

Heads of Treasuries Competitive Neutrality Matrix Report September 2009

Summary

- Following are the competitive neutrality (CN) compliance reporting matrixes from all States and Territories (States) and the Commonwealth, in observance with the CN reporting requirements under the *Competition and Infrastructure Regulation Agreement (CIRA)*.
- Each of the criteria paraphrased in the matrix directly reflects an obligation under either the Competition Principles Agreement (CPA) or the CIRA.
- In each column it is noted whether the criterion in the column heading has been observed.
- In cases where there has been non-compliance, the reason for the failure to comply or inapplicability of the requirement generally has been noted in the matrix or a footnote.
- The CN provisions under clause 6.1 of the CIRA cover ‘government business enterprises (GBEs) engaged in significant business activities in competition with the private sector.’
- For GBEs that are assessed by the relevant jurisdiction as not falling into this category, this exemption has generally been noted in the ‘Assessed subject to CN’ column.

Background

- The Council of Australian Governments’ (COAG) National Competition Policy Review document, released on 10 February 2006, stated that the operation of the enhanced competitive neutrality principles in the CIRA would be monitored by Heads of Treasuries (HoTs) who would provide a high-level report to COAG on their general application, noting any issues that may require discussion.
- At its 2007 March meeting, HoTs agreed to the use of the matrix template for the purpose of competitive neutrality compliance reporting.
- Heads of Treasuries agreed that States will self-assess when completing the table and that the Commonwealth will not have an auditing role.
- The report from HoTs to COAG is intended to occur annually.
- Each jurisdiction is required to complete the matrix by 30 September each year.

NEW SOUTH WALES

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/ planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1 (d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Energy Australia	Yes to all	All comply	All comply	All comply	All comply (Note 1)	All comply (Note 2)	All comply	All comply (Note 3)	All comply (Note 4)	All comply	All comply	All comply (Note 5)	All comply (Note 6)	All comply (Note 7)	All comply (Note 8)	N/A (Note 9)
Integral Energy																
Country Energy																
Macquarie Generation																
Delta Electricity																
Eraring Energy																
TransGrid																
WSN Environmental Solutions																
Hunter Water	Yes	Yes	Yes	Yes	Yes (Note 1)	Yes (Note 2)	Complies	Yes (Note 3)	Yes (Note 4)	Yes	Yes	Yes (Note 5)	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	N/A (Note 9)

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/ planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Sydney Water	Yes	Yes	Yes	Yes	Yes (Note 1)	Yes (Note 2)	Complies	Yes (Note 3)	Yes (Note 4)	Yes	Yes	Yes (Note 5)	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	N/A (Note 9)
Landcom	Yes	Yes	Yes	Yes	Yes (Note 1)	Yes (Note 2)	Complies	Yes (Note 3)	Yes (Note 4)	Yes	Yes	Yes (Note 5)	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	N/A (Note 9)
Lotteries	Yes	Yes	No debt	Yes	Yes (Note 1)	Yes (Note 2)	Complies	Yes (Note 3)	Yes (Note 4)	Yes	Yes	Yes (Note 5)	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	N/A (Note 9)
Super Admin Corp	Yes	Yes	No debt	Yes	Yes (Note 1)	Yes (Note 2)	Complies	Yes (Note 3)	Yes (Note 4)	Yes	Yes	Yes (Note 5)	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	N/A (Note 9)
Newcastle Port Corporation	Yes	Yes	Yes	Yes	Yes (Note 1)	Yes (Note 2)	Complies	Yes (Note 3)	Yes (Note 4)	Yes	Yes	Yes (Note 5)	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	N/A (Note 9)
Port Kembla Port Corporation	Yes	Yes	Yes	Yes	Yes (Note 1)	Yes (Note 2)	Complies	Yes (Note 3)	Yes (Note 4)	Yes	Yes	Yes (Note 5)	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	N/A (Note 9)
Sydney Ports Corporation	Yes	Yes	Yes	Yes	Yes (Note 1)	Yes (Note 2)	Complies	Yes (Note 3)	Yes (Note 4)	Yes	Yes	Yes (Note 5)	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	N/A (Note 9)

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/ planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Forests	Yes	Yes	Yes	Yes	Yes	Yes	Complies	No governing board	Yes (Note 4)	N/A	Yes	Yes (Note 5)	Yes (Note 6)	Yes (Note 7)	Not specified in Forestry Act 1916	N/A (Note 9)
State Transit Authority	Yes	Does not pay – non-commercial PTE	Yes	Yes	Yes	Yes	Complies	Yes (Note 3)	Yes (Note 4)	Yes	Yes	Does not pay dividends – non-commercial PTE	Yes (Note 6)	Yes (Note 7)	Not specified in Transport Admin Act 1988	N/A (Note 9)

Notes:

- (1) State Owned Corporations (SOCs) have commercial objectives that are clearly specified in the *State Owned Corporations Act 1989* (SOC Act) and/or their individual enabling legislation, eg *Energy Services Corporations Act 1995*, and *Waste Recycling and Processing Corporation Act 2001*. All SOC's in this matrix have a legislated objective to be a successful business and, to this end:
- to operate at least as efficiently as any comparable businesses,
 - to maximise the net worth of the State's investment in it.

(2) Where the SOCs have non commercial objectives, they are specified in the SOC Act and/or their enabling legislation. For example, most SOCs have legislated objectives to:

- protect the environment by conducting their operations in compliance with the principles of ecologically sustainable development contained in the *Protection of the Environment Administration Act 1991*, and
- exhibit a sense of responsibility towards regional development and decentralisation in the way in which they operate.

Also, non-commercial obligations are specified in the Statement of Corporate Intent (SCI), which is tabled in Parliament.

(3) Director's duties are published in the SOC Act. For State Transit Authority these are published in the *Transport Administration Act 1988*.

(4) All SOCs have a Statement of Corporate Intent, which is an annual agreement between the Board and its shareholders. It represents the performance measures against which the Board is accountable to the shareholders. SCIs are tabled in Parliament. As Public Trading Enterprises (PTEs) Forests NSW and the State Transit Authority have Statements of Business Intent (SBI) which are similar to an SCI.

(5) See TPP 02-3 *Financial Distributions Policy for Government Businesses*.

(6) Forecast dividend payments are reported in SCIs and SBIs. Year end actual dividend and income tax payments are reported in GBE's Annual Reports. Debt guarantee fees are reported at the aggregate level in Budget Papers, but not at individual business level.

(7) GBEs are subject to the *Annual Reports (Statutory Bodies) Act 1984* and as such are required to prepare an Annual Report that includes commercial and non-commercial performance issues.

(8) Directions given under sections 20O and 20P of the SOC Act are to be published in the gazette and tabled in Parliament. Directions given under sections 20N and 21 do not need to be published in the gazette but must be tabled in Parliament.

(9) The legislation establishing the GBEs does not derogate from competitive neutrality principles.

Defining ‘significant business activities in competition with the private sector’ for the purposes of applying competitive neutrality principles

Under Clause 6.1 of the CIRA, ‘the parties agree to enhance the application of competitive neutrality principles to government business enterprises engaged in significant business activities in competition with the private sector’.

The Competition Principles Agreement does not formally define the term significant.

NSW Treasury’s *Policy Statement on the Application of Competitive Neutrality (2002)* states that an assessment of whether a business activity has a significant impact on a market can only be made on a case by case basis. Considerations include:

- The size of the business;
- Influence on the market;
- Resources commanded; and
- The effect of poor performance.

For the purposes of the Competitive Neutrality matrix the above criteria have been used in assessing the significance of government businesses.

Similarly, for the purposes of the Competitive Neutrality matrix, government businesses have been assessed as being *in competition with the private sector* if the business has actual competitors or if it was judged that there was likely potential for competition.

It should be noted however, that all NSW government businesses are subject to NSW’s Commercial Policy Framework. This Framework seeks to replicate appropriate disciplines and incentives that lead private sector businesses towards efficient commercial practices and promotes the principles of competitive neutrality between Government businesses and private sector enterprises of similar risk.

Government Business	Significant	In competition with private sector
SOCs		
Hunter Water Corporation	YES for all	Yes
Sydney Water Corporation		Yes
State Water Corporation		No
WSN Environmental Solutions		Yes
Country Energy		Yes
Delta Electricity		Yes
Energy Australia		Yes
Eraring Energy		Yes
Integral Energy		Yes
Macquarie Generation		Yes
Transgrid		Yes
Superannuation Administration Corporation		Yes
NSW Lotteries Corporation		Yes
Landcom		Yes
Sydney Ports Corporation		Yes
Newcastle Port Corporation		Yes
Port Kembla Port Corporation	Yes	

Government Business	Significant	In competition with private sector
Rail Infrastructure Corporation		No
Transport Infrastructure Development Corporation		No
PTE		
Rail Corporation	Yes	No
Sydney Ferries	Yes	No
Sydney Catchment Authority	Yes	No
Forests NSW	Yes	Yes
Zoological Parks Board of NSW	No	Yes
Residual Business Management Corporation	No	No
Sydney Opera House Trust	No	Yes
Sydney Harbour Foreshore Authority	No	No
Sydney Cricket and Sports Ground Trust	No	Yes
Sydney Metro	Yes	No
City West Housing Pty Ltd	No	No
Sydney 2009 World Masters Games Organising Committee	No	No
Dept of Housing	Yes	No
Teacher Housing Authority	No	No
State Transit Authority	Yes	Yes

Government Business	Significant	In competition with private sector
Public Transport Ticketing Corporation	No	No
Crown Land Homesites	No	No
Hunter Region Sporting Venues Authority	No	Yes
Parramatta Stadium Trust	No	Yes
Wollongong Sportsground Trust	No	Yes
Land Development Working Account	No	No
PFE		
NSW Treasury Corporation	Yes	No
Fair Trading Administration Corporation	No	No
Lifetime Care and Support Authority	No	No
General Government businesses		
Public Trustee	No	No
Hunter Development Corporation	No	Yes
NSW Land and Property Information	No	No
State Sports Centre Trust	No	Yes
Aboriginal Housing Office	No	No

VICTORIA

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3(4)(b)(i))	Debt neutrality charge (CPA 3(4)(b)(ii))	Regulatory neutrality (CPA 3(4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
State Trustees Limited ACN 064 593 148	Yes	Yes – State Trustees is required under the Tax Compliance Framework to observe the obligations of the National Taxation Equivalent Regime. See also s 88 SOE Act which requires compliance with Directions from the Treasurer in respect of tax equivalency payments. Tax equivalent payments are also detailed in Annual Reports (ie	Yes Limited Government guarantee is provided to the extent that insurance is inadequate and State Trustees assets are insufficient to satisfy liabilities. Treasurer may require a reasonable fee for any guarantee provided (s 15 ST (SOC) Act). STL is also not currently listed in Schedule 1 of Borrowing Investment Powers Act 1987.	Yes – STL does not have the power to set regulation.	Yes – Strategic Plan and Corporate Plan are published in the Annual Report and given to DTF	CSO Agreement is not publicly reported other than by reference in the Annual Report and is essentially a commercial contract that may be entered into with State Trustees and Department of Human Services.	Yes – STL does not exercise regulatory or planning functions	Yes – see the Director's Report and the Corporate Governance Statement in the Annual Report	Performance measures are published in the Annual Report	Yes – see Corporate Governance statement in Annual Report	Yes	Yes – see Director's Report in the Annual Report.	Yes – see Director's Report in the Annual Report and in the Financial Statements	Yes	No directives have been issued.	Establishing legislation does not derogate from CN

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ST (SOC) Act refers to the State Trustees (State Owned Company) Act 1994 (Vic)

SOE Act refers to the State Owned Enterprises Act 1992 (Vic)

<p>Principles</p> <p>GBE</p>	<p>Assessed subject to CN</p>	<p>Tax or tax equivalent payments (CPA 3 (4)(b)(i))</p>	<p>Debt neutrality charge (CPA 3 (4)(b)(ii))</p>	<p>Regulatory neutrality (CPA 3 (4)(b)(iii))</p>	<p>Enterprise has clear commercial objectives (CIRA 6.1(a))</p>	<p>Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))</p>	<p>Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))</p>	<p>Governing board responsibilities published (CIRA 6.1(d))</p>	<p>Performance measures against which board accountable published (CIRA 6.1(d))</p>	<p>Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))</p>	<p>Operational autonomy in day to day management of affairs (CIRA 6.1(f))</p>	<p>Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))</p>	<p>Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))</p>	<p>Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))</p>	<p>Any directions given to enterprise by the government are published (CIRA 6.1(j))</p>	<p>Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))</p>
<p>Rural Finance Corporation of Victoria</p>	<p>Yes</p>	<p>Yes. Rural Finance is required under section 26 of the Rural Finance Act 1988 to pay the total amount of income tax payable to the consolidated fund.</p>	<p>NA</p>	<p>Yes</p>	<p>Yes - Strategic Plan and Corporate Plan are published in the Annual Report and given to DTF</p>	<p>Yes - Schemes of Assistance and other exceptional circumstance programs administered by Rural Finance are documented in its annual report.</p>	<p>Yes</p>	<p>Yes - in each year's annual report.</p>	<p>Yes, measures are published in each year's annual report.</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes - in each year's annual report.</p>	<p>Yes - in each year's annual report</p>	<p>Yes</p>	<p>Where Act requires - schemes of assistance under Treasurer's direction are published in the annual report. Section 19 and Section 8 of the Rural Finance Act 1988 govern the process for the Treasurer's directions to RFC. Standing Direction and Specific Directions are full disclosed under Government Gazettal. Individual directions for schemes of assistance under standing direction are not gazetted as the Standing direction is</p>	<p>NA</p>

<p>Principles GBE</p>	<p>Assessed subject to CN</p>	<p>Tax or tax equivalent payments (CPA 3 (4)(b)(i))</p>	<p>Debt neutrality charge (CPA 3 (4)(b)(ii))</p>	<p>Regulatory neutrality (CPA 3 (4)(b)(iii))</p>	<p>Enterprise has clear commercial objectives (CIRA 6.1(a))</p>	<p>Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))</p>	<p>Does not exercise regulatory/planning approval where connetes with private sector</p>	<p>Governing board responsibilities published (CIRA 6.1(d))</p>	<p>Performance measures against which board accountable published (CIRA 6.1(d))</p>	<p>Governing board appointed on basis of particular skills</p>	<p>Operational autonomy in day to day management of affairs</p>	<p>Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))</p>	<p>Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))</p>	<p>Annual public report on commercial performance and performance of any non-</p>	<p>Any directions given to enterprise by the government are published (CIRA 6.1(j))</p>	<p>Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))</p>
<p>VicUrban</p>	<p>Yes</p>	<p>Yes - VicUrban pays income tax equivalent payments in accordance with the National Tax Equivalent Regime.</p>	<p>Yes - VicUrban pays the Financial Accommodation Levy in accordance with the <i>Borrowing and Investment Powers Act 1987</i></p>	<p>Yes</p>	<p>Yes - outlined in legislation and annual report</p>	<p>NA - as outlined in the establishing legislation of VicUrban, all functions are to be carried out on a commercial basis</p>	<p>Yes</p>	<p>Yes - published in annual report</p>	<p>Yes - published in annual report</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes - outlined in legislation and annual report</p>	<p>Yes - reported in annual report</p>	<p>Yes - annual report published each financial year</p>	<p>Yes - published in the Government Gazette</p>	<p>Yes - the establishing act provides for the Governor in Council, on recommendation of the Minister, to declare an urban development project. As a result VicUrban can exercise particular powers to facilitate development. As such, this exempts declared projects from competitive neutrality requirements. Similarly, VicUrban has functions conferred by the <i>Docklands Act 1991</i> which mean that development in the Docklands precinct is also exempt from CN in some instances.</p>

<p>Principles GBE</p>	<p>Assessed subject to CN</p>	<p>Tax or tax equivalent payments (CPA 3 (4)(b)(i))</p>	<p>Debt neutrality charge (CPA 3 (4)(b)(ii))</p>	<p>Regulatory neutrality (CPA 3 (4)(b)(iii))</p>	<p>Enterprise has clear commercial objectives (CIRA 6.1(a))</p>	<p>Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))</p>	<p>Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))</p>	<p>Governing board responsibilities published (CIRA 6.1(d))</p>	<p>Performance measures against which board accountable published (CIRA 6.1(d))</p>	<p>Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))</p>	<p>Operational autonomy in day to day management of affairs (CIRA 6.1(f))</p>	<p>Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))</p>	<p>Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))</p>	<p>Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))</p>	<p>Any directions given to enterprise by the government are published (CIRA 6.1(j))</p>	<p>Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))</p>
<p>Fed Square Pty Ltd (FSPL)</p>	<p>Yes</p>	<p>Exempt – ATO provided a private ruling that the income of Fed Square Pty Ltd is exempt from income tax pursuant to S24AM of the Income Tax Assessment Act 1936 as it is considered to be owned “beneficially” by the State. Fed Square is not subject to tax under the Public Sector Tax Equivalent Regime.</p>	<p>Does not apply to borrowings in relation to complete the construction of Federation Square but will apply to any new borrowings</p>	<p>Yes - Federation Square operates in a standard commercial environment Other than the income tax exemption detailed earlier, the only benefit is an exemption from land tax on the public spaces and any buildings used for charitable purposes including the National Gallery of Victoria, Australian Centre for the Moving Image and the ARM. However, this is a charitable exemption which would apply to any privately owned building used for similar purposes.</p>	<p>Yes – it is expected to conduct its activities according to commercially acceptable practices.</p>	<p>Yes. Federation Square does have many non-commercial objectives (being all the events and programming conducted at FSPL's expense and free of charge for the public to enjoy). These objectives are documented in the Cultural and Civic Charter (which is referred to in the company's Constitution)</p>	<p>No regulatory function</p>	<p>Yes – Annual Report</p>	<p>Yes – Annual report</p>	<p>Yes</p>	<p>Yes</p>	<p>NA - Although the Constitution of Federation Square permits the payment of dividends, it currently generates a significant accounting loss, and is expected to continue to generate an accounting loss in future financial years due to annual depreciation expense relating to property, plant and equipment.</p>	<p>NA</p>	<p>Annual Report published</p>	<p>NA</p>	<p>NA</p>

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VITS LanguageLink (VITS)	Yes	No - does not pay income tax equivalent payments in accordance with the National Tax Equivalent Regime (NTER), as it is deemed to be too small. However, VITS pays dividends based on a benchmark of 65% of Net Profit before Tax, (cf Govt standard benchmark of 50% of Net Profit after Tax), This increased dividend rate fully compensates for the absence of NTER.	N/A – VITS does not have any borrowings	Yes	Yes - VITS is required to submit a corporate plan and it is expected to conduct its business on a commercial basis	Yes – VITS discloses its good corporate citizen activities (\$28K in 2008-09) in its annual report	Yes	Yes - published in annual report	Yes - broad measure provided in annual report	Yes	Yes	Yes	Yes - reported in annual report	Yes - annual report published each financial year	No directions issued	Established legislation does not derogate from CN.

<p>Principles GBE</p>	<p>Assessed subject to CN</p>	<p>Tax or tax equivalent payments (CPA 3(4)(b)(i))</p>	<p>Debt neutrality charge (CPA 3(4)(b)(ii))</p>	<p>Regulatory neutrality (CPA 3(4)(b)(iii))</p>	<p>Enterprise has clear commercial objectives (CIRA 6.1(a))</p>	<p>Non-commercial objectives or obligations specified and publicly reported</p>	<p>Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))</p>	<p>Governing board responsibilities published (CIRA 6.1(d))</p>	<p>Performance measures against which board accountable published (CIRA 6.1(d))</p>	<p>Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))</p>	<p>Operational autonomy in day to day management of affairs (CIRA 6.1(f))</p>	<p>Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))</p>	<p>Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))</p>	<p>Annual public report on commercial performance and performance of any non-commercial activities</p>	<p>Any directions given to enterprise by the government are published (CIRA 6.1(j))</p>	<p>Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))</p>
<p>Port of Melbourne Corporation (PoMC)</p>	<p>Yes</p>	<p>Yes - PoMC pays income tax equivalent payments in accordance with the National Tax Equivalent Regime.</p>	<p>Yes – PoMC pays the Financial Accommodation Levy in accordance with the <i>Financial Management Act 1994</i>.</p>	<p>Yes</p>	<p>Yes – PoMC objectives in the <i>Port Services Act 1995 (PSA)</i> include managing the port of Melbourne in an economically sustainable manner and providing cost effective essential services. PSA also requires the PoMC to have regard to the benefits of increased competition between persons and bodies that provide services related to the operation of the port of Melbourne.</p>	<p>Yes – included in the Annual Report.</p>	<p>Yes – any planning approvals are subject to Ministerial approval.</p>	<p>Yes – included in the Corporate Governance section of the Annual Report</p>	<p>Yes – performance measures are published in the Annual Report.</p>	<p>Yes –skills of the Board detailed in the Corporate Governance of the Annual Report.</p>	<p>Yes</p>	<p>Yes – included in the Statement of Corporate Intent in the Annual Report.</p>	<p>Yes – included in the Statement of Corporate Intent in the Annual Report.</p>	<p>Yes – included in the Statement of Corporate Intent in the Annual Report.</p>	<p>Yes – directions issued pursuant to sections 30 or 38 of the PSA are reported in the Annual Report.</p>	<p>Establishing legislation does not derogate from CN.</p>

Victorian GBEs assessment against threshold criteria

		GBE	Significant	Competes with private sector	Enhanced CN applies
1	Port of Melbourne Corp.	✓	✓	✓	✓
2	Port of Hastings Corp.	✓	X	✓	X
3	Victorian Regional Channels Authority	✓	✓	X	X
4	Transport Ticketing Authority	✓	X	X	X
5	Victorian Rail Track (VicTrack)	✓	X	X	X
6	V/Line Passenger Corp.	✓	✓	X	X
9	VicUrban	✓	✓	✓	✓
7	Australian Grand Prix Corp.	✓	✓	X	X
8	Fed Square Pty Ltd	✓	✓	✓	✓
11	VITS LanguageLink	✓	✓	✓	✓
12	Energy Safe Victoria	✓	X	X	X

13	Victorian Energy Networks Corp.	✓	X	X	X
14	Barwon Region Water Corp.	✓	✓	X	X
15	Central Gippsland Region Water Corp.	✓	✓	X	X
16	Central Highlands Region Water Corp.	✓	✓	X	X
17	Coliban Region Water Corp.	✓	✓	X	X
18	East Gippsland Region Water Corp.	✓	✓	X	X
19	Gippsland & Southern Rural Water Corp.	✓	✓	X	X
20	Goulburn-Murray Rural Water Corp.	✓	✓	X	X
21	Goulburn Valley Region Water Corp.	✓	✓	X	X
22	Grampians Wimmera-Mallee Water Corp.	✓	✓	X	X
23	Lower Murray Urban & Rural Water Corp.	✓	✓	X	X
24	North East Region Water Corp.	✓	✓	X	X

25	South Gippsland Region Water Corp.	✓	✓	X	X
26	Western Region Water Corp.	✓	✓	X	X
27	Westernport Region Water Corp.	✓	✓	X	X
28	Wannon Region Water Corp.	✓	✓	X	X
30	Melbourne Water Corp.	✓	✓	X	X
31	Water For Rivers	✓	✓	X	X
32	City West Water Ltd.	✓	✓	X	X
33	South East Water Ltd.	✓	✓	X	X
34	Yarra Valley Water Corp.	✓	✓	X	X
35	Snowy Hydro Ltd.	✓	✓	✓	✓(But which jurisdiction should report?)
36	State Electricity Commission of Victoria	✓	✓	X	X
37	Victorian Plantations Corp.	✓	X	X	X

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38	VicForests	✓	✓	X	X
39	Transport Accident Commission	✓	✓	X	X
40	Victorian WorkCover Authority	✓	✓	X	X
41	Victorian Managed Insurance Authority	✓	✓	X	X
42	Treasury Corporation of Victoria	✓	✓	X	X
43	Victorian Funds Management Corp.	✓	✓	X	X
44	Rural Finance Corp.	✓	✓	✓	✓
45	State Trustees Ltd.	✓	✓	✓	✓
46	Young Farmers' Finance Council	✓	X	✓	X

QUEENSLAND

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Far North Queensland Ports Corporation Limited ¹	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Gladstone Ports Corporation Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
North Queensland Bulk Ports Corporation Limited ²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Port of Brisbane Corporation Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Port of Townsville Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A

1 – Name changed from Cairns Ports Ltd on 1 July 2009. Includes all ports north from Mourilyan with the exception of Weipa.

2 – Became a port authority on 1 July 2009. Subsidiaries include existing Ports Corporation of Queensland Ltd (Weipa, Hay Point and Abbot Point) and Mackay Ports Ltd.

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(h))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
QR Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
SunWater Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
QIC Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Forestry Plantations Queensland	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
SEQ Water Grid Manager	Yes ³	Yes	No	Yes	No	No	N/A	Yes	No ⁴	Yes	Yes	N/A	Yes	Yes	Yes	N/A
Queensland Bulk Water Supply Authority	Yes ³	Yes	Yes	Yes	Yes	Yes	N/A	Yes	No ⁴	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Queensland Bulk Water Transport Authority	Yes ³	Yes	Yes	Yes	Yes	Yes	N/A	Yes	No ⁴	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Queensland Manufactured Water Authority	Yes ³	Yes	Yes	Yes	Yes	Yes	N/A	Yes	No ⁴	Yes	Yes	Yes	Yes	Yes	Yes	N/A

3 – Entities not formally declared as significant business activities.

4 – Measure to be reported in entities' operational plans agreed between Boards and responsible Ministers. However, these documents are not publicly available.

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Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
CS Energy Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
ENERGEX Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Ergon Energy Corporation Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Powerlink Queensland (Queensland Electricity Transmission Corporation Limited)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Stanwell Corporation Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Tarong Energy Corporation Limited	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A

Golden Casket Lottery Corporation Limited, Energex Retail Pty Limited and Ergon Energy Pty Limited sold during 2006-07. Queensland Power Trading Corporation (Enertrade) wound-up 18 April 2008.

WESTERN AUSTRALIA

Principles GBE ⁱ	Assessed subject to CN ⁱ	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Public Non-Financial Corporations																
Albany Port Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No ⁱⁱ	Yes	Yes	Yes	Yes	Yes	Yes
Animal Resources Authority	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Armadale Redevelopment Authority	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Broome Port Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Bunbury Port Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes

ⁱ Assessment of whether the Government Business Enterprise (GBE) complies with competitive neutrality requirements is limited to those GBEs considered significant and, therefore, subject to a competitive neutrality review. The criteria for significance under the State's Competitive Neutrality Policy is detailed in the Annex. This policy is under review. Explanatory material for non-compliance with the CIRA and CPA obligations is only provided for those GBEs assessed as being subject to competitive neutrality.

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Principles GBE ⁱ	Assessed subject to CN ⁱ	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Bunbury Water Board	Yes	Yes	Yes	No ⁱⁱⁱ	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Busselton Water Board	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Chemistry Centre	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes ^{iv}	Yes	Yes	Yes	Yes	Yes	Yes
Dampier Port Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
East Perth Redevelopment Authority	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Electricity Generation Corporation (Verve Energy)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Electricity Networks Corporation (Western Power)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Electricity Retail Corporation (Synergy)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Principles GBE ¹	Assessed subject to CN ¹	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Esperance Port Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Forest Products Commission	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fremantle Port Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Geraldton Port Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Gold Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Lotteries Commission (Lotterywest)	Yes	No ^v	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Metropolitan Cemeteries Board	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes
Midland Redevelopment Authority	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Principles GBE ⁱ	Assessed subject to CN ⁱ	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN; the derogation has been published (CIRA 6.1(k))
Perth Market Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No ^{vi}	Yes	Yes	Yes	Yes
Port Hedland Port Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Potato Marketing Corporation of Western Australia	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Public Transport Authority of Western Australia	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A (no board)	Yes	Yes	Yes	Yes	No	Yes
Racing and Wagering Western Australia	No	Yes (on wagers)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Regional Power Corporation (Horizon Power)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rottnest Island Authority	Yes	No ^{vii}	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes

Principles GBE ⁱ	Assessed subject to CN ⁱ	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Subiaco Redevelopment Authority	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Housing Authority (State Housing Authority)	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/a (no board)	Yes	Yes	Yes	Yes	No	Yes
Water Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
West Australian Land Authority (Landcorp)	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Public Financial Corporations																
Country Housing Authority	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Insurance Commission of Western Australia	Yes	Yes	Yes	No ^{viii}	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No ^{ix}	Yes	Yes	Yes	Yes
Keystart Housing Scheme	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Principles GBE ⁱ	Assessed subject to CN ⁱ	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Riskcover	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
WA Treasury Corporation	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes

ⁱⁱ Not explicitly required in relevant legislation. ‘Yes’ in practice.

ⁱⁱⁱ The Bunbury Water Board and the Busselton Water Board are exempt from some regulations, and currently are not required to make dividend payments. Proposed legislation (the Waters Services Bill) to remove regulatory exemptions and require the water boards to make dividend payments is currently being reviewed by Government.

^{iv} Legislation requires that the members of the board are appointed by the Minister with the Minister to ensure that each board member has expertise that, in the Minister’s opinion, is relevant to the functions of the Chemistry Centre.

^v Legislation requires that Lotteries Commission pays revenue to State Government, which is designated for funding of health, sports and arts programs.

^{vi} Exemption from the dividend requirement was granted on the expectation that the Authority would soon be privatised. This will be examined in the medium term.

^{vii} The exemptions for the Rottenest Island Authority having to pay tax or tax equivalents, and make dividend payments, are currently under review. Similar to formal dividend requirements, the Act currently provides the Treasurer may determine an amount to be paid by the Authority for the credit of the Consolidated Account, from the net profits of the Authority for a financial year.

^{viii} The Insurance Commission of Western Australia (ICWA) has some exemptions — these are currently under review.

^{ix} The ICWA does not pay dividend. This situation is currently under review.

AMENDMENTS TO THE COMPETITIVE NEUTRALITY MATRIX SINCE LAST PROVIDED TO HEADS OF TREASURIES IN NOVEMBER 2008

Various abolitions, additions and amendments have been made to the Competitive Neutrality (CN) matrix since it was last provided to Heads of Treasuries (HoTs) in November 2008.

ABOLITIONS

Eastern Goldfields Transport Board

The Eastern Goldfields Transport Board was abolished in July 2008 and subsumed into the Public Transport Authority, by the commencement of the *Eastern Goldfields Transport Board Repeal Act 2008*.

Community Insurance Fund

The Community Insurance Fund (CIF) was closed from 31 January 2009 on the approval of the Treasurer, and the balance of the CIF paid to the Consolidated Fund on 30 June 2009.

ADDITIONS

Western Australian Treasury Corporation

An entry has been created in the matrix for the Western Australian Treasury Corporation (WATC). It is unclear why the WATC was not included in previous matrices.

AMENDMENTS

Housing Authority

To reflect recent changes to the structure of the Housing Authority, the previous reference to the then “State Housing Commission and Government Employees Housing Authority (GEHA)”, has been amended to refer to the current “State Housing Authority” (SHA) only.

- The GEHA function is now a business unit of the SHA.

Rottnest Island Authority

To clarify the dividend policy applied to the Rottnest Island Authority, the following sentence has been added to the existing endnote:

“Similar to formal dividend requirements, the Act currently provides the Treasurer may determine an amount to be paid by the Authority for the credit of the Consolidated Account, from the net profits of the Authority for a financial year.”

Water Corporation

To correct an inaccuracy in the previous matrix, a yes has been entered to reflect that, in accordance with CN, the Water Corporation (WC) does not exercise regulatory or planning approval in its area of operation.

The Department of Health has responsibility for water quality standards (such as drinking water standards). The Department of Water has responsibility for water abstraction limits (that is, how much water the WC and the water boards can abstract from particular sources).

The Economic Regulation Authority (ERA) has regulatory responsibility for water service providers more generally, consistent with its roles in other network-based or utility industries. The WC is issued a service provider’s license from the ERA, which includes conditions, such as the operating area.

Perth Market Authority

To correct an inaccuracy in the previous matrix, a yes has been entered to reflect that, in accordance with CN, the Perth Market Authority (PMA) is subject to the national tax equivalent regime (NTER).

- As a Schedule 1 Statutory Authority under the *Financial Management Act 2006*, the PMA pays equivalent amounts in respect of income tax to the Western Australian Treasury. The calculation of the liability in respect of income tax is governed by NTER guidelines and directions approved by Government.

To give further information on the PMA’s possible privatisation, noted in the previous matrix as an explanation for the PMA’s non-CN compliant dividend exemption, the following sentence has been added to the existing endnote:

“This will be examined in the medium-term.”

SOUTH AUSTRALIA

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported	Does not exercise regulatory/ planning approval where competes	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published	Governing board appointed on basis of particular skills needed by board	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified	Payments to government as shareholder or for purposes of CN identified in	Annual public report on commercial performance and performance of any	Any directions given to enterprise by the government are published	Where the legislation establishing an enterprise derogates from CN, the
ForestrySA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Land Management Corporation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Adelaide Cemeteries Authority	✓	✗ (a)	✓	✓	✓	✓	✓	✓	✗ (a)	✓	✓	✗ (a)	✓	✓	✓	✓
Lotteries Commission of South Australia	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A (b)	✓
Public Trustee	✓	✓	✓	✓	✓	✓	✓	✓	✓	N/A (c)	✓	✓	✓	✓	N/A (b)	✓

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TransAdelaide	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
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- (a) ACA's tax equivalent policy, performance measures, and dividend policy will be reviewed as part of the new Ownership Framework process for ACA.
- (b) There is no legislative requirement for the Lotteries Commission, the Public Trustee, HomeStart, or the West Beach Trust to publish any directions given to the enterprise by the Government.
- (c) The Public Trustee does not have a Board however it does have an Audit and Risk Management Committee, and an Investment and Advisory Committee.
- (d) The Motor Accident Commission is exempt from Competitive Neutrality principles.

TASMANIA

GBE \ Principles	Assessed subject to CN	Tax or tax equivalent payments (CPA 4(b)(i))	Debt neutrality charge (CPA 4(b)(ii))	Regulatory neutrality (CPA 4(b)(ii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/ planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Hydro Tasmania	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Aurora Energy Pty Ltd	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗ ¹	✓	✓	✓	✓	✓
Transend Networks Pty Ltd	✓	✓	✓	✓	✓	N/A	✓	✓	✓	✓	✓	✗ ¹	✓	✓	✓	✓
Motor Accident Insurance Board	✓	✓	✓	✓	✓	N/A	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
TT-Line Company	✓	✓	✓	✓	✓	N/A	✓	✓	✗ ²	✓	✓	✗ ¹	✓	✓	✓	✓
Forestry Tasmania	✓	✓	✓	✓	✓	✓	✓	✓	✗ ²	✓	✓	✓	✓	✓	✓	✓
Rivers and Water Supply Commission	✓	✓	✓	✓	✓	N/A	✓	✓	✗ ²	✓	✓	✓	✓	✓	✓	✓

TOTE Tasmania Pty Ltd	✓	✓	✓	✓	✓	N/A	✓	✓	✓	✓	✓	x ¹	✓	✓	✓	✓
Metro Tasmania Pty Ltd	✓	✓	✓	✓	✓	✓	✓	✓	x ²	✓	✓	x ¹	✓	✓	✓	✓
Port Arthur Historic Site Management Authority	✓	x ³	✓	✓	✓	✓	✓	✓	x ²	✓	✓	✓	✓	✓	✓	✓
Tasmanian Port Corporation Pty Ltd	✓	✓	✓	✓	✓	N/A	✓	✓	x ²	✓	✓	x ¹	✓	✓	✓	✓
The Public Trustee	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tasracing Pty Ltd ⁴	✓	✓	✓	✓	✓	✓	✓	✓	x ²	✓	✓	x ¹	✓	✓	✓	✓

The Government Prices Oversight Commission (GPOC) is an independent authority to investigate the pricing policies and practices of GBEs that are monopoly or near monopoly suppliers of goods and services. GPOC's role is to ensure that GBE business activities in competition with the private sector are priced appropriately so that a GBE can not have a competitive advantage due to private ownership.

Tasmania considers it has an appropriate regulatory framework for ensuring competitive neutrality principles are applied to GBEs engaged in competition with the private sector.

1. All GBEs are required to pay a dividend distribution target of at least 50 per cent of after tax profit unless an alternative distribution arrangement has been made between the Treasurer, the Portfolio Minister and the GBE. This policy is publicly available.

For State-owned Companies (SOCs), the dividend policy is not published as the dividend that is payable by a SOC will depend on the operating environment and profit of the business for that year. However, the dividend amount that is paid to the Government is published in the SOC's annual report and in the Tasmanian Government Mid-Year Financial Report.

2. The Tasmanian Government has released a Governance Framework Guide, Corporate Governance Principles and Guidelines for Tasmanian Government Businesses to ensure GBEs adopt and maintain best practice corporate governance arrangements. Of the guidelines to assist GBEs, '*Guidelines for Assessing Board Performance*' recommends:
 - that the Board publicly disclose the performance evaluation for the Board;
 - to state whether the evaluation took place in the Annual Report; and
 - that the Shareholder Ministers be advised of the outcome of the Board performance evaluation.

It is the Government's expectation that all Government businesses will adopt the guidelines in full. Any departure from the guidelines is to be disclosed in the Annual Report of the business.

3. Port Arthur Historic Site Management Authority is not a prescribed entity for NTER.
4. While only recently established (Tasracing established as a State-owned Company on 1 July 2009) , the framework in which it operates supports the Competitive Neutrality Principles.

AUSTRALIAN CAPITAL TERRITORY

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 4(b)(i))	Debt neutrality charge (CPA 4(b)(ii))	Regulatory neutrality (CPA 4(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
Land Development Agency (LDA)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	n/a
ACTTAB	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	n/a
CIT Solutions ¹	Yes	Yes ²	Yes	Yes	Yes	n/a	Yes	Yes ³	Yes ³	Yes	Yes	Yes ³	Yes	Yes ⁴	n/a ¹	n/a

1. CIT Solutions Pty Limited (CIT Solutions) is a proprietary limited company wholly owned by the Canberra Institute of Technology (CIT), which is a Territory Authority. CIT Solutions operates under CIT's status as a Registered Training Organisation and has been the commercial arm of the CIT since 1988. CIT Solutions' audited financial statements are consolidated within CIT's financial statements on a calendar year basis. Unlike most other public trading enterprises, its relationship with Government is indirect, in that it is the Chief Executive of CIT who owns the shares in CIT Solutions rather than a Government Minister. (The Chief Executive of CIT is also the Chair of the Board of CIT Solutions.) In this respect, directions are not given to the enterprise by Government directly. Directions could only be considered to come from Government in the sense that the Chair of the Board and the only Shareholder is the Chief Executive of a Territory Authority.
2. CIT Solutions is liable to all state taxes but it is not subjected to the income tax or income tax equivalents as it is exempt by being an educational institution.
3. These responsibilities are published in the CIT Annual Report which is due for release in March each year.
4. Annual reporting of CIT Solutions performance is included in the CIT Annual Report.

NORTHERN TERRITORY

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/ planning approval where competes with private sector (CIRA 6.1(c))	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities (CIRA 6.1(i))	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published (CIRA 6.1(k))
	Darwin Port Corporation	Y	Y	Y	Y	Y	Y	Y	Y	n/a ¹	Y	Y	Y	Y	Y	Y
Power and Water Corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y ³
Territory Insurance Office	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	n/a ⁴

¹ Darwin Port Corporation Board is advisory only.

² Section 45 of the *Darwin Port Corporation Act* exempts Darwin Port Corporation (DPC) from local government rates. However, DPC pays rate equivalents under the Northern Territory Local Government Rate Equivalent Scheme. Equivalent payments are reported annually in Government budget papers.

³ Section 19 *Power and Water Corporation Act* exempts the Power and Water Corporation (PWC) from local government rates. However, PWC pays rate equivalents under the Northern Territory Local Government Rate Equivalent Scheme. Equivalent payments are reported annually in Government budget papers.

⁴ Section 28 of the *Territory Insurance Office Act* states “nothing in this or any other Act relieves the Office from liability to pay Territory taxes, rates and duties in respect of its business and activities that it would have if it were a company incorporated under the Corporations Act 2001”.

Overview of Northern Territory Government Business Enterprises (GBEs):

Significant GBEs:

The Northern Territory Government's threshold for determining whether a GBE is significant is as follows:

- Does the GBE have considerable presence in the local market; and
- Is the GBE in direct competition with the private sector.

The following GBEs are classified as significant:

- Darwin Port Corporation (Public Non-Financial Corporation)
- Power and Water Corporation (Public Non-Financial Corporation)
- Territory Insurance Office (Public Financial Corporation)

Excluded GBEs:

The Northern Territory Treasury Corporation is excluded due to its classification as a Central Borrowing Authority under Government Financial Statistics Classifications.

Other Northern Territory Government entities subject to principles of Competitive Neutrality:

The Northern Territory Government also operates the Government Business Divisions (GBDs) listed below. Due to their small size these enterprises have been commercialised rather than corporatised, and do not meet the criteria of a significant GBE. It is Northern Territory Government policy that all GBDs comply with the principles of competitive neutrality.

- Construction Division
- Data Services Centre
- Darwin Bus Service
- Government Printing Office
- NT Fleet
- Territory Discoveries
- NT Home Ownership
- Territory Wildlife Park

COMMONWEALTH

Principles GBE	Assessed subject to CN	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(ii))	Regulatory neutrality (CPA 3 (4)(b)(iii))	Enterprise has clear commercial objectives (CIRA 6.1(a))	Non-commercial objectives or obligations specified and publicly reported (CIRA 6.1(b))	Does not exercise regulatory/planning approval where competes with private sector	Governing board responsibilities published (CIRA 6.1(d))	Performance measures against which board accountable published (CIRA 6.1(d))	Governing board appointed on basis of particular skills needed by board (CIRA 6.1(e))	Operational autonomy in day to day management of affairs (CIRA 6.1(f))	Dividend policy applicable to the enterprise clearly and publicly specified (CIRA 6.1(g))	Payments to government as shareholder or for purposes of CN identified in transparent manner (CIRA 6.1(h))	Annual public report on commercial performance and performance of any non-commercial activities	Any directions given to enterprise by the government are published (CIRA 6.1(j))	Where the legislation establishing an enterprise derogates from CN, the derogation has been published
Health Services Australia (HSA)	Yes – As a GBE, the entity is automatically subject to CN and the Australian Government Competitive Neutrality Guidelines for Manager (CN Guidelines)	Yes	No current borrowings. If HSA were to borrow, it must do so from the private sector and must comply with CN.	Yes	Yes	Yes – Disclosed in Statement of Corporate Intent (SCI)	Yes	Yes – Responsibilities outlined in Part 3 of ‘Governance Arrangements for Commonwealth Government Business Enterprises (GBE Governance Arrangements), which is a public document. HSA is also subject to requirements prescribed under the <i>Corporations Act 2001</i> .	Yes – Part 2 of GBE Governance Arrangements requires broad financial and non-financial performance measures to be published in the Statement of Corporate Intent (SCI)	Yes	Yes	Yes – Dividend policy outlined in Part 4 of GBE Governance Arrangements	Yes – Required under Section 7.1 of the CN Guidelines	Yes. Covered as part of Annual Report	Yes – Part 1 of the GBE Governance Arrangements requires all Ministerial directions to be in writing and tabled in Parliament	N/A No enabling legislation

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<p>Australian Rail Track Corporation Ltd (ARTC)</p>	<p>Yes – As a GBE, the entity is automatically subject to CN</p>	<p>Yes</p>	<p>No current borrowings. If ARTC were to borrow, it must do so from the private sector and must comply with CN.</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes – Disclosed in SCI</p>	<p>Yes</p>	<p>Yes – Responsibilities outlined in Part 3 of GBE Governance Arrangements ARTC is also subject to the requirements prescribed under the Corporations Act.</p>	<p>Yes – Part 2 of GBE Governance Arrangements requires broad financial and non-financial performance measures to be published in the SCI.</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes – Dividend policy outlined in Part 4 of GBE Governance Arrangements</p>	<p>Yes – Required under Section 7.1 of the CN Guidelines</p>	<p>Yes. Covered as part of Annual Report</p>	<p>Yes – Part 1 of the GBE Governance Arrangements requires all Ministerial directions to be in writing and tabled in Parliament</p>	<p>N/A No enabling legislation</p>
<p>Australian Government Solicitor (AGS)</p>	<p>Yes – As a GBE, the entity is automatically subject to CN</p>	<p>Yes</p>	<p>No current borrowings. If AGS were to borrow, it must do so from the private sector and must comply with CN</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes – Disclosed in SCI and prescribed in enabling legislation</p>	<p>Yes</p>	<p>Yes – Responsibilities outlined in Part 3 of GBE Governance Arrangements Note: under the <i>Judicial Act 1903</i>, the CEO is also the sole director of AGS for the purposes of the CAC Act.</p>	<p>Yes – Part 2 of GBE Governance Arrangements requires broad financial and non-financial performance measures to be published in the SCI.</p>	<p>Yes – CEO (who is the sole director of AGS) is appointed on basis of relevant skills</p>	<p>Yes</p>	<p>Yes – Dividend policy outlined in Part 4 of GBE Governance Arrangements</p>	<p>Yes – Required under Section 7.1 of the CN Guidelines. Further, as a statutory authority, Clause 24 of the Finance Minister’s Orders (FMOs) requires the disclosure of all CN payments in financial statements</p>	<p>Yes. Covered as part of Annual Report</p>	<p>Yes – Part 1 of the GBE Governance Arrangements requires all Ministerial directions to be in writing and tabled in Parliament</p>	<p>N/A – Enabling legislation amended to reflect CN requirements (e.g. make tax equivalent payments (TEPs) where required). Note: AGS pays income tax but makes TEPs for all other taxes</p>

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Australia Post	Yes – As a GBE, the entity is automatically subject to CN	Yes	Yes. Post is able to borrow from the private sector or the C'wealth. However, in practice, Post borrows from the private sector and must comply with CN	Yes	Yes	Yes – Disclosed in SCI and prescribed in enabling legislation	Yes	Yes – Responsibilities outlined in Part 3 of GBE Governance Arrangements and enabling legislation	Yes – Part 2 of GBE Governance Arrangements requires broad financial and non-financial performance measures to be published in the SCI.	Yes	Yes	Yes – Dividend policy outlined in Part 4 of GBE Governance Arrangements	Yes – Required under Section 7.1 of the CN Guidelines. Further, as a statutory authority, Clause 24 of the FMOs requires the disclosure of all CN payments in financial statements	Yes. Covered as part of Annual Report	Yes – Part 1 of the GBE Governance Arrangements requires all Ministerial directions to be in writing and tabled in Parliament. Enabling legislation also provides for directions to be in writing and tabled in Parliament.	N/A – Enabling legislation is consistent with CN (e.g. Post is liable for all Commonwealth and State taxes).
Defence Housing (DHA) Australia	Yes – As a GBE, the entity is automatically subject to CN	Yes	Yes. DHA borrows from the C'wealth. The borrowing terms must comply with CN	Yes	Yes	Yes – Disclosed in SCI and prescribed in enabling legislation	Yes	Yes – Responsibilities outlined in Part 3 of GBE Governance Arrangements and enabling legislation	Yes – Part 2 of GBE Governance Arrangements requires broad financial and non-financial performance measures to be published in the SCI.	Yes	Yes	Yes – Dividend policy outlined in Part 4 of GBE Governance Arrangements	Yes – Required under Section 7.1 of the CN Guidelines. Further, as a statutory authority, Clause 24 of the FMOs requires the disclosure of all CN payments in financial statements	Yes. Covered as part of Annual Report	Yes – Part 1 of the GBE Governance Arrangements requires all Ministerial Directions to be in writing and tabled in Parliament Enabling legislation also provides for directions to be in writing and disclosed in annual report.	N/A – Enabling legislation amended to reflect CN requirements (e.g. make tax equivalent payments where required). Note: DHA pays income tax but makes TEPs for other taxes.

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Medibank Private Ltd (MPL)	Yes – As a GBE, the entity is automatically subject to CN	Yes – Like other not-for-profit health funds, Medibank is exempt from paying income tax but pays all other relevant taxes (incl GST, GBT and payroll)	No current borrowings. If MPL were to borrow, it must do so from the private sector and must comply with CN.	Yes	Yes	Yes – Disclosed in SCI	Yes	Yes – Responsibilities outlined in Part 3 of GBE Governance Arrangements MPL is also subject to the requirements prescribed under the Corporations Act.	Yes – Part 2 of GBE Governance Arrangements requires broad financial and non-financial performance measures to be published in the SCI.	Yes	Yes	N/A – Medibank is a not-for-profit entity	Yes – Required under Section 7.1 of the CN Guidelines	Yes. Covered as part of Annual Report	Yes – Part 1 of the GBE Governance Arrangements requires all Ministerial Directions to be in writing and tabled in Parliament	N/A No enabling legislation
ASC Pty Ltd	Yes – As a GBE, the entity is automatically subject to CN	Yes	No current borrowings. If ASC were to borrow, it must do so from the private sector and must comply with CN.	Yes	Yes	Yes – Disclosed in SCI	Yes	Yes – Responsibilities outlined in Part 3 of GBE Governance Arrangements ASC is also subject to the requirements prescribed under the Corporations Act.	Yes – Part 2 of GBE Governance Arrangements requires broad financial and non-financial performance measures to be published in the SCI.	Yes	Yes	Yes – Dividend policy outlined in Part 4 of GBE Governance Arrangements	Yes – Required under Section 7.1 of the CN Guidelines	Yes. Covered as part of Annual Report	Yes – Part 1 of the GBE Governance Arrangements requires all Ministerial Directions to be in writing and tabled in Parliament	N/A No enabling legislation