



AUSTRALIAN CAPITAL TERRITORY

ANNUAL REPORT ON IMPLEMENTING NATIONAL COMPETITION POLICY REFORMS IN THE AUSTRALIAN CAPITAL TERRITORY 1 JANUARY 1999 TO 31 DECEMBER 1999

June 2000

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1 Background

1.1 *The annual reporting requirement*

The Competition Principles Agreement signed by the Commonwealth, states and territories in April 1995 obliges the parties to report annually on the implementation of clauses 3 and 5 of the Agreement, addressing competitive neutrality and legislation review. In addition, there is an annual reporting requirement in respect to implementation of the related reforms in electricity, gas, water and road transport, according to the COAG reform framework or its agreed modifications.

This is the ACT's fourth annual report to the National Competition Council (NCC). The initial report in 1997 referred to the period ending 31 December 1996 and was the basis for the assessment of the first tranche of competition payments that commenced in July 1997. In 1999 the annual report covering the period 1 January 1998 to 31 December 1998 formed the basis of the assessment of the second tranche of competition payments, which commenced on 1 July 1999.

This report covers the reforms implemented in the period 1 January 1999 to 31 December 1999. Like the earlier reports forwarded to the NCC, the commentary in this report seeks to provide as clear a picture as possible of the ACT's commitment to the reform process and in doing this, reports on implementation occurring to June 2000.

1.2 *Matters for consideration in this report arising from the NCC's most recent assessment*

The ACT met its commitments in the first tranche with the exception of several minor matters that have subsequently been addressed. Those matters were signed off in the second annual report, and were the subject of brief comments in the body of that report. The report also dealt with other matters addressed in the National Competition Policy Agreements and the related energy and transport reforms.

In addition to commenting on general progress on competition policy and related COAG reforms, this report will address the issues that arose from the second tranche assessments, namely:

- reforms in the milk industry; and
- road transport reforms – reforms 2, 3, 4 and 9.

2 Requirements of the second tranche assessments

The second tranche of competition payments has been assessed on the basis of the conditions laid out in the *Agreement to Implement the National Competition Policy and Related Reforms*. The agreement states that:

“Payments under the second tranche of the Competition Payments will commence in 1999-2000 and be made to each participating State as at the date of the payment and depending upon:

- (i) that State continuing to give effect to the Competition Policy Intergovernmental Agreements including meeting all deadlines;*
- (ii) effective implementation of all COAG agreements on:
 - ⇒ the establishment of a competitive national electricity market,*
 - ⇒ the national framework for free and fair trade in gas, and*
 - ⇒ the strategic framework for the efficient and sustainable reform of the Australian water industry; and**
- (iii) effective observance of road transport reforms.”*

In the attachment to the Agreement, the conditions for payment of the second tranche were augmented as follows:

“Payments under the second tranche will commence in 1999-2000, and be made each year thereafter to the States and Territories that have undertaken the following specific reforms by July 1999 in so far as they apply to them:

- (for relevant jurisdictions) completion of the transition to a fully competitive National Electricity Market by 1 July 1999;*
- (for relevant jurisdictions) full implementation of free and fair trading in gas between and within the States including the phasing out of transitional arrangements in accordance with the schedule to be agreed between the parties;*
- implementation of the strategic framework for the efficient and sustainable reform of the Australian water industry and the future processes as endorsed at the February 1994 COAG meeting and embodied in the Report of the Expert Group on Asset Valuation Methods and Cost-Recovery Definitions, February 1995;*
- continuing observance of the agreed package of road transport reforms; and*
- meeting all obligations under the Competition Policy Intergovernmental Agreements.”*

2.1 Second tranche assessment issues raised by the National Competition Council

In November 1998, the NCC circulated a paper to jurisdictions providing guidance on the matters that the NCC would consider in the course of their assessments, including issues considered by the NCC to be outstanding from the previous assessment. The paper *Framework for the National Competition Policy Second Tranche Assessment: June 1999* identified the following first tranche issues as ones which the ACT should address in the context of the second tranche assessment:

- Legislation reviews: provide information on the *Animal Welfare Act 1992*, *Casino Control Act*, *Gaming Machine Act*, *Legal Practitioners (Amendment) (No 3) Act 1997*, and *Milk Authority Act 1971* to confirm that amendments satisfy the requirements of clause 5 of the Competition Principles Agreement (CPA);
- Structural reform; confirm that the review of ACTTAB and the proposed sale of ACTEW have appropriately addressed the obligations of clause 4 of the CPA; and
- Competition Code issues: identify all legislation falling under clause 2(3) of the Competition Code Agreement and confirm that notification was provided to the Australian Competition and Consumer Commission (ACCC) in relation to that legislation.

Those issues were reported upon in the report in 1999. However, in the subsequent assessment the NCC noted reservations in relation to the *Milk Authority Act 1971* and elements of the related reform commitments in road transport.

3 Issues outstanding from the second tranche assessments

The ACT had two areas outstanding from the NCC's last assessment. These are:

- dairy marketing arrangements; and
- road transport reforms.

3.1 ACT's review of dairy marketing arrangements

The NCC's *Overview* of the second tranche assessment circulated in June 1999 questioned the ACT's cost-benefit analysis of dairy marketing arrangements. This analysis was part of the Government's review of the *Milk Authority Act 1971*, known as the Sheen Report.

This review took place when (despite the ACT's farm gate milk price not being regulated) the ACT had the most regulated milk industry in Australia. At that time, all milk sold in the ACT was required to be sold through the ACT Milk Authority and competition from rival agencies was not permitted. That is, no nonACT Milk Authority products were able to be sold in the ACT prior to the review of the *Milk Authority Act 1971*.

Since the 1998 review the ACT Government has introduced substantial reforms to the milk industry, exceeding the scope of the reforms recommended by the Sheen Report.

Consistent with the 1998 review, during late 1998 and early 1999 the Government separated the regulatory and marketing functions which were formerly performed by the ACT Milk Authority. The marketing functions were transferred to Capitol Chilled Foods (Australia) Pty Ltd. Responsibility for licensing of milk vendors transferred to the Department of Urban Services with the Milk Authority retaining responsibility for bulk milk supply purchase contracts.

In July 1999 the ACT Independent Pricing and Regulatory Commission (IPARC) began an inquiry to introduce an independently determined retail milk price. Prior to independent price regulation, the ACT Milk Authority in conjunction with the milk processors and vendors, determined retail milk prices in the ACT. IPARC released its report in September 1999 and its determined milk prices came into effect on 1 October 1999.

In December, 1999 the Government announced a plan to rationalise the home vending of milk including the abolition of the exclusive milk licensing system. Previously, milk vendors operated on licences granting them exclusive access to a geographic area preventing rival milk vendor competition. In March 2000 the Milk Authority organised an auction enabling vendors to sell their milk round "run books". The objective of the auction was to reduce the number of vendors by encouraging smaller scale and potentially inefficient vendors to exit the market, and by consolidating home vending in larger and more efficient businesses to achieve economies of scale. It is expected that such a rationalisation will provide a strong sustainable sector able to make the transition to an open market from 30 June 2000. From that date geographically exclusive licences will be abolished.

The ACT Legislative Assembly has also repealed the *Milk Authority Act 1971*. Repeal of the *Milk Authority Act 1971* from 30 June 2000 will facilitate a number of the reforms. The ACT Milk Authority will be abolished. Retail price regulation of milk will also cease. In addition, the raw milk bulk purchase and supply contracts to 30 June 2000 that the Authority currently manages will cease and not be renewed.

By 1 July 2000, the ACT should have a free and open market for milk. Despite the achievement of a deregulated market in the ACT, consumers will not benefit as fully as they might have done. The Commonwealth levy of 11 cents per litre will fall entirely on consumers in the ACT with only a slight offsetting fall in milk price due to abolition of the ACT Milk Authority and vendor licensing arrangements. The

structural change benefits from farm gate deregulation will accrue outside the ACT, subsidised by Territory consumers. Despite that increase there is an expectation that milk prices in the ACT will remain below the prices paid by consumers in Victoria and New South Wales. During the transition to a fully contestable market there will be a need for a level of assurance for consumers to ensure that profiteering does not occur. Consumers will be protected by the price regulation powers in the *Independent Competition and Regulatory Commission Act 1997* (ICRC Act) which may be activated if market failure occurs.

3.2 Road transport reforms

In the NCC's Overview of second tranche assessments, the NCC states that it would revisit this area of reforms in a supplementary assessment by 31 March 2000.

The ACT provided a report to the NCC for its supplementary assessment. A detailed response on this item is provided at section 10.4 of this report.

4 Prices oversight of government business enterprises

The Independent Pricing and Regulatory Commission (IPARC) was the ACT's independent regulator of prices for industries with insufficient competition and also regulated third party access to infrastructure arrangements. In February 2000 the *Independent Pricing and Regulatory Commission Act 1997* was amended to broaden its general regulatory powers while retaining the powers of the IPARC Act. The amending legislation, the *Independent Competition and Regulatory Commission Amendment Act 2000* changed the name of the regulator¹ and expanded its powers from price regulation to a general competition policy and regulatory oversight role. The changes took effect from the date of the Act's gazettal on 23 March 2000.

4.1 Inquiry into ACTION bus fares

During 1999, the ACT maintained and expanded the independent pricing oversight of government businesses. ACTION is Government owned and is the primary provider of route bus services in the ACT. In the past, ACTION bus fares have been determined by the Minister for Urban Services upon advice from the Minister's department.

In April 1999 IPARC released its final report on the price direction for *ACTION's bus fares for 1999/2000*. As required by its enabling legislation, IPARC undertook a public inquiry process requiring IPARC to release a draft report and hold public hearings. This was the first inquiry by IPARC into ACTION bus fares. A copy of the report is at Attachment A.

¹ The text in this report refers to the IPARC where the regulator acted under the *IPARC Act 1997* and refers to the ICRC where the regulator will be acting post the introduction of the *ICRC Amendment Act 2000*.

In August 1999, IPARC began another public inquiry process to determine the ACTION's fares for 2000/2001. IPARC published its final report on ACTION's bus fares for 2000/2001 in March 2000. A copy of the report is at Attachment B.

4.2 Inquiry into ACTEW's charges for electricity, water and sewerage

In May 1999 IPARC released its third report into ACTEW's prices. However, this report - *ACTEW's electricity, water and sewerage charges for 1999/2000 to 2003/2004* - was the first report to provide a five year price path. The inquiry was a public process where public hearings were held and submissions were invited from the public. IPARC's determination covered the areas of network and retail electricity revenue where ACTEW faces no competition and on water and sewerage services as ACTEW is the ACT's monopoly provider of these services. A copy of the IPARC's final report is at Attachment C.

5 Competitive neutrality

The ACT is applying competitive neutrality to all government owned businesses where there is competition between those businesses and another market participant. Territory owned corporations pay income and wholesale sales tax (or tax equivalents) and territory taxes and charges. Many larger authorities are now also subject to tax equivalent regimes (TERs). The application of TERs to small businesses that are embedded in departments is more difficult to accomplish, but is being pursued. The Government's policy, announced in the *Competitive Neutrality Statement* in 1996, clearly identifies benefits in subjecting all businesses to market disciplines and reflecting the full cost of service provision.

Since 1996, the Department of Urban Services has been progressively reviewing its business activities and implementing competitively neutral regimes where this has been assessed as appropriate. In latter 1999, Urban Services commenced preparation of an internal audit plan of competitive neutrality focussed on market testing processes where an inhouse bidder was involved. The audit will be completed in 2000 and will assess, among other things, the adequacy of departmental guidelines in relation to competitive neutrality.

The Department of Treasury and Infrastructure is putting in place an audit of agencies' compliance with the Government's statement on competitive neutrality. The expected outcomes of the audit are the identification of areas where further education and assistance with implementation are required and the possible revision of the competitive neutrality statement to clarify the Government's commitments to this principle.

5.1 Competitive neutrality complaints

The ACT Government's Competitive Neutrality Complaints Unit (CNCU) handled four competitive neutrality matters during 1999.

5.1.1 Long day child care

The Government finalised its investigation of a complaint relating to the provision of long day childcare services. A complaint was made against a child care service being operated from Government owned premises. The child care service charges market rates for its service.

The CNCU resolved that the matter was not a competitive neutrality issue, but rather an issue about the way in which the Government provides social services by allowing access to Government owned facilities at peppercorn rents. This complaint has resulted in the Government's support for remedial action in respect to the particular complaint and a general review of this type of implicit provision of community service obligations. The review is expected to commence in late 2000 and be coordinated with the current review of community service obligations being undertaken by the Department of Treasury and Infrastructure.

5.1.2 Provision of ambulance services

This complaint referred to the proposed amendments to the *Emergency Management Act 1999*. The complaint was about the constraints on registering a private ambulance in competition to the ACT Ambulance Service and the separation of regulation and service functions in the ambulance service.

Amendments have been made to the Act to solve the competitive neutrality issue. The CNCU is due to finalise its report on this matter in mid 2000.

5.1.3 Nu Wave Leisure Centre

In November 1999 the CNCU received and began an investigation into the Nu Wave Leisure Centre. The Nu Wave Leisure Centre is a Government owned health and fitness centre operated under contract by Leisure Australia Incorporated. The complainant claimed that the Nu Wave Leisure Centre was not complying with the Government's competitive neutrality policy by not paying a range of government charges, gaining preferential access to markets and acting in a manner contrary to the *Trade Practices Act 1974*.

Although it was questionable whether the complainant was operating in the same market as Nu Wave, the CNCU undertook to investigate the complaint as there are a number of private enterprise businesses that compete with the leisure centre. The CNCU is expected to provide its report into the complaint in July 2000.

5.1.4 Gold Creek Health Club

In December 1999 the CNCU received and began an investigation into a complaint against the Gold Creek Health Club. The club is part of the Gold Creek Country Club

which is a joint venture project between the ACT Government and a private enterprise business. The complainant claimed that the Gold Creek Health Club was not complying with the Government's competitive neutrality policy by not paying a range of government charges and acting in breach of the *Trade Practices Act 1974*.

The CNCU completed its investigation into the complaint in May 2000. The CNCU found that the GCHC had been operating in breach of the Government's competitive neutrality policy. The CNCU found that although many aspects of the complaint were not valid, the CNCU found that the GCHC had not paid sales tax on its gym equipment. A copy of the report was forwarded to the complainant and the area of Government responsible for the operation of the Gold Creek complex. A copy of the report is provided at Attachment D.

5.2 New complaint handling arrangements

With the successful passage of the ICRC Act, responsibility for assessing and investigating competitive neutrality complaints has transferred from the Department of Treasury and Infrastructure (DTI) to the Independent Competition and Regulatory Commission. The CNCU area of DTI will finalise the complaints it is already investigating with any new complaints being handled by the ICRC.

Although the original arrangements for complaint handling by the CNCU satisfied the NCC's criteria for independent handling of complaints, Legislative Assembly members questioned its independence. This arms length handling of complaints by the ICRC should satisfy Legislative Assembly members concerns by introducing greater independence in investigating complaints.

6 Structural reform

6.1 ACT Forests

ACT Forests operates as a separate Government business enterprise within the Department of Urban Services. It has a commercial charter relating to the management of pine plantations and other forested areas of the ACT. It also manages plantations on behalf of private clients in the surrounding areas of NSW. Following a review of capital and corporate structure options in 1997, arrangements to pursue a purchaser/provider separation in relation to the provision of forestry management services have been implemented.

Since 1997-98, CSOs have been identified and budget funded. Full cost attribution has been in place for a number of years. A full tax equivalent regime has applied from 1 July 1999.

The regulatory oversight responsibility for the activities carried out by ACT Forests is performed by Environment ACT.

6.2 ACTION bus service

6.2.1 Organisational arrangements

Consistent with clause 4 of the CPA, a review of ACTION's monopoly provision of public bus services was carried out in 1997. This review provided the framework for ACTION to adopt a more commercial approach including the introduction of a tax equivalent regime.

Purchaser/provider arrangements were fully implemented during 1998 to define ACTION's roles and responsibilities more clearly. Responsibility for service specification and purchasing, major infrastructure assets and regulation was transferred to the Department of Urban Services. Similarly, during 1998 public transport infrastructure (eg interchanges, bus stops pads and shelters) was also transferred from ACTION to the Department of Urban Services.

In late 1999 draft legislation for the creation of ACTION as a statutory authority was introduced into the Legislative Assembly for debate in the 2000/01 sittings. Under the proposed arrangements ACTION Corporation will report to a Board and operate under governance arrangements similar to other GBEs.

6.2.2 Full cost attribution

Implementation of full cost attribution for ACTION operations was completed during 1999-2000 with the final devolution of funding for the remaining corporate functions carried out within the Department of Urban Services.

6.2.3 Community service obligations funding

Explicit funding for CSOs has been identified. ACTION receives CSO funding through the Department of Education and Community Services. CSO payments include payment for:

- providing offpeak services as required by the Government;
- providing specified schools services, and
- pricing fares at levels lower than market rates as specified by the Government.

6.2.4 Debt guarantee

Debts attributable to the public passenger transport operations in the ACT were transferred to the Territory upon self government. These loans are (largely) payable by ACTION. These loans are set at a fixed high interest rate with some time to maturity and are not a variable rate loan. Therefore there is no requirement for the imposition of a debt guarantee fee (which would normally act to increase the loan interest rate to equate to a private business loan) as loan repayments are already above market rates.

6.2.5 *Tax equivalent regime*

ACTION is exposed to and liable for the full range of tax equivalents.

6.2.6 *Comparative pricing*

Benchmarking of ACTION's operations was undertaken in March 1998 to develop an efficient cost framework for ACTION. This study has been used to guide recent workplace reforms and the capital restructuring of ACTION.

6.2.7 *Service level agreement*

During 1998-99, a service level agreement (SLA) was implemented between the purchaser of public passenger services and ACTION. The SLA was renegotiated for 1999-2000 and built on the first agreement by better defining services and standards as well as applying benchmark analysis. Negotiations for 2000-01 are currently in progress.

6.2.8 *Regulation*

Public passenger bus services are currently regulated under the *Motor Omnibus Services Act 1956*. Work is currently being undertaken to replace this legislation with a streamlined regulatory framework for the provision of passenger bus services in the ACT. The new legislation will place all current legislative provisions dealing with public bus transport into one piece of legislation with a new scheme for the accreditation of operators of public passenger bus services. It is anticipated that the Public Passenger Transport Bill, which was released as an exposure draft in November 1999, will be introduced into the Legislative Assembly in late 2000.

6.3 *Waste collection and recycling services*

The kerbside collection of household waste and recyclables, and the operation of waste disposal and recycling services at landfills are purchased by ACT Waste. During 1999, the service delivery functions for landfill disposal were transferred to City Operations. ACT Waste retained the policy development and purchaser responsibility and ownership of the landfill assets.

The kerbside collection of household waste and recyclables are services provided by private contractors. These contracts were awarded after a competitive tendering process.

The recycling services for organic waste, motor oils, metal and salvaged materials at the two ACT landfill sites are also provided by private contractors following a competitive tendering process.

Landfill disposal operations are currently undertaken by Government employees through a service level agreement. Expressions of interest were invited during 1999 for the development and operation of a waste transfer facility. A formal tender process has commenced for the shortlisted respondents and the announcement of the successful tenderer is expected in June 2000. This is expected to replace the existing landfills as public access facilities by the end of 2000.

6.4 Horticultural maintenance and cleaning services

Canberra Urban Parks and Places in the Department of Urban Services is the purchaser of horticultural and cleaning services. CityScape Services (the major provider as at 31 December 1999) also located in the Department of Urban Services, provides horticultural, landscape development and cleaning services. The separation of purchaser and provider functions is complete, with each function established as a separate business unit. The service to be provided has been specified in detail, and a comprehensive service level agreement has been signed between the purchaser and provider.

Market testing for municipal horticultural maintenance and cleaning services is continuing on a region by region basis. Three regions – Woden/Weston, Inner South and Inner North have been tendered. The inhouse provider, CityScape Services, was successful with its competitively neutral bid to win the Inner South contract (August 1999) while external bidders were successful in the Woden/Weston (May 1999) and Inner North (May 2000) bid. Tenders are scheduled for the remaining three regions in the 2000/01 financial year.

Other Government agencies with responsibility for open space maintenance in the ACT have also completed or are undergoing market testing processes. These include the Department of Education and Community Services market testing for maintenance of suburban recreation, school and sporting grounds, Environment ACT for Murrumbidgee River corridor parks and camping grounds and ACT Housing for housing complex communal areas and landscaping.

6.5 ACT Milk Authority

Comment on the ACT Milk Authority has also been provided under section 3.1.

In response to the review of the *Milk Authority Act 1971*, implementation of a reform package for regulation of the milk industry commenced with passage by the Legislative Assembly of the *Milk Authority (Amendment) Act 1998* on 16 February 1999. Following passage of the amending legislation, milk vendor became a responsibility of Department of Urban Services and pricing oversight transferred to the Department of Treasury and Infrastructure.

The latest reform of the Milk Authority comes via the *Milk Authority (Repeal) Act 2000* which abolishes the Milk Authority with effect from 30 June 2000.

IPARC undertook an independent review of milk prices and delivered its final report in September 1999.

6.6 Electricity, water and sewerage industries

In October 1998 the Government established a Regulatory Reform Task Force to develop a package of wholesale reforms in the service provision of electricity, water and sewerage in the ACT. In November 1998 the ACT Government published a *Statement of Regulatory Intent* relating to the proposed reforms. The statement set out the Government's broad outline of changes to the regulatory framework

governing utilities operating in the electricity, water and sewerage sectors in the ACT. Further to this document, in February 1999 the Government released the *Outline of ACT Utilities Regulatory Regime* which provided further details on regulatory reform.

These documents described the deficiencies in the current regulatory framework, the general principles to be applied in developing the new regulatory framework and matters to be addressed under the new framework.

In February 2000 the *Utilities Bill 2000* was introduced into the Legislative Assembly. The Assembly referred the Bill to the Standing Committee for Planning and Urban Services and is expected to present its report on 27 June 2000.

The new regulatory system will:

- maintain independent price regulation;
- implement effective customer protection mechanisms including defining consumer rights in a consumer protection code;
- establish an independent consumer complaints body and put in place customer contracts;
- fully separate regulatory functions from commercial functions to remove potential conflicts of interest and ensure that utilities do not continue to be responsible for technical self regulation;
- require licences for organisations wishing to operate in any utility sector, with detailed licence conditions, industry codes of practice and customer contracts;
- specify service standards across all utility sectors in relation to supply reliability and technical standards, drinking water quality, and the voltage and frequency of the electricity supply;
- specify and enforce environmental requirements in relation to demand management and achievement of greenhouse gas emission targets;
- be ownership neutral, applying equally to all utilities operating in the ACT regardless of whether they are owned by the public or private sector; and
- be consistent with activities in other jurisdictions to protect the interests of consumers and the general community.

The new regulatory framework will ensure that utilities operate within independently defined parameters and provide a service which must comply to their customer service contracts. This framework is applied irrespective of public or private ownership.

7 Legislation reviews

The ACT Government is progressing with its legislation reviews. Of the more than 260 pieces of legislation in the ACT's legislation review schedule, half of the Acts have either been reviewed or been assessed as not requiring review due to the absence of competition restricting elements.

Over 100 of the remaining Acts are currently under review and the balance are awaiting the outcome of other activities, such as national reviews, before the Government can proceed. Attachment E provides details on the ACT's review progress including those reviews that involved a public process.

Below is commentary on reviews that have had a high national profile in the reform process.

7.1 Compulsory insurance schemes

7.1.1 Workers' compensation legislation

Workers' compensation is regulated in the ACT under the *Workers' Compensation Act 1951*. The ACT private sector workers' compensation system is fully privately underwritten through 13 approved insurers. Workers' compensation premiums are set according to the market rate determined between an insurer and an employer. The ACT scheme is a transparent full cost recovery scheme. All employers are required to have workers' compensation insurance.

A review of the Act by a tripartite body consisting of Government, employer and union representatives began in early 1999 and sought comments through submissions. The committee's report will be submitted to the Government for consideration in 2000 and after consideration the Government will prepare a reform Bill. A Regulatory Impact Statement will be prepared and will consider competition and regulatory issues.

7.1.2 Compulsory third party insurance

The *Motor Traffic Act 1936* regulates a number of areas concerned with road transport and traffic. Part V of the Act (and associated subordinate legislation) provides the regulatory framework for operation of a compulsory third party insurance (CTPI) scheme in the Territory. In the ACT CTPI is provided by authorised private insurance companies rather than Government as occurs in many other jurisdictions. The ACT scheme permits multiple insurers, although in recent years the NRMA has been the only company authorised to provide CTPI. This single sourced supply is not legislated and is subject to change should another provider seek to provide this service.

7.2 Review of the taxi and hire car provisions in the Motor Traffic Act 1936

A review of provisions of the *Motor Traffic Act 1936* which regulate the taxi and hire car industries commenced in May 1999. The Freehill Regulatory Group (Melbourne) were engaged to undertake the review. In August 1999, an Issues Paper was

released which focused on the structure and conduct provisions of the legislation in relation to the regulation of the market. In particular, the restrictions imposed by the regulations being considered by the review are:

- licence requirements;
- restrictions on the number of licences;
- entry eligibility criteria;
- fare regulation; and
- conduct constraints.

The inquiry has involved public and shareholder consultation. The Government is currently developing its response to the report's recommendations.

7.3 Review of legislation relating to ACTTAB and bookmakers

During 1999 the Allen Consulting Group undertook a review of legislation relating to ACTTAB Limited and bookmakers and in particular the:

- *Betting (ACTTAB Limited) Act 1964*;
- *Betting (Corporatisation) (Consequential Provisions) Act 1996*; and
- *Bookmakers Act 1985*.

The report complements the ACT's 1998 National Competition Policy Review of gambling legislation and the Productivity Commission's review of Australia's gambling industries.

The report made a number of recommendations with a general objective of removing restrictions on competition where there is no justifiable public benefit.

In response to these recommendations, the Government is in the process of implementing a number of reforms:

- removing the requirement of racing club approval to grant bookmakers licences;
- removing racing club specific restrictions on bookmakers licences;
- allowing an independent authority (the ACT Gaming and Racing Commission) to assess licence applications;
- removing limitations on phone betting limits;
- removing the requirement of sports bookmakers licence (or agents licence) holders to first obtain a standing bookmakers licence;
- removal of the limit on the number of sports betting licences granted;
- allow for flexibility in where betting offices can operate; and

- relating the size of the betting security guarantee to the amount of risk.

7.3.1 ACT Gambling and Racing Commission

Following the review of gambling and related legislation in 1998, the ACT Gambling and Racing Commission was established on 1 December 1999 by the *Gambling and Racing Control Act 1999*. The Commission is an independent statutory authority and has assumed the functions of the former Casino Surveillance Authority and functions within the Department of Treasury and Infrastructure relating to the regulation of gaming, lotteries, racing and betting.

The Commission is responsible for controlling and regulating all gaming, racing and betting activities (including the oversight of the operation of the ACTTAB) in the ACT to ensure they are conducted honestly, with integrity and free from criminal influence.

The Commission was established following the Allen Consulting Group's recommendation for the establishment of an effective regulator to implement and oversight the changes which emanate from the national competition policy process and provide direction on future changes and trends in the gambling industry. The report went on to state that an industrywide regulator would employ multiskilling techniques and reduce costs of probity checks by compiling a more comprehensive probity information database which could be used in the issue of licenses to casino employees, clubs and hotels.

The Commission is also responsible for the implementation of Government agreed recommendations of the Legislative Assembly Select Committee final report on the social and economic effects of gambling. Notably, many of the recommendations of the Select Committee's report relate to consumer protection and the minimisation of the harmful effects of gambling which is part of the national concern about the social impacts of gambling as a whole.

7.4 Professions

7.4.1 Surveyors

The review of the *Surveyors Act 1967* was completed in December 1998. Implementation of the review's recommendation was done in 1999. The review found that the current regulatory framework displays a number of characteristics that require scrutiny under national competition policy.

Principal amongst these are:

- the existence of a licensing regime that raises barriers to entry and could be used to exclude potential competitors;
- the ability of industry participants, through the Board, to make regulations (the *Survey Practice Directions*) that could raise entry barriers or have other anticompetitive consequences; and

- the ability of industry participants, through the Board, to discipline other surveyors on possible anticompetitive grounds.

However, the review found that it appears that these potential restraints are not a significant competitive impediment in practice.

The review team believed that the regulatory regime, rather than focusing on licensing, should focus on the outputs (ie, the quality of the survey work itself). In making its recommendations, the review sought to improve the efficiency and effectiveness of the prevailing regulatory regime and reduce the competitive restrictions in the current regulatory regime. The most significant recommendations of the review were: to disband the Surveyors Board and instead have the role performed by a Chief Surveyor who would also provide advice to the Minister; and to remove industry imposed qualification prerequisites and instead rely on educational institutions to accredit people studying to become surveyors.

7.4.2 Health professionals' registration legislation

This review is underway and covers several pieces of legislation. These are the:

- *Chiropractors and Osteopaths Act 1983*;
- *Dental Technicians and Dental Prosthetists Registration Act 1988*;
- *Dentists Act 1931*;
- *Medical Practitioners Act 1930*;
- *Nurses Act 1988*;
- *Optometrists Act 1956*;
- *Physiotherapists Act 1977*;
- *Podiatrists Act 1994*;
- *Psychologists Act 1994*; and
- *Veterinary Surgeons Registration Act 1994*.

The review is expected to be completed by mid 2000.

In addition, a number of other Acts are also being reviewed by the Department of Health and Community Care. These are detailed in Table 1.

7.4.3 Legal

The *Legal Practitioner's Act 1970* contains elements that restrict competition such as entry requirements, restrictions on practice and the disciplinary aspects of the profession, the provision of insurance and professional indemnity and restrictions on the ability of lawyers to enter into business arrangements with nonlawyers.

The national competition policy review of the *Legal Practitioner's Act 1970* commenced in 1999 and an options paper was released in November 1999. The review will be completed during 2000.

7.5 Building occupations

A review of occupational licensing in the ACT's building and construction industry is currently underway. The review is examining the licensing and regulation of five occupations – builders, electricians, plumbers, drainers and gasfitters – established in the *Building Act 1972*, the *Electricity Act 1971* and the *Plumbers, Drainers and Gasfitters Board Act 1982*. A discussion paper to support the review process has been released. The review is expected to be completed in mid2000.

8 Trade Practices Act 1974 compliance

During 1999 the departments of Chief Minister's, Treasury and Infrastructure, Urban Services and Education and Community Services developed a *Trade Practices Act 1974* (TPA) compliance manual. In addition, a number of workshops on the TPA and its application were conducted. These were attended by senior executives and staff. Compliance officers were also nominated who would be responsible for continuing oversight of compliance matters and distribution of information on trade practices compliance as required.

Issues covered in the workshops and manuals included:

- the relationship between national competition policy and the TPA;
- identifying activities for which the TPA applies;
- conduct prohibited under the TPA; and
- agencies involved in applying the TPA.

The Department of Treasury and Infrastructure has also begun investigating the options for introducing an online compliance training and awareness program. The program will involve widespread access to an online delivered series of manuals, tutorials and tests. Once staff have completed their tutorials and tests the program will record staff's success. Administrators will be able to easily track agency's (and individual staff) efforts and results. The program will illustrate which employees have completed a test and which have not, the pass marks which were obtained and the pass percentage on a question by question basis.

The program will enable the compliance manager to identify staff and agencies with a poor understanding of their TPA obligations. Using these reports the compliance manager will be able to implement specific training to deal with areas where there is a lack of knowledge. The analysis of subsequent test results enable the compliance manager to assess whether the remedial training has been successful. The introduction of this program should result in a more comprehensive and more effective TPA compliance program.

9 Access to Essential Infrastructure Facilities

9.1 Electricity

The principal means by which access to electricity infrastructure is achieved is through the National Electricity Market (NEM) arrangements. These are mandated in the ACT through the *Electricity (National Scheme) Act 1997*. In 1998 the Australian Competition and Consumer Commission indicated its acceptance of the National Electricity Code as an industry access code for the purposes of Part IIIA of the *Trade Practices Act 1974*.

As noted in the previous report, the *Electricity Supply Act 1997* and in particular Ministerial Orders under section 39 which provide for the declaration of 'non-franchise' customers, complement the national arrangements, as does section 6 of the Act which provides a statutory right of connection to electricity distribution systems.

The Utilities Bill 2000, introduced into the Legislative Assembly in February 2000 as discussed earlier will advance the ACT regulatory regime. Particular attention has

been paid to integration of the ACT regulatory environment with that set up in the NEM arrangements.

9.2 Natural gas

In November 1997 the ACT commenced the implementation of an access regime for natural gas in accordance with the Natural Gas Pipelines Access Agreement (the National Agreement).

The *Gas Pipelines Access Act 1998* passed by the ACT Legislative Assembly in June 1998 gave the National Third Party Access Code for Natural Gas Pipelines (the National Code) legal effect in the ACT. The National Code contains the detailed principles that are to apply under the ACT Access Regime.

The Canberra, Queanbeyan/Yarrowlumla Shire distribution system, that serves gas consumers in Canberra and the surrounding area in NSW, is listed as a Covered Pipeline in Schedule A of the National Agreement. In December 1998 agreement was reached between the ACT and NSW that, in accordance with criteria under the National Code, all of the distribution system including the part located in NSW would be regulated under one access arrangement.

In December 1998, AGL Gas Company (ACT) Limited submitted an Access Arrangement for the Canberra/Queanbeyan/Yarrowlumla Shire Natural Gas Distribution System to the ACT Independent Pricing and Regulatory Commission (IPARC) in accordance with the requirements of the Code. The access arrangement is still being considered by IPARC and a draft decision was published in March 2000. The final determination is expected later this year.

9.2.1 Independent arbitration of disputes about third party access to significant infrastructure

The NCC has previously questioned the suitability of the ACT's arbitration arrangements for handling disputes over third party access to significant gas infrastructure. This arbitration mechanism was set out in section 33(1) of the *IPARC Act 1997*.

On 6 January 1999 an application was submitted to the NCC for certification of the ACT Access Regime. The certification process focuses on compliance with the National Agreement, Pipeline Access Legislation and Regulations and the National Code. In May 1999, the NCC notified to the ACT Government that it was unable to recommend the certification of the ACT gas regime for gas pipeline services until the ACT had separated the arbitration roles contained within the *IPARC Act 1997*.

While it was always intended that an independent arbitrator be appointed to hear any disputes, the legislated arbitration mechanism did not specifically require independent arbitration.

With the successful passage of the *ICRC Amendment Act 2000*, these arrangements have been amended to require an independent arbiter to determine disputes.

The arbitration arrangements (section 33(2A) of the *ICRC Act 1997*) now require the that the ICRC senior commissioner ensures:

“a) that no commissioner who took part in the price direction investigation takes any part in arbitrating the dispute; and

b) that no agency, body or person who assisted in the price direction investigation...
...assists the commission in arbitrating the dispute.”

10 Progress on the COAG related reforms

10.1 Electricity

With the National Electricity Market (NEM) now in operation, jurisdictional attention is focussing on:

- the extent to which the present NEM arrangements are delivering full benefits of electricity reform;
- the extent to which reforms to date have flowed through to users;
- progress towards advancing the next steps in retail competition, in particular resolution of technical metering issues and the finalisation of definitive timetables for further tranches of retail competition; and
- closer integration of the electricity reform frameworks and Commonwealth and ACT policies on environmental matters, in particular greenhouse gas abatement.

Against this background, the ACT has been an active participant in intergovernmental processes. This participation has involved:

- reviewing NEM progress, proposals for further derogations, expiry of derogations, and key outcomes of National Electricity Code Administrator (NECA) reviews, eg the review of transmission and network pricing;
- determining an appropriate liability exposure for National Electricity Market Management Company (NEMMCO) and its system operation partners which resulted in new arrangements effective from 13 December 1999;
- reviewing and fine tuning NEM governance arrangements in the light of real market experience: this involved an interjurisdictional consultation exercise with participants in 1998 and preparation of a major consultancy report;
- advancing greenhouse reforms including the Commonwealth requirement that all retailers purchase an additional 2% of electricity from approved renewable sources, improving generation efficiency, and finalising arrangements for a nationally accredited green power scheme; and
- seeking national consistency in the metering and settlements requirements for further retail competition. This is a crucial issue for balancing the promotion of the benefits of competition with maintenance of the low electricity prices presently enjoyed by ACT “franchise” customers.

There are three businesses who are licensed to distribute electricity for retail in the ACT while there are 17 licensed electricity retailers.

All customers using more than 160 MWh per annum are free to choose their own retailer.

The next stage of retail competition in the ACT is scheduled for 1 January 2001 when a transition path to extend competition to further electricity users is timetabled to commence.

10.2 Natural gas

Competition in the ACT market is being introduced in three tranches based upon consumers' annual gas consumption. The first tranche was introduced in July 1998 for consumers using more than 10 terajoules (TJ) per annum. In October 1999 the second tranche for consumers using 1TJ to 10TJ per annum was implemented. The ACT is facilitating effective operation of this tranche by adopting a Network Code developed by New South Wales which sets out the rules for the interaction of retailers and distributors. Competition for consumers using less than 1 TJ per annum is now under review following the decision of the NSW Government to delay competition for one year.

Authorisations for pipeline operators under the *Gas Supply Act 1998* have now been issued to East Australian Pipeline Limited and AGL Gas Company (ACT) Limited. Retailer authorisations have been issued to AGL Gas Company (ACT) Limited, Energy Australia and ACTEW Energy Limited.

The *Utilities Bill 2000* which was introduced into the ACT Legislative Assembly in February 2000 will remove matters relating to gas pipelines and the supply of natural gas from the *Gas Supply Act 1998*. The regulation of natural gas supply to the outlet of the meter set will now be incorporated under the *Utilities Bill 2000*. Responsibility for the authorisation (licensing) of transmission and distribution pipelines and gas supply will be transferred from the Minister for Urban Services to ICRC.

A review of ACT gas tariffs planned for 1999 and foreshadowed in the 1999 progress report is yet to commence. The review is expected to occur in late 2000. The progress of the review is subject to ICRC's determination on the AGL Gas Company (ACT) Limited Access Arrangement for the ACT, Queanbeyan and Yarrowlunla Distribution Network. IPARC began its review of AGL's proposed access arrangements in January 1999. IPARC's review was to determine whether AGL's proposed arrangements meet the requirements set out in section 2.6 and 2.7 of *The national third party access code for natural gas pipeline systems*. AGL provided supplementary submissions to IPARC on 15 February and 22 April. IPARC conducted a public hearing on 11 May 1999 and a pricing forum on 22 September 1999. IPARC's draft report was released in March 2000.

10.3 Water

The NCC's 1998 second tranche assessment stated that the ACT has met its water reform commitments for the full second tranche.

The ACT has maintained its progress on water reforms. This progress leads the ACT towards fulfilling its third tranche water reform commitments.

10.3.1 Cost reform and pricing elements

From 11 December 1999, the *Water Resources Act 1998* applies a water abstraction charge to all licensed water abstractors - including ACTEW. The charge was adopted to encourage efficient resource use and to enable full cost recovery for the management of water resources. The charge reflects the scarcity value of water.

10.3.2 Institutional reform

The NCC stated that it was satisfied that the ACT had met the requirements under this category for the second tranche. The ACT has made major advancements in institutional reform. The development and introduction of the *Utilities Bill 2000* to the Legislative Assembly represents a significant step forward in water reform.

10.3.3 Water allocations and trading

The ACT has been advised that the reform requirements in this area have been met to the satisfaction of the NCC. Particular note was made of the proposed implementation of the water allocation process and the development of trading rules and interstate trade arrangements.

The ACT *Environmental Flow Guidelines* which specify the environmental flow requirements of all ACT waterbodies are now in place whether the water bodies are classified as 'stressed' or 'unstressed'. The *Water Resources Management Plan*, which describes ACT water resources and specifies water available for allocation, is based on these guidelines. These guidelines came into effect on 16 February 2000. No allocation for a new user can be issued unless it is provided for by the Plan.

From 11 December 1999, all water use in the ACT (except for stock and domestic use of surface water) must be licensed. Before a licence can be issued the applicant needs to hold an allocation for the required volume of water (except for groundwater from leases dated before 11 December 1998).

While the *Water Resources Act 1998* established the regulatory framework for water licence trading, so far demand has been insufficient for trades to occur within the ACT. Any cross border trade is dependent on arrangements being developed within the Murray Darling Basin Commission.

During 2000, the ACT will be concentrating on fine tuning the implementation of the *Water Resources Act 1998*.

10.3.4 Environment and water quality reforms

The NCC has previously advised that the ACT has already met the second tranche requirements of this aspect of water reform. Integrated resource management structures, policies and practices are in place within the ACT and will continue to be refined in line with changing circumstances.

The NCC has previously noted that the ACT has made significant progress in the implementation of the *National Water Quality Management Strategy Guidelines* (NWQMSG). ACTEW is licensed to provide drinking water under the *Public Health Act 1997* and is required to comply with the *ACT Drinking Water Quality Code of Practice*.

The information contained in *Guidelines for Groundwater Protection in Australia* will be valuable in the ongoing implementation of the *Water Resources Act 1998* and the further development of the *Water Resources Management Plan*.

10.3.5 Public education and consultation

The NCC has noted that the ACT has met this reform commitment. The proposed utilities legislation will have impacts upon the roles and responsibilities of utility service providers.

Environment ACT promotes community involvement and partnership in the management of natural resources and ACTEW is active in promoting efficient water use. Legislative and regulatory arrangements are in place to ensure that ACTEW works toward the need to efficiently use the ACT's natural resources.

Community consultation on all significant initiatives is a Government policy requirement.

10.4 Road transport

The *Agreement to Implement the national competition policy and related reforms* provides the base framework for assessing road transport performance. For the second tranche assessment, jurisdictions must demonstrate the continued observance of the agreed package of road transport reforms.

Development work towards full implementation of road transport reform in line with COAG and the Government's timetables is continuing. A major package of legislative amendments was passed by the ACT Legislative Assembly in December 1999.

For the second tranche assessment, 19 reform projects were defined. Of the 19, the NCC was to further assess the ACT's progress on five reforms, namely reforms 1, 2, 3, 4 and 9. The attached table provides details in relation to all 19 reforms.

All nationally agreed reforms and associated timeframes have now been substantially met. The agreed reforms have been implemented through legislative

instruments with others being implemented through administrative processes within the ACT legal framework.

During 1999 the ACT introduced a number of new transport Acts to bring the ACT into line with NSW and meet national standards regarding car registration, licensing and road rules. These Acts are the:

- *Road transport (General) Act 1999;*
- *Road Transport (Supply and Traffic Management) Act 1999;*
- *Road Transport (Driver Licensing) Act 1999;*
- *Road Transport (Vehicle Registration) Act 1999;* and
- *Road Transport Amendment Act 1999.*

The process for implementing reforms was improved significantly through the resolution of legal issues related to the ACT being the template host for agreed reforms. A revised Collateral Agreement between the ACT Government and the Commonwealth to support national road transport reform has been finalised and has assisted the ACT in meeting its competition policy commitments and agreed COAG reforms.

Reform 1 - although Commonwealth dangerous goods legislation commenced in March 1998, emergency orders were put in place to cover some gaps in the Commonwealth legislative coverage. The Commonwealth Government made the necessary amendments to the Regulations in 1999 to fully implement this reform in the ACT.

Reforms 2, 3 and 9 - a total overhaul of the ACT's road transport legislation was necessary to provide for the implementation of the national initiatives. The ACT Legislative Assembly passed new Acts in December 1999 to facilitate the introduction on 1 March 2000 of the national vehicle registration scheme, driver licensing scheme and road rules. The legislation in place conforms to national requirements. (The backdating of registration charges for late registration renewals was the one national requirement not adopted due to system constraints).

The ACT motor registry computer system (TRIPS) has been reprogrammed to deliver successful on-the-ground implementation of the reforms. Administrative guidelines and procedures have also been revised to support the reforms.

TRIPS operates on an old platform with unsupported software and there are serious concerns about the stability of the system. The ACT is currently investigating TRIPS replacement options and scoping a replacement registration and driver licensing system that would meet national and local requirements. The time lag for any replacement system will result in the ACT not giving effect to the national approach for dealing with late registration renewals (backdating of registration charges to the date of when registration was due) within the NCC assessment

timeframe. This minor requirement will be satisfied by the replacement system (which is not expected to be in place before July 2002).

Reform 4 - the Common Mass and Loading Regulations have been incorporated in legislation. High demand notices were completed prior to June 1999. One remaining low demand notice was delayed when mapping data was lost through Y2K upgrades. That notice will be complete in June 2000.

Table 1 following provides details about the ACT's progress on road transport reforms.

Table 1 **Details of road transport reforms**

<i>NATIONAL REFORM PROJECT</i>	<i>REQUIREMENT FOR SECOND TRANCHE</i>	<i>ACT STATUS</i>	<i>REQUIRED END DATE</i>
1 Dangerous Goods	Jurisdictions to have in place and be applying legislation consistent with the national principles.	Completed – Commonwealth Dangerous Goods legislation commenced in the ACT in March 1998 with the use of temporary Emergency Orders pending amendments to law by Commonwealth.	Commonwealth made necessary changes to Regulations in 1999.
2 National Heavy Vehicle Registration Scheme	Jurisdictions to have in place and be applying legislation consistent with the national model. The aim is to ensure uniform national procedures.	Completed March 2000	March 2000
3 National Driver Licensing Scheme	The scheme will establish uniform requirements for key driver licensing transactions (issue/renewal/suspension/cancellation) Jurisdictions to have in place and be applying legislation consistent with the national principles.	Completed March 2000	March 2000

NATIONAL REFORM PROJECT	REQUIREMENT FOR SECOND TRANCHE	ACT STATUS	REQUIRED END DATE
4 Vehicle Operations	<p>Jurisdictions to have in place and are applying legislation consistent with the national model for:</p> <ul style="list-style-type: none"> • <i>Mass and Loading Regulations;</i> • <i>Oversize/Overmass;</i> and • <i>Restricted Access Vehicles(RAV) Regulations.</i> 	<p>Mass and Loading Regulations: Implemented</p> <p>Oversize/Overmass and RAVs: Implemented - Components incorporated in legislation. High demand notices completed prior to June 1999. One remaining low demand notice was delayed when mapping data was lost through Y2K upgrades. That notice is will be complete in June 2000.</p>	<p>Notice will be complete in June 2000</p>
5 Heavy Vehicle Standards	<p>Jurisdictions have in place and be applying legislation consistent with the national model. The aim is to provide uniform in service design and standards for heavy vehicles and trailers.</p>	<p>Implemented</p>	<p>Superseded due to Combined Vehicles Reforms which is under development.</p>
6/7 Truck and Bus Driving Hours	<p>Jurisdictions have in place and be applying legislation consistent with the national model. The aim is to provide for a legal and administrative framework for managing truck and bus driver fatigue.</p>	<p>Not applicable in the ACT as agreed by ATC</p>	<p>Not applicable</p>

NATIONAL REFORM PROJECT	REQUIREMENT FOR SECOND TRANCHE	ACT STATUS	REQUIRED END DATE
8 Common Mass and Loading Rules	Jurisdictions have in place and be applying legislation consistent with national model. National standards to improve productivity for heavy vehicles while protecting roads and bridges.	Implemented	Not specified
9 One Driver/One Licence	Jurisdictions have in place and be applying legislation consistent with the national model. The aim is to have common and simplified licence categories to eliminate multiple licences.	Implemented	March 2000
10 Improved Network Access	The aim is to expand as of right access through routes for B-Doubles and other already approved large vehicles.	Implemented	March 1999
11/12 Common Pre-registration Standards for Heavy Vehicles and Common Roadworthiness standards	Jurisdictions have in place and be applying legislation consistent with the national model.	Implemented	Not specified
13 Enhanced Safe carriage and Restraint of Loads	The purpose is to improve safety through standard regulations and a practical guide for securing loads.	Implemented	July 1999
14 Adoption of National Bus Driving Hours	Adoption of new regulations for buses including two-up driving hours.	Not applicable in the ACT as agreed by ATC.	Not applicable

NATIONAL REFORM PROJECT	REQUIREMENT FOR SECOND TRANCHE	ACT STATUS	REQUIRED END DATE
15 Interstate Conversion of Driver Licenses	Jurisdictions have in place and be applying legislation consistent with national principles to afford simplified, no cost interstate conversions of driver licences.	Implemented	July 1999
16 Alternative Compliance	Agreement to support development of alternative compliance regimes.	Implemented	Not specified
17 Short-term Registration	To enable options for 3 and 6 month registration for heavy vehicles.	Implemented	Not specified
18 Driver Offences/Licence Status	Jurisdictions have in place and be applying legislation consistent with national model. Purpose is to allow employers to obtain limited information about employee licence status.	Implemented	With licensing module.
19 Exchange of Vehicle and Driver Licensing Information System (NEVDIS) Stage 1	Agreement to link state/territory databases to enable automatic exchange of vehicle and driver licensing information.	Complete	August 1998

11 Complementary reforms

Along with implementing its national competition policy and COAG related reforms, the ACT Government has also implemented a number of other reforms. Previous reports to the NCC have discussed a number of these reforms such as implementing the recommendations of the Red Tape Task Force and application of the *Financial Management Act 1996*.

The continued business process reengineering of Government transactions is expected to yield increasing opportunities for alternative service delivery mechanisms, many of which could be provided by external service delivery providers. For example, parking and traffic infringement notices can now be paid at electronic terminals and Australia Post outlets as well as at ACT Government shopfronts, and clients can perform Government business transactions using credit card payments over the telephone.

There has been a steady change to making payments by these methods with a consequent reduction of client visits and transactions at Government shopfronts. The proposal to expand this payment method option and introduce a call centre is likely to further increase the level of payments made through private sector mechanisms.

All new initiatives for implementing new services, such as the introduction of red light and speed cameras, the Road Ready Program, and the introduction of alternative bill paying facilities, are being considered under an outsourcing or contestable framework.

One of the Government's Key Result Areas is *Introduce a more contestable public sector*. Implementation of this Key Result Area is being achieved through a number of mechanisms including market testing and purchaser provider arrangements.

11.1 Purchaser/provider arrangements

From mid 1997, the Government has implemented structural change through the application of the purchaser/provider model. This has seen Government departments split into purchasers (eg who have responsibility for strategic policy, regulation and service purchasing) and providers (eg who deliver or provide the services as agreed with the purchaser).

A major focus among purchasers during 1999 has been the continuing refinement of specifications of services and the finalisation of service level agreements. On the provider side, effort has been focussed on achieving efficiencies through performance benchmarking and comparative pricing, full cost attribution and reform of work practices.

During 1999, the Department of Urban Services, which have arguably the greatest number of purchaser provider arrangements in place, commissioned an internal independent audit of its purchaser/provider arrangements to

assess their effectiveness and to consider what further steps are necessary to complete successful implementation. This audit was completed in April 2000.

11.2 Market testing

The Department of Urban Services has undertaken market testing for a range of services including horticultural maintenance and cleaning services for six regions across the ACT.

Market testing is either planned or in process for other departmental activities such as the domestic animal service, parking management services (including enforcement, revenue collection and maintenance of parking control devices), the delivery of a resource recovery facility at Mitchell, the maintenance of roads and stormwater assets, and mapping and drafting services within the Planning and Land Management Group.

The Department of Urban Services is undertaking a scoping review of the management of street lighting and storm water services to assess how assets can best be maintained over the longer term, and how contestability in financing, operation and maintenance of the assets can be introduced. Specifications and service standards are being revised as part of the study.

Legislation review progress

Legend

DHCC = Department of Health and Community Care, DECS = Department of Education and Community Services, US = Department of Urban Services, JACS = Department of Justice and Community Safety, DTI = Department of Treasury and Infrastructure, CM = Chief Minister's Department

Name of legislation	Agency	Description/ comment on review	Review scheduled	Review complete	Review/reform progress
<i>Blood Donation (Transmittable Diseases) Act 1985</i>	DHCC	Review not commenced.	1999/2		Consideration is being given to a repeal or major amendment to the Act in view of the introduction of a nationally managed insurance fund. It is proposed that a new insurance scheme will operate from 1 July 2000. A further review in relation to national competition policy is proposed for after this date.
<i>Chiropractors and Osteopaths Act 1983</i>	DHCC	Review commenced.	1999/2		Review commenced January 1999. Existing legislation to be repealed and replaced with revised provisions. Completion of review anticipated July 2000.
<i>Community and Health Services Complaints Act 1993 - section 27 and Parts V, VI (confidentiality and invest powers)</i>	DHCC	Review commenced. Intradepartmental review.	1999/2		Scoping exercise commenced - review expected to be completed mid 2000.

<i>Dental Technicians and Dental Prosthetists Registration Act 1988</i>	DHCC	Review commenced.	1999/2		Review commenced January 1999. Existing legislation to be repealed and replaced with revised provisions. Completion of review anticipated July 2000.
<i>Dentists Act 1931</i>	DHCC	Review commenced.	1999/2		Review commenced January 1999. Existing legislation to be repealed and replaced with revised provisions. Completion of review anticipated July 2000.
<i>Disability Services Act 1991</i>	DHCC	Not for review.			To be replaced by a code of conduct.
<i>Drugs of Dependence Act 1989</i>	DHCC	Review not commenced. To be reviewed as part of major amendments to the legislation	1999/2		Minor and technical restrictions only. To commence August 2000.
<i>Food Act 1992</i>	DHCC	Review commenced.	1999/2		Part of a national review to develop a model Food Act. Review is now being managed nationally by a Senior Officials Working Group. Completion date expected prior to July 2000.
<i>Health Act 1993</i>	DHCC	Review commenced.	1999/2		Draft review submitted to Department of Treasury and Infrastructure for comment.
<i>Health and Community Care</i>	DHCC	Review not	1999/2		To be reviewed as part of

<i>Services Act 1996</i>		commenced.			major amendments to the legislation. Minor and technical matter only. To commence July 2000
<i>Health Complaints Act 1993</i>	DHCC	Review commenced.			Draft review submitted to Department of Treasury and Infrastructure for comment.
<i>Health Promotion Act 1995</i>	DHCC	Review not commenced.	1999/2		Minor review to be commenced July 2000.
<i>Health Records (Privacy and Access) Act 1997</i>	DHCC	Review commenced. Intradepartmental review.	1999/2		Minor restrictions on competition. Preliminary scoping exercise commenced - review to be finalised in early 2000.
<i>Inebriates Act 1900 - NSW legislation in its application in the Territory</i>	DHCC	Review not commenced.	1999/2		Review to commence July 2000.
<i>Inebriates Act 1938</i>	DHCC	Not for review.			Review not required. No competition restrictions.
<i>Intoxicated Persons (Care and Protection) Act 1994</i>	DHCC	Review not commenced.	1999/2		Review to commence July 2000.
<i>Meat Act 1931</i>	DHCC	Review commenced.	1998/2		Part of a national review to develop a model Food Act.
<i>Medical Practitioners Act 1930</i>	DHCC	Review commenced.	1999/2		Review commenced January 1999. Existing legislation to be repealed and replaced with revised provisions. Completion of review anticipated July 2000.

<i>Medical Records (Access and Privacy) Act 1997</i>	DHCC	Review commenced.			Draft review submitted to Department of Treasury and Infrastructure for comment.
<i>Medical Services (Fees) Act 1984</i>	DHCC	Not for review.	1999/2		Now not scheduled for review as it relates to an intergovernmental financial arrangement.
<i>Mental Health (Treatment and Care) Act 1994 - except Part III, Part VII, Part IX and sections 141, 142 and 143</i>	DHCC	Review not commenced.	1998/2		
<i>Nurses Act 1988</i>	DHCC	Review commenced.	1999/2		Review commenced January 1999. Existing legislation to be repealed and replaced with revised provisions. Completion of review anticipated July 2000
<i>Optometrists Act 1956</i>	DHCC	Review commenced.	1999/2		Review commenced January 1999. Existing legislation to be repealed and replaced with revised provisions. Completion of review anticipated July 2000
<i>Pharmacy Act 1931</i>	DHCC	Review completed. National review.	1998/2		ACT is to consider its response.
<i>Physiotherapists Act 1977</i>	DHCC	Review commenced.	1999/2		Commenced January 1999. Existing legislation to be repealed and replaced with revised provisions. Completion of review

					anticipated July 2000.
<i>Podiatrists Act 1994</i>	DHCC	Review commenced.	1999/2		Review commenced January 1999. Existing legislation to be repealed and replaced with revised provisions. Completion of review anticipated July 2000.
<i>Poisons Act 1933</i>	DHCC	Review commenced.	1999/2		National review. Final report due mid year.
<i>Poisons and Drugs Act 1978</i>	DHCC	Review commenced.	1999/2		National review. Final report due midyear.
<i>Psychologists Act 1994</i>	DHCC	Review commenced.	1999/2		Review commenced January 1999. Existing legislation to be repealed and replaced with revised provisions. Completion of review anticipated July 2000.
<i>Public Health (Miscellaneous Provisions) Act 1997</i>	DHCC	Review commenced.	1999/2		Review is to be completed as part of this process.
<i>Public Health (Prohibited Drugs) Act 1957</i>	DHCC	Review commenced. National review.	1999/2		Final report due midyear.
<i>Public Health Act 1928</i>	DHCC	Not for review.			Act to be repealed by Public & Environmental Health Bill.

<i>Public Health Act 1997</i>	DHCC	Review commenced.	1999/2		Act is to be amended and review is to be completed as part of this process.
<i>Radiation Act 1983</i>	DHCC	Review commenced.	1999/2		To be reviewed nationally.
<i>Sexually Transmitted Diseases Act 1956</i>	DHCC	Review commenced.	1999/2		Review is to be completed as part of this process.
<i>Skin Penetration Procedures Act 1994</i>	DHCC	Not for review.	No review scheduled		Act to be repealed by the <i>Public Health (Miscellaneous Provisions) Act 1997</i> . To be replaced by a code of conduct.
<i>Smoke-free Areas (Enclosed Public Places) Act 1994</i>	DHCC	Review not commenced.	1999/2		Current discussions on a national review. To be decided by June 2000.
<i>Tobacco Act 1927</i>	DHCC	Review not commenced.	1999/2		
<i>Tobacco Products (Health Warnings) Act 1986</i>	DHCC	Review not commenced.	1999/2		Act to be repealed as it duplicates Trade Practices Act regulations.
<i>Transplantation and Anatomy Act 1978</i>	DHCC	Review not commenced.	1999/2		To commence July 2000.
<i>Tuberculosis Act 1950</i>	DHCC	Review commenced.	1999/2		Review is to be completed as part of this process.
<i>Veterinary Surgeons Registration Act 1994</i>	DHCC	Review commenced.	1999/2		Review commenced January 1999. Existing legislation to be repealed and replaced with revised provisions.

					Completion of review anticipated July 2000.
<i>Adoption Act 1993 - except subsections 104(2) and 109(2)</i>	DECS	Review not commenced.	No review scheduled		Review not required. Act assessed as not restricting competition.
<i>Board of Senior Secondary Studies Act 1997</i>	DECS	Review completed. Intradepartmental review.	1998/2		Legislation is necessary to provide the Government approved function. Also being considered in school legislation review.
<i>Boxing Control Act 1993</i>	DECS	Review commenced. National review.	1998/2		Review delayed due to delay in national review. The ACT review will reflect the national directions.
<i>Canberra Institute of Technology Act 1987</i>	DECS	Review completed.	1999/1	1999	The Act provides an exemption from Territory taxes and charges. Act assessed as not restricting competition.
<i>Children's Services Act 1986</i>	DECS	Review completed. Full public consultation.	1997/2	1999	Act assessed as not restricting competition. Replacement Act, the <i>Children and Young People Act 1999</i> passed in Legislative Assembly on 21 October 1999.
<i>Education Act 1937, Schools Authority Act 1976, Public Instruction Act 1880, and Free Education Act 1906</i>	DECS	Review commenced. Public consultation.	1998/2		Public consultation completed and being assessed. Recommendations from Review Committee in relation to legislation are expected in

					mid 2000.
<i>Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994</i>	DECS	Review commenced. Interdepartmental review.	1999/2		Act mirrors Commonwealth legislation, which has recently been reviewed. Provisions have been extended until 2001. ACT complies with the Commonwealth legislation.
<i>Free Education Act 1906</i>	DECS	Review commenced. Public consultation.	1998/2		Legislation Review Committee established in 1998. Public consultation completed and being assessed. Recommendations from Review Committee in relation to legislation are expected in mid 2000.
<i>Public Baths and Public Bathing Act 1956</i>	DECS	Review not required.			Act assessed as not restricting competition.
<i>Public Instruction Act 1880</i>	DECS	Review commenced. Public consultation.	1998/2		Public consultation completed and being assessed. Recommendations from Review Committee in relation to legislation are expected in mid 2000.
<i>Schools Authority Act 1976</i>	DECS	Review commenced. Public consultation.	1998/2		Public consultation completed and being assessed. Recommendations from Review Committee in relation

					to legislation are expected in mid 2000.
<i>University of Canberra Act</i>	DECS	Review not required.			Act assessed as not restricting competition.
<i>Vocational Education and Training Act 1995</i>	DECS	Review commenced,. Intradepartmental review.			Act arose from national agreements. Review concluded that public benefit of restrictions on competition outweigh costs.
<i>Air Pollution Act 1984</i>	US	Review not required.			Repealed by <i>Environment Protection Act 1997</i> .
<i>Animal Diseases Act 1993</i>	US	Review commenced. Intradepartmental review.	1999/1		Joint review with <i>Pounds Act 1928</i> and <i>Stock Act 1991</i> . Interim Report released.
<i>Animal Welfare Act 1992</i>	US	Review commenced. Intradepartmental review.	1999/2		Review in progress.
<i>Annual Holidays Act 1973</i>	US	Not for review.	No review scheduled		Act renamed <i>Annual Leave Act 1973</i> .
<i>Annual Leave Act 1973</i>	US	Review not required.	No review scheduled		No competition restrictions. Act bestows employee benefits.
<i>Apiaries Act 1928</i>	US	Act repealed.	Not applicable		Act repealed in March 1997 and replaced by an amendment to the <i>Animal Diseases Act 1993</i> . Subsequent amendment currently under consideration in the Legislative Assembly.

<i>Architects Act 1959</i>	US	Review commenced. National review.	1999/1		National review commenced.
<i>Building Act 1972</i>	US	Review commenced. Targeted public review.	1999/2		Joint review with the <i>Plumbers, Drainers and Gasfitters Board Act 1982</i> and the <i>Electricity Act 1971</i> (licensing of electricians). Review focussed on regulation of building occupations.
<i>Building and Services Act 1924</i>	US	Review commenced.	2000		Part of the utilities legislation review under the lead of DTI. To be replaced by new legislation.
<i>Buildings (Design and Siting) Act 1964</i>	US	Act repealed.	Not applicable		Repealed by <i>Land (Planning and Environment) (Amendment) Act 1996 (No.3)</i> as a result of implementation of the 1995 Stein report. Design and siting provisions incorporated into streamlined Development Application.
<i>Cemeteries Act 1933</i> - section 16(b)	US/DHCC	Review completed. Targeted public review.	1999/1	1999	Joint review with <i>Cremation Act 1966</i> . Issues and Options Paper released. Final Report received. Government response in development.
<i>Clinical Waste Act 1990</i>	US	Review commenced. Interdepartmental review.	1998/2		Review in progress.

<i>Collections Act 1959</i>	US	Review commenced. Targeted public review.	Re-scheduled for 1999/2		Joint review with <i>Hawkers Act 1936</i> . Issues Paper released.
<i>Cotter River Act 1914</i>	US	Review completed. Intradepartmental review.	1998/2	1999	Government response agreed. Act to be repealed.
<i>Cremation Act 1966</i>	US	Review completed. Targeted public review.	1999/1	1999	Joint review with <i>Cemeteries Act 1933</i> . Issues and Options Paper released. Final Report received. Government response in development.
<i>Dangerous Goods Act 1975</i> - NSW legislation in its application in the Territory	US	Review commenced. Targeted public review or joint jurisdictional review with NSW (to be agreed).	2000		Review in conjunction with the <i>Dangerous Goods Act 1984</i> . Note that the ACT legislation applies the NSW Act.
<i>Dangerous Goods Act 1984</i>	US	Review commenced. Targeted public review or joint jurisdictional review with NSW (to be agreed).	2000		Review in conjunction with the <i>Dangerous Goods Act 1975</i> (NSW). Note that the ACT legislation applies the NSW Act.
<i>Electricity Act 1971</i> (utilities regulation)	US	Not for review.	Not applicable		Part of the Act to be repealed as it will now be part of the utilities legislation. New legislation in preparation.
<i>Electricity Act 1971</i> (electricians licensing)	US	Review commenced. Targeted public review.	1999/2		Provisions for licensing of electricians to be reviewed separately as part of review of regulation of building

					occupations in conjunction with <i>Building Act 1972</i> and the <i>Plumbers, Drainers and Gasfitters Board Act 1982</i> .
<i>Enclosed Lands Protection Act 1943</i>	US	No review required.	1999/1		Following preliminary review, removed from program. No competition restrictions.
<i>Energy and Water Act 1988</i> - Parts I and VII	US/DTI	Not for review.	Not applicable		Part of the Act to be repealed as it will now be part of the utilities legislation. New legislation in preparation.
<i>Essential Services (Continuity of Supply) Act 1992</i>	US	Not for review.	Not applicable		Part of the Act to be repealed as it will now be part of the utilities legislation. New legislation in preparation.
<i>Fishing Act 1967</i>	US	Not for review.	Not applicable		Existing Act to be repealed. New legislation, the Fishing Bill 2000 being drafted.
<i>Fuels Control Act 1979</i>	US	Review not required.	No review scheduled		Review not required. No competition restrictions. Act establishes emergency rationing powers.
<i>Gas Act 1992</i>	US	Act repealed.	Not applicable		Act repealed as part of the national gas reform agenda.
<i>Hawkers Act 1936</i> - section 8A	US/DHCC	Review commenced. Targeted public review.	Re-scheduled for 1999/2		Joint review with <i>Collections Act 1959</i> . Issues Paper released.

<i>Heritage Objects Act 1991</i>	US	Not for review.	Not applicable		Following the decision to develop new legislation for the regulation of heritage matters, this Act has been withdrawn from the national competition policy program. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the Regulatory Impact Statement.
<i>Housing Assistance Act 1987</i>	US	Review not commenced. Possible national review.	2000		National review agreed at officer level.
<i>Lakes Act 1976</i>	US	Review commenced. Targeted public review.	Re-scheduled for 1999/2		Joint review with the <i>Public Parks Act 1928</i> .
<i>Land (Planning and Environment) Act 1991 - Parts V and VI (grants of land and development approval processes)</i>	US	Review commenced. Full public inquiry.	1999/1		Issues Paper released in February 2000.
<i>Land (Planning and Environment) Act 1991 - Part III (heritage provisions)</i>	US	Not for review.	Not applicable		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 Regulatory Impact Statement.
<i>Land Acquisition (Northbourne Oval) Act 1996</i>	US	Review completed. Targeted public review.	1999/1	2000	Joint review with the <i>Lands Acquisition Act 1994</i> . No competition restrictions.
<i>Lands Acquisition Act 1994</i>	US	Review completed. Targeted public review.	1999/1	2000	Joint review with the <i>Land Acquisition (Northbourne Oval) 1996 Act</i> . No competition restrictions.
<i>Litter Act 1977</i>	US	Review commenced. Targeted public review.	Re-scheduled for 1999/2		Joint review with the <i>Roads and Public Places Act 1937</i> .
<i>Long Service Leave (Building and Construction Industry) Act 1981</i>	US	Review completed. Targeted public review.	1999/1	1999	Interim Report released. Final Report received. Government response in development.
<i>Long Service Leave Act 1976</i>	US	Review not required.	No review scheduled		No competition restrictions. Act bestows employee benefits.
<i>Machinery Act 1949</i>	US	Act repealed.	Not applicable		Act repealed and replaced by <i>Occupational Health and Safety (Amendment) Act 1997</i> .
<i>Motor Omnibus Services Act 1955</i>	US	Review not required.	No review scheduled		To be repealed and replaced by the Public Passenger Transport Bill.
<i>Motor Traffic Act 1936</i> - taxi and hire car provisions	US	Review commenced. Full public inquiry.	1999/1		Issues Paper released. Final Report due early March 2000.

<i>Motor Traffic Act 1936</i> - compulsory third party insurance provisions	US	Review not required.	No review scheduled		No competition restrictions.
<i>Motor Vehicles (Dimensions and Mass) Act 1990</i>	US	Review not required.	No review scheduled		Superseded by national road transport reforms.
<i>National Environment Protection Council Act 1994</i>	US	Review not required. Intradepartmental review.	1999/2		Audit of legislation confirms no competition restrictions.
<i>Nature Conservation Act 1980</i>	US	Review completed. Targeted public review.	1998/2	1999	Issue Paper released. Final Report received. Government response in development.
<i>Noise Control Act 1988</i>	US	Act repealed.	Not applicable		Act repealed by <i>Environment Protection Act 1997</i> .
<i>Occupational Health and Safety Act 1989</i>	US	Review not commenced.	2000		National review agreed by Occupational Health and Safety Administrators Group in March 1999.
<i>Ozone Protection Act 1991</i>	US	Act repealed.	No review scheduled		Act repealed by <i>Environment Protection Act 1997</i> .
<i>Parental Leave (Private Sector Employees) Act 1992</i>	US	Review not required.	No review scheduled		No competition restrictions. Act bestows employee benefits.
<i>Pesticides Act 1989</i>	US	Act repealed.	No review scheduled		Act repealed by <i>Environment Protection Act 1997</i> .
<i>Plant Diseases Act 1934</i>	US	Review commenced. Intradepartmental.	1999/1		Joint review with <i>Land (Planning and Environment) Act 1991</i> (pest plant provisions).

<i>Plumbers, Drainers and Gasfitters Board Act 1982</i>	US	Review commenced. Targeted public review.	Re-scheduled for 1999/2		Joint review with the <i>Building Act 1972</i> and <i>Electricity Act 1971</i> (licensing of electricians). Review focussed on regulation of building occupations.
<i>Pounds Act 1928</i>	US	Review commenced. Intradepartmental review.	1999/1		Joint review with <i>Animal Diseases Act 1993</i> and <i>Stock Act 1991</i> . Interim Report released.
<i>Protection of Lands Act 1937</i>	US	Review commenced. Interdepartmental review.	1999/1		Following preliminary review work, Trespass on Territory Land, Enclosed Lands and Recovery of Lands Acts removed from joint review as no competition restrictions identified.
<i>Public Parks Act 1928</i>	US	Review commenced. Targeted public review.	Re-scheduled for 1999/2		Joint review with the <i>Lakes Act 1976</i> .
<i>Rabbit Destruction Act 1919</i>	US	Act repealed.	Not applicable		Act repealed by the <i>Land (Planning and Environment) (Amendment) Act 1997</i> (No.7) and relevant provisions transferred to the <i>Land (Planning and Environment) Act 1991</i>
<i>Recovery of Lands Act 1929</i>	US	Not for review. Intradepartmental review.	1999/1		No competition restrictions.

<i>Roads and Public Places Act 1937</i>	US	Review commenced. Targeted public review.	Re-scheduled for 1999/2		Joint review with the <i>Litter Act 1977</i> .
<i>Scaffolding and Lifts Act 1957</i>	US	Act repealed.	Not applicable		Act repealed by <i>Occupational Health and Safety (Amendment) Act 1997</i> .
<i>Scaffolding and Lifts Act, 1912-1948</i> - NSW legislation in its application in the Territory	US	Act repealed.	Not applicable		Act repealed by <i>Occupational Health and Safety (Amendment) Act 1997</i> .
<i>Standard Time and Summer Time Act 1972</i>	US	Review not required.	No review scheduled		Act assessed as not restricting competition.
<i>Stock Act 1991</i>	US	Review commenced. Intradepartmental review.	1999/1		Joint review with <i>Animal Diseases Act 1993</i> and <i>Plant Diseases Act 1924</i> . Interim Report released.
<i>Surveyors Act 1967</i>	US	Review completed. Targeted public review.	1998/2	1998	Report released. Government Response announced.
<i>Trading Hours Act 1962</i>	US	Act repealed.	Not applicable		Legislation repealed.
<i>Trespass on Territory Land Act 1932</i>	US	Not for review.	1999/1		Following preliminary review, removed from program. No competition restrictions.
<i>Unit Titles Act 1970</i>	US	Review completed.	No review scheduled		This Act has been the subject of a major nonNCP review and new amending legislation is in preparation. There are no identified restrictions on

					competition.
<i>Water Pollution Act 1984</i>	US	Act repealed.	Not applicable		Act repealed by the <i>Environment Protection Act 1997</i> .
<i>Workers' Compensation Act 1951</i>	US	Review not required.	Not applicable		Following the decision to develop new legislation for workers compensation, 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 Regulatory Impact Statement.
<i>Workers' Compensation Supplementation Fund Act 1980</i>	US	Not for review.	Not applicable		Following the decision to develop new legislation for workers compensation, 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 Regulatory Impact Statement.
<i>Administration and Probate Act 1929</i>	JACS	Review commenced. Intradepartmental review. Minor issues.	1999/1		Subject to a national law reform exercise.

<i>Agents Act 1968</i>	JACS	Review commenced. Targeted public review.	1998/2		Discussion paper in preparation. In relation to travel agents, a national review underway; coordinated by Western Australia. Issues paper released June 1999.
<i>Anglican Church of Australia Trust Property Act 1917</i> - NSW legislation in its application in the Territory	JACS	Review completed. Intradepartmental review. Minor issues.	1998/2	1999	Act does not restrict competition. The Act does not give the church a commercial advantage and does not have an anti-competitive effect.
<i>Anglican Church of Australia Trust Property Act 1928</i> - NSW legislation in its application in the Territory	JACS	Review completed. Intradepartmental review. Minor issues.	1998/2	1999	Act does not restrict competition. The Act does not give the church a commercial advantage and does not have an anticompetitive effect.
<i>Associations Incorporation Act 1991</i>	JACS	Review commenced. Intradepartmental review. Minor issues.	1999/1		Preliminary work for review underway.
<i>Auctioneers Act 1959</i>	JACS	Review commenced. Intradepartmental review. Minor issues.	1999/1		Preliminary work for review underway.
<i>Australian–American Educational Foundation Act 1966</i>	JACS	Not for review.	No review scheduled		Act to be repatriated to the Commonwealth.
<i>Birth (Equality of Status) Act 1988</i>	JACS	Review completed. Intradepartmental review. Minor issues.	1999/1	1999	The Act does not have any material effect on competition.

<i>Births, Deaths and Marriages Registration Act 1997</i>	JACS	Review commenced. Intradepartmental review. Minor issues.	1999/1		Preliminary work for review underway.
<i>Business Franchise ("X" Videos) Act 1990</i>	JACS	Act repealed.	Not applicable		Repealed in 1996 following a High Court decision.
<i>Business Names Act 1963</i>	JACS	Review commenced. Intradepartmental review. Minor issues.	1999/1		Preliminary work for review underway.
<i>Classification (Publications, Films and Computer Games) (Enforcement) Act 1995</i>	JACS	Review commenced. Joint jurisdictional review.	1999/1		Part of a national regulatory scheme.
<i>Commercial Arbitration Act 1986</i>	JACS	Review commenced. Intradepartmental review. Minor issues.	1998/2		Encompassed by stage 2 of the Legal Practitioner Acts review.
<i>Common Carriers Act 1902</i> - NSW legislation in its application in the Territory	JACS	Review completed. Intradepartmental review. Integrated business and consumer code.	1997/2	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.
<i>Consumer Affairs Act 1973</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues.

<i>Consumer Credit (Administration) Act 1996</i>	JACS	Review commenced. Joint jurisdictional review.	1999/2		Minor issues. Part of a national regulatory scheme.
<i>Consumer Credit Act 1995</i>	JACS	Review commenced. Joint jurisdictional review.	1999/2		National review underway. The Ministerial Council on Consumer Affairs is undertaking a post-implementation review of the Uniform Credit Code. COAG Committee on Regulatory Reform has endorsed terms of reference for review.
<i>Contractors' Debts Act 1897</i> - NSW legislation in its application in the Territory	JACS	Review completed. Integrated business and consumer code.	1999/1	1999	Amendments to Act proposed.
<i>Coroners Act 1997</i>	JACS	Review commenced. Intradepartmental review. Minor issues.	1998/2		Encompassed by stage 2 of the Legal Practitioner Acts review.
<i>Credit Act 1985</i>	JACS	Review not required. National review.	Not applicable.		Legislation substantially repealed.
<i>Crown Proceedings Act 1992</i>	JACS	Review completed. Intradepartmental review.	1998/2	1999	Minor issues. Amendments to Act proposed.

<i>Defamation Act 1901 - NSW legislation in its application in the Territory</i>	JACS	Act to be repealed. Intradepartmental review. Commercial & Law Reform Group Review.	Not applicable		Repealing legislation introduced in 1999.
<i>Discrimination Act 1991</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Preliminary work for review underway.
<i>Domestic Relationships Act 1994</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Encompassed by stage 2 of the Legal Practitioner Acts review.
<i>Door-to-Door Trading Act 1991</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Preliminary work for review underway.
<i>Earnings (Assignment and Attachment) Act 1966</i>	JACS	Review not required. Interdepartmental review.	1999		Act assessed as not restricting competition.
<i>Electoral Act 1992</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Preliminary work for review underway.
<i>Enforcement of Public Interests Act 1973</i>	JACS	Review not required. Interdepartmental review.	1999		Act assessed as not restricting competition.
<i>Fair Trading (Fuel Prices) Act 1993</i>	JACS	Review completed. Intradepartmental review. Full public review.	1997/1	1999	Act to be retained on public benefit test.

<i>Fair Trading (Petroleum Retail Marketing) Act 1995</i>	JACS	Review completed. Full public review.	1999	1999	Legislation repealed.
<i>Fair Trading Act 1992</i>	JACS	Review commenced. Targeted public review.	1999/1		Preliminary work for review underway. Minor issues.
<i>Family Provision Act 1969</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Preliminary work for review underway.
<i>Fertilisers Act 1904 - NSW legislation in its application in the Territory</i>	JACS	Review completed. Intradepartmental review.	1998/2	1999	Act to be retained on public benefit test. Minor issues.
<i>Firearms Act 1996</i>	JACS	Review not commenced.	1999		Part of a national regulatory scheme – legislation is subject to overriding public safety considerations.
<i>Freedom of Information Act 1989</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Preliminary work for review underway.
<i>Fuels Control Act 1979</i>	JACS/US	Review completed. Intradepartmental review.	1999/2	1999	Act to be retained on public benefit test.
<i>Government Solicitor Act 1989</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Encompassed by stage 2 of Legal Practitioner Acts review.
<i>Guardianship and Management of Property Act 1991</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Preliminary work for review underway.

<i>Innkeepers' Liability Act 1902</i> - NSW legislation in its application in the Territory	JACS	Review completed. Intradepartmental review.	1997	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.
<i>Institute for the Study of Man and Society Incorporation Act 1968</i>	JACS	Review completed. Intradepartmental review.	1999		Act should be repatriated back to the Commonwealth.
<i>Judgment Creditors Remedies Act 1933</i>	JACS	Review completed. Intradepartmental review.	1999	1999	Act assessed as not restricting competition.
<i>Judiciary (Stay of Proceedings) Act 1933</i>	JACS	Review commenced. Intradepartmental review. Minor issues.	1998/2		Minor issues. Preliminary work for review underway.
<i>Juries Act 1967</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Preliminary work for review underway.
<i>Land (Planning and Environment) Act 1991</i> - Division 4A	JACS	Review not required. Intradepartmental review.	No review scheduled		Act assessed as not restricting competition.
<i>Land Titles (Unit Titles) Act 1970</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Preliminary work for review underway

<i>Land Titles Act 1925</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Preliminary work for review underway.
<i>Landlord and Tenant Act 1899 - NSW legislation in its application in the Territory</i>	JACS	Act repealed.	No review scheduled		Act repealed by <i>Residential Tenancies Act 1997</i> .
<i>Landlord and Tenant Act 1949</i>	JACS	Act repealed.	No review scheduled		Act repealed by <i>Residential Tenancies Act 1997</i> .
<i>Law Reform (Manufacturers Warranties) Act 1977</i>	JACS	Review completed. Intradepartmental review.	1998/1	1998	Act assessed as not restricting competition. Minor issues.
<i>Law Reform (Misrepresentation) Act 1977</i>	JACS	Review completed. Intradepartmental review.	1998/1	1998	Act assessed as not restricting competition. Minor issues.
<i>Lay-by Sales Agreements Act 1963</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Preliminary work for review underway. Minor issues.
<i>Legal Aid Act 1977</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Encompassed by stage 2 of the Legal Practitioner Acts review. Minor issues.
<i>Legal Practitioners Act 1970</i>	JACS	Review commenced. Targeted public review.	1998/2		Public benefit tests and extensive public consultation have been conducted on this issue in other jurisdictions. Options paper ready for public release.

<i>Legislation (Republication) Act 1996</i>	JACS	Review completed. Intradepartmental review.	1998/1	1999	Act to be retained on public benefit test. Minor issues.
<i>Liquor Act 1975 - except subsections 42E(2) and 42e(4)</i>	JACS	Review commenced. Intradepartmental review.	1998/1		Preliminary work for review underway. Public benefit tests and some public consultation have been conducted on this issue in other jurisdictions. Minor issues.
<i>Listening Devices Act 1992</i>	JACS	Review completed. Intradepartmental review.	1999/1	1999	Act to be retained on public benefit test. Minor issues.
<i>Magistrates Court Act 1930</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Encompassed by stage 2 of the Legal Practitioner Acts review.
<i>Mediation Act 1997</i>	JACS	Review commenced. Intradepartmental review. Targeted public review.	1999/1		Minor issues. Discussion paper in preparation.
<i>Mercantile Law Act 1962</i>	JACS	Review completed. Intradepartmental review..	1999/1	1999	Minor issues Archaic provisions to be repealed.
<i>Notaries Public Act 1984</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Encompassed by stage 2 of the Legal Practitioner Acts review.
<i>Oaths and Affirmations Act 1984</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Encompassed by stage 2 of the Legal Practitioner Acts review. Minor issues.
<i>Ombudsman Act 1989</i>	JACS	Review commenced. Intradepartmental	1999/1		Preliminary work for review underway. Minor issues.

		review.			
<i>Partnership Act 1963</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Preliminary work for review underway. Minor issues.
<i>Pawnbrokers Act 1902 - NSW legislation in its application in the Territory</i>	JACS	Not for review. Intradepartmental review.	No review scheduled		To be repealed in part following successful implementation of a trial electronic commerce initiative.
<i>Periodic Detention Act 1995</i>	JACS	Review commenced. Intradepartmental review.	1998/1		Minor issues. Preliminary work for review underway.
<i>Perpetuities and Accumulations Act 1985</i>	JACS	Review commenced. Intradepartmental review.	1998/2		Minor issues. Preliminary work for review underway.
<i>Powers of Attorney Act 1956</i>	JACS	Review commenced. Intradepartmental review.	1998/2		Minor issues. Encompassed in the trustee companies review.
<i>Presbyterian Church (Proposals for Union with other Churches) Act 1972</i>	JACS	Not for review. Intradepartmental review.	1998/2		Act assessed as not anticompetitive.
<i>Presbyterian Church Trust Property Act 1971</i>	JACS	Review completed. Intradepartmental review.	1998/2	1999	To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.
<i>Printing and Newspapers Act 1961</i>	JACS	Review completed. Intradepartmental review.	1998/1	1999	Act to be repealed.
<i>Proceeds of Crime Act 1991</i>	JACS	Review not commenced.	1999/1		Minor issues. Preliminary work for review underway.

		Intradepartmental review.			
<i>Prohibited Weapons Act 1996</i>	JACS	Review not commenced. Part of a national scheme.	To be scheduled		Part of a national regulatory scheme – legislation is subject to overriding public safety considerations.
<i>Prostitution Act 1992</i>	JACS	Review not commenced. Full public review.	1998/2		Awaiting outcome of Australian Federal Police review.
<i>Public Trustee Act 1985</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Preliminary work for review underway.
<i>Real Property (Unit Titles) Act 1970</i>	JACS	Act repealed.	1996		Act repealed.
<i>Registration of Births, Deaths and Marriages Act 1963</i>	JACS	Act repealed.	No review scheduled		Act repealed.
<i>Registration of Deeds Act 1957</i>	JACS	Review completed. Intradepartmental review.	1998/2	1999	Act assessed as not restricting competition.
<i>Registration of Interests in Goods Act 1990</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Preliminary work for review underway.
<i>Roman Catholic Church Property Trust Act 1937</i>	JACS	Review completed. Intradepartmental review.	1998/2	1999	To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.
<i>Sale of Goods (Vienna Convention) Act 1987</i>	JACS	Review commenced. Intradepartmental	1999/1		Preliminary work for review underway.

		review.			
<i>Sale of Goods Act 1954</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Preliminary work for review underway.
<i>Sale of Motor Vehicles Act 1977</i>	JACS	Review commenced. Full public review.	1998/2		Integrated business and consumer code. Preliminary work for review underway.
<i>Salvation Army Property Trust Act 1934</i>	JACS	Review completed. Intradepartmental review.	1998/2	1999	Minor issues. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.
<i>Second-hand Dealers and Collectors Act 1906 - NSW legislation in its application in the Territory</i>	JACS	Act to be repealed. Intradepartmental review.	No review scheduled		Integrated business and consumer code. The Act is scheduled for repeal.
<i>Small Claims Act 1974</i>	JACS	Act to be repealed. Intradepartmental review.	Not applicable		Act repealed.
<i>Subordinate Laws Act 1989</i>	JACS	Review completed. Intradepartmental review.	1998/2	1999	Act assessed as not restricting competition.
<i>Substitute Parent Agreements Act 1994</i>	JACS	Review completed. Intradepartmental review.	1998/2	1999	Minor issues. Act to be retained on public benefit test.
<i>Supervision of Offenders (Community Service Orders) Act 1985</i>	JACS	Review commenced. Intradepartmental review.	1998/2		Minor issues.
<i>Supreme Court Act 1933</i>	JACS	Review commenced. Intradepartmental	1998/2		Minor issues. Encompassed by stage 2 of the Legal

		review.			Practitioner Acts review.
<i>Tenancy Tribunal Act 1994</i>	JACS	Review commenced. Targeted public review.	1997/2		Minor issues.
<i>Trade Measurement (Administration) Act 1991</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues.
<i>Trade Measurement Act 1991</i>	JACS	Review commenced. Intradepartmental review	1999/1		Minor issues. . Integrated business and consumer code.
<i>Trading Stamps Act 1972</i>	JACS	Review commenced. Intradepartmental review. Minor issues.	1999/1		Preliminary work for review underway.
<i>Trustee Act 1957</i>	JACS	Review completed. Intradepartmental review.	1999	1999	Minor issues. Anticompetitive provisions repealed
<i>Trustee Companies Act 1947</i>	JACS	Review commenced. National review.	1997/1		New uniform trustee companies legislation drafted by Standing Committee of Attorneys-General. Review underway with NSW as lead agency.
<i>Unclaimed Moneys Act 1950</i>	JACS	Review commenced. Intradepartmental review.	1998/2		Minor issues. Integrated business and consumer code. Minor issues. Preliminary work for review underway.
<i>Uncollected Goods Act 1996</i>	JACS	Review commenced. Intradepartmental review.	1999/1		Minor issues. Preliminary work for review underway.
<i>Uniting Church in Australia</i>	JACS	Review completed.	1998/2	1999	To the extent that the Act does

<i>Act 1977</i>		Intradepartmental review.			not give the church a commercial advantage, the Act does not have an anti-competitive effect.
<i>Witness Protection Act 1996</i>	JACS	Review not required.	No review scheduled.		Act assessed as not restricting competition.
<i>Business Franchise (Liquor) Act 1993</i>	CM	Review not required.	No review scheduled.		Federal Court s90 decision, no further action.
<i>Business Franchise (Tobacco and Petroleum Products) Act 1984</i>	CM	Review not required.	No review scheduled.		Federal Court s90 decision, no further action.
<i>Canberra Tourism and Events Corporation Act 1997</i>	CM	Review not required.	No review scheduled		Act assessed as not restricting competition.
<i>Companies (Commonwealth Brickworks (Canberra Limited) Act 1979</i>	CM	Review not required.	No review scheduled		Act assessed as not restricting competition.
<i>Companies (Registered Societies) Ordinance 1990</i>	CM	Review not required.	No review scheduled.		Registered Societies model legislation adopted nationally.
<i>Companies Auditors and Liquidators Disciplinary Board Ordinance 1982</i>	CM	Review not required.	No review scheduled		Registered Societies model legislation adopted nationally.
<i>Cultural Facilities Corporation Act 1997</i>	CM	Review not required.	No review scheduled		Act assessed as not restricting competition.
<i>Financial Institutions (Application of Laws) Act 1992</i>	CM	Review not required.	No review scheduled		To be repealed within 18 months of Wallis Inquiry. Centralised Commonwealth supervision of financial institutions.
<i>Financial Institutions</i>	CM	Review not required.	No review		Act assessed as not restricting

<i>(Removal of Discrimination) Act 1997</i>			scheduled		competition.
<i>Financial Institutions (Supervisory Authority) Act 1992</i>	CM	Review not required.	No review scheduled.		To be repealed within 18 months of Wallis Inquiry. Centralised Commonwealth supervision of financial institutions.
<i>Hotel School Act 1996</i>	CM	No review required.	No review scheduled		Legislation audit revealed no competitive restrictions.
<i>Liquor Act 1975 - subsections 42E(2) and 42E(4)</i>	CM	Review completed. Intradepartmental review.	1997/1	1998	
<i>National Exhibition Centre Trust Act 1976</i>	CM	Review not required.	No review scheduled		Act assessed as not restricting competition.
<i>Theatres and Public Halls Act 1928</i>	CM	Review completed. Intradepartmental review.	1997/2	1998	Act to be repealed as soon as possible.
<i>Trans-Tasman Mutual Recognition Act 1997</i>	CM	Review completed. National review.	1999	1999	Recommendations awaiting Government's consideration.
<i>Unlawful Games Act 1984</i>	CM	Review completed. Targeted public review.	1997/1	1998	Act part of the gambling legislation review.
<i>Bank Mergers Act 1997</i>	DTI	Review not required.	No review scheduled		Act assessed as not restricting competition.
<i>Betting (ACTTAB Limited) Act 1964</i>	DTI	Review completed. Targeted public review.	1999/1		The Act was reviewed as part of the ACTTAB and Bookmakers legislation review.
<i>Betting (Corporatisation) (Consequential Provisions)</i>	DTI	Review completed. Targeted public	1999/1		The Act was reviewed as part of the ACTTAB and

<i>Act 1996</i>		review.			Bookmakers legislation review.
<i>Bookmakers Act 1985</i>	DTI	Review completed. Targeted public review.	1999/1	1999	Will form stage two of the development of consolidated racing and betting legislation. Amendment to Act proposed to lift restrictions on competition.
<i>Casino Control Act 1988</i>	DTI	Review completed. Targeted public review.	1997/2	1998	Completed as part of the gambling legislation review.
<i>Co-operative Societies Act 1939</i>	DTI	Review completed. Intradepartmental review.	1996		The Act has been amended to reflect a consistent national approach.
<i>Financial Institutions Duty Act 1987</i>	DTI	Review completed. National review.	1996		Act amended to reflect a consistent national approach.
<i>Games Wagers and Betting-houses Act 1901 - NSW legislation in its application in the Territory</i>	DTI	Review completed. Targeted public review.	1997/1	1998	Act part of the gambling legislation review.
<i>Gaming and Betting Act 1906 - NSW legislation in its application in the Territory</i>	DTI	Review completed. Targeted public review.	1997/1	1998	Act part of the gambling legislation review.
<i>Gaming Machine Act 1987</i>	DTI	Review completed. Targeted public review.	1997/1	1998	Act part of the gambling legislation review.
<i>Gas Levy Act 1991</i>	DTI	Review completed. Intradepartmental review.	1996	1998	Review completed.
<i>Lotteries Act 1964</i>	DTI	Review completed.	1997/1	1998	Act part of gambling legislation

		Targeted public review.			review.
<i>Milk Authority Act 1971-section 5, Parts III & IV, section 54</i>	DTI/US	Review completed. Targeted public review.	1998/1	1998	Report released. Government response announced. Act repealed in May 1999.
<i>Payroll Tax Act 1987</i>	DTI	Review completed. Intradepartmental review.	1997/1	1998	Review completed.
<i>Pool Betting Act 1964</i>	DTI	Review completed. Targeted public review.	1997/1		Act part of the gambling legislation review.
<i>Racecourses Act 1935</i>	DTI	Not for review.	No review scheduled		Act to be repealed and provisions incorporated in new racing legislation.
<i>Rates and Land Rent (Relief) Act 1970</i>	DTI	Review completed. Intradepartmental review.	1996	1998	Review completed.
<i>Rates and Land Tax Act 1926</i>	DTI	Review completed. Intradepartmental review.	1996	1998	Review completed.
<i>Rates and Land Tax Act 1986</i>	DTI	Review completed. Intradepartmental review.	1996	1998	Review completed.
<i>Sewerage Rates Act 1968</i>	DTI	Review not commenced.	No review scheduled		Act will be considered in the development of new utilities legislation.
<i>Stamp Duties and Taxes Act 1987</i>	DTI	Review completed. Intradepartmental review.	1996	1998	Review complete.
<i>Territory Owned</i>	DTI	Review completed.	1999/2		Act not found to restrict

<i>Corporations Act 1990 - (section 18)</i>		Targeted public review.			competition.
<i>Water Rates Act 1959</i>	DTI	Review not commenced.	No review scheduled		Act will be considered in the development of new utilities legislation.