

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Annual Holidays Act 1973	CM		Review not required.		Act renamed Annual Leave Act 1973.
Annual Leave Act 1973	CM	No competition restrictions. Act bestows employee benefits.	Review not required.		Retained without reform.
Business Franchise (Liquor) Act 1993	CM		Review not required.		Federal Court S90 decision, no further action.
Business Franchise (Tobacco and Petroleum Products) Act 1984	CM		Review not required.		Federal Court s90 decision, no further action.
Canberra Tourism and Events Corporation Act 1997	CM	Act assessed as not restricting competition.	Review not required.		
Companies (Commonwealth Brickworks (Canberra) Limited) Act 1979	CM	Act assessed as not restricting competition.	Review not required.		
Companies (Registered Societies) Ordinance 1990	CM		Review not required.	Publicly available	Registered Societies model legislation adopted nationally.
Companies Auditors and Liquidators Disciplinary Board Ordinance 1982	CM		Review completed.	Publicly available	Registered Societies model legislation adopted nationally.
Dangerous Goods Act 1975 (New South Wales) in its application in the Territory	CM		Part of overall review of the ACT's Occupational Health and Safety legislation. Regulatory Impact Statement prepared and public comments sought through an extensive consultative process. The Standing Committee on Legal Affairs commenced a review of the Act in December 2001. A report is due by 27 June 2002 into the operation of the Act, with particular reference to: (a) the sale of fireworks in the Territory; (b) the general safety of setting off fireworks; and (c) any other related matters. The Government will consider the review findings/recommendations immediately thereafter.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Dangerous Goods Act 1984	CM		Part of overall review of the ACT's Occupational Health and Safety legislation. Regulatory Impact Statement prepared and public comments sought through an extensive consultative process.		See Occupational Health and Safety Act.
Gas Levy Act 1991	CM				Repealed in 1998.
Hotel School Act 1996	CM	Act assessed as not restricting competition.	Review not required.		
Liquor Act 1975 (subsections 42E(2) and 42E(4))	CM	Relates to procedures if a licence holder fails to pay liquor taxes.	Intra-departmental review completed.		Act has been maintained on consumer protection grounds in accordance with public benefit guidelines.
Long Service Leave (Building and Construction Industry) Act 1981	CM		Targeted public review completed in 1999. Final report received. Act assessed as not restricting competition. Final review report available at <a href="http://www.act.gov.au/urbanservices">www.act.gov.au/urbanservices</a>	Publicly available	Legislation for restructuring the Board to be prepared for 2002 legislation program.
Long Service Leave Act 1976	CM	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.		Act retained without reform.
Machinery Act 1949	CM				Act repealed and replaced by Occupational Health and Safety (Amendment) Act 1997.
National Exhibition Centre Trust Act 1976	CM	Act assessed as not restricting competition.	Review not required.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Occupational Health and Safety Act 1989	CM		<p>Review, in conjunction with review of Dangerous Goods Act 1984, the Scaffolding and Lifts Act 1957 and the Machinery Act 1949, underway.</p> <p>The review is examining the development of an integrated performance-based regulatory regime for workplace safety, dangerous goods and those areas currently regulated under the Scaffolding and Lifts Act and the Machinery Act, in line with agreements reached in 1991 by Premiers and Chief Ministers that jurisdictions would pursue the development of nationally uniform, flexible and performance-based regulations under parent occupational health and safety legislation.</p>		Regulatory Impact Statement issued for consultation comments. Following the October 2001 election, the Government is continuing to progress the review and the ACT OH&S Council are shortly to consider the issue and report to the Government. Amendments to legislation would likely be drafted later in 2002.
Parental Leave (Private Sector Employees) Act 1992	CM	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.		No further action proposed.
Scaffolding and Lifts Act 1957	CM		Review, in conjunction with the review of the Occupational Health and Safety Act 1989, completed.		Act repealed by Occupational Health and Safety (Amendment) Act 1997.
Scaffolding and Lifts Act, 1912-1948 (New South Wales) in its application in the Territory	CM		Review, in conjunction with the review of the Occupational Health and Safety Act 1989, completed.		Act repealed by Occupational Health and Safety (Amendment) Act 1997.
Sewerage Rates Act 1968	CM		Not for review.		Act repealed and relevant provisions contained in Utilities Act 2000
Standard Time and Summer Time Act 1972	CM	Act assessed as not restricting competition.	Review not required.		Retained without reform.
Theatres and Public Halls Act 1928	CM		Review completed in 1998.		Act repealed in March 2001.
Trading Hours Act 1962	CM		Intra-departmental review completed.		Legislation repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Trans-Tasman Mutual Recognition Act 1997	CM		National review completed in 1998.	Publicly available	Recommendations awaiting Government's consideration.
Water Rates Act 1959	CM		Intra-departmental review completed.		Act to be repealed and relevant parts included in the new Utilities Bill 2000.
Workers' Compensation Act 1951	CM	Mandatory insurance, licensing of insurers.	Review completed in July 2000, recommending changes to scheme design elements and a greater capacity to self-insure.	Publicly available	Draft exposure Bill released in December 2000. Debated and passed in Legislative Assembly, August 2001.
Workers' Compensation Supplementation Fund Act 1980	CM		Review not required. Act assessed as not restricting competition.		No further action proposed.
Adoption Act 1993	DECS		No review scheduled. Review not required. Act assessed as not restricting competition.		
Board of Senior Secondary Studies Act 1997	DECS	Provides for accreditation of secondary courses.	Intra-departmental review.		Legislation is necessary to provide the Government approved function. Legislation to be retained to maintain uniform standards for senior secondary courses and certification.
Canberra Institute of Technology Act 1987	DECS	Provides an exemption from Territory taxes and charges.	Review completed in 1999. Act assessed as not restricting competition.		Act retained without change.
Children and Young People Act 1999	DECS	Licensing of child care operations.  Introduces concepts of: parental responsibility; family group conferencing; therapeutic protections and enduring parental responsibility for children and young people in need of care and protection.  Expanded definition of mandated professionals.	New legislation.		Act replaced the Children's Services Act 1986.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Children's Services Act 1986 - except Parts III and X	DECS	Licensing of child care operations.	Full public review completed in 1999. Act assessed as not restricting competition.		A replacement Act, the Children and Young People Act 1999 passed in the Legislative Assembly on 21 October 1999.
Education Act 1937, Schools Authority Act 1976, Public Instruction Act 1880 and Free Education Act 1906	DECS	Requires non-government schools to be registered.	Full public review completed in 2000.		Government is to introduce an exposure draft into the Assembly in June 2002. There will be a period for public comment and the Bill is expected to be introduced for a first reading in December 2002.
Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994	DECS	Requires registration of providers of education to overseas students.	Inter-departmental review.		Act repealed.
University of Canberra Act	DECS	Act assessed as not restricting competition.	Review not required.		
Vocational Education and Training Act 1995	DECS	Registration of training providers and accreditation of training providers.	Intra-departmental review completed. Concluded that public benefit of restrictions outweigh costs.		Act retained without reform. Amendments proposed to meet national consistency requirements for registration of training organisation and accreditation of courses in both vocational education and training and higher education will be introduced in the 2002 spring session of the Legislative Assembly.
Blood Donation (Transmittable Diseases) Act 1985	DHCC	Limits conduct, confers benefit.	Review completed in 2002.	Publicly available	Act to be retained on public health benefit grounds.
Chiropractors and Osteopaths Act 1983	DHCC	Entry, registration, title, practice, discipline.	Review completed March 2001.	Publicly available	The Government has considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2002 will be introduced into the Assembly in September 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Community and Health Services Complaints Act 1993	DHCC	Confidentiality and investment restrictions.	Intra-departmental review completed in December 1999. Potential restrictions identified in terms of powers to both maintain the confidentiality of information and to access information. Review concluded that the restrictions did not function anti-competitively and that no market was affected by the legislation.		Act retained without reform.
Dental Technicians and Dental Prosthetists Registration Act 1988	DHCC	Entry, registration, title, practice, discipline.	Review completed March 2001.	Publicly available	The Government has considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2002 will be introduced into the Assembly in September 2002.
Dentists Act 1931	DHCC	Entry, registration, title, practice, discipline.	Review completed March 2001.	Publicly available	The Government has considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2002 will be introduced into the Assembly in September 2002.
Disability Services Act 1991	DHCC	S6 and S7 grant conditions that may restrict competition.	Desktop review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.		Act to be retained without reform.
Drugs of Dependence Act 1989	DHCC	Restrictions on competition throughout Act.	Part of Galbally Review. Draft review report released 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001. Australian Health Ministers Advisory Council (AHMAC) Working Party considered review and reported back to Health Ministers in June 2002.		Health Ministers to report to CoAG on endorsement of recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Food Act 1992	DHCC	Various food safety offences. Licensing of food businesses. Food to meet prescribed food standards.	National review completed in 2000 (see the NSW Food Act 1989).	Publicly available	All Australian governments agreed in November 2000 to adopt core provisions of the Model Food Bill by November 2001. This Act amended accordingly in August 2001.
Health Act 1993	DHCC	Limits conduct.	Intra-departmental review completed in December 1999. The review found that the restrictions did not apply to an organised pattern of activity and no commercial activity relating to the release or disclosure of information could be identified. The review concluded that the legislation did not impose restrictions on competition.	No report	Act retained without reform
Health and Community Care Services Act 1996	DHCC	Restricts management of resources and interests.	Intra-departmental review completed in December 2000. This review identified that the restrictions primarily concerned the sound management of Territory resources and interests. The review further identified that there were difficulties in identifying the restrictions as anti-competitive. The conclusion was that the legislative restrictions provided an overall community benefit and were on balance significantly higher than any cost of compliance with the legislation.	No report	Act retained without reform.
Health Complaints Act 1993	DHCC		Not for review.	No report	Replaced by the Community and Health Services Complaints Act 1993.
Health Promotion Act 1995	DHCC	Limits functions to which board monies can be applied.	Intra-departmental review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	No report	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Health Records (Privacy and Access) Act 1997	DHCC	Limited restrictions on competition.	Intra-departmental review completed in December 1999. Review did not support the initial audit view that anti-competitive restrictions may apply. Restrictions do not relate to a market/commercial activity.		Act retained without reform.
Inebriates Act 1900 (NSW) in its application in the Territory	DHCC	Sections 10 and 14 could restrict competition by licensing and regulating institutions.			Legislation to be repealed.
Inebriates Act 1938	DHCC	Act assessed as not restricting competition.	Review not required.		Act retained without reform.
Intoxicated Persons (Care and Protection) Act 1994	DHCC	The Act contains restrictions on competition in terms of requirements that 'sobering up' shelters must be licensed.	Intradepartmental review completed in December 2000. Review identified that the restrictions were a sustainable public benefit.		Act retained without reform.
Meat Act 1931	DHCC	Ministerial permission required to engage in certain meat processing activities.	National review completed in 2000 (see the NSW Food Act 1989).		Act repealed by Food Act 2001 subject to the passage of uniform Food Act legislation.
Medical Practitioners Act 1930	DHCC	Entry, registration, title, practice, discipline, advertising.	Review completed March 2001. Issues paper released in May 1999. Discussion paper released in December 1999.	Publicly available	The Government has considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2002 will be introduced into the Assembly in September 2002.
Medical Records (Access and Privacy) Act 1997	DHCC		Review, in conjunction with review Health Records (Access and Privacy) Act 1997, completed in December 1997.		Act retained without reform.
Medical Services (Fees) Act 1984	DHCC	Restricts the fees payable for the treatment of private patients in public hospitals.	Review not required. Legislation relates to an intergovernmental financial arrangement.	No report	Act retained without reform.



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Mental Health (Treatment and Care) Act 1994	DHCC	Restrictions on competition throughout Act. Restrictions relate to the Mental Health Tribunal powers to direct where a person with a mental health dysfunction will be detained, restrictions on the use of convulsive therapy and psychiatric surgery, and requirements that private psychiatric facilities be licensed.	Intra-departmental review completed in December 2000. The review demonstrated an overall public benefit of the restrictions.		Act retained without reform.
Nurses Act 1988	DHCC	Entry, registration, title, discipline.	Review completed March 2001.	Publicly available	The Government has considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2002 will be introduced into the Assembly in September 2002.
Optometrists Act 1956	DHCC	Entry, registration, title, practice, discipline, advertising.	Review completed March 2001.	Publicly available	The Government has considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2002 will be introduced into the Assembly in September 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Pharmacy Act 1931	DHCC	Entry, registration, title, practice, discipline.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.</p> <p>Also part of targeted public review of health practitioner registration Acts. Review completed March 2001.</p>	Publicly available	<p>Legislation was passed in August 2001 amending the Pharmacy Act to allow pharmacy companies to be registered as pharmacists and to restrict ownership of pharmacy companies to pharmacists. The Wilkinson review stated somewhat ambiguously, that the ACT's original legislation could not be held to "rule out the ownership of pharmacies by persons other than pharmacists". This could only be in relation to that part of a pharmacy business that does not involve the dispensing of drugs and poisons. It was, and is still is, possible that a non-pharmacist could own and operate the non-pharmacy side of pharmacy business in the ACT. Accordingly, it is not the case that the amendments have the effect of prohibiting the ownership of pharmacies by non-pharmacists and so, constitute a new restriction on competition.</p> <p>Further, the review concluded that current limitations on who may own and operate a pharmacy are seen as a net benefit to the Australian community as a whole. The ACT is adhering to its recommendations.</p> <p>Legal advice is currently being sought to determine the issue of pharmacy ownership in the original and amending legislation.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Physiotherapists Act 1977	DHCC	Entry, registration, title, practice, discipline.	Review completed March 2001.	Publicly available	The Government has considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2002 will be introduced into the Assembly in September 2002.
Podiatrists Act 1994	DHCC	Entry, registration, title, practice, discipline.	Review completed March 2001.	Publicly available	The Government has considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2002 will be introduced into the Assembly in September 2002.
Poisons Act 1933	DHCC	Restricts the sale and storage of poisons and biological substances.	Part of Galbally Review. Draft review report released 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001. Australian Health Ministers Advisory Council (AHMAC) Working Party considered review and reported back to Health Ministers in June 2002.		Health Ministers to report to CoAG on endorsement of recommendations.
Poisons and Drugs Act 1978	DHCC		Part of Galbally Review. Draft review report released 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001. Australian Health Ministers Advisory Council (AHMAC) Working Party considered review and reported back to Health Ministers in June 2002.		Health Ministers to report to CoAG on endorsement of recommendations.
Psychologists Act 1994	DHCC	Entry, registration, title, practice, discipline.	Review completed March 2001.	Publicly available	The Government has considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2002 will be introduced into the Assembly in September 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Public Health (Miscellaneous Provisions) Act 1997	DHCC	Limited restrictions on competition.	Not for review.		Act repealed.
Public Health (Prohibited Drugs) Act 1957	DHCC	Limits business conduct.	Part of Galbally Review. Draft review report released 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001. Australian Health Ministers Advisory Council (AHMAC) Working Party considered review and reported back to Health Ministers in June 2002.		Health Ministers to report to CoAG on endorsement of recommendations.
Public Health Act 1928	DHCC			Not publicly available - no copy	Act repealed by Public Health Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Public Health Act 1997	DHCC	Limits conduct.	The ACT commenced a process of reviewing its public health legislation by the introduction of the Public Health Act 1997. This legislation established a template for the management of health risk activities or procedures through a Code of Practice approach. As codes of practice are developed existing health risk management provisions that are under the former Public Health Act 1928 are repealed. The revised legislative approach while more focussed on outcomes, stakeholder collaboration and the currency of the health risk, retains potential restrictions on approval, activity and conduct. Accordingly the revised legislation has potential to impose costs and restrict competition. A Departmental review has been completed that identifies the anti-competitive provisions that arise through the application of the Act to health risk activities and procedures.		Amendment Bill May 2000 introduced some negative licensing provisions to address the anti-competitive provisions identified in the review.  Reforms (in the form of introducing codes of practice) are being introduced on an incremental basis as the Public Health Act 1928 is progressively repealed.
Radiation Act 1983	DHCC		National review completed.	Publicly available	Final review report under consideration by the Australian Health Ministers Advisory Council.
Sexually Transmitted Diseases Act 1956	DHCC		Review completed in 2002.	Publicly available	Act to be retained on public interest (public health) grounds.
Skin Penetration Procedures Act 1994	DHCC		Not for review.		Repealed.
Smoke-free Areas (Enclosed Public Places) Act 1994	DHCC	Prohibits or restricts smoking in enclosed public places.	Review completed in June 2002. Recommendations to maintain restrictions on public interest (public health) grounds.	Not currently – following Govt. consideration	Government to consider recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Tobacco Act 1927	DHCC	Tobacco supply and advertising restrictions.	Review completed in June 2002. Recommendations to maintain restrictions on public interest (public health) grounds.	Not currently – following Govt. consideration	Government to consider recommendations.
Tobacco Products (Health Warnings) Act 1986	DHCC	Restrictions on competition throughout Act.	Targeted public review completed. Review report redrafted to take account of 1999 amendments to the Act.		Act to be repealed
Transplantation and Anatomy Act 1978	DHCC	Restrictions on trading in human tissue.	Review completed in 2002.	Publicly available	Act to be retained on public interest (maintaining medical ethical standards) grounds.
Tuberculosis Act 1950	DHCC		Review completed in 2002.	Publicly available	Act to be retained on public interest (public health) grounds.
Veterinary Surgeons Act 1965	DHCC	Licensing of veterinary surgeons, reservation of practices, reservation of title, and advertising restrictions.	Review completed in March 2001, proposing retention of licensing and reservation of title, but removal of practice reservation and controls on advertising and ownership.	Publicly available	The Government has agreed to draft revised legislation and the <i>Veterinary Surgeons Act 2002</i> is being finalised and is expected to be introduced into the ACT Legislative Assembly by mid 2002.
Bank Mergers Act 1997	DoT		Review not required. Act assessed as not restricting competition.		
Betting (ACTTAB Limited) Act 1964 and Betting (Corporatisation) (Consequential Provisions) Act 1996	DoT		Targeted review completed in 1999. Reviewed as part of the ACTTAB and Bookmakers legislation review. The report made a number of recommendations with a general objective of removing restrictions on competition where there is no justifiable public benefit.	Publicly available	Government noted recommendations. Relevant provisions incorporated in Race and Sports Bookmaking Act 2001 will occur by the end of 2002.
Bookmakers Act 1985	DoT	Contains provisions for licensing bookmakers for racing and sports betting.	Targeted public review in conjunction with the Betting (ACTTAB Limited) Act 1964 and the Betting (Corporatisation) (Consequential Provisions) Act 1996, completed in 1999.	Publicly available	Act repealed and functions incorporated in new Race and Sports Bookmaking Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Boxing Control Act 1993	DoT		<p>National review of boxing completed in August 1999. Review concluded that a registration and licensing system enhances the safety of participants and minimises the incidence of malpractice in professional bouts. The working group proposed a national registration system to improve the management of professional boxing and combat sports.</p> <p>An ACT internal review is also underway (which should reflect national directions and linked to NSW Boxing Act review).</p> <p>The NCP review of the NSW Boxing and Wrestling Control Act 1996 was delayed, but is due for completion by June 2002. Under the ACT Act, professional boxers, officials and promoters must be registered as defined under the NSW Act. The ACT review cannot be done independently of NSW, as it relates to professional and occupational licensing.</p> <p>The ACT review timetable is therefore dependant on the NSW review.</p>		<p>The ACT Act will be amended to reflect relevant changes in NSW and to be consistent with the national approach toward developing a national registration system.</p> <p>Completion of the ACT internal review is expected by September 2002.</p>
Casino Control Act 1988	DoT	Exclusive licence. Restrictions on operations and conduct.	Targeted public review completed in 1998 as part of the gambling legislation review. The ACT established a Select Committee on gambling which made recommendations on gaming machine issues.	Publicly available	Government has announced that the exclusivity of the casino licence will not extend beyond the current licence period. The prohibition on gaming machines at the Casino will remain at the recommendation of the Select Committee.
Co-operative Societies Act 1939	JACS		Intra-departmental review completed.		The Act has been amended to reflect a consistent national approach.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Energy and Water Act 1988	DoT		Not for review.		Act repealed by the Utilities Act 2002.
Financial Institutions (Application of Laws) Act 1992	DoT		Review not required.		Repealed by Financial Sector Reform (ACT) Act 1999.
Financial Institutions (Removal of Discrimination) Act 1997	DoT		Review not required. Act assessed as not restricting competition.		
Financial Institutions (Supervisory Authority) Act 1992	DoT		Review not required.		Repealed by Financial Sector Reform (ACT) Act 1999.
Financial Institutions Duty Act 1987	DoT		National review completed in 1997.		Act amended to reflect a consistent national approach.
Games Wagers and Betting-houses Act 1901 (New South Wales) in its application in the Territory	DoT	The Games Wagers and Betting-houses Act 1901 is an Act for the suppression of betting houses.	The NCP review did not make any recommendations in relation to this Act, and consequently there is no Government response expected.  Review completed as part of the gambling legislation review. (See Gaming and Betting Act 1906 (NSW) in its application to the ACT).		This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other Gambling Acts.  This Act is now a Territory Statute, not a NSW Act (Law Reform (Miscellaneous Provisions) Act 1999 refers)



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Gaming and Betting Act 1906 (New South Wales) in its application in the ACT	DoT	Regulations on gaming, betting and wagering; restricts the holding of race-meetings; licensing of racecourses.	The NCP review did not make any recommendations in relation to this Act, and consequently there is no Government response expected.  Review completed as part of the targeted public review of betting and gaming legislation.	Publicly available	This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other Gambling Acts.  This Act is now a Territory Statute, not a NSW Act (Law Reform (Miscellaneous Provisions) Act 1999 refers)
Gaming Machine Act 1987	DoT		Targeted public review completed as part of the gambling legislation review. The Government established a Select Committee on Gambling to further report on gaming issues. It recommended further research into the social and economic impacts of gaming in the ACT. It also recommended a freeze on gaming machine numbers and measures to counter the negative effects of gambling.	Publicly available	Exposure draft incorporating recommendation being prepared for circulation. Subsequent Government consideration and amending legislation forthcoming in 2002-03.
Gas Act 1992	DoT				Repealed.
Gas Supply Act 1998	DoT				Repealed and replaced by Gas Safety Act 2000 (for consumers' natural gas installations and appliances past the metering point) and Utilities Act 2000 (for transmission and distribution).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Lotteries Act 1964	DoT		Targeted public review completed as part of gambling legislation review.	Publicly available	The Government has endorsed most of the review recommendations. Non NCP-related amendments based on modernising the legislation are forthcoming in 2002-03.
Milk Authority Act 1971	DoT	Retail price controls. Licensing of home vending. Canberra Milk Authority required to buy milk from the sole ACT producer.	Review by officials completed in 1998. It recommended: <ul style="list-style-type: none"> <li>· separation of Authority's regulatory and commercial roles;</li> <li>· retention of retail price controls until mid-2000;</li> <li>· reform of home vending arrangements; and</li> <li>· retention of compulsory acquisition of ACT milk.</li> </ul>	Publicly available	The Government initially accepted the review recommendations. In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, the ACT passed the Milk Authority Repeal Act 2000 on 23 May 2000, deregulating its milk arrangements from 1 July 2000.
Payroll Tax Act 1987	DoT		Initial intra-departmental review completed. Act assessed as not restricting competition. No further review required		
Pool Betting Act 1964	DoT	Approvals for conduct of pool betting competitions, restrictions on advertising and other conduct, possible supervision of competitions, levies and probity of financial arrangements.	Targeted public review completed as part of the gambling legislation review.	Publicly available	Government has endorsed most of the review recommendations. Non NCP-related amendments based on modernising the legislation are forthcoming in 2002-03.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Race and Sports Bookmaking Act 2001	DoT		Review of Bookmakers Act 1985 resulted in the new Race and Sports Bookmaking Act 2001.	Publicly available	<p>Bookmakers Act 1985 repealed and replaced with the Race and Sports Bookmaking Act 2001 which:</p> <ul style="list-style-type: none"> <li>removes the requirement for racing club approval to grant bookmakers licences;</li> <li>removes racing club-specific restrictions on bookmakers licences;</li> <li>allows an independent authority (the ACT Gambling and Racing Commission) to assess licence applications;</li> <li>removes limitations on phone betting;</li> <li>removes the requirement for sports bookmakers licence (or agents licence) holders to first obtain a standing bookmakers licence;</li> <li>removes the limit on the number of sports bookmaking licences granted;</li> <li>allows for flexibility in the location of betting office operations; and</li> <li>relates the size of the betting security guarantee to the amount of risk.</li> </ul> <p>Arrangements have been fully or progressively implemented. Completion of amendments will occur by the end of 2002.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Racecourses Act 1935	DoT		Not for review.		Act repealed and provisions incorporated in new racing legislation – Racing Act 1999.
Racing Act 1999	DoT	Regulates thoroughbred racing, harness racing and greyhound racing conducted for the purpose of betting, and for related purposes; including restrictions on holding race meetings and setting up controlling bodies for each racing mode.	New legislation. RIS completed.		Act passed in 2000 and commenced in June 2001.
Rates and Land Rent (Relief) Act 1970	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition – no further review required.		
Rates and Land Tax Act 1926	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition – no further review required.		
Rates and Land Tax Act 1986	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition – no further review required.		
Stamp Duties and Taxes Act 1987	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition – no further review required.		
Territory Owned Corporations Act 1990	DoT	Potential (marginal) restrictions on competition in section 18.	Targeted public review completed in 1998. Act assessed as not restricting competition.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Unlawful Games Act 1984	DoT	The Unlawful Games Act 1984 is an Act to provide for the control of unlawful games and for related purposes.	Targeted public review completed as part of the gambling legislation review.  The NCP review did not make any recommendations in relation to this Act, and consequently there is no Government response expected.	Publicly available	This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other Gambling Acts.
Utilities Act 2000	DoT/DUS		Introduction of the Act followed public consultation and review of both existing regulatory arrangements and principles for effective regulation.		Utilities Act implemented. The Act amended or repealed a number of other electricity gas or water and sewerage-related Acts including the Electricity Supply Act 1997, the Electricity Act 1971, the Energy and Water Act 1988 the Essential Services (Continuity of Supply) Act 1992, the Gas Supply Act 1998 and the Water Rates Act 1959.
ACTION Authority Act 2001	DUS	Establishing a statutory body	New Legislation		New Authority established
Air Pollution Act 1984	DUS		Review not required.		Repealed by Environment Protection Act 1997.
Animal Diseases Act 1993	DUS	Declaration of quarantine areas. Allows Minister to direct destruction of animals and removal of refuse. Imposes a tagging requirement for stock. Restricts entry into tag manufacture. Controls use of vaccines and the sale of infected animals.	Review in conjunction with Pounds Act 1928 and Stock Act 1991, completed. It found the restrictions to have benefits to animal health, public health and sustainable development that outweigh their costs.	Not released publicly	Report presented to the Minister. Act retained without reform.
Animal Welfare Act 1992	DUS	Ban on rodeos and circuses. Restrictions on use of animals in experiments. Restrictions on who may carry out surgical procedures.	Review completed. It found that, subject to some amendments, the restrictions are in the public interest.	Not released publicly	Act retained without reform.
Apiaries Act 1928	DUS				Act repealed and replaced by the Animal Diseases Act 1993.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Architects Act 1959	DUS	Registration, entry requirements, reservation of title, disciplinary processes.	National review conducted by the Productivity Commission (PC) completed in August 2000 (publicly released November 2000). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act.	Publicly available	A States and Territories working group developed a national response to the PC review. ACT to adopt solution compatible with competition principles and expects amending legislation to be drafted in mid- to late-2002.
Building Act 1972	DUS	Building regulations, licensing, registration, entry requirements (training, course work, practical experience or qualifications and supervised building work, business capacity), reservation of practice, disciplinary processes, business conduct (insurance).	<p>Targeted public review, in conjunction with review of the Electricity Act 1971 (electricians licensing) and the Plumbers, Drainers and Gasfitters Board Act 1982, by Allen Consulting Group completed in August 2000. Review focused on regulation of building occupations and did not review building regulations. Public benefits for building regulations are amenity, safety and health of people who use buildings and community expectations.</p> <p>Review focused on regulation of building occupations and insurance arrangements. Review recommended: legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards should be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.</p>	Publicly available	<p>Previous Government did not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters. Drafting of legislation began for 2001 program, which was shortened by the 2001 Election.</p> <p>New Government is to approve completion, and drafting is expected to resume later in 2002 or in the first half of 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Building and Services Act 1924	DUS		Inter-departmental review.		Part of the utilities legislation review under the lead of Treasury. Repealed and replaced in relation to public works powers for licensed utilities by the Utilities Act 2000 and the Utilities (Telecommunications Installations) Act 2001 in relation to public works powers for certain kinds of communications infrastructure.
Buildings (Design and Siting) Act 1964	DUS				Act repealed by Land (Planning and Environment) (Amendment) Act 1996 (No.3) as a result of implementation of the 1995 Stein report.  Design and siting provisions incorporated into streamlined Development Application.
Cemeteries Act 1933	DUS	Limits conduct.	Targeted public review, in conjunction with the Cremation Act 1966, completed in 2000. Review recommended a limit on post-burial tenure at public cemeteries.	Publicly available	Government rejected recommendation to limit post-burial tenure at public cemeteries. Replacement legislation, Cemeteries and Crematoria Bill 2001, introduced for debate in the Legislative Assembly in August 2001. Cemeteries and Crematoria Bill 2002 will be introduced in the Legislative Assembly in the Winter 2002 sittings. This Bill is almost identical to the 2001 Bill.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Clinical Waste Act 1990	DUS		<p>Intra-departmental review completed May 2002.</p> <p>Restrictions justified on public interest (public health and environmental protection) grounds.</p> <p>Act may be repealed and key provisions transferred to other legislation.</p>	Not currently – under Govt. consideration	Government considering recommendations.



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Collections Act 1959	DUS		Review by Allen Consulting Group completed in April 2000. Joint review with Hawkers Act. Involved targeted public consultation, with an issues paper, meetings and written submissions. Recommended: Act not place limits on the level of fundraising costs or remuneration; the regulatory emphasis be on the disclosure of fundraising details to potential donors; the Act not limit the locations where collections can be undertaken or the number of organisations collecting; rather than focusing on funds raised and costs incurred for particular collections, all organisations that produce audited accounts be required to lodge those accounts with the registrar on an annual basis; organisations that do not have audited accounts be required to keep appropriate records and have those records signed off by an 'appropriate person' as being in order; collectors be required to wear a badge (or prominently display information) relating to the collection; and the Act be drafted to apply to any direct or indirect appeal for support	Publicly available	Government accepted most review recommendations. Legislation is being drafted for introduction into the Legislative Assembly in June 2002.
Commissioner for the Environment Act 1993	DUS		Review not required		
Common Boundaries Act 1981	DUS	Act assessed as not restricting competition.	Review not required		
Community Title Act 2000	DUS		New legislation.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Construction Practitioners Registration Act 1998	DUS	Registration for building certifiers, entry requirements, disciplinary processes, business conduct (professional indemnity insurance with approved insurer, no conflict of interest).	New legislation to introduce private certification of building work. Review completed in November 2000.	Publicly available	<p>The NCP review of construction occupants recommended that a single piece of legislation deal with the licensing of builders, electricians and electrical contractors and plumbers, drainers and gasfitters. On the advice of JACS, construction practitioners were added to this list. The effects of changes on the details of registration for private building certifiers and plumbing plan certifiers would be limited, because they already work under modern legislation.</p> <p>The previous Government agreed to this program and drafting took place 2000-01. The title Construction Practitioners Registration Act was provisionally given. The new Government has not yet set priorities for the new legislation, however drafting is expected to resume either in late 2002 or in the first half of 2003.</p>
Cotter River Act 1914	DUS		Intradepartmental review completed in 1999.	Not released publicly	Act repealed on 23 March 2000.
Cremation Act 1966	DUS	Limits conduct.	See Cemeteries Act 1933.	Publicly available	<p>Replacement legislation, Cemeteries and Crematoria Bill 2001, introduced for debate in August 2001 and adjourned.</p> <p>See Cemeteries Act 1933</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Districts Act 1966	DUS	Act assessed as not restricting competition.	Major non-NCP related Review completed May 2000.		Amendments approved by Cabinet March 2002, included provision for: Districts to be defined by Deposited Plan; the electronic lodgment of plans for registration; protection of the integrity of the Digital Cadastral Data Base; regulation of street addressing. Draft Bill prepared April 2002. Legislative Assembly to commence debate in June 2002.
Domestic Animals Act 2000	DUS		New legislation. RIS prepared in developing this legislation.	RIS is available	Act passed and commenced in 2000.
Electricity Act 1971 (renamed the Electricity Safety Act 1971- electricians licensing: Part 2 of 2	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, business capacity), the reservation of practice (installing, altering or repairing an electrical installation, other than an electrical installation that operates at extra low voltage), disciplinary processes, business conduct (insurance).	Targeted public review completed in 2000. Provisions for licensing of electricians reviewed by Allen Consulting Group in conjunction with Building Act 1972 and the Plumbers, Drainers and Gasfitters Board Act 1982. Final report completed August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	Publicly available	See Building Act 1972. Previous Government did not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters. Drafting of legislation began for 2001 program, which was shortened by 2001 Election. New Government to approve completion.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Electricity Act 1971 (renamed the Electricity Safety Act 1971): Part 1 of 2	DUS		Not for review.		Some provisions of the Act provided powers for suppliers of electricity distribution services. Such matters are now dealt with by the Utilities Act 2000 and the provisions were repealed in January 2001.
Enclosed Lands Protection Act 1943	DUS	Act assessed as not restricting competition.	Review not required.		Retained without reform.
Energy Efficiency Ratings (Sale of Premises) Act 1997	DUS		New legislation – Private Members Bill		
Environment Protection Act 1997	DUS		RIS was undertaken in developing the legislation.	RIS publicly available	
Fertilisers Act 1904 (NSW) in its application in the Territory	DUS	Fertilisers not to be sold unless with a statement of composition.	Review by officials completed in 1999.	Publicly Available	Act to be retained.
Fisheries Act 2000	DUS	Licensing of commercial fishers. Registration of fish dealers. Output controls such as size and bag limits. Input controls on gear.	RIS prepared when legislation drafted	RIS publicly available	Act replaced the Fishing Act 1967. Restrictions regarding input/output controls retained on public benefit (environmental protection) grounds.
Fishing Act 1967	DUS		Review not required.		Act repealed and replaced by the Fisheries Act 2000.
Gas Safety Act 2000	DUS		New legislation.		
Gungahlin Development Authority Act 1996	DUS	Establishing a statutory body	Review not required.		
Heritage Objects Act 1991	DUS		Not for review. Following the decision to develop new legislation for the regulation of heritage matters, this Act has been withdrawn from the NCP program. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Lakes Act 1976	DUS	The only significant restriction is the limitation on commercial activity in a lake area.	Review, in conjunction with review of Public Parks Act 1928, was completed in 2000. The only significant restriction is the limitation on commercial activity in a lake area. This low cost of this restriction was considered justified by the protection afforded to lakes areas, and by the way it ensures that commercial operators in lakes areas gain no competitive advantage over those operating in normal commercial areas.	Not released publicly	No NCP related issues identified - no further action proposed.
Land (Planning and Environment) Act 1991- Part III (heritage provisions)	DUS		Not for review. Following the decision to develop new legislation for the regulation of heritage matters, this Act has been withdrawn from the NCP program. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.		
Land (Planning and Environment) Act 1991- Parts V and VI	DUS	Direct granting of leases by non-competitive means and development approvals process.	Review completed in May 2000. Recommendations include improving transparency in the provision of direct grants and considering introducing a notification scheme for developments that are relatively minor and unlikely to be opposed by the government agency or to require conditions.	Publicly available	Government issued a formal response to the review, agreeing in principle to most recommendations. Amending regulation signed on 25 January 2001.
Land Acquisition (Northbourne Oval) Act 1996 - No 84 of 1996	DUS		Targeted public review, in conjunction with the Lands Acquisition Act 1994, completed in 2000. Act assessed as not restricting competition.		Retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Lands Acquisition Act 1994	DUS		Targeted public review, in conjunction with the Land Acquisition (Northbourne Oval) Act 1996 , completed in 2000. Act assessed as not restricting competition.		At the time of review, this Act was retained without reform. This Act is now intended to be repealed.
Litter Act 1977	DUS		Targeted public review, in conjunction with the Roads and Public Places Act 1937, completed in 2000. Concluded that in terms of the requirements under NCP guidelines: the Act marginally restricts business for businesses dependent on flyer and bill advertising; the public protection benefits of the Act outweigh any marginal impact on competition; and no feasible non legislative options were found which can achieve the same level of public benefits.	Publicly available	No further action required. Government accepted review recommendations.
Motor Omnibus Services Act 1955	DUS		Review not required.		Act repealed by the Road Transport (Public Passenger Services) Act in December 2001. This Act requires ACTION to become an accredited bus operator.  In addition, the ACTION Authority Act 2001 was commenced on 1 January 2002. The Act establishes ACTION as a statutory authority with governing board and includes provisions for the transfer of staff and assets.
Motor Traffic Act 1936	DUS	Compulsory third party insurance provisions.	Review not required.	No report	No further action proposed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Motor Traffic Act 1936 - taxi and hire car provisions: part 2 of 2	DUS	Limitation on number of taxi and hire car licences.	Review completed and final report issued in March 2000. Recommended immediate removal of restrictions on taxi and hire car licence numbers, full compensation to licence-holders to be funded either via general revenue or by long-term licence fee arrangements.	Publicly available	<p>Minor reforms implemented (10 wheelchair accessible taxi licences issued, encouragement of establishment of a second dispatch service, cross-border trials with NSW, accreditation for networks) Road Transport (Public Passenger Services) Amendment Act 2002 introduced operator accreditation and removal of restrictions on number of licences an individual can hold. Act commenced March 2002..</p> <p>Further review of taxi and hire car industry by Independent Competition and Regulatory Commission on measures to encourage competition (report by June 2002).. Draft report released in April 2002. Final report expected in June 2002 for Government consideration and response.</p>
Motor Vehicles (Dimensions and Mass) Act 1990	DUS		Review not required.		Act superceded by national road transport reforms.
National Environment Protection Council Act 1994	DUS	Act assessed as not restricting competition.	Review not required.		No further action proposed.
Nature Conservation Act 1980	DUS	Controls on commerce in animals and plants.	Targeted public review completed in 1999. The review found that these restrictions would be justified provided that the lists of protected and exempt plants were reviewed to ensure that entries were justifiable on conservation grounds.	Publicly available on Environment ACT website	<p>The review was presented to government on 7 August 2000.</p> <p>Disallowable Instrument in relation to the revision of the relevant lists proposed for June 2002.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Noise Control Act 1988	DUS				Act repealed by Environment Protection Act 1997.
NRMA-ACT Road Safety Trust Act 1992	DUS	Act Assessed as not restricting competition	Review not required		
Ozone Protection Act 1991	DUS				Act repealed by Environment Protection Act 1997.
Pesticides Act 1989	DUS	Pesticides not to be used unless registered.		No report	Act repealed and replaced by the Environment Protection Act 1997.
Plant Diseases Act 1934	DUS	Restrictions on introduction into the ACT of declared pests and diseases.  Destruction of neglected trees. Quarantine control provisions. Specifies particular products for use in controlling fruit fly and aphidae. Specifies particular kinds of packaging. Imposes restrictive standards on fruit for retail sale.	Review in conjunction with the Land (Planning and Environment) Act 1991 (pest plant and animal provisions) completed. It recommended:  . retaining restrictions on introduction into the ACT of declared pests and diseases, provisions relating to the destruction of neglected trees and quarantine control provisions;  . repealing provisions that specified particular products for use in controlling fruit fly and aphidae, particular kinds of packaging, and that imposed inappropriate and unduly restrictive standards on fruit for retail sale; and  . retaining provisions relating to pest plant and animals.	Report available on Environment ACT website	Legislation proposed as part of the 2002 legislation program. Government approval for legislation has been obtained and is currently being drafted. Target date for introduction in the Legislative Assembly is June 2002 with debate expected in July 2002.



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Plumbers, Drainers and Gasfitters Board Act 1982	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, age 18 years or over, fit and proper), reservation of practice (install or fit fire-fighting sprinkler system, sanitary plumbing work, water supply plumbing work, laying or repairing drains, install/repair/ inspect/test consumer natural gas piping systems and gas appliances), disciplinary processes.	Targeted public review by Allen Consulting Group in conjunction with the Electricity Act 1971 (electricians licensing), Building Act 1972 completed in August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	Publicly available	See Building Act 1972. Previous Government did not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters. Drafting of legislation began for 2001 program, which was shortened by 2001 Election. New Government to approve completion.
Pounds Act 1928	DUS	Establishes government operated pounds. Confers differential benefits on market participants as to impounding stock depending on what stock they keep and where their property is located.	Review by officials in conjunction with the Animal Diseases Act 1993 and Stock Act 1991, completed. It found the restrictions to be in the public interest. No reform recommended.	Not publicly available.	Act retained without reform.
Protection of Lands Act 1937	DUS	Act assessed as not restricting competition.	Inter-departmental review. Following preliminary review work, Trespass on Territory Land, Enclosed Lands and Recovery of Lands Acts removed from joint review as no competition restrictions identified.	Publicly available	The Protection of Lands Act was repealed on 29 March 2001.
Public Baths and Public Bathing Act 1956	DUS		Review not required. Act assessed as not restricting competition.	No report	
Public Name Places Act 1989	DUS	Act assessed as not restricting competition	Review not required.		
Public Parks Act 1928	DUS	No restrictions	Review, in conjunction with the Lakes Act 1976, completed.	Publicly available	Act repealed by Statute Law (Amendment) Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Public Roads Act 1902	DUS	Act assessed as not restricting competition.	Review not required.		
Rabbit Destruction Act 1919	DUS				Act repealed by the Land (Planning and Environment) (Amendment) Act 1997 (No.7) and relevant provisions transferred to the Land (Planning and Environment) Act 1991.
Recovery of Lands Act 1929	DUS	Act assessed as not restricting competition.	Intra-departmental review completed. Act assessed as not restricting competition.	Publicly available	Retained without reform.
Road Transport (Alcohol and Drugs) Act 1977	DUS	Act assessed as not restricting competition.	Review not required.		
Road Transport (Driver Licensing) Act 1999	DUS	Licensing, entry requirements (accreditation: skills, completed training course, aged at least 21 years, suitable person, medically fit), the reservation of practice, business conduct (vehicle requirements unless vehicle provided by person under instruction, display certificate).			New legislation introduced to meet national reform requirements. Under a system of accreditation, the Act provides for private instructors to undertake training for students wishing to gain their provisional licence. In addition, the legislation also allows for instructors to undertake assessment duties.
Road Transport (General) Act 1999	DUS	Mandatory insurance, licensing of insurers, setting fees, implementing NRTC Agreements.	Review not required. Legislation allows the Government to approve multiple insurers.		
Road Transport (Public Passenger Services) Act 2001	DUS		Regulatory Impact Statement completed.		Act provides for the accreditation of bus operators and allows the Government to enter into contracts to provide regular public passenger transport services in the ACT.  Act also provides for accreditation of taxi networks and taxi operators.
Road Transport (Safety and Traffic Management) Act 1999	DUS	Act assessed as not restricting competition.	Review not required.		
Road Transport (Vehicle Registration) Act 1999	DUS	Act assessed as not restricting competition.	Review not required.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Roads and Public Places Act 1937	DUS	(See comments in review column)	Targeted public review, in conjunction with the review of the Litter Act 1977, completed in 2000. Final report concluded that in terms of the requirements under NCP guidelines the Act does restrict business to some extent in terms of the areas available for commercial activity and through its advertising restrictions. The public protection and safety benefits of the Act outweigh these impacts on competition.	Publicly available	No further action required. Government accepted review recommendations
Stock Act 1991	DUS	The Government determines stock carrying capacity for rural leases (which affects the level of the stock levy imposed). Restricts the movement of stock.	Review, in conjunction with the Animal Diseases Act 1993 and the Pounds Act 1928, completed. It found the restrictions to be in the public interest. No reform recommended.	Not released publicly	Act retained without reform.
Surveyors Act 1967	DUS	Licensing, entry restrictions (educational prerequisites), the reservation of title and practice, ability of board (made up of mostly surveyors) to make regulations and undertake disciplinary processes.	Review completed in December 1998. Recommendations included retaining registration, having less rigorous entry standards and abolishing the board in favour of powers of a Chief Surveyor.	Publicly available	The Government accepted all recommendations but deferred considering removing compulsory postgraduate entry requirements until all jurisdictions have completed their reviews of surveyors legislation. The new Act gives powers to a Commissioner for Surveys, (not a Chief Surveyor). A new Surveyors Act 2001 was passed in February 2001. The Act commenced on 26 July 2001.
Surveyors Act 2000	DUS		New legislation replacing 1967 Act.	See above	
Tree Protection (interim Scheme) Act 2001	DUS		New legislation. RIS prepared when legislation developed	RIS available	
Trespass on Territory Land Act 1932	DUS	Act assessed as not restricting competition.	Review not required.		Retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Unit Titles Act 1970	DUS	Act assessed as not restricting competition.	Review completed in 2000. This Act has been the subject of a major non-NCP review. There are no identified restrictions on competition.	Publicly available	Replacement legislation was passed in April 2001 and commenced on 6 October 2001. See now Unit Titles Act 2000.
Utilities (Telecommunications Installations) Act 2001	DUS		New legislation. RIS prepared when legislation developed		
Waste Minimisation Act 2001	DUS		New legislation, RIS prepared when legislation was developed.	RIS available	
Water and Sewerage Act 2000	DUS	Standards and approval processes for consumers' plumbing and drainage installation.	New legislation that replaced regulations under the repealed Energy and Water Act 1988 Introduction of the Act was part of the utilities legislation, which followed public consultation and review of both existing regulatory arrangements and principles for effective regulation.		
Water Pollution Act 1984	DUS				Act repealed by the Environment Protection Act 1997.
Hawkers Act 1936	DUS - DHCC	Licensing, entry requirements (age, good character, fit and proper person), business conduct (geographic and time restrictions, business structure).	Review by Allen Consulting Group completed in April 2000. Joint review with Collections Act 1959. Review involved targeted public consultation with issues paper, meetings and submissions. Recommended: refocusing legislation on land use and continuing positive licensing for hawkers operating from a single location, but having negative licensing for mobile hawkers; removing restrictions on number of vehicles a hawker can operate, number of people hawkers can employ and their age; removing 180-metre exclusion zone from traditional shops, and regulating health, liquor and contraband goods via other legislation.	Publicly available	Government accepted most review recommendations. Legislation is being drafted for introduction into the Legislative Assembly in the 2002 spring session. The restriction involving retention of the regulatory regime preventing hawkers from operating within 180 metres of a shop is to be maintained on public benefit (retail viability, public safety, 'most-efficient' regulatory model) grounds.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Cultural Facilities Corporation Act 1997	DUS	Act assessed as not restricting competition.	Review not required.		
Housing Assistance Act 1987	DUS	Act assessed as not restricting competition	Consultants review completed March 2002.	Yes	Administrative recommendations relating to the re-wording of the Act's objectives, removing currently unused housing programs and organisational re-structuring of ACT Housing were not accepted. No competitive restrictions in the Act were identified.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Administration and Probate Act 1929	JACS	Minor NCP issues (imposes restrictions on business structure and conduct).	<p>Intradepartmental review by the Justice and Community Safety Department completed December 2001. Note that a national review of testamentary legislation is also underway by Australian Law Reform Commissions (led by the Queensland Law Reform Commission).</p> <p>Minor restrictions in the Act are justified given the need to permit the Public Trustee to efficiently perform its function of being the trustee of last resort (that is the trustee that must provide services to low value estates) and the particular circumstances the Act deals with.</p> <p>In particular, funeral and testamentary expenses should have priority if an estate is insolvent because, in the absence of such an arrangement the responsibility for arranging for the burial, or other disposal of a body, would fall on the near relatives of the deceased or on the Territory. The current arrangement places the interests of the near relatives, the Territory and undertakers above those of creditors. Minor amendments to the Act are proposed to reflect introduction of the GST.</p>	Publicly Available	Government is to introduce amendments in June 2002

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Agents Act 1968	JACS	Licensing (real estate agents, travel agents, business agents, stock and station agents), registration, entry requirements, the reservation of practice, disciplinary processes, business conduct.	<p>Intradepartmental review by the Justice and Community Safety Department completed April 2001.</p> <p>The review concluded that there are no competition policy issues requiring legislative reform within the real estate, stock and station and business agents' markets, but questions the imposition of a licensing regime on the employment agents' market. The review found that while the regulatory costs imposed on auctioneers are minor, the benefits appear insufficient to justify the licensing requirements in the Act.</p> <p>In relation to travel agents, a national review is underway (coordinated by Western Australia). A final review report by CIE was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option.</p>	Publicly Available	Government has considered review findings. A licensing board will be retained on public interest (consumer protection) grounds.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Anglican Church of Australia Trust Property Act 1917 - NSW legislation in its application in the Territory	JACS		Intradepartmental review completed in 1999. Minor issues. Act does not restrict competition. The Act does not give the church a commercial advantage and does not have an anti-competitive effect.	Publicly Available	
Anglican Church of Australia Trust Property Act 1928 (NSW) in its application in the Territory	JACS		Intradepartmental review completed in 1999. Minor issues. Act does not restrict competition. The Act does not give the church a commercial advantage and does not have an anti-competitive effect.	Publicly Available	
Associations Incorporation Act 1991	JACS	Minor NCP issues (imposes restrictions on business structure).	Intradepartmental review by the Justice and Community Safety Department completed February 2001. The report concluded that the restrictions were justified as the community benefits from not-for-profit organisations having access to a cheaper and less onerous incorporation regimen. Without it many would opt to not incorporate. This in turn would be disadvantageous to business, as commercial relationships would be more difficult.	Publicly Available	
Auctioneers Act 1959	JACS	Licensing, entry requirements (age, good character, no pawnbrokers), the reservation of practice, business conduct (maintenance of records for at least 12 months).	Intradepartmental review by the Justice and Community Safety Department completed April 2001. Recommended that the Act should be repealed.	Publicly Available	Timing of the repeal is contingent on related amendments to the Agents Act.
Australian-American Educational Foundation Act 1966	JACS		Not for review.		Act to be repatriated to the Commonwealth.



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Birth (Equality of Status) Act 1988	JACS		Intradepartmental review completed in 1999. Minor issues. The Act does not have any material effect on competition.	Publicly Available	
Births, Deaths and Marriages Registration Act 1997	JACS	Minor NCP issues (imposes a conduct requirement).	Intradepartmental review completed in October 2001. Minor issues. The Act does not have any material effect on competition.	Publicly Available	
Business Franchise ('X' Videos) Act 1990	JACS		Review not required.		Act repealed in 1996 following a High Court decision.
Business Names Act 1963	JACS	Minor NCP issues. The Act prohibits carrying on business under a business name which is not registered. It also restricts the types of names that may be registered.	Intradepartmental review completed in October 2000. Similar restrictions and prohibitions apply in all States and Territories. The very limited effect on competition is outweighed by the benefits associated with being able to identify on a public register the individuals behind the trading name of an enterprise.	Publicly Available	
Classification (Publications, Films and Computer Games) (Enforcement) Act 1995	JACS		Joint jurisdictional review underway. Part of an ongoing national regulatory scheme overseen by the Federal Government.		
Commercial Arbitration Act 1986	JACS		Intradepartmental review in 2001 concluded that the Act does not have any material effect on competition.	Publicly Available	Government to consider the review findings.
Common Carriers Act 1902 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for common land carriers ameliorating a common law "strict liability" which otherwise would apply to common carriers. As "strict liability" is not to be removed, the limitation of liability should remain.	Publicly Available	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Consumer Credit (Administration) Act 1996	JACS	Minimal registration and conduct requirements.	Intradepartmental review in September 2001 concluded that the market suffers from well documented market failures that expose consumers to high levels of financial risk and an inability to discriminate objectively between the providers of services in terms of quality and cost of service. Given the apparent need for government intervention to protect the public interest against market failures, the real question for the ACT community turns on the extent of government intervention and style of regulatory framework necessary to promote the delivery of more efficient and competitively priced services.	Publicly Available	The Act has been maintained on public benefit (consumer protection) grounds.
Consumer Credit Act 1995	JACS	Part of a national regulatory regime.	National review completed in 2001.	Publicly Available	ACT to duplicate model legislation currently being developed by Queensland.
Contractors' Debts Act 1897 (New South Wales) in its application in the Territory	JACS		Review completed in 1999.	Publicly Available	Amendments recommended by review included in Justice and Community Safety Amendment Act 2001 which repeals section 5 (which capped the liability of contractors for their employees to 60 days' wages) and section 6 (which limited the period in which a worker can make a claim for wages to 3 months).
Coroners Act 1997	JACS	Minor issues.	Intradepartmental review in 2001 concluded that the Act does not have any material effect on competition.	Publicly Available	
Credit Act 1985	JACS		Review not required.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Crown Proceedings Act 1992	JACS		Intradepartmental review completed in 1999.	Publicly Available	Amendments recommended by review included in Justice and Community Safety Amendment Act 2001 which includes an amendment to the Act to remove a competitive advantage enjoyed by the Crown when it carries on business activities.
Defamation Act 1901 (New South Wales) in its application in the Territory	JACS	Minor NCP issues (confers differential statutory defences to different parts of the media market).	Review not required.		Act repealed by <i>the Defamation Act 2001</i> .
Discrimination Act 1991	JACS	Minor NCP issues (Sections 28 and 29 provide exceptions for the insurance and superannuation industries from unlawful discrimination.).	Intradepartmental review in September 2001 concluded that the insurance and superannuation industries are entitled to rely on actuarial, statistical, or other data or relevant factors to discriminate against persons where reasonable having regard to such information. The costs are minimal and the public benefit test is satisfied.	Publicly Available	
Domestic Relationships Act 1994	JACS		Intradepartmental review in 2001 concluded that the Act does not have any material effect on competition.	Publicly Available	
Door-to-Door Trading Act 1991	JACS	Imposes conduct restrictions.	Intradepartmental review in October 2000 concluded that Costs are minor. Public benefit is high.	Publicly Available	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Door-to-Door Trading Act 1991 (Part 2)	JACS	Restricts the hours during which door to door sellers may operate.	Intradepartmental review in October 2000 concluded that costs are minor. Public benefit is high – taking into consideration the need for rest for family members undisturbed by door to door traders during periods of the night and day which are normally periods of rest.	Publicly Available	
Earnings (Assignment and Attachment) Act 1966	JACS		Review not required. Act assessed as not restricting competition.		
Electoral Act 1992	JACS	Review not required. Act assessed as not restricting competition.			
Enforcement of Public Interests Act 1973	JACS	Review not required. Act assessed as not restricting competition.			
Fair Trading (Consumer Affairs) Act 1973 (previously Consumer Affairs Act 1973)	JACS	Imposes conduct restrictions.	Intradepartmental review in September 2001 concluded that the Act is pro-competition. Minor amendments proposed.	Publicly Available	Amendments included in the <i>Fair Trading (Amendment) Act 2001</i> .
Fair Trading (Fuel Prices) Act 1993	JACS	Allows the relevant Minister to set fuel prices.	Intradepartmental review completed in 1999. It concluded that the Act has no effect on the market unless the Minister exercises a power to determine fuel prices under the Act. The Minister is unlikely to make such a determination unless the market is acting in a collusive or anti-competitive manner. On activation, costs would be significant. However, there would be a countervailing and greater community benefit. There is no viable or realistic alternative.	Publicly Available	Act to be retained on public benefit (consumer protection) grounds.
Fair Trading (Petroleum Retail Marketing) Act 1995	JACS		Full public review completed.		Repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Fair Trading Act 1992	JACS	Registration and mandatory codes of practice for bodyguards, security guards, cash transit industry, crown marshals, and guard and patrol services, entry requirements (competency, character - criminal record check), the reservation of practice, disciplinary processes, business licensing.	Intradepartmental review in September 2001 concluded that the Act is pro-competition. Minor amendments proposed.	Publicly Available	Amendments included in the <i>Fair Trading (Amendment) Act 2001</i> .
Family Provision Act 1969	JACS		Review not required. Act assessed as not restricting competition.		
Firearms Act 1996	JACS		Review not required. Part of a national regulatory scheme with separate review mechanisms: legislation is subject to overriding public safety considerations.		
Freedom of Information Act 1989	JACS	Minor NCP issues.	Intradepartmental review in September 2001 concluded that the Act is not anti-competitive.	Publicly Available	
Government Solicitor Act 1989	JACS		Review not required. Act assessed as not restricting competition.		
Guardianship and Management of Property Act 1991	JACS	Minor NCP issues (conduct requirements).	Intradepartmental review in September 2001 concluded that the Act is not anti-competitive.	Publicly Available	
Innkeepers' Liability Act 1902 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for innkeepers ameliorating a common law "strict liability" which otherwise would apply to them. As "strict liability" is not to be removed, the limitation of liability should remain.	Publicly Available	
Institute for the Study of Man and Society Incorporation Act 1968	JACS		No review required. Act assessed as not restricting competition.		Act to be repatriated back to the Commonwealth.
Judgment Creditors Remedies Act 1933	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	Publicly available	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Judiciary (Stay of Proceedings) Act 1933	JACS		Review not required. Act assessed as not restricting competition.		
Juries Act 1967	JACS		Review not required. Act assessed as not restricting competition.		
Land Titles (Unit Titles) Act 1970	JACS	Minor NCP issues (imposes a conduct requirement).	Review not required. Act assessed as not restricting competition.		
Land Titles Act 1925	JACS	Minor NCP issues (imposes conduct requirements).	Review not required. Act assessed as not restricting competition.		
Landlord and Tenant Act 1899 (New South Wales) in its application in the Territory	JACS				Act repealed by Residential Tenancies Act 1997.
Landlord and Tenant Act 1949	JACS				Act repealed by Residential Tenancies Act 1997.
Law Reform (Manufacturers Warranties) Act 1977	JACS		Act assessed as not restricting competition.	Publicly available	Repealed by the Fair Trading (Amendment) Act 2001 because it duplicates more extensive provisions in the Trade Practices Act.
Law Reform (Misrepresentation) Act 1977	JACS		Act assessed as not restricting competition.	Publicly available	
Lay-by Sales Agreements Act 1963	JACS	Imposes conduct restrictions.	Intradepartmental review in July 2000 concluded that costs are minor - public benefit is high.	Publicly Available	
Legal Aid Act 1977	JACS		Review not required. Act assessed as not restricting competition.		
Legal Practitioners Act 1970	JACS	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, business conduct (including professional indemnity insurance (two providers), ownership, locally registered foreign legal practitioner advertising (should not be false, misleading or deceptive or suggest legal practitioner is domestic)).	National review has overtaken local review.	Discussion paper publicly available	Review of the Legal Practitioners Act 1970 has ceased. Further review and reform activity will occur at a national level to ensure a uniform and nationally consistent framework for the industry. Jurisdictions' Attorneys-General are overseeing the establishment of the review panel with the expectation that model legislation can be developed before the end of 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Legislation (Republication) Act 1996	JACS		Intradepartmental review completed in 1999. Minor issues.	Publicly Available	Act to be retained on public benefit test. Replaced by Legislation Act 2001.
Liquor Act 1975 (except subsections 42E(2) and 42E(4))	JACS	Regulates the sale of liquor via licences.	Intradepartmental review completed in 2001. Minor amendments to Act recommended. Act assessed as not substantially impacting on competition.	Publicly Available	Act has been maintained on public benefit (consumer protection) grounds. Minor amendments included in the Justice and Community Safety Legislation Amendment Act 2001.
Listening Devices Act 1992	JACS		Intradepartmental review completed in 1999. Act to be retained on public benefit test. Minor issues.	Publicly Available	
Magistrates Court Act 1930	JACS		Review not required. Act assessed as not restricting competition.		
Mediation Act 1997	JACS		Review not required. Act assessed as not restricting competition.		
Mercantile Law Act 1962	JACS		Intra-departmental review completed in 1999.	Publicly Available	Archaic provisions to be repealed.
Notaries Public Act 1984	JACS		Review not required. Act assessed as not restricting competition.		
Oaths and Affirmations Act 1984	JACS		Review not required. Act assessed as not restricting competition.		
Ombudsman Act 1989	JACS		Review not required. Act assessed as not restricting competition.		
Partnership Act 1963	JACS	Minor issues.	Intra-departmental review completed in 2000.	Publicly Available.	Amendments recommended by the review included in Justice and Community Safety Legislation Amendment Bill (No. 2) 2000. Amendments remove a disincentive to ACT partners accepting positions on public or private sector corporate boards.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Pawnbrokers Act 1902 (New South Wales) in its application to the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice, business conduct (prescribed records, public auction unredeemed goods over \$10, cooperation with police).	Intradepartmental review in September 2001 concluded that the Act should be retained, but that a number of amendments should be made. Because this market is at risk of being used by criminals to pass on stolen goods, there is a strong public policy reason to retain record keeping requirements and police powers of inspection. These include: requirements for people who regularly trade in second hand goods to maintain and provide records of transactions to the police; the retention of goods by notice where police believe it to be necessary to check whether the goods have been stolen before being on-sold; and vesting a power in the court to prohibit further participation in the industry where appropriate. However, the requirements should be altered to take into account new technology and the archaic business rules in the legislation should largely be repealed.	Publicly Available	Amendments involving simplified licensing procedures have been agreed to by the Government and will introduced into the Legislative Assembly before July 2002.
Periodic Detention Act 1995	JACS		Review not required. Act assessed as not restricting competition.		
Perpetuities and Accumulations Act 1985	JACS		Review not required. Act assessed as not restricting competition.		
Powers of Attorney Act 1956	JACS		Review not required. Act assessed as not restricting competition.		
Presbyterian Church (Proposals for Union with other Churches) Act 1972	JACS		Review not required. Act assessed as not restricting competition.		



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Presbyterian Church Trust Property Act 1971	JACS		Intradepartmental review completed in 1999. Concluded that to the extent that the Act does not give the church a commercial advantage, the Act does not have an anti-competitive effect.	Publicly Available	
Printing and Newspapers Act 1961	JACS		Intradepartmental review completed in 1999.	Publicly Available	Act repealed.
Proceeds of Crime Act 1991	JACS	Minor NCP issues (imposes conduct requirements).	Intradepartmental review completed in October 2000. The Act has a high public benefit. While competition policy issues have been identified, the legislation is justified on a cost-benefit basis. Some changes may be desirable having regard to any changes to Commonwealth legislation.	Publicly Available	
Prohibited Weapons Act 1996	JACS		Review not required. Part of a national regulatory scheme subject to separate review requirements. Legislation is subject to overriding public safety considerations.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Prostitution Act 1992	JACS		Intrdepartmental review completed in August 2000. The public benefits achieved by the Act's regulation of prostitution outweigh its cost to business. The ACT has one of the least intrusive legislative schemes regarding prostitution in Australia, particularly in the light of the difficulty of balancing community concerns in this area. In a number of states the criminal model continues to apply to prostitution. In some other states, far more restrictive and expensive licensing schemes have been adopted. Public health concerns and protecting children from exploitation are considered paramount concerns which are appropriately addressed by legislative regulation of the industry.	Publicly Available	
Public Trustee Act 1985	JACS	Prohibits other than Trustee companies to act as Public Trustee.	Intrdepartmental review completed in August 2000. The Public Trustee performs functions that benefit greatly the wider community. A number of minor non-competition issues (concerning the ambit of the Trustee's discretion were identified for further consideration).	Publicly Available	
Real Property (Unit Titles) Act 1970	JACS		Review not required.		Act repealed.
Registration of Births, Deaths and Marriages Act 1963	JACS		Review not required.		Act repealed.
Registration of Deeds Act 1957	JACS		Intrdepartmental review completed in 1999. Act assessed as not restricting competition.	Publicly Available	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Registration of Interests in Goods Act 1990	JACS		Intradepartmental review completed in 2000. Act assessed as not restricting competition.	Publicly Available	Act repealed by the Sale of Motor Vehicles Amendment Bill 2000.
Roman Catholic Church Property Trust Act 1937	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anti-competitive effect.	Publicly Available	
Sale of Goods (Vienna Convention) Act 1987	JACS		Act assessed as not restricting competition.		
Sale of Goods Act 1954	JACS	Imposes conduct requirements inconsistent with the Commonwealth TPA.	Intradepartmental review completed in July 2000. Minor amendments identified.	Publicly Available	Amended by the Fair Trading (Amendment) Act 2001
Sale of Motor Vehicles Act 1977	JACS		Intradepartmental review completed in July 2000. Because the market is at risk of being used by criminals to pass on stolen goods, there is a strong public policy reason to retain the regulatory regime. However, the Sale of Motor Vehicles Act 1906 should be amended to remove archaic provisions.	Publicly Available	Minor amendments recommended by review included in Justice and Community Safety Legislation Amendment Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Salvation Army Property Trust Act 1934	JACS		Intradepartmental review completed in 1999. Minor issues. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anti-competitive effect.	Publicly Available	
Second-hand Dealers and Collectors Act 1906 (New South Wales) in its application in the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice (persons who deal in certain second-hand goods), business conduct (prescribed records, holding of goods for prescribed period, cooperation with police).	Department review completed in 2000. Recommended: updating definition of second-hand goods; altering business conduct requirements to take into account new technology; and repealing a number of the business rules in the legislation and repealing provisions dealing with the licensing and regulation of collectors.	Publicly Available	Amendments recommended by review included in Justice and Community Safety Legislation Amendment Act 2001.
Small Claims Act 1974	JACS		Review not required.		Act repealed.
Subordinate Laws Act 1989	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	Publicly Available	
Substitute Parent Agreements Act 1994	JACS		Intradepartmental review completed in 1999. Minor issues.	Publicly Available	Act to be retained on public benefit test.
Supervision of Offenders (Community Service Orders) Act 1985	JACS		Review not required. Act assessed as not restricting competition.		
Supreme Court Act 1933	JACS		Review not required. Act assessed as not restricting competition.		
Tenancy Tribunal Act 1994	JACS		Review not required.		Leases (Commercial and Retail) Act 2001 repeals the Act.
Trade Measurement (Administration) Act 1991	JACS		Review not required. Act assessed as not restricting competition.		
Trade Measurement Act 1991	JACS		National review soon to be completed.		
Trading Stamps Act 1972	JACS		Review not required. Act assessed as not restricting competition.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report Availability</i>	<i>Comments on reform</i>
Trustee Act 1957	JACS	Minor issues.	Intra-departmental review completed in 1999.	Publicly Available	Anti-competitive provisions to be repealed. Repeal of listed investments in Trustee (Amendment) Bill 1999 to allow a trustee to invest in any form of investment. However, it also requires the trustee to exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.
Trustee Companies Act 1947	JACS		National review completed.		Act will be repealed by proposed uniform trustee companies legislation drafted for consideration by the Standing Committee of Attorneys-General.
Unclaimed Moneys Act 1950	JACS		Review not required. Act assessed as not restricting competition.		
Uncollected Goods Act 1996	JACS		Review not required. Act assessed as not restricting competition.		
Uniting Church in Australia Act 1977	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anti-competitive effect.	Publicly Available	
Witness Protection Act 1996	JACS		Review not required. Act assessed as not restricting competition.		
Essential Services (Continuity of Supply) Act 1992	JACS		Not for review.	No report	Repealed and replaced by the Utilities Act 2000.
Fuels Control Act 1979	JACS		Intradepartmental review completed in 1999.	Publicly Available	Act to be retained on public benefit test.