....	22
3.	REPORTING TO THE NATIONAL COMPETITION COUNCIL .....	23
4.	TREASURY'S REGULATION REVIEW UNIT .....	24

## **1. INTRODUCTION**

This manual outlines the processes and procedures which will support the State Government's Legislation Review Program (LRP). The LRP has been developed to:

- (a) ensure that Tasmania complies with the legislation review requirements of the Competition Principles Agreement; and
- (b) further the existing regulatory reform agenda by establishing a comprehensive and effective program of legislative review and reform.

Specifically, this manual overviews Tasmania's National Competition Policy legislation review obligations, details the procedures and guidelines for the reviews of existing legislation which restricts competition and the "gatekeeper" arrangements to apply to all proposed legislation in order to ensure that proposed legislation restricting competition or impacting on business is properly justified. The processes and procedures outlined in this Manual were approved by Cabinet in Decision No. 103 of 17 June 1996.

### **1.1. NATIONAL COMPETITION POLICY**

At the 11 April 1995 meeting of the Council of Australian Governments (COAG), Heads of Government agreed to a National Competition Policy (NCP). Three inter-governmental Agreements were signed:

- the Conduct Code Agreement;
- the Competition Principles Agreement (CPA); and
- the Agreement to Implement the NCP and Related Reforms.

The CPA, among other things, required each participating government to review and, where appropriate, reform all legislation restricting competition by the year 2000. COAG subsequently extended this deadline to 30 June 2003. The last review under this program was completed in 2003. However, clause 5 of the CPA requires the systematic review of all legislation restricting competition at least once every ten years.

Clause 5 of the CPA specifies that the guiding principle to be followed by jurisdictions in this reform area is that legislation (both primary and subordinate) should not restrict competition unless it can be demonstrated that:

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

The CPA requires this principle to be applied to both existing anti-competitive legislation and new legislative proposals that will impose a restriction on competition.

The CPA specifies five criteria which, without limiting the terms of reference, should be addressed when reviewing existing legislation, or assessing new legislation, that restricts competition. These criteria require:

- the objectives of the legislation to be clarified;
- the nature of the restriction on competition to be identified;
- the likely effect of the restriction on competition and on the economy generally to be analysed;
- the costs and benefits of the restriction to be assessed and balanced; and
- alternative means for achieving the same result, including non-legislative approaches, to be considered.

The CPA also lists a number of other broad policy considerations that governments should take into account when determining whether legislative restrictions on competition are warranted. These considerations include, but are not limited to:

- government legislation and policies relating to ecologically sustainable development;
- social welfare and equity considerations, including community service obligations;
- government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- economic and regional development, including employment and investment growth;

- the interests of consumers generally or a class of consumers;
- the competitiveness of Australian businesses; and
- the efficient allocation of resources.

The NCP Agreements also set out details associated with the Commonwealth's agreement to provide additional financial assistance to the States and Territories, conditional on them making satisfactory progress with ongoing NCP obligations. The National Competition Council (NCC) assesses whether the conditions for payments to be made to Tasmania have been met. If Tasmania does not make satisfactory progress with its NCP obligations, or does not meet the specified timeframes, it will forfeit these Commonwealth payments.

## **1.2. THE TASMANIAN GOVERNMENT'S REGULATORY REFORM PROGRAM**

The Tasmanian Government has a strong history of regulatory reform and is committed to reducing the regulatory burden which is needlessly restricting the operation of the Tasmanian economy. In particular, the Government's primary objective is to ensure that the State's legislative and regulatory framework does not unnecessarily impede or restrict overall economic activity. In this way, the Government aims to create the most favourable business climate possible in order to encourage investment in this State.

In addition to the Legislation Review Program, the Tasmanian Government has established another program to further its regulatory reform agenda: the *Subordinate Legislation Act 1992*, which requires that subordinate legislation proposed by Agencies and Authorities must:

- have clear objectives;
- be in accordance with community needs;
- not unnecessarily restrict competition; and
- provide the best alternative with the greatest net benefit.

Where the expected impact of proposed subordinate legislation is significant, the Act requires it to be:

- supported by an economically sound cost-benefit analysis (or regulatory impact statement); and
- subject to an appropriate public consultation process.

The Act also provides for the staged automatic repeal of all existing subordinate legislation over a 10 year period and the subsequent repeal of each individual piece of subordinate legislation every 10 years thereafter.

This mechanism is administered by Treasury's Regulation Review Unit (RRU) and is aimed at ensuring that Tasmania's statute books reflect contemporary conditions and are free of redundant, unnecessary, ineffective or inefficient legislation.

In terms of regulatory reform, the legislation review requirements of the NCP are just one part of the Tasmanian Government's regulatory review program, which includes a strong focus on legislation that has a significant impact on business.

## **2. PROCEDURES AND GUIDELINES**

This section deals with the procedures and guidelines that must be followed by Agencies and Authorities for:

- **reviews** of existing legislation that restrict competition; and
- **assessments** of proposals for all new legislation (whether it restricts competition or not).

These procedures and guidelines are designed to ensure that the requirements of clause 5 of the CPA and the Tasmanian Government's broader regulatory review program are observed in relation to either of the above tasks.

The guidelines are relatively flexible, allowing review bodies and Agencies to develop their own approaches. However, the guidelines also ensure that sufficient information is presented to the Government in a format that will enable it to determine if legislative restrictions on competition, or significant impacts on business, are warranted.

## **2.1. REVIEWS OF EXISTING LEGISLATION THAT RESTRICTS COMPETITION**

The CPA required the review of all legislation restricting competition at the time the agreement was made. The last review under this program was completed in 2003. In addition, clause 5 of the CPA requires the systematic review of all legislation restricting competition at least once every ten years.

### **2.1.1. The Guiding Principle for Reviews**

The following guiding principle, contained in clause 5 of the CPA, **must be applied, in all cases**, to reviews of existing legislation that restricts competition:

**Legislation should not restrict competition unless it can be demonstrated that:**

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

It is clear from the above principle that the **onus of proof** will lie with those supporting a restriction on competition to demonstrate that the restriction is unavoidable and is to the benefit of the public.

In addition to the guiding principle, clause 5 of the CPA specifies five criteria which, without limiting the terms of reference, should be addressed in every assessment of legislation that restricts competition. These criteria require:

- the objectives of the legislation to be clarified;
- the nature of the restriction on competition to be identified;
- the likely effect of the restriction on competition and on the economy generally to be analysed;
- the costs and benefits of the restriction to be assessed and balanced; and
- alternative means for achieving the same result, including non-legislative approaches, to be considered.

These criteria have been incorporated into the requirements for reviews of existing legislation that restricts competition.

### **2.1.2. Scope of Reviews**

The CPA interprets legislation in its widest sense to include all primary legislation (Acts) and all subordinate instruments, including regulations, rules, by-laws, orders, proclamations and notices made under the legislation. Accordingly, reviews of primary Acts **must include all legislative instruments which are subordinate to that particular Act.**

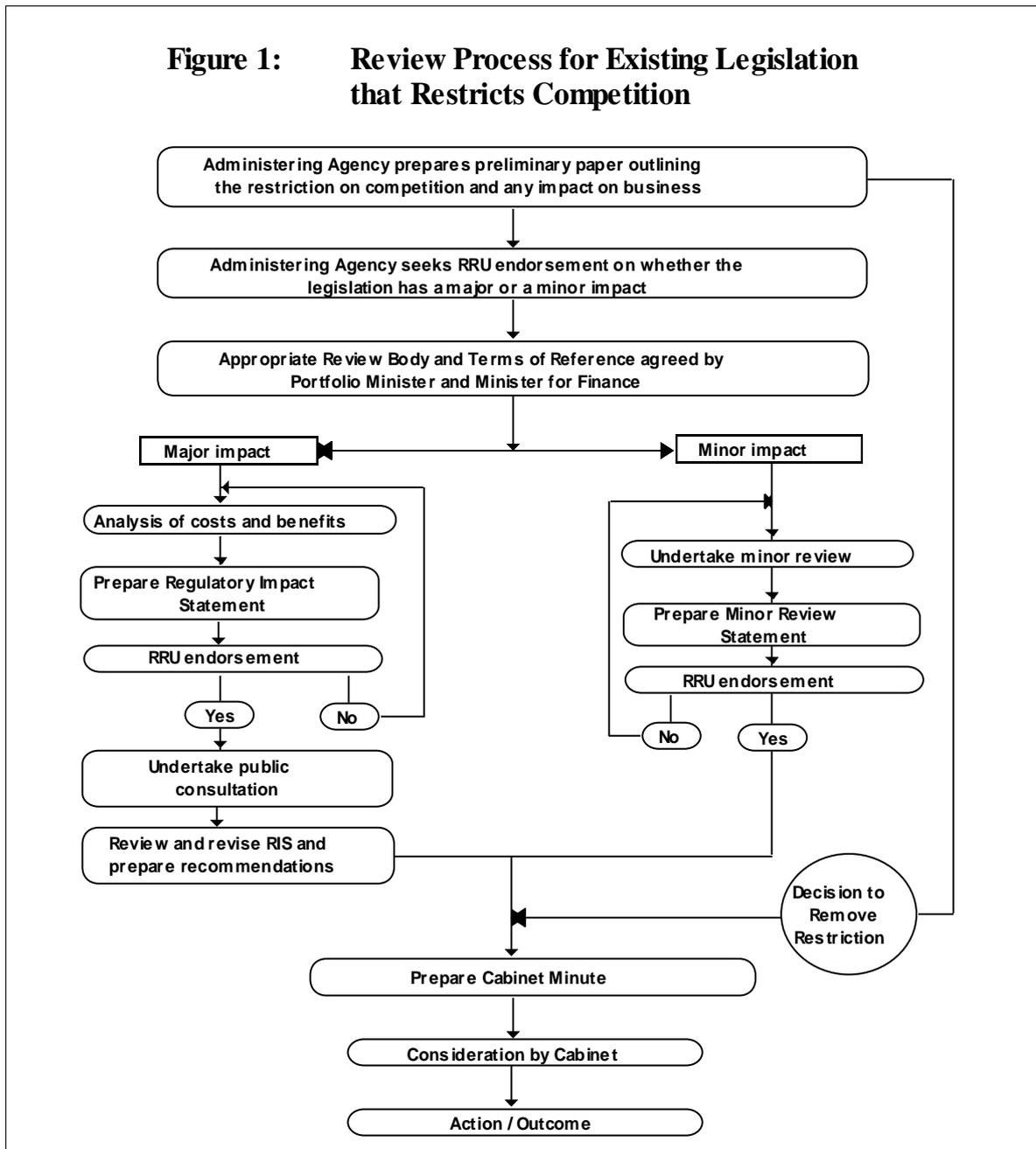
It should be noted that, while the main focus of reviews of existing legislation is the provisions that restrict competition, the opportunity should be used to examine the broader impact of the existing legislation on business. Accordingly, the terms of reference for each review will include a reference to examine whether the broader impact of the legislation on business is warranted in the public benefit.

### **2.1.3. Format for Reviews of Existing Legislation**

The approach taken in reviewing existing legislation will depend on the nature of the restriction on competition.

Figure 1 on the following page outlines the different review processes for existing legislation which restricts competition.

**Figure 1: Review Process for Existing Legislation that Restricts Competition**



The key feature of the processes illustrated in Figure 1 is the determination by the RRU of whether the identified restriction(s) involves a major or minor impact on competition. Where existing legislation includes a major restriction on competition, a rigorous and transparent review process is required to establish whether the restriction is in the public benefit. Where existing legislation includes a minor restriction on competition, a less intensive review process is required. A restriction on competition will be considered to be major where it has economy-wide implications, or where it significantly affects a sector of the economy (including consumers).

In the first instance the Administering Agency must prepare a preliminary paper:

- outlining the nature of the restriction(s) on competition contained within the legislation;
- indicating whether the legislation has a significant impact on business;
- indicating its view as to whether the restriction(s) is of a major or minor nature;
- suggesting the most appropriate body to conduct the review; and
- stating the scope of the review being undertaken - that is, whether it is to be wider than that required by the LRP.

The administering Agency must submit the preliminary paper to Treasury's RRU for endorsement.

Without limiting the types of issues that should be examined in major or minor reviews, Appendix 2 contains a checklist of issues which can be used to determine the public benefit of any restriction on competition or impact on business. More detailed guidelines on the issue of "public benefit" can be obtained from Treasury's Regulation Review Unit.

#### **2.1.4. The Determination of Review Bodies and the Terms of Reference**

Following determination by the RRU as to whether a review should be of a minor or major nature, the RRU will finalise a draft terms of reference and prepare advice in relation to the most appropriate review body. A template terms of reference is contained in Appendix 3. This advice and the draft terms of reference will then be submitted to the Treasurer (who is responsible for Competition Policy) and the relevant Portfolio Minister for approval. Once this approval has been obtained, the review body will be appointed (or otherwise established, if necessary) and advised of the terms of reference for the review.

In most cases it is expected that the relevant Agency will be responsible for conducting reviews of legislation which it administers. Nevertheless, there is the potential for reviews of major restrictions on competition to be conducted by alternative review bodies. For example, an independent task force, an inter-departmental committee or external consultants may be appointed.

Where an Agency is to be responsible for a specific review, a number of alternative methods for conducting the review will be considered, including the use of a steering committee and industry or consumer reference groups. It is expected that, in the majority of cases, industry and consumer representatives will be included as part of the review body for reviews of major restrictions on competition. Further, an officer from the RRU will be involved in each major review undertaken.

Government business enterprises, statutory authorities or other such bodies will not be responsible for reviewing their own legislation. Rather, the review will be conducted by the Agency responsible for that particular policy area, or some other body determined jointly by the Treasurer and the relevant Portfolio Minister.

If, in the process of preparing the preliminary paper, the Administering Agency makes an early decision to recommend the removal of a restriction(s) on competition, the need for a review will be waived and the Agency can proceed to the preparation of a Minute seeking Cabinet's agreement to the repeal of the Act or its relevant sections.

### **2.1.5. Community Standard Legislation**

In a limited number of cases, legislation which restricts competition involves issues of basic community standards or protection, such as:

- controls in relation to firearms and the availability of pornographic material;
- essential requirements for the prevention of the degradation of the environment or to protect native species or other classes of animals or plants from extinction;
- limits on the availability of liquor and gaming to minors;
- prohibitions on the use of drugs; and
- certain legislation that is designed to stop the introduction and spread of plant and animal pests and diseases where the relevant provisions are scientifically based.

It is felt that any restrictions on competition in these areas are justified in terms of the recognised social objectives of the legislation.

In such cases, the actual community standard or protection provisions will not be subject to review. For example, there will be no review of the legislative provisions that prohibit the sale of liquor or gaming products to minors. This treatment is analogous to that given to specifically identified legislation in the Australian mutual recognition scheme and the draft Trans Tasman Mutual Recognition Arrangements. That is, the mutual recognition principle is prevented from operating to effectively over-ride certain legislation that is widely accepted by all jurisdictions as serving a higher order public policy purpose.

However, the subsidiary restrictions on competition which often accompany these standards will be reviewed, such as licensing arrangements and other restrictions which may confer market advantages under the guise of protecting the community.

#### **2.1.6. Major Reviews of Existing Legislation**

Where it is considered by the RRU that there is a major restriction(s) on competition, review bodies will be required by their terms of reference to prepare a regulatory impact statement (RIS) in relation to that restriction(s) (or, if the review body recommends the variation of the restriction(s), in relation to that variation) and conduct a mandatory public consultation process. A proforma that each RIS must follow is contained in Appendix 4 to this Manual.

##### Regulatory Impact Statements

The RIS will form the basis for consultation with the public. It should, therefore, be intelligible to the general public and assist those with an interest in the legislation to make informed comment. The RIS should explain:

- the objectives of the legislation;
- the issues surrounding the restriction on competition;
- the benefits and costs which flow from the restriction, and
- the broader impact of the legislation on business and whether this impact is warranted in the public benefit.

The RIS must clearly identify whether the benefits of the restriction on competition outweigh the costs and will require an assessment of the direct and indirect social, economic and environmental impacts of the existing legislation.

It is also important that the RIS look at the effect that the restriction on competition has on the market overall, not simply at the effect on individual competitors.

All costs and benefits must be identified and quantified wherever possible, rather than simply undertaking a qualitative appraisal. If some costs and benefits cannot be quantified, the effect on competition must be stated and presented in such a way that permits a comparison of the costs and benefits. This comparison of the costs and benefits of the existing legislation should extend to the alternative approaches, including non-regulatory approaches, identified for achieving the particular policy objective of the legislation.

An outline of the proposed public consultation process must be included in the completed RIS.

**The RRU's endorsement of the RIS and the proposed public consultation program must be obtained prior to the RIS being publicly released.**

Appropriate analytical techniques must be adopted to determine the costs and benefits of restrictions on competition. It is recommended that the RRU be consulted prior to commencing this process to obtain guidelines on the various analytical techniques available. These techniques include cost-benefit analysis, risk analysis and cost-effectiveness analysis.

#### Public Consultation

A public consultation process is mandatory where the legislation has a major impact on competition.

Once the RIS and the public consultation program has been endorsed by the RRU, advertisements should be placed in relevant local newspapers or other publications inviting submissions on the RIS **within a minimum of 21 days**. The notice should detail the scope of the review, provide details of where copies of the RIS may be obtained and invite submissions from interested parties.

If the restriction has a significant impact on a particular group of people, the notice should be published in such a way to ensure that the members of that group understand the purpose and content of the notice. It may also be necessary to write directly to those individuals, groups and organisations that have a particular interest in the issues under consideration.

All submissions received through the public consultation process are to be documented and fully considered by the review body. Where appropriate, further consultation with specific parties may be undertaken and alterations made to the RIS.

### **2.1.7. Minor Reviews of Existing Legislation**

Where the restriction on competition is considered by the RRU to be minor, the terms of reference will only require review bodies to complete a **brief** review of:

- the objectives of the legislation;
- the costs and benefits of the restriction(s) on competition;
- the impact of the legislation on business; and
- whether the restriction(s) on competition or the impact on business is warranted in the public benefit.

The review body must, therefore, determine the most appropriate method for reviewing the impact of the legislation. In doing so, the review body must ensure that the scale of the review is commensurate with the relative impact of the legislation, taking into account the CPA criteria specified in section 3.1.1 above. Public consultation is encouraged, although it is not mandatory for minor reviews. In every case, a Minor Review/ Assessment Statement (outlined in Appendix 5 of this Manual) must be prepared and submitted to the RRU for endorsement prior to its consideration by Cabinet.

### **2.1.8. Endorsements Required**

Several endorsements are required from the Department of Treasury and Finance's RRU to ensure that the LRP adequately complies with the requirements of the CPA.

- Firstly, prior to the relevant Portfolio Minister and the Treasurer considering the appropriate review body, the administering Agency must obtain the RRU's endorsement of whether the review should be of a major or minor nature.
- Secondly, for reviews of major restrictions, RRU endorsement is required for the RIS and the planned consultation process prior to the public consultation actually being undertaken.

- Thirdly, for reviews of minor restrictions, RRU endorsement is required for the Minor Review/ Assessment Statement prior to progressing to Cabinet.

This endorsement process is designed to ensure that reviews of existing legislation are conducted with sufficient rigour to comply with the CPA requirements.

### **2.1.9. Final Review Report for Cabinet**

For every review of existing legislation conducted in accordance with the LRP timetable, a final review report will need to be prepared by the review body. The final review report must contain:

- a copy of the RIS or Minor Review Statement;
- a summary of any public consultation undertaken;
- clear recommendations on the possible actions that can be taken by Cabinet, including retaining, amending or repealing the specific legislative restriction(s) on competition in question. Where retention or amendment is recommended, the report must include a clear demonstration of the benefit to the public;
- clear recommendations on any possible actions that can be taken by Cabinet in relation to the broader impact of the legislation on business; and
- an outline of any transitional arrangements which may be required and the rationale for these arrangements.

The purpose of the final report is to ensure that Cabinet is presented with sufficient information to enable a decision to be made on whether:

- the specific legislative restriction(s) on competition in question; and
- the broader impact of the legislation on business,

is warranted in the public benefit. Once Cabinet has considered the report, it will decide what action must be taken, if any.

The final review report must (in compliance with the requirements of the amended Cabinet Handbook) be incorporated in a Minute (to be prepared by the administering Agency) to be considered by Cabinet.

It should be noted that, under the CPA, the State Government retains the final decision as to whether existing legislation that restricts competition should be retained or repealed. In making this decision, Cabinet will be guided by the CPA principle outlined in section 3.1.1. above.

**Cabinet will not consider matters involving the review of existing legislation that restricts competition unless:**

- **the relevant RRU endorsements have been obtained; and**
- **a final report, which complies with these LRP guidelines, is attached to the Cabinet Minute which summarises its findings.**

## **2.2. ASSESSMENT OF ALL PROPOSED PRIMARY LEGISLATION**

The following procedures applying to **all** primary legislative proposals are set down in the amended Cabinet Handbook.

**These assessment procedures will still apply even if Cabinet has already considered a policy response in relation to a particular issue and given in-principle approval for the drafting of a Bill.**

It should be noted that these procedures are substantially similar to those that apply to the review of existing legislation that restricts competition (as outlined in section 3.1.). However, in the case of proposed primary legislation, **equal weight is given to the need to justify any restrictions on competition and any significant impact on business.** This can be seen from the guiding principle for the assessment of proposed primary legislation outlined in section 3.2.1. below .

### **2.2.1. Guiding Principle for Proposed Legislation**

The following guiding principle **must be applied, in all cases,** to proposed primary legislation:

**Legislation should not restrict competition or impose a significant impact on business unless it can be demonstrated that:**

- (a) **the benefits to the community as a whole outweigh the costs; and**
- (b) **the objectives of the legislation can only be achieved by restricting competition or imposing a significant impact on business.**

It is clear from the above principle that the **onus of proof** will lie with Agencies to demonstrate that any proposed restriction on competition or significant impact on business is unavoidable and is to the benefit of the public.

### **2.2.2. Statement of Intent**

For every proposal for primary legislation, Agencies must determine whether the legislation will:

- (a) act to restrict competition in any way; or
- (b) have a significant impact on business.

Specifically, if it is considered that the legislative proposal will not do either (a) or (b) above, Agencies must prepare a Statement of Intent that briefly outlines the legislative proposal and gives the reasons why it is not considered to impose a restriction on competition or have a significant impact on business. This Statement must then be forwarded to the RRU for endorsement.

If the RRU endorses the legislative proposal as not restricting competition or significantly impacting on business, the Agency can then submit the proposal to the relevant Minister for consideration and transmission to Cabinet.

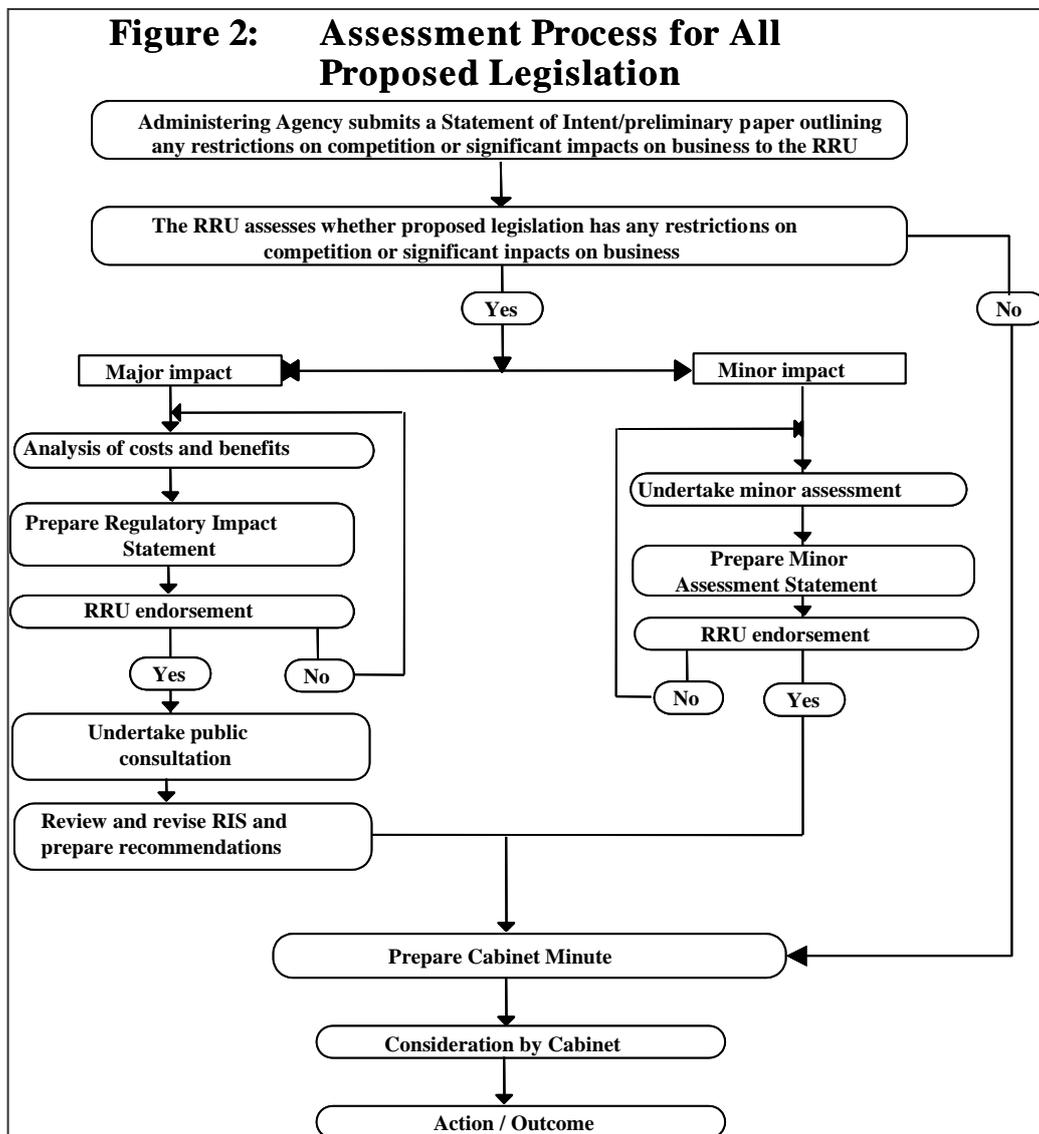
If the Agency is of the view that the legislative proposal does restrict competition or significantly impacts on business, there is no need to complete a Statement of Intent. Instead, the Agency must comply with the procedures and guidelines outlined below. This will also be the case where the RRU does not agree with a Statement of Intent submitted by an Agency and determines that the proposed primary legislation does restrict competition or significantly impact on business.

### **2.2.3. Format for Assessments of Proposed Primary Legislation**

The approach taken in assessing proposals for proposed primary legislation will depend on the nature of the restriction on competition and the impact on business. Figure 2 on the following page outlines the different assessment processes that apply.

The key feature of the processes illustrated in Figure 2 (below) is the determination by the RRU of whether the identified restriction(s) on competition, or the impact on business, is a major or minor one. Where

proposed primary legislation includes a major restriction on competition or impact on business, a rigorous and transparent assessment process is required to establish whether the restriction or impact is in the public benefit. Where proposed primary legislation includes a minor restriction on competition or impact on business, a less intensive assessment process is required. A restriction on competition or an impact on business will be considered to be major where it has economy-wide implications, or where it significantly affects a sector of the economy (including consumers).



Without limiting the types of issues that should be examined in major or minor assessments, Appendix 2 contains a checklist of issues which can be used to determine the public benefit of any restriction on competition or impact on business. More detailed guidelines on the issue of "public benefit" can be obtained from Treasury's Regulation Review Unit.

#### **2.2.4. Preliminary Paper**

Where Agencies are proposing primary legislation that restricts competition in any way or has a significant impact on business, they are required to submit to the RRU a paper conforming to the proforma in Appendix 6. This paper should outline:

- the objectives of the legislation;
- the nature of any restrictions on competition contained within the legislation and whether the restrictions are of a major or minor nature;
- whether the legislation has any significant impact on business;
- the alternative options considered;
- the advantages and disadvantages of the restriction(s) on competition;
- any consultation processes undertaken to this stage; and
- any effects that the legislation may have on the responsibilities of other Agencies.

The RRU will then determine whether the Agency should conduct a **major or minor assessment** of the impact of the legislation.

#### **2.2.5. Major Assessments of Proposed Primary Legislation**

Where it is considered by the RRU that there is a major restriction(s) on competition or an impact on business, Agencies will be required to prepare a regulatory impact statement (RIS) in relation to that restriction(s) or business impact and conduct a mandatory public consultation process. A proforma that each RIS must follow is contained in Appendix 4 to this Manual.

### Regulatory Impact Statements

The RIS will form the basis for consultation with the public. It should, therefore, be intelligible to the general public and assist those with an interest in the legislation to make informed comment. The RIS should explain:

- the objectives of the legislation;
- the issues surrounding the restriction(s) on competition or the impact on business; and
- the benefits and costs which flow from the restriction or the impact on business.

The RIS must clearly identify whether the benefits of the restriction on competition or the impact on business outweigh the costs and will require an assessment of the direct and indirect social, economic and environmental impacts of the proposed legislation. It is also important that the RIS look at the effect that the restriction on competition has on the market overall, not simply at the effect on individual competitors.

All costs and benefits must be identified and quantified wherever possible, rather than simply undertaking a qualitative appraisal. If some costs and benefits cannot be quantified, the effect on competition or the impact on business must be stated and presented in such a way that permits a comparison of the costs and benefits. This comparison of the costs and benefits of the proposed legislation should extend to the alternative approaches, including non-regulatory approaches, identified for achieving the particular policy objective of the legislation.

**The RRU's endorsement of the RIS and the proposed public consultation program must be obtained prior to the RIS being publicly released.**

Appropriate analytical techniques must be adopted to determine the costs and benefits of restrictions on competition or the impact on business. It is recommended that the RRU be consulted prior to commencing this process to obtain guidelines on the various analytical techniques available. These techniques include cost-benefit analysis, risk analysis and cost-effectiveness analysis.

### Public Consultation

A public consultation process is mandatory where the proposed legislation has a major impact on competition or impact on business.

Once the RIS and the public consultation program has been endorsed by the RRU, advertisements should be placed in relevant local newspapers or other publications inviting submissions on the RIS **within a minimum of 21 days**. The notice should detail the scope of the assessment, provide details of where copies of the RIS may be obtained and invite submissions from interested parties.

If the proposed legislation has a significant impact on a particular group of people, the notice should be published in such a way to ensure that the members of that group understand the purpose and content of the notice. It may also be necessary to write directly to those individuals, groups and organisations that have a particular interest in the issues under consideration.

All submissions received through the public consultation process are to be documented and fully considered by the Agency. Further consultation with specific parties may be undertaken and alterations made to the RIS where considered appropriate.

#### **2.2.6. Minor Assessments of Proposed Primary Legislation**

Where it is considered by the RRU that the restriction(s) on competition or the impact on business is minor, Agencies will only be required to complete a brief assessment of:

- the costs and benefits of the restriction(s) on competition;
- the impact of the legislation on business; and
- whether the restriction(s) on competition or the impact on business is warranted in the public benefit.

The Agency must, therefore, determine the most appropriate method for assessing the impact of the legislation and, in doing so, must ensure that the scale of the assessment is commensurate with the relative impact of the legislation, taking into account the guiding principle for proposed legislation specified in section 3.2.1. above. Public consultation is encouraged, although it is not mandatory for minor assessments. In every case, a Minor Assessment

Statement (outlined in Appendix 5 of this Manual) must be prepared and submitted to the RRU for endorsement prior to its consideration by Cabinet.

### **2.2.7. Endorsements Required**

Several endorsements are required from the Department of Treasury and Finance's RRU to ensure that the LRP adequately complies with the requirements of the CPA.

- Firstly, the Administering Agency must obtain the RRU's endorsement of whether the assessment should be of a major or minor nature.
- Secondly, for assessments of major restrictions, RRU endorsement is required for the RIS and the planned consultation process prior to the public consultation actually being undertaken.
- Thirdly, for assessments of minor restrictions, RRU endorsement is required for the Minor Review/ Assessment Statement prior to progressing to Cabinet.

This endorsement process is designed to ensure that assessments of proposed legislation are conducted with sufficient rigour to comply with the CPA requirements.

### **2.2.8. Final Assessment Report for Cabinet**

For every major or minor assessment of proposed primary legislation that is required by the LRP, a final assessment report will need to be prepared by the Agency. The final assessment report must (in compliance with the requirements of the amended Cabinet Handbook) be incorporated in a Minute to be considered by Cabinet. The final assessment report must contain:

- a copy of the RIS or Minor Assessment Statement;
- a summary of any public consultation undertaken;
- clear justification of the reasons why the proposed restriction on competition or impact on business is of benefit to the public; and
- an outline of any transitional arrangements which may be required and the rationale for these arrangements.

The purpose of the final report is to ensure that Cabinet is presented with sufficient information to enable a decision to be made on whether:

- the proposed legislative restriction(s) on competition; or
- the proposed impact of the legislation on business,

is warranted in the public benefit. Once Cabinet has considered the report, it will decide what action must be taken, if any.

**Cabinet will not consider primary legislative proposals unless:**

- **the relevant RRU endorsements have been obtained; and**
- **a final report, which complies with these LRP guidelines, is attached to the Cabinet Minute which summarises its findings.**

### **2.3. ASSESSMENTS OF PROPOSED SUBORDINATE LEGISLATION**

In the case of proposed subordinate legislation, Agencies must observe the requirements of the *Subordinate Legislation Act 1992* in the normal manner.

The RRU will pay particular attention to whether the proposed subordinate legislation restricts competition in any way, or has a significant impact on business, when determining (under the requirements of the Subordinate Legislation Act) whether the proposed subordinate legislation imposes a significant burden, cost or disadvantage on any sector of the public. If either of these characteristics are evident, the RRU will recommend to the Secretary of the Department of Treasury and Finance that the proposed subordinate legislation be determined as imposing a significant burden, cost or disadvantage on the public. Accordingly, the Agency will then be required to complete a Regulatory Impact Statement and conduct public consultation.

### **2.4. TREATMENT OF LOCAL GOVERNMENT BY-LAWS UNDER LRP**

The Local Government Division of the Department of Premier and Cabinet has implemented procedures for the review of all proposed or existing council by-laws to ensure that any restrictions on competition are fully justified in the public benefit. The *By-Law Making Procedures Manual* was released in August 1997 and represents the by-law section of the LRP. All by-laws proposed since that date have been required to comply with the new procedures.

All by-laws made under the former *Local Government Act 1962* remained in force under the current *Local Government Act 1993* (to the extent that they were

consistent with the new Act) for a period of five years, and were due to expire on 17 January 1999.

A number of councils have been progressively reviewing their by-laws, a number of which have been repealed. As a result there has been a continued decline in the overall number of by-laws. However, a significant number of councils were not prepared for the statutory expiry of all these by-laws on 17 January 1999. In December 1998, the Government therefore introduced the *Local Government (Savings and Transitional) Amendment Act 1998* to extend the expiry date until 31 March 1999. This resulted in the automatic expiry at the end of March 1999 of the remaining by-laws (approximately 500).

Since the commencement of the current Local Government Act in January 1994, all of the 115 new by-laws gazetted have been subjected to the legislation review processes. Councils are now carefully considering the subject matter they wish to deal with through by-laws, such that new by-laws are generally made to deal solely with matters of broad governance rather than relating to commercial operations. Tasmanian councils have also been encouraged to pursue the repeal of their obsolete by-laws and replace them, where appropriate, with by-laws that focus on governance arrangements and comply with NCP principles.

Amendments to the Local Government Act in 1999 saw the further application of NCP principles to Local Government by-laws, with the requirement that any new by-laws with a significant impact on the community be subject to a RIS. This amendment formalised the procedure already required in the *By-Law Making Procedures Manual*.

## **2.5. TREATMENT OF FISHERIES PLANS AGREEMENTS UNDER LRP**

Fisheries Management Plans (FMPs) are made as rules under the *Living Marine Resources Management Act 1995* (LMRMA).

Rules under the LMRMA are not subordinate legislation and to date, rules establishing Fisheries Management Plans have not been declared to be subordinate legislation as provided for in section 3(1)(b) of the *Subordinate Legislation Act 1992*. Instead, given the extensive consultation program provided for under the LMRMA, an agreement has been struck between the

Department of Treasury and Finance and the former Department of Primary Industry and Fisheries, which if adhered to, avoids the need for a declaration.

Under the terms of the agreement, FMPs are assessed as if they were subordinate legislation and if found to restrict competition or have a significant impact on business, a cost/ benefit analysis approved by Treasury is added to the consultation package issued under LMRMA. Once consultation is complete, the cost/ benefit analysis is to be altered accordingly and Treasury is given the opportunity to comment on the final report if it is different to the draft.

Given that FMPs are assessed outside of the formal process established by the Subordinate Legislation Act, it is not necessary to issue certificates for the rules.

Often, alterations to FMPs are made in conjunction with changes to regulations under the LMRMA as a package of reforms. In this case, changes to the regulations must be assessed under the Subordinate Legislation Act in the usual way while changes to rules are dealt with separately according to the agreement. This requires dividing up the package of reforms according to the instrument under which they are made.

### **3. REPORTING TO THE NATIONAL COMPETITION COUNCIL**

The Tasmanian Government will publish National Competition Policy progress reports every 12 months. In addition to detailing progress with legislative reviews, these reports will also include progress with the implementation of the CPA principles in other reform areas (such as the structural reform of public monopolies, competitive neutrality, access to essential facilities by third parties, monopoly prices oversight and the application of the NCP principles to Local Government) and the implementation of a number of NCP related reforms (such as those in the areas of electricity, water, gas and transport). The National Competition Council then publishes an annual report consolidating the reports of the Commonwealth and each State and Territory government. These reports form the basis on which the States and Territories qualify for additional financial assistance from the Commonwealth.

#### 4. TREASURY'S REGULATION REVIEW UNIT

The Department of Treasury and Finance is responsible for administering the LRP. The RRU is part of Treasury's Economic Policy Branch and is the primary contact point for all matters relating to NCP generally and all matters relating to the Government's LRP in particular.

All review bodies, Agencies and Authorities are strongly encouraged to consult with the RRU should they need guidance at any stage in the review of existing legislation or when proposing new legislation. In particular, they are encouraged to liaise with the RRU during the early stages of any review or the development of any proposed legislation. This will:

- (a) ensure that review bodies, Agencies and Authorities are well-versed in the processes and procedures to be followed;
- (b) help to ensure that the RRU is aware of the relevant issues; and
- (c) assist in minimising any delays in obtaining the required endorsements from the RRU.

Key RRU personnel in relation to general issues associated with the LRP are:

<b>Mr Chris Lock</b>	<b>Mr Jason O'Neill</b>
Director	Assistant Director (Legislation Review)
Economic Policy Branch	Economic Policy Branch
Ph: (03) 6233 2646	Ph: (03) 6233 5418
Fax: (03) 6223 5690	Fax: (03) 6223 5690
E-mail:	E-mail:
regulation.review@treasury.tas.gov.au	regulation.review@treasury.tas.gov.au

Initial contact in respect of any review of existing anti-competitive legislation or the development of any proposed legislation should be through Mr O'Neill in the first instance.

## **APPENDIX 1      RESTRICTIONS ON COMPETITION**

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The following restrictions are those that have the most important impact on competition.

### **A1.1    RESTRICTIONS ON MARKET ENTRY**

Market entry relates to the processes that an individual or firm needs to undertake to begin trading in a particular market. In most instances there will be commercial barriers to market entry, such as the purchase of suitable plant and equipment, but in many cases there are also legislative barriers. These legislative barriers can include:

- an outright prohibition in regard to a particular business activity;
- a statutory monopoly concerning a business activity that operates either state-wide or in a particular locality;
- licensing or registration requirements for persons or bodies wishing to engage in a particular business activity, which operate on the basis of restricting the number of market participants or limiting participation to those persons or bodies that meet defined standards, hold certain qualifications or are members of particular occupational or professional organisations;
- the allocation of quantitative entitlements, quotas or franchises among participants in particular business activities; or
- the allocation of licences or other authorities that allow the holder access to natural resources (including water, minerals, forests and fisheries) or which create rights, or permit specified activities, denied to non-holders (for example, licences to dispose of waste material in a particular manner).

It is important to recognise that contestable markets, where firms face the threat of potential competition, can produce efficiency effects similar to actual head-to-head competition. The removal of entry barriers can thus have an important impact, even if few or no new firms actually enter the market. In this situation, firms that were once

isolated from competition realise that, unless they become more competitive, new entrants reacting to market signals may seize opportunities and erode the market share of existing firms.

## **A1.2 RESTRICTIONS ON COMPETITIVE CONDUCT**

Legislation can restrict competitive conduct by firms in the market by restricting ordinarily acceptable forms of competitive behaviour. Such restrictions can include matters such as:

- price controls in relation to goods or services;
- hours of operation;
- size of premises;
- the provision of specified facilities or the use of specific equipment;
- the geographical area of operation;
- permissible advertising;
- business ownership; or
- the type of good or service that can be offered for sale.

## **A1.3 RESTRICTIONS ON PRODUCT OR SERVICE INNOVATION**

Legislation can restrict competition by regulating the quality or standard of a product or service, thereby reducing the scope for innovation. Such restrictions can include the requirement for prescribed quality or technical standards to be observed in the production or packaging of a good or the delivery of a service, other than those requirements that apply generally in relation to public or workplace health and safety.

## **A1.4 RESTRICTIONS ON THE ENTRY OF GOODS OR SERVICES**

Legislation can restrict the entry of goods and services from interstate or overseas, giving a competitive advantage to local producers. In most cases such restrictions relate to quarantine matters, are scientifically

based and are designed to stop the spread of animal or plant pests or diseases. However, in some cases the restrictions have no scientific basis and serve to protect existing businesses from interstate and overseas competition.

## **A1.5 ADMINISTRATIVE DISCRETION**

Legislation can also restrict competition by providing for administrative discretion that has traditionally been exercised to inhibit competition. This discretion can include:

- the favouring of incumbents suppliers;
- preferential purchasing arrangements;
- making financial assistance (such as direct grants or subsidies or the waiver of various State or Local Government taxes or charges) available if a business is carried on in a certain location;
- treating public and private sector providers differently; or
- setting technical specifications that are only available from a single supplier.

It is necessary to clearly identify and describe all specific legislative restrictions on competition within the legislation under assessment. Where appropriate, individual restrictions should be amalgamated into appropriate groups for review analysis. However, restrictions on competition should not be grouped together if they impact on different markets or if they relate to different forms of restriction.

## **APPENDIX 2      ISSUES RELATING TO THE PUBLIC BENEFIT TEST**

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The following list of issues, whilst not exhaustive, can be used to assist in determining whether a legislative restriction on competition is in the public benefit. That is, whether the benefits of the restriction outweigh the costs.

Does the restriction:

- promote competition in an industry;
- assist economic development (for example, in natural resources through the encouragement of exploration, research and capital investment);
- foster business efficiency, especially where this results from improved international competitiveness;
- encourage industry rationalisation, resulting in more efficient allocation of resources and lower, or contained, unit production costs;
- expand employment growth or prevent unemployment in efficient industries or particular regions;
- foster industry harmony;
- assist efficiency in small business (for example, by providing guidance on costing and pricing or marketing initiatives which promote competitiveness);
- improve the quality and safety of goods and services and expand consumer choice;
- supply better information to consumers and business, thereby permitting more informed choices in their dealings at a lower cost;
- promote equitable dealings in the market;
- promote industry cost savings, resulting in contained or lower prices at all levels of the supply chain;
- encourage the development of import replacements;
- encourage growth in export markets;

- implement desirable community standards with the minimum impact on competition in the marketplace; or
- take essential steps to protect the environment.

## **APPENDIX 3      TEMPLATE TERMS OF REFERENCE FOR REVIEWS CONDUCTED IN ACCORDANCE WITH CLAUSE 5 OF THE COMPETITION PRINCIPLES AGREEMENT**

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### **REVIEW OF THE *[NAME OF LEGISLATION]***

#### **INTRODUCTION**

At the meeting of the Council of Australian Governments (COAG) on 11 April 1995, the Tasmanian Government (along with the Commonwealth and all other State and Territory governments) signed three inter-governmental agreements relating to the implementation of a national competition policy (NCP). The agreements signed were:

- the Conduct Code Agreement;
- the Competition Principles Agreement; and
- the Agreement to Implement the National Competition Policy and Related Reforms.

The Competition Principles Agreement (CPA), among other things, required the State Government to review and, where appropriate, reform by the year 2000 all legislation restricting competition. This requirement is outlined in clause 5. COAG subsequently extended this deadline to 30 June 2003. The last review under this program was completed in 2003.

The Legislation Review Program (LRP) meets Tasmania's obligations under clause 5 of the CPA by, *inter alia*, ensuring the review of all existing legislation that imposes a restriction on competition at least once every ten years and a process to ensure that all new legislative proposals that restrict competition or significantly impact on business are properly justified. Further, the LRP details the procedures and guidelines to be followed by agencies, authorities and review bodies in this area. Details of the LRP's requirements are contained in the *Legislation Review Program: 1996-2000 Procedures and Guidelines Manual* (the "Manual").

## **TERMS OF REFERENCE**

The *[Review Body]* shall review the *[Name of Act(s)]* and all subordinate legislation under that (those) Act(s), having regard to the following guiding principle:

"That legislation should not restrict competition unless it can be demonstrated that:

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

As a minimum, the review shall:

1. clarify the objectives of the legislation;
2. identify the nature of the existing restriction on competition;
3. consider whether the existing restriction, or any other form of restriction, should be retained by:
  - analysing the likely effect of the existing restriction or any other form of restriction on competition and on the economy generally;
  - assessing and balancing the costs and benefits of the restriction; and
  - considering alternative means for achieving the same result, including non-legislative approaches; and
4. identify the broader impact of the legislation on business and assess whether this impact is warranted in the public benefit.

The review shall not consider matters relating to:

- *[detail specific matters to be excluded from consideration by the review].*

Without limiting the scope of the review, the *[Review Body]* shall address the following issues:

- *[list of issues relating to the restrictions on competition that are contained within the legislation].*

The *[Review Body]* shall take other broad policy considerations of the Tasmanian Government into account when determining whether legislative restrictions on competition or significant impacts on business are warranted. These considerations include, but are not limited to:

- government legislation and policies relating to ecologically sustainable development;
- social welfare and equity considerations, including community service obligations;
- government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- economic and regional development, including employment and investment growth;
- the interests of consumers generally or a class of consumers;
- the competitiveness of Australian businesses; and
- the efficient allocation of resources.

### **Format of the Review**

*(Text to be used in the case of Major reviews)*

The *[Review Body]* must complete a Regulatory Impact Statement (RIS) in accordance with the proforma contained in Appendix 4 of the Manual. The RIS should explain:

- the objectives of the legislation;
- the issues surrounding any restriction(s) on competition;
- the benefits and costs which flow from those restriction(s); and
- the broader impact of the legislation on business and whether this impact is warranted in the public benefit.

It is mandatory that the *[Review Body]* undertake public consultation on the Regulatory Impact Statement in accordance with the procedures set out in the Manual. The public consultation process should:

- detail the scope of the review;

- provide details of where copies of the RIS may be obtained; and
- invite submissions from interested parties.

The *[Review Body]* must seek endorsement from the Department of Treasury and Finance's Regulation Review Unit (RRU) for the completed RIS and the planned consultation process, prior to the public consultation actually being undertaken.

*(Text to be used in the case of Minor reviews)*

The *[Review Body]* must complete a brief assessment of:

- the objectives of the legislation;
- the costs and benefits of any restriction(s) on competition;
- the impact of the legislation on business; and
- whether the restriction(s) on competition or the impact on business is warranted in the public benefit.

The *[Review Body]* must ensure that the scale of the assessment is commensurate with the relative impact of the legislation. Public consultation may be undertaken if considered appropriate by the *[Review Body]*.

The *[Review Body]* must prepare a Minor Review Statement in accordance with Appendix 5 of the Manual. The *[Review Body]* must then seek endorsement from the Department of Treasury and Finance's Regulation Review Unit (RRU) for the Minor Review Statement.

### **Reporting Requirements**

The *[Review Body]* must produce a final review report in accordance with the Manual. The final review report must contain:

- a copy of the RIS or the Minor Review Statement;
- a summary of any public consultation undertaken;
- clear recommendations on the possible actions that can be taken by the Government, including retaining, amending or repealing the specific legislative restriction(s) on competition in question. Where retention or amendment is recommended, the report must include a clear demonstration of the benefit to the public;

- clear recommendations on any possible actions that can be taken by the Government in relation to the broader impact of the legislation on business; and
- an outline of any transitional arrangements which may be required under the recommended course of action and the rationale for these arrangements.

### **The Date of Completion**

The *[Review Body]* shall provide a copy of both the completed review report and RRU endorsement of the *[RIS or Minor Review Statement]* to the Minister for *[Portfolio]* and the Treasurer by *[date]*.

## **APPENDIX 4      REGULATORY IMPACT STATEMENTS**

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Where a review or assessment is deemed to be of a major nature, the following format must be followed when preparing the required regulatory impact statement.

### **A4.1    OBJECTIVES OF THE LEGISLATION**

Include a clear statement of the objectives of the legislation and the reasons for them. In particular, detail the objectives to be achieved by the restriction on competition or impact on business. Care must be taken not to confuse the objectives of the legislation with the strategies for achieving the objectives.

The objectives should:

- be reasonable and appropriate; and
- not be inconsistent with the objective of other Acts, subordinate legislation and stated Government policies.

### **A4.2    NATURE OF THE RESTRICTION ON COMPETITION**

Clearly identify the nature of the legislative restrictions on competition. Governments, through legislation, intervene in markets for many reasons and in many ways. At one level, all such intervention affects competition and almost no regulatory activity is neutral in its implications for competition. However, the assessment of legislation that restricts competition required under the CPA is primarily concerned with the restrictions which impact most directly on competition.

The Hilmer Report on National Competition Policy identified those legislated restrictions that have the most important impact on competition. These may be summarised as:

- restrictions on market entry;
- restrictions on competitive conduct;
- restrictions on product innovation;

- restrictions on the entry of goods and services; and
- administrative discretion that has been used to inhibit competition.

These specific restrictions on competition are explained more fully in Appendix 1 of this Manual.

### **A4.3 IMPACT ON BUSINESS**

Include an assessment of whether the legislation has, or will have, a significant impact on business (other than that impact caused by any restriction on competition) and the costs and benefits involved.

Include a summary of the dollar costs and benefits of the restriction on competition and each of the identified options. In particular, there will need to be a full discussion of those financial and socio-economic impacts that are not able to be quantified in dollar terms.

### **A4.4 COSTS AND BENEFITS OF THE RESTRICTION ON COMPETITION**

Include an assessment of whether the legislation has, or will have, a significant impact on competition and, if so, an evaluation of whether the benefits of the restriction outweigh the likely costs. If the benefits outweigh the likely costs, this section should include an evaluation of whether the restriction represents the absolute minimum in the public benefit.

Include a summary of the dollar costs and benefits of the restriction on competition and each of the identified options. In particular, there will need to be a full discussion of those financial and socio-economic impacts that are not able to be quantified in dollar terms.

### **A4.5 ALTERNATIVE OPTIONS**

Identify all alternative options by which the desired objectives can be achieved, either wholly or substantially, including the option of removing the legislative restriction on competition or impact on business or not proceeding with the proposed legislation. If a legislative approach is recommended, provide an

explanation of why this is the most efficient means of achieving the objectives. Consider, also, whether the existing or proposed restrictions are the absolute minimum necessary in the public interest.

#### **A4.6 GREATEST NET BENEFIT / LEAST NET COST ALTERNATIVE**

Include an assessment of which of the alternative options involves the greatest net benefit or least net cost to the community. This may involve a comparison of the restriction on competition and its alternatives.

#### **A4.7 STATEMENT OF CONSULTATION PROCESS**

Provide details of the public consultation process undertaken.

#### **NOTE:**

In preparing a Regulatory Impact Statement (RIS), it should be noted that:

- (a) where costs and benefits are referred to, economic, social and environmental costs and benefits, both direct and indirect, are to be taken into account and given due consideration; and
- (b) costs and benefits must, where possible, be quantified. If this is not possible, the anticipated impacts of the action and of each alternative must be stated and presented in a way that permits a comparison of the costs and benefits.

## **APPENDIX 5      MINOR REVIEW/ASSESSMENT STATEMENTS**

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Where a review or assessment is deemed to be of a minor nature, the following statement must be prepared.

### **A5.1    OBJECTIVES OF THE PROPOSED LEGISLATION**

Include a clear statement of the objectives of the legislation and the reasons for them. In particular, detail the objectives to be achieved by the restriction on competition. Care must be taken not to confuse the objectives of the legislation with the strategies for achieving the objectives.

The objectives should:

- be reasonable and appropriate; and
- not be inconsistent with the objective of other Acts, subordinate legislation and stated government policies.

### **A5.2    NATURE OF THE RESTRICTION ON COMPETITION**

Include a brief discussion clearly identifying the nature of the legislative restrictions on competition.

The Hilmer Report on National Competition Policy identified those legislated restrictions that have the most important impact on competition. These may be summarised as:

- restrictions on market entry;
- restrictions on competitive conduct;
- restrictions on product innovation;
- restrictions on the entry of goods and services; and
- administrative discretion that has been used to inhibit competition.

These specific restrictions on competition are explained more fully in Appendix 1 of the LRP Procedures and Guidelines Manual.

### **A5.3 IMPACT ON BUSINESS**

Include a brief assessment of whether the legislation has, or will have, a significant impact on business (other than that impact caused by any restriction on competition) and the advantages and disadvantages involved.

### **A5.4 ADVANTAGES AND DISADVANTAGES OF THE RESTRICTION ON COMPETITION**

Include a brief assessment of whether the legislation restricts, or will restrict, competition and the advantages and disadvantages involved.

### **A5.5 ALTERNATIVE OPTIONS**

Identify all alternative options by which the desired objectives can be achieved, either wholly or substantially, including the option of removing the legislative restriction on competition or impact on business or not proceeding with the proposed legislation.

Discuss the advantages and disadvantages expected to arise from each option, compared with those expected to flow from proceeding with the proposed legislation. Consider, also, whether the existing or proposed restrictions are the absolute minimum necessary in the public interest.

If a legislative approach is recommended, provide an explanation of why this is the most efficient means of achieving the objectives.

### **A5.6 STATEMENT OF CONSULTATION PROCESS**

Provide details of any public consultation process undertaken.

### **A5.7 EFFECT ON OTHER GOVERNMENT AGENCIES (PROPOSED LEGISLATION ONLY)**

Include a discussion of whether the proposed legislation would impinge on or affect the area of responsibility of another Government Agency and, if so, the

consultation that has taken place with that Agency, to ensure that any differences are reconciled and that there is no overlap, duplication or conflict.

**NOTE:**

In preparing the above Statement, it should be noted that where costs and benefits are referred to, economic, social and environmental costs and benefits, both direct and indirect, are to be taken into account and given due consideration.

## **APPENDIX 6      PRELIMINARY LRP STATEMENTS - PROPOSED LEGISLATION**

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The following Statement must be prepared by Agencies in relation to proposed legislation.

### **A6.1    OBJECTIVES OF THE PROPOSED LEGISLATION**

Include a clear statement of the objectives of the legislation and the reasons for them. In particular, detail the objectives to be achieved by any restriction on competition. Care must be taken not to confuse the objectives of the legislation with the strategies for achieving the objectives.

The objectives should:

- be reasonable and appropriate; and
- not be inconsistent with the objective of other Acts, subordinate legislation and stated government policies.

### **A6.2    NATURE OF THE RESTRICTION ON COMPETITION**

Include a brief discussion clearly identifying the nature of any legislative restriction(s) on competition and indicate whether the restriction(s) is of a major or minor nature.

The Hilmer Report on National Competition Policy identified those legislated restrictions that have the most important impact on competition. These may be summarised as:

- restrictions on market entry;
- restrictions on competitive conduct;
- restrictions on product innovation;
- restrictions on the entry of goods and services; and
- administrative discretion that has been used to inhibit competition.

These specific restrictions on competition are explained more fully in Appendix 1 of the LRP Procedures and Guidelines Manual.

### **A6.3 IMPACT ON BUSINESS**

Include a brief assessment of whether the legislation has, or will have, a significant impact on business (other than that impact caused by any restriction on competition).

### **A6.4 ADVANTAGES AND DISADVANTAGES OF THE RESTRICTION ON COMPETITION**

Include a brief assessment of whether the proposed legislation will restrict, competition and the advantages and disadvantages involved.

### **A6.5 ALTERNATIVE OPTIONS**

Identify all alternative options by which the desired objectives can be achieved, either wholly or substantially, including the option of not proceeding with the legislative restriction(s) on competition or the provisions that impact on business.

Discuss the advantages and disadvantages expected to arise from each option, compared with those expected to flow from proceeding with the proposed legislation. Consider, also, whether the proposed restrictions are the absolute minimum necessary in the public interest.

If a legislative approach is recommended, provide an explanation of why this is the most efficient means of achieving the objectives.

### **A6.6 STATEMENT OF CONSULTATION PROCESS**

Provide details of any public consultation process that has been undertaken in developing the legislative proposal to this stage.

## **A6.7 EFFECT ON OTHER GOVERNMENT AGENCIES**

Include a discussion of whether the proposed legislation would impinge on or affect the area of responsibility of another Government Agency and, if so, the consultation that has taken place with that Agency, to ensure that any differences are reconciled and that there is no overlap, duplication or conflict.

### **NOTE:**

In preparing the above Statement, it should be noted that where costs and benefits are referred to, economic, social and environmental costs and benefits, both direct and indirect, are to be taken into account and given due consideration.

## **APPENDIX 7 REGULATION REVIEW UNIT CONTACT DETAILS**

<b>Agency or Authority</b>	<b>Contact Officer</b>	<b>Telephone</b>
Aurora Energy	Nicholas Beattie	(03) 6233 2979
Civil Construction Services Corporation	Nicholas Beattie	(03) 6233 2979
Department of Economic Development	Jason O'Neill	(03) 6233 5418
Department of Education	Jason O'Neill	(03) 6233 5418
Department of Health and Human Services	Jason O'Neill	(03) 6233 5418
Department of Infrastructure, Energy and Resources	Nicholas Beattie	(03) 6233 2979
Department of Justice and Industrial Relations	Debbie Davis	(03) 6233 3487
Department of Police and Public Safety	Debbie Davis	(03) 6233 3487
Department of Premier and Cabinet	Joe Parsons	(03) 6233 2583
Department of Primary Industries, Water and Environment	Babette Moate	(03) 6233 2334
Department of Tourism, Parks, Heritage and the Arts	Babette Moate	(03) 6233 2334
Department of Treasury and Finance	Joe Parsons	(03) 6233 2583
Egg Marketing Board	Babette Moate	(03) 6233 2334
Forest Practices Board	Nicholas Beattie	(03) 6233 2979
Forestry Tasmania	Nicholas Beattie	(03) 6233 2979
Hydro Tasmania	Nicholas Beattie	(03) 6233 2979
Inland Fisheries Service	Babette Moate	(03) 6233 2334
Licensing Commission	Joe Parsons	(03) 6233 2583
Local Government Division	Joe Parsons	(03) 6233 2583
Metro Tasmania	Nicholas Beattie	(03) 6233 2979
Motor Accidents Insurance Board	Nicholas Beattie	(03) 6233 2979
Office of Consumer Affairs and Fair Trading	Debbie Davis	(03) 6233 3487
Office of Energy Planning and Conservation	Nicholas Beattie	(03) 6233 2979
Port Corporations	Nicholas Beattie	(03) 6233 2979
Printing Authority of Tasmania	Nicholas Beattie	(03) 6233 2979
Private Forests Tasmania	Nicholas Beattie	(03) 6233 2979

<b>Agency or Authority</b>	<b>Contact Officer</b>	<b>Telephone</b>
Public Trustee	Debbie Davis	(03) 6233 3487
Racing Tasmania	Nicholas Beattie	(03) 6233 2979
Retirement Benefits Fund Board	Joe Parsons	(03) 6233 2583
Rivers and Water Supply Commission	Babette Moate	(03) 6233 2334
Stanley Cool Stores Board	Babette Moate	(03) 6233 2334
TAFE Tasmania	Jason O'Neill	(03) 6233 5418
Tasmania Fire Service	Jason O'Neill	(03) 6233 5418
Tasmanian Audit Office	Jason O'Neill	(03) 6233 5418
Tasmanian Dairy Industry Authority	Babette Moate	(03) 6233 2334
Tasmanian Electoral Office	Debbie Davis	(03) 6233 3487
Tasmanian Grain Elevators Board	Babette Moate	(03) 6233 2334
Tasmanian International Velodrome Management Authority	Jason O'Neill	(03) 6233 5418
Tasmanian Public Finance Corporation	Joe Parsons	(03) 6233 2583
Tasmanian Secondary Assessment Board	Jason O'Neill	(03) 6233 5418
TOTE Tasmania Pty Ltd	Joe Parsons	(03) 6233 2583
Transend Networks	Nicholas Beattie	(03) 6233 2979
TT-Line	Nicholas Beattie	(03) 6233 2979