

# 2014-15 Heads of Treasuries Competitive Neutrality Matrix Report

## Summary

- Following are the competitive neutrality (CN) compliance reporting matrixes from the Commonwealth and all States and Territories (States), 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).
- From the 2011-12 matrix onwards, the CN matrix is no longer required to be considered by COAG, but instead should be agreed to by Heads of Treasuries (HoTs) before being published on the CFFR website (rather than the COAG website).

## Commonwealth Competitive Neutrality Matrix 2014-15

Principles  GBE	Assessed subject to CN <sup>(1)</sup>	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))
Australian Rail Track Corporation Ltd (ARTC)	Yes	Yes	Yes	Yes	Yes	Yes  Disclosed in the Corporate Plan for publication.	Yes	Yes  These are outlined in Part 2 of GBE Guidelines.  ARTC is also subject to the requirements prescribed under the Corporations Act.	Yes  Part 3 of GBE Guidelines requires broad financial and non-financial performance measures to be reported in the Corporate Plan for publication.  ARTC also publishes quarterly network performance indicators on its website.	Yes	Yes	Yes  Dividend policy outlined in Part 4 of GBE Guidelines.  ARTC was on a dividend holiday from 2004-05 to 2012-13 and returned to paying dividends from 2014-15 as outlined in its annual reports.	Yes  Required under Section 6.1 of the CN Guidelines.	Yes  Covered as part of Annual Report.	Yes  Part 1 of the GBE Guidelines requires government policy orders specifying the application of policy to a GBE be in writing and placed on the Federal Register of Legislative Instruments.	N/A  No enabling legislation.

Principles	GBE															
	Assessed subject to CN <sup>(1)</sup>	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))
Australian Government Solicitor (AGS)	Yes	Yes	No borrowings.	Yes	Yes	Yes  Disclosed in the Corporate Plan for publication.	Yes	Yes  Under the Judiciary Act 1903, the CEO was the sole director of AGS for the purposes of the CAC Act and had the function of managing AGS.  The responsibilities of the CEO as sole director reflected the principles, mandate and objectives of GBEs as set in Part 1 of GBE Guidelines	Yes  Part 3 of GBE Guidelines broad financial and non-financial performance measures to be reported in the Corporate Plan for publication.	Yes  CEO (who was the sole director of AGS) was appointed on basis of relevant skills.	Yes	Yes  Dividend policy outlined in Part 4 of GBE Guidelines.	Yes  Required under Section 6.1 of the CN Guidelines.	Yes  Covered as part of Annual Report.	Yes  Part 1 of the GBE Guidelines requires government policy orders specifying the application of policy to a GBE be in writing and placed on the Federal Register of Legislative Instruments	N/A  Enabling legislation amended to reflect CN requirements (e.g. make tax equivalent payments (TEPs) where required).  Note: AGS paid income tax but made TEPs for all other taxes.

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	Australia Post (Post)	Yes	Yes	Yes Post is able to borrow from the private sector and must comply with CN.	Yes	Yes Disclosed in the Corporate Plan for publication.	Yes	Yes These are outlined in Part 2 of GBE Guidelines and enabling legislation.	Yes Part 3 of GBE Guidelines requires broad financial and non-financial performance measures to be reported in the Corporate Plan for publication.	Yes	Yes	Yes Dividend policy outlined in Part 4 of GBE Guidelines.	Yes Required under Section 6.1 of the CN Guidelines.	Yes Covered as part of Annual Report.	Yes Part 1 of the GBE Guidelines requires government policy orders specifying the application of policy to a GBE be in writing and placed on the Federal Register of Legislative Instruments. 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 C'wealth and State taxes).

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	Assessed subject to CN <sup>(1)</sup>	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))
Defence Housing Australia (DHA)	Yes	Yes	Yes DHA borrows from the C'wealth. The terms must comply with CN.	Yes	Yes	Yes Disclosed in the Corporate Plan for publication.	Yes	Yes These are outlined in Part 2 of GBE Guidelines and enabling legislation.	Yes Part 3 of GBE Guidelines requires broad financial and non-financial performance measures to be reported in the Corporate Plan for publication.	Yes	Yes	Yes Dividend policy outlined in Part 4 of GBE Guidelines	Yes Required under Section 6.1 of the CN Guidelines.	Yes Covered as part of Annual Report.	Yes Part 1 of the GBE Guidelines requires government policy orders specifying the application of policy to a GBE be in writing and placed on the Federal Register of Legislative Instruments  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.

Principles  GBE	Assessed subject to CN <sup>(1)</sup>	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))
ASC Pty Ltd (ASC)	Yes	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 the Corporate Plan for publication.	Yes	Yes  These are outlined in Part 2 of GBE Guidelines.  ASC is also subject to the requirements prescribed under the Corporations Act.	Yes  Part 3 of GBE Guidelines requires broad financial and non-financial performance measures to be reported in the Corporate Plan for publication.	Yes	Yes	Yes  Dividend policy outlined in Part 4 of GBE Guidelines.	Yes  Required under Section 6.1 of the CN Guidelines.	Yes  Covered as part of Annual Report.	Yes  Part 1 of the GBE Guidelines requires government policy orders specifying the application of policy to a GBE be in writing and placed on the Federal Register of Legislative Instruments.	N/A  No enabling legislation.

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	Assessed subject to CN <sup>(1)</sup>	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(iii))	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))
NBN Co Ltd (NBN)	Yes	Yes	No current borrowings.	Yes	Yes	Yes.  Disclosed in the Corporate Plan.	Yes	Yes  These are outlined in Part 2 of GBE Guidelines.  NBN is also subject to the requirements prescribed under the Corporations Act.	Yes  Disclosed in the Corporate Plan.  Part 3 of GBE Guidelines requires broad financial and non-financial performance measures to be reported in the Corporate Plan.	Yes	Yes	Yes  Dividend policy outlined in Part 4 of GBE Guidelines.	Yes  Required under Section 6.1 of the CN Guidelines.	Yes  Covered as part of Annual Report.	Yes  Part 1 of the GBE Guidelines requires government policy orders specifying the application of policy to a GBE be in writing and placed on the Federal Register of Legislative Instruments.	N/A  No enabling legislation.

Principles  GBE	Assessed subject to CN <sup>(1)</sup>	Tax or tax equivalent payments (CPA 3 (4)(b)(i))	Debt neutrality charge (CPA 3 (4)(b)(iii))	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))
Moorebank Intermodal Company Limited (MIC)	Yes	Yes	No current borrowings  If MIC were to borrow, it must do so from the private sector and must comply with CN.	Yes	Yes.	Disclosed in the Corporate Plan for publication.	Yes	Yes  These are outlined in Part 2 of GBE Guidelines.  MIC is also subject to the requirements prescribed under the Corporations Act.	Yes  Part 3 of GBE Guidelines requires broad financial and non-financial performance measures to be reported in the Corporate Plan for publication.	Yes	Yes	Yes  Dividend policy outlined in Part 4 of GBE Guidelines.	Yes  Required under Section 6.1 of the CN Guidelines.	Yes  Covered as part of Annual Report.	Yes  Part 1 of the GBE Guidelines requires government policy orders specifying the application of policy to a GBE be in writing and placed on the Federal Register of Legislative Instruments.	N/A  No enabling legislation.

**Notes:**

There is no overarching Commonwealth legislation mandating compliance with competitive neutrality policy. The enabling legislation of the Australian Government Solicitor and Defence Housing Australia (as GBEs) contain provisions that allow for competitive neutrality-like payments. Other GBEs may also be required in their enabling legislation or company constitution to make dividend payments to the Commonwealth.



## New South Wales Competitive Neutrality Matrix 2014-15

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	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))
Ausgrid Endeavour Energy Essential Energy Macquarie Generation Delta Electricity Green State Power TransGrid	Yes to all	All comply except Green State Power (Note 1)	All comply except Green State Power (Note 1)	All comply	All comply (Note 2)	All comply (Note 3)	All comply	All comply (Note 4)	All comply except for Green State Power (Note 5)	All comply	All comply	All comply except for Green State Power (Note 6)	All comply (Note 7)	All comply except for Green State Power (Note 8)	All comply (Note 9).	N/A (Note 10)
Hunter Water	Yes	Yes	Yes	Yes	Yes (Note 2)	Yes (Note 3)	Complies	Yes (Note 4)	Yes (Note 5)	Yes	Yes	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	Yes (Note 9)	N/A (Note 10)
Sydney Water Corporation	Yes	Yes	Yes	Yes	Yes (Note 2)	Yes (Note 3)	Complies	Yes (Note 4)	Yes (Note 5)	Yes	Yes	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	Yes (Note 9)	N/A (Note 10)

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
Forestry Corporation of New South Wales	Yes	Yes	Yes	Yes	Yes (Note 2)	Yes (Note 3)	Complies	Yes (Note 4)	Yes (Note 5)	Yes	Yes	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	Yes (Note 9)	N/A (Note 10)
Landcom (trading as UrbanGrowth NSW)	Yes	Yes	Yes	Yes	Yes (Note 2)	Yes (Note 3)	Complies	Yes (Note 4)	Yes (Note 5)	Yes	Yes	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	Yes (Note 9)	N/A (Note 10)
Newcastle Port Corporation trading as Port Authority of NSW	Yes	Yes	Yes	Yes	Yes (Note 2)	Yes (Note 3)	Complies	Yes (Note 4)	Yes (Note 5)	Yes	Yes	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	Yes (Note 9)	N/A (Note 10)
Superannuation Administration Corporation (trading as Pillar Administration)	Yes	Yes	No debt	Yes	Yes (Note 2)	Yes (Note 3)	Complies	Yes (Note 4)	Yes (Note 5)	Yes	Yes	Yes (Note 6)	Yes (Note 7)	Yes (Note 8)	Yes (Note 9)	N/A (Note 10)

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))
	Sydney Cricket and Sports Ground Trust	Yes	Does not pay tax equivalent payments	Exempt	Yes (Note 11)	Yes (Note 11)	Complies	Yes (Members of the Trust are governed by the <i>Sydney Cricket and Sports Ground Act 1978</i> )	Yes (Note 12)	Requirements not published	Yes	Does not pay dividends	N/A (does not pay dividends)	Yes (Note 8)	Not specified in the <i>Sydney Cricket and Sports Trust Act 1978</i>	N/A
	Sydney Opera House Trust	Yes	Does not pay tax equivalent payments (operates as a not-for-profit entity)	Does not pay debt neutrality charge (operates as a not-for-profit entity)	Yes (Note 11)	Yes (Note 11)	Complies	Yes (Members of the Trust governed by the <i>Sydney Opera House Trust Act 1961</i> )	Yes (Note 13)	Yes (as provided in the <i>Sydney Opera House Trust Act 1961</i> )	Yes	Does not pay dividends (operates as a not-for-profit entity)	N/A (does not pay dividends)	Yes (Note 8)	Not specified in the <i>Sydney Opera House Act 1961</i>	N/A (Note 10)
	Venues NSW	Yes	Yes	No debt	Yes (Note 11)	Yes (Note 11)	Complies	Yes (as provided in the <i>Sporting Venues Authorities Act 2008</i> )	Yes (Note 12)	Requirements not published	Yes	Yes (Note 6)	Yes	Yes (Note 8)	Not specified in the <i>Sporting Venues Authorities Act 2008</i>	N/A

Sydney Motorway Corporation	Yes	Does not pay tax equivalent payments	No debt	Yes	Yes (Note 11)	N/A (does not have non-commercial objective to report)	Complies	Yes (Note 4)	Yes (Note 5)	Yes	Yes	Does not pay dividends	N/A (does not pay dividends)	Yes (Note 8)	No specified requirement ( <i>Corporations Act</i> company)	N/A
WCX M4 Corporation Pty Ltd	Yes	Does not pay tax equivalent payments	No debt	Yes	Yes (Note 11)	N/A (does not have non-commercial objective to report)	Complies	Yes (Note 4)	Yes (Note 5)	Yes	Yes	Does not pay dividends	N/A (does not pay dividends)	Yes (Note 8)	No specified requirement ( <i>Corporations Act</i> company)	N/A

#### Notes:

- (1) On 1 August 2013, the State-owned Green State Power Pty Ltd began operating the small portfolio of renewable generation assets formerly owned by Eraring Energy. Established as a transaction company, Green State Power was not included under the tax equivalent regime and never held debt. A majority of Green State Power's assets were sold to Trustpower on 18 July 2014. The remaining assets and liabilities of Green State Power were transferred to Delta Electricity, the Electricity Assets Ministerial Holding Corporation (a statutory body representing the Crown) and the State on 8 December 2014, with the entity deregistered on 5 July 2015.
- (2) 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, e.g. *Energy Services Corporations Act 1995*. All SOC 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.
- (3) Where the SOC in this matrix have non-commercial objectives, they are specified in the SOC Act and/or their enabling legislation. For example, most SOC in this matrix 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.
- (4) Director's duties are published in the SOC Act. Requirements of *Corporations Act 2001 (Cth)* apply to Green State Power directors, and the directors of Sydney Motorway Corporation and its subsidiary, WCX M4 Corporation Pty Ltd.

- (5) All SOC's 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. This is not applicable to Green State Power as it was a transaction company being prepared for sale (and then in wind up mode). The Statement of Business Intent for the Sydney Motorway Corporation and its subsidiary, WCX M4 Corporation Pty Ltd, contain performance benchmarks for the business (although benchmarks are not explicitly applied to governing boards).
- (6) See TPP14-04 *Financial Distribution Policy for Government Businesses*. This is not applicable to Green State Power as it was a transaction company being prepared for sale (and then in wind up mode).
- (7) Forecast dividend payments are reported in SCIs. 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.
- (8) GBEs (excluding Green State Power) 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.
- (9) 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.
- (10) The legislation establishing the GBEs does not derogate from competitive neutrality principles.
- (11) Commercial and non-commercial objectives are specified in Statements of Business Intent (which are not publicly available) and Annual Reports.
- (12) Performance benchmarks are specified in Statements of Business Intent, although benchmarks are not explicitly applied to governing boards. Statements of Business Intent are not publicly available.
- (13) Sydney Opera House Trustees have a Trustee Code of Conduct, which includes seven core performance requirements. The Trustee Code of Conduct is reviewed and individually signed by Trustees on an annual basis.

### **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.

## Victoria Competitive Neutrality Matrix 2014-15

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	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-	Any directions given to enterprise by the government are published (CIRA 6.1(i))	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 Tax Compliance Framework to observe obligations of the National Taxation Equivalent Regime. S88 of the SOE Act also requires compliance with Directions from Treasurer in respect of tax equivalency payments. Payments are detailed in Annual Reports.	Yes Limited Gov. guarantee is provided to extent insurance is inadequate and State Trustees assets are insufficient to satisfy liabilities. Treasurer may require reasonable fee for any guarantee provided. STL is not listed in Schedule 1 of Borrowing and Investment Powers Act 1987.	Yes – STL does not have the power to set regulation.	Yes – Strategic Plan and Corporate Plan are 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 Health and Human Services.	Yes – STL does not exercise reg. or planning functions .	Yes – see the Directors' Report and the Corp. Gov. Statement in the Annual Report.	Financial performance is published in the annual report.	Yes – skills based board appointment process used to appoint members.	Yes.	Yes – see Directors' Report in the Annual Report.	Yes – see Directors' Report in the Annual Report and in the Financial Statements.	Published in annual report.	No directives have been issued.	Establishing legislation does not derogate from CN.

**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)

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	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))
<p>Rural Finance Corporation of Victoria (RFC)</p> <p>Please note that the Government divested the commercial business and assets of the RFC to Bendigo and Adelaide Bank (BAB) following a comprehensive independent review. The sale was completed on 1 July 2014. As part of the conditions of sale, the Government has ensured that important non-commercial and community service programs such as the Young Farmers' Finance Scheme and Natural Disaster Relief and Recovery Arrangement programs will continue to be maintained on the same terms and conditions through a service contract with BAB.</p>	Yes	Yes. RFC pays income tax equivalent payments in accordance with the National Tax Equivalent Regime.	N/A	Yes	Yes - Corporate Plan is given to DTF	Yes – Schemes of Assistance and other exceptional circumstance programs administered by Rural Finance are documented in its annual report.	Yes	Yes – in each year's annual report.	Yes, measures are published in each year's annual report.	Yes	Yes	Yes – in each year's annual report.	Yes – in each year's annual report	Yes	Where Act requires – schemes of assistance under Treasurer's direction are published in the annual report. S19 and S8 of Rural Finance Act 1988 govern process for the Treasurer's directions to RFC. Standing Directions and Specific Directions are fully disclosed under Government Gazettal. Individual directions under standing direction are not gazetted as they are only used in matters of emergency where funds are immediately required.	N/A



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Places Victoria	Yes	Yes – Places Victoria pays income tax equivalent payments in accordance with the National Tax Equivalent Regime.	Yes - Places Victoria pays the Financial Accommodation Levy in accordance with the Borrowing and Investment Powers Act 1987	Yes	Yes - outlined in legislation and annual report	<p>Places Victoria’s legislation states that all of its functions are to be carried out on a commercial basis</p> <p>Under Places Victoria’s legislation, the responsible Minister may (with the approval of the Treasurer) direct Places Victoria to undertake certain non-commercial activities for urban renewal projects. These requirements would be disclosed in the Annual Report</p>	Yes	Yes – Board performance measures are included in the annual report	Yes - published in annual report	Yes	Yes	Yes – legislation requires Places Victoria to pay a dividend as determined by the Treasurer. Places Victoria discloses its dividend payments in its Annual Report	Yes - reported in annual report	Yes - annual report	Yes – any direction given is required to be published in Places Victoria’s Annual Report	Yes – legislation provides for the Governor in Council, on recommendation of Minister, to declare an urban development project. As a result Places Victoria can exercise particular powers to facilitate development. As such, this exempts declared projects from competitive neutrality requirements. Similarly, Places Victoria has functions conferred by the Docklands Act 1991 which provide for development in Docklands to also be exempt from CN in some instances.

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Docklands Studios Melbourne Pty Ltd (DSM)	Yes.	Exempt – ATO provided a private ruling that the income of DSM 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. DSM is not subject to tax under the Public Sector Tax Equivalent Regime.	N/A - DSM does not have any borrowings.	Yes.	Yes – outlined in the corporate plan.	N/A.	Yes – DSM does not have a regulatory function.	Yes.	While DSM has a range of performance measures in its corporate plan, performance reporting is not reported in its annual report.	Yes.	Yes.	N/A – DSM currently generates significant accounting losses and is expected to continue to generate accounting losses due to annual depreciation expenses related to property, plant and equipment.	N/A.	Yes – reported in annual report.	N/A – as a <i>Corporations Act 2001</i> company, there is no provision for power of direction.	N/A.

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Fed Square Pty Ltd (FSPL)	Yes	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.	Does not apply to borrowings relating to the completion of the construction of Federation Square but will apply to any new borrowings	Yes - FSPL operates in a standard commercial environment. Other than the income tax exemption detailed earlier,. FSPL received land tax exemptions relating to ACMI, SBS, NGV and the central plaza up until 31 December 2014. From 1 January 2015 the SRO revoked these exemptions for reasons unrelated to competitive neutrality	Yes – it is expected to conduct its activities according to commercially acceptable practices.	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)	No reg. function	Yes – Annual Report	Yes – Board performance measures are published in the Annual Report	Yes	Yes	N/A - 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.	N/A	Annual Report published	N/A – as a <i>Corporations Act 2001</i> company, there is no provision for power of direction.	N/A

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Victorian Interpreting and Translating Service (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, pays dividends based on a benchmark of 65% of Net Profit before Tax (c.f. standard government benchmark of 50% net profit after tax). This increased dividend rate fully compensates for the absence of NTER.	An Order in Council to provide VITS with borrowing powers under the Borrowing and Investment Powers Act 1987 was approved by the Governor in Council on 15 March 2011. This allowed VITS to undertake borrowing through Treasury Corporation of Victoria. However, as VITS' total debt is less than \$5 million, VITS is relieved from paying the Financial Accommodation Levy.	Yes	Yes - VITS is required to submit a corporate plan and it is expected to conduct its business on a commercial basis	N/A	Yes	Yes - published in annual report	Yes - broad measures provided in annual report	Yes	Yes	Yes – VITS discloses its dividend payments in its Annual Report	Yes - reported in annual report	Yes - annual report published each financial year	No directions issued	Established legislation does not derogate from CN.

<div>Principles</div> <div>GBE</div>	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))
<div>Port of Melbourne Corporation (PoMC)</div> <div>Note: The Victorian Government is preparing to offer a 50 year lease for the Port of Melbourne’s commercial operations to a private operator.</div>	Yes	Yes - PoMC pays income tax equivalent payments in accordance with the National Tax Equivalent Regime.	Yes – PoMC pays the Financial Accommodation Levy in accordance with the Financial Management Act 1994.	Yes	Yes – PoMC’s objectives in the Transport Integration Act 2010 (TIA) include managing the Port of Melbourne in an economically sustainable manner and providing cost effective essential services. TIA also requires 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.	Yes – included in the Additional information section of the Annual Report.	Yes – planning approvals are subject to Ministerial approval.	Yes – included in the Corporate Governance section of the Annual Report	Yes – included in the Statement of Corporate Intent section of the Annual Report.	Yes – included in the Corporate Governance section of the Annual Report.	Yes	Yes – included in Note 1 (Summary of significant accounting policies) to the Financial Statements in the Annual Report.	Yes – included in Note 31 (Related party transactions) to the Financial Statements in the Annual Report.	Yes – included in the Key achievements of 2014-15 section in the Annual Report.	Yes – included in the Corporate Governance section in the Annual Report.	Establishing legislation does not derogate from CN.

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South East Water Corporation (SEW)	Yes	Yes - SEW pays income tax equivalent payments in accordance with the National Tax Equivalent Regime.	Yes - SEW pays the Financial Accommodation Levy in accordance with the Borrowing and Investment Powers Act 1987	Yes	Yes - outlined in legislation and annual report	Yes – included in the Annual Report.	Yes	Yes - published in annual report	Yes - published in annual report	Yes	Yes	Yes – legislation requires SEW to pay a dividend as determined by the Treasurer in consultation with the portfolio Minister and the Board. SEW discloses its dividend payments in its Annual Report	Yes - reported in annual report	Yes - annual report	Yes - published in the Gov. Gazette and/or SEW's Annual Report	Establishing legislation does not derogate from CN.

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Victorian Rail Track (VicTrack)	Yes	Yes – subject to the National Tax Equivalent Regime	N/A – no borrowings	Yes	Yes – although VicTrack has a custodial role which is non-commercial, it has other activities that have commercial objectives in its core business.	Yes – Section 119 (1) of Transport Integration Act 2010 specifies VicTrack’s primary object as the custodial owner of State’s transport-related assets. Details of VicTrack’s custodial role is published in its annual report.	Yes	Yes – in Annual Report	Yes – the annual report includes an outcomes /business performance report for the year.	Yes	Yes	Yes – as per annual report. However, VicTrack currently generates significant accounting losses and is expected to continue to generate accounting losses due to annual depreciation expenses related to custodial property, plant and equipment	N/A	Yes – full details of directions are included in the Annual Report.	Yes – full details of directions are included in the Annual Report.	N/A

**Victorian GBEs assessment against threshold criteria**

		<b>GBE</b>	<b>Significant</b>	<b>Competes with private sector</b>	<b>Enhanced CN applies</b>
1	Port of Melbourne Corp.	Yes	Yes	Yes	Yes
2	Victorian Regional Channels Authority	Yes	Yes	No	No
3	Victorian Rail Track (VicTrack)	Yes	Yes	Yes	Yes
4	V/Line Passenger Corp.	Yes	Yes	No	No
5	Places Victoria	Yes	Yes	Yes	Yes
6	Australian Grand Prix Corp.	Yes	Yes	No	No
7	Docklands Studios Melbourne	Yes	Yes	Yes	Yes
8	Fed Square Pty Ltd	Yes	Yes	Yes	Yes
9	Victorian Interpreting and Translating Service	Yes	Yes	Yes	Yes
10	Energy Safe Victoria	Yes	No	No	No
11	Barwon Region Water Corp.	Yes	Yes	No	No
12	Central Gippsland Region Water Corp.	Yes	Yes	No	No
13	Central Highlands Region Water Corp.	Yes	Yes	No	No
14	Coliban Region Water Corp.	Yes	Yes	No	No



15	East Gippsland Region Water Corp.	Yes	Yes	No	No
16	Gippsland & Southern Rural Water Corp.	Yes	Yes	No	No
17	Goulburn-Murray Rural Water Corp.	Yes	Yes	No	No
18	Goulburn Valley Region Water Corp.	Yes	Yes	No	No
19	Grampians Wimmera-Mallee Water Corp.	Yes	Yes	No	No
20	Lower Murray Urban & Rural Water Corp.	Yes	Yes	No	No
21	North East Region Water Corp.	Yes	Yes	No	No
22	South Gippsland Region Water Corp.	Yes	Yes	No	No
23	Western Region Water Corp.	Yes	Yes	No	No
24	Westernport Region Water Corp.	Yes	Yes	No	No
25	Wannon Region Water Corp.	Yes	Yes	No	No
26	Melbourne Water Corp.	Yes	Yes	No	No
27	Water For Rivers	Yes	Yes	No	No
28	City West Water Corp.	Yes	Yes	No	No
29	South East Water Corp.	Yes	Yes	Yes	Yes
30	Yarra Valley Water Corp.	Yes	Yes	No	No

31	State Electricity Commission of Victoria	Yes	Yes	No	No
32	Victorian Plantations Corp.	Yes	No	No	No
33	VicForests	Yes	Yes	No	No
34	Transport Accident Commission	Yes	Yes	No	No
35	Victorian WorkCover Authority	Yes	Yes	No	No
36	Victorian Managed Insurance Authority	Yes	Yes	No	No
37	Treasury Corporation of Victoria	Yes	Yes	No	No
38	Victorian Funds Management Corp.	Yes	Yes	No	No
39	Rural Finance Corp.	Yes	Yes	Yes	Yes
40	State Trustees Ltd.	Yes	Yes	Yes	Yes
41	Young Farmers' Finance Council	Yes	No	Yes	No

## Queensland Competitive Neutrality Matrix 2014-15

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Far North Queensland Ports Corporation Limited <sup>1</sup>	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 <sup>2</sup>	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 – Includes all ports north from Mourilyan with the exception of Weipa.

2 – Subsidiaries include existing Ports Corporation of Queensland Ltd (Weipa, Hay Point and Abbot Point) and Mackay Ports Ltd.

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Queensland Rail	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
SEQ Water	Yes	Yes	No <sup>3</sup>	Yes	Yes	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A

3 – In line with Government’s decision to accept only a cost-of-debt return on all SEQ Water assets as a measure to moderate bulk water prices, the application of the debt neutrality charge was discontinued with effect from 1 January 2013.

[illegible]

## Western Australia Competitive Neutrality Matrix 2014-15

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<b>Public Non-Financial Corporations</b>																
Animal Resources Authority	No	No	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes	No	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	Yes	No	Yes
Bunbury Water Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Busselton Water Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Electricity Generation and Retail Corporation (Synergy)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Electricity Networks Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A

<sup>1</sup> These GBE's have a mix of commercial and non-commercial objectives, but recover all or most of its costs through fees and charges.

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))
(Western Power)																
Forest Products Commission	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Fremantle Port Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Gold Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Kimberley Ports Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Lotteries Commission (Lotterywest)	Yes	No <sup>2</sup>	N/A	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes	Yes	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	Yes	Yes	Yes
Metropolitan Cemeteries Board	No	No	N/A	No	Yes <sup>1</sup>	Yes	Yes	Yes	Yes	No	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	Yes	No	Yes

<sup>2</sup> Legislation requires that Lotteries Commission pays revenue to State Government, which is designated for funding of health, sports and arts programs.

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))
Metropolitan Redevelopment Authority	No <sup>3</sup>	No	N/A	No	No	Yes	No	Yes	Yes	Yes	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	Yes	Yes	Yes
Mid-West Ports Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Perth Market Authority	Yes	No <sup>4</sup>	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	Yes	Yes	Yes
Pilbara Ports Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Potato Marketing Corporation of Western Australia	No <sup>5</sup>	No	N/A	Yes	No	Yes	No	Yes	Yes	Yes	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	Yes	Yes	Yes
Public Transport Authority of Western Australia	No	No	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	N/A (no board)	N/A (no board)	N/A (no board)	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	Yes	Yes	Yes

<sup>3</sup> These GBEs will be considered for further review in 2016.

<sup>4</sup> Enabling legislation for the sale of the Perth Market Authority was passed on 4 December 2015. The sale is expected to occur early 2016.

<sup>5</sup> The potato market has been flagged for deregulation following the 2017 State Election, which is likely to affect the functions of the Potato Marketing Corporation.



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))
Racing and Wagering Western Australia	No <sup>4</sup>	Yes <sup>6</sup>	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes	Yes	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	Yes	Yes	Yes
Regional Power Corporation (Horizon Power)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Rottneest Island Authority	Yes	No <sup>7</sup>	No	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes	Yes	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	Yes	No	Yes
Southern Ports Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A
Housing Authority (State Housing Authority)	No <sup>4</sup>	No	No	Yes	Yes <sup>1</sup>	Yes	Yes	N/A (no board)	N/A (no board)	N/A (no board)	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	Yes	Yes	Yes

<sup>6</sup> Racing and Wagering Western Australia pay tax, at the rates imposed by and in accordance with the *Racing and Wagering Western Australia Tax Act 2003* sections 4 and 5, on moneys received by it in respect of wagers made but does not make National Tax Equivalent Regime (NTER) payments.

<sup>7</sup> The Rottneest Island Authority is exempt from paying tax or tax equivalents, and dividend payments. Similar to formal dividend requirements, the *Rottneest Island Authority Act 1987* currently provides for the Treasurer to 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.

[illegible]

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))
Keystart Housing Scheme <sup>8</sup>	No <sup>4</sup>	No	Yes	No	No	No	Yes	No	No	No	Yes	N/A (does not pay dividends)	N/A (does not pay dividends)	No	No	N/A
WA Treasury Corporation	No	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A

<sup>8</sup> Keystart Housing Scheme is listed in the WA Budget Papers as a Public Financial Corporation (PFC) and is wholly owned by the Western Australian Government via a Trust arrangement. It is considered a PFC for the purposes of credit rating and Australian Bureau of Statistics classification of government entities, though it is not administered by Western Australian legislation, nor is it listed under the National Taxation Equivalent Regime. Dividends are paid under a preference share arrangement directly to its shareholding entity, the Housing Authority of WA (a Public Non-financial Corporation). The preference shareholding arrangement between the two agencies is required to enable Keystart borrowings to be sourced from the WA Treasury Corporation via the Housing Authority of WA, in the absence of a direct capacity to borrow from WATC.

## South Australia Competitive Neutrality Matrix 2014-15

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))
Forestry SA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Urban Renewal Authority	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A <sup>(a)</sup>	Yes
Adelaide Cemeteries Authority	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Public Trustee	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A <sup>(b)</sup>	N/A <sup>(b)</sup>	N/A <sup>(b)</sup>	Yes	Yes	Yes	Yes	N/A <sup>(a)</sup>	Yes
SA Water Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
HomeStart Finance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A <sup>(a)</sup>	Yes
West Beach Trust	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A <sup>(a)</sup>	Yes

Motor Accident Commission <sup>(c)</sup>	N/A	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes	Yes	N/A
Adelaide Festival Centre Trust	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Adelaide Convention Centre Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Adelaide Entertainments Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

**Notes:**

- (a) There is no legislative requirement for the Urban Renewal Authority, the Public Trustee, HomeStart Finance, or the West Beach Trust to publish any directions given to the enterprise by the Government.
- (b) The Public Trustee does not have a Board but it does have an Audit and Risk Management Committee, and an Investment and Advisory Committee. The responsibilities of the Public Trustee are set out in the Public Trustee Act 1995.
- (c) The Motor Accident Commission is exempt from Competitive Neutrality principles.

## ***Tasmania Competitive Neutrality Matrix 2014-15***

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))
Hydro Tasmania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
Aurora Energy Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
TasNetworks Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	No <sup>3</sup>	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
Motor Accident Insurance Board	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
TT-Line Company	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
Forestry Tasmania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes

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))
Tasmanian Irrigation Pty Ltd	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
Metro Tasmania Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
Port Arthur Historic Site Management Authority	Yes	No <sup>2</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
Tasmanian Port Corporation Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
The Public Trustee	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
Tasrail Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes
Tasracing Pty Ltd	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>1</sup>	Yes	Yes	Yes	Yes

**Notes:**

The Tasmanian Economic Regulator (TER) is an independent authority responsible for regulatory activities in respect of: the electricity industry; the gas industry; the water and sewerage industry; and a range of prices oversight issues. The Regulator is also responsible for conducting investigations into competitive neutrality complaints and investigations into the pricing policies of monopoly service providers. The TER incorporates the functions of the former Government Prices Oversight Commission.

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. The Dividend Guidelines for Tasmanian Government Businesses apply to all GBEs and SOCs. This policy is publicly available and provides sufficient flexibility for individual arrangements to be entered into with each business to appropriately reflect specific circumstances. The dividend amount that is paid to the Government is published in the Government business annual reports and in the Tasmanian Government December Quarterly Report each year.
2. Port Arthur Historic Site Management Authority is not a prescribed entity for NTER.
3. TasNetworks has, or may have, a role in planning approval in situations where developers use contractors for work involving minor connection assets.



## Australian Capital Territory Competitive Neutrality Matrix 2014-15

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))
Land Development Agency (LDA)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	n/a
ACTTAB <sup>1</sup>	Yes	Yes	Yes	Yes	Yes	Yes	n/a	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	n/a
CIT Solutions <sup>2</sup>	Yes	Yes <sup>3</sup>	n/a	Yes	Yes	n/a	Yes	Yes <sup>4</sup>	Yes <sup>4</sup>	Yes	Yes	Yes <sup>4</sup>	Yes	Yes <sup>5</sup>	n/a <sup>2</sup>	n/a

### Notes:

- (1) ACTTAB ceased trading as a Government Business Enterprise on 14 October 2014, following the formal settlement of the sale of the business to Tabcorp Limited and the privatisation of the ACT's totalisator licence.
- (2) 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. 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 only Shareholder is the Chief Executive of a Territory Authority.
- (3) CIT Solutions is liable to all state taxes but is assessed as being exempt from income tax or income tax equivalents, due to its status as an educational institution managed by a public body.
- (4) These responsibilities are published in the CIT Annual Report which is due for release in March each year.
- (5) Annual reporting of CIT Solutions performance is included in the CIT Annual Report.

## Northern Territory Competitive Neutrality Matrix 2014-15

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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A <sup>1</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>2</sup>
Power and Water Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>3</sup>
Jacana Energy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>4</sup>
Territory Generation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>5</sup>
Land Development Corporation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>6</sup>	N/A <sup>7</sup>	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	Yes	N/A
Territory Insurance Office <sup>9</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A

### Notes:

- (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 13 *Power Retail Corporation Act* exempts Jacana Energy (Jacana) from local government rates. However, Jacana pays rate equivalents under the Northern Territory Local Government Rate Equivalent Scheme. Equivalent payments are reported annually in Government budget papers.
- (5) Section 13 *Power Generation Corporation Act* exempts Territory Generation (T-Gen) from local government rates. However, T-Gen pays rate equivalents under the Northern Territory Local Government Rate Equivalent Scheme. Equivalent payments are reported annually in Government budget papers.
- (6) On 13 November 2014, the *Land Development Corporation Act* was amended to remove the requirement for a full-time advisory Board from its management structure. The Corporation may now appoint a specialist Advisory Board as and when required on a needs basis to suit its commercial needs.
- (7) Land Development Corporation Board is advisory only. On 13 November 2014, the *Land Development Corporation Act* was amended to remove the requirement for a full-time advisory Board from its management structure. The Corporation may now appoint a specialist Advisory Board as and when required on a needs basis to suit its commercial needs.
- (8) On 13 November 2014, the *Land Development Corporation Act* was amended to remove the requirement for a full-time advisory Board from its management structure. The Corporation may now appoint a specialist Advisory Board as and when required on a needs basis to suit its commercial needs.
- (9) Note: On 2 January 2015, the Territory Insurance Office was sold to a private operator.

## 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)
- Jacana Energy (Public Non-Financial Corporation)
- Territory Generation (Public Non-Financial Corporation)
- Land Development Corporation (Public Non-Financial Corporation)
- Territory Insurance Office<sup>1</sup> (Public Non-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.

- Data Services Centre
- NT Fleet
- NT Home Ownership
- Territory Wildlife Park
- Darwin Bus Service<sup>2</sup>

### **Notes:**

- (1) On 2 January 2015, the Territory Insurance Office was sold to a private operator.
- (2) On 5 October 2014, Darwin Bus Service was transferred to a private operator.