

Context - Model Legislative Provisions

Background

Victoria has over 60 state government regulators with responsibility for over 500 different permission schemes (licences, permits and other approvals which grant the recipient permission to conduct an activity, operation or establish a premises that would otherwise be unlawful).

Legislation governing Victoria's regulators varies significantly in provisions covering the same topic. Some variations are justified and reflect the different needs of regulators and regulated entities, as well as the level and likelihood of harm being managed. However, some of these are unnecessary, create confusion for regulators, frustration for businesses and detract from the effectiveness and efficiency of the overall regulatory system.

Model Provisions Guidance

This model provisions guidance helps you to prepare, at the policy development stage, for your discussions with the Office of the Parliamentary Counsel (OCPC) on a range of topics. Examples include Fit and Proper Persons Test and Confidentiality and Information Sharing. These complement the Delegations Guidance Note that should be considered before you conduct your review of your regulatory scheme.

- The Delegations Guidance Note supports policymakers in identifying powers which may be appropriate for delegation, as well as the scope of the delegation (broad or narrow). The Guidance Note should be read concurrently with the model provisions guidance.

A series of model provisions guidance also under development includes:

- Inspector and entry powers and regulator toolkits
- Authorised officer appointments, service of documents, and commencing legal proceedings
- Governance

Adoption of model provisions is not compulsory, but they are a helpful tool for legislative policy areas seeking to introduce or revise legislation.

If you are working with a national scheme, alignment with the national scheme is often a paramount consideration to maximise the benefits and efficiencies from harmonised approaches. However, where there is scope to tailor provisions or where your input is sought on new or amended provisions, the considerations in this guidance will also be useful conceptual tools.