



TRS19D0070

Treasurer

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Mr Brett Rowse
Chairperson
Essential Services Commission of South Australia
GPO Box 2605
ADELAIDE SA 5001

Brett.Rowse@escosa.sa.gov.au


Dear Mr Rowse

In my capacity as Treasurer I seek advice from the Essential Services Commission of South Australia (Commission) in accordance with section 5(f) of the *Essential Services Commission Act 2002* (ESC Act), to assist in the investigation of competitive neutrality complaints under the *Government Business Enterprises (Competition) Act 1996* (GBE Act).

Background

1. Principles of competitive neutrality are designed to neutralise any net competitive advantage that a government or local government agency engaged in significant business activities would otherwise have, by virtue of its control by the government or local government, over private business operating in the same market.
2. Under Part 4 of the GBE Act, an appointed Competition Commissioner may be assigned to investigate, and prepare a report on, complaints of infringements of the principles of competitive neutrality.
3. Cabinet approved your appointment as a Competition Commissioner under section 5 of the GBE Act on 17 December 2018.
4. Further to this appointment, I seek advice from the Commission in relation to competitive neutrality complaints submitted to the Department of the Premier and Cabinet.

Referral

Subject to the requirements set out in this request for advice, I, Rob Lucas, Treasurer, request the Commission to provide advice to me pursuant to section 5(f) of the ESC Act in relation to any competitive neutrality complaints made under Part 4 of the GBE Act and referred to it by the Department of the Premier and Cabinet.

Requirements for the advice

In providing its advice, the Commission must:

1. have regard to the objectives of the GBE Act, the requirements of Part 4 and Part 5 of the GBE Act and the principles of competitive neutrality issued under the GBE Act
2. work collaboratively with the Department of the Premier and Cabinet to obtain any relevant information or data required to inform the advice, and
3. consult with, and seek any information from, any other relevant parties as required.

I am advised that in order to provide the advice, arrangements will be made between the Commission and the Department of the Premier and Cabinet to provide funding to cover all staff time, resources and materials to ensure no cross subsidy occurs with other statutory functions or powers undertaken by the Commission.

If the Commission requires further information in relation to this request for advice, please contact Graham Cooper, Manager, Cabinet Office, Department of the Premier and Cabinet on 8429 5113.

Yours sincerely



Hon Rob Lucas MLC

Treasurer

16 January 2019