

## SCHEDULE

1. The Commissioner for Better Regulation (Commissioner) will be responsible for:
  - a) providing independent advice as to the adequacy of regulatory impact statements and assessments of the costs and benefits of proposed statutory rules and legislative instruments and any other practicable means of achieving the same objectives;
  - b) providing independent advice as to the adequacy of any legislative impact assessments in accordance with any requirements issued by the Treasurer from time to time;
  - c) providing independent advice as to the adequacy of any measurements of the regulatory burden of regulation in accordance with any requirements issued by the Treasurer, including with the Regulatory Change Measurement manual;
  - d) providing independent advice on other regulatory impact assessments as required by the Treasurer or the Secretary of the Department of Treasury and Finance;
  - e) assisting agencies responsible for preparing regulatory assessments;
  - f) assisting agencies responsible with the design, application and administration of regulation and opportunities for improving the quality of regulation in Victoria;
  - g) providing education so as to ensure compliance with the competitive neutrality policy of the Victorian Government;
  - h) investigating competitive neutrality complaints (see paragraph 3 below);
  - i) convening the Regulators Forum to facilitate information sharing and improve regulatory practice among participating regulators; and
  - j) undertaking research and providing advice into any regulatory matter referred to it by the Treasurer or the Secretary of the Department of Treasury and Finance, including to support broader inquiries and policy reviews on relevant regulatory issues.
2. The Commissioner will perform the rôles set out in paragraph 1 having regard to relevant guidelines issued from time to time by the government, and provide comment on these assessments and statements to the department of the Minister responsible for the proposed legislation or legislative instrument.
3. The Commissioner will also be responsible for liaising with the business community in metropolitan and regional Victoria to identify:
  - a) opportunities to reduce red tape and contribute to the 25 per cent red tape reduction target, including through any established online consultation platforms;
  - b) improvements to regulators' dealings with business, including in relation to the design and implementation of regulation and compliance and enforcement measures;
  - c) regulatory overlap, including the provision of the same information to multiple regulators;
  - d) 'hotspots', that is, where regulatory reform efforts can be focused including reforms that unlock economic activity; and
  - e) improvements to the on-the-ground administration of regulation, including by removing unnecessary burdens.
4. The Commissioner must provide a report identifying specific regulatory problems and recommendations for practical solutions to the Treasurer twice each year. Public release of reports will be at the Treasurer's discretion.
5. The Commissioner will also be responsible for undertaking liaison tasks with the business community concerning regulation reform as directed by the Treasurer in writing.

## 6. Competitive Neutrality Complaints

- a) The Commissioner may receive a complaint, in writing and in the form required by the Commissioner, that a particular government business or business activity is not being conducted in accordance with the competitive neutrality policy of the Victorian Government.
- b) In considering the complaint, the Commissioner must give particular regard to the interests of the users of the goods and services provided by the particular State or local government business or through the particular State or local government business activity.
- c) In accordance with the Victorian Government's policy on competitive neutrality, the Commissioner must give particular consideration to the public interest requirements in clause 1 of the Competition Principles Agreement signed by all jurisdictions in 1995 or any subsequent intergovernmental agreement on competitive neutrality.
- d) The Commissioner may decide not to investigate a complaint, if in their opinion:
  - i) the complaint is frivolous or vexatious or was not made in good faith; or
  - ii) the complainant does not have sufficient interest in the subject matter of the complaint; or
  - iii) an investigation is not warranted having regard to all the relevant circumstances.
- e) If the Commissioner decides not to investigate a complaint, they must inform the complainant of that decision.
- f) The Commissioner will communicate the outcome of the investigation of a complaint in accordance with Victorian Government's policy on competitive neutrality currently in force.

## 7. General

- a) The Commissioner has the power to do everything necessary or convenient to be done for, or in conjunction with, the performance of the Commissioner's functions other than the power to employ staff. The Commissioner will be supported by a Secretariat located within the Department of Treasury and Finance.
- b) The Commissioner must be as efficient as possible in pursuing the undertakings of the office and must act in accordance with the principles of:
  - i) the provision of analysis and advice that is impartial, independent, accurate and rigorous; and
  - ii) an overarching concern for the well-being of the community as a whole, rather than the interests of particular industries or groups.