

# 6 Western Australia

## Agency abbreviations

The following abbreviations are used in the 'Agency' column of the Western Australian legislation review timetable.

Ag	Department of Agriculture
BAG	The Board of the Art Gallery of Western Australia
CALM	Department of Conservation and Land Management
CHA	Country Housing Authority
CISB	Coal Industry Superannuation Board
DCEP	Department of Consumer and Employment Protection
DEP	Department of Environmental Protection
DES	Department of Education Services
DH	Department of Health
DIT	Department of Industry and Technology
DMPR	Department of Mineral and Petroleum Resources
DT	Department of Training
EPRA	East Perth Redevelopment Authority
FESA	Fire and Emergency Services Authority
Fish	Department of Fisheries
GESB	Government Employee Superannuation Board
HW	Department of Housing and Works
IA	Department of Indigenous Affairs

IC	Insurance Commission of Western Australia
J	Department of Justice
LA	Department of Land Administration
LG	Department of Local Government and Regional Development
OE	Office of Energy
OWR	Office of Water Regulation
P&C	Department of Premier and Cabinet
PI	Department of Planning and Infrastructure
Po	Western Australian Police Service
PTT	Perth Theatre Trust
RGL	Office of Racing, Gaming and Liquor
RIA	Rottnest Island Authority
SBDC	Small Business Development Corporation
SR	Department of Sport and Recreation
TF	Department of Treasury and Finance
WAGRC	Western Australian Government Railways Commission
WALA	Western Australian Land Authority
WCRC	Workers' Compensation and Rehabilitation Commission
WRC	Water and Rivers Commission

## Legislation review schedule: Western Australia

Updated to September 2001

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal Affairs Planning Authority Act 1972 and Regulations	IA	Access to Aboriginal lands is restricted. Provision of finance for Aboriginal enterprises which enables finance to be provided to Aboriginal enterprises through the Aboriginal Trading fund, which may have competitive advantages over private sector lenders.	Review completed in 1997. Concluded that both restrictions protect the residents of Aboriginal Lands and enable support for Aboriginal enterprises that could reduce reliance on welfare and other transfer payments. The costs are estimated to be minimal, but achieve significant public benefits. Recommended retaining the restrictions.	The Government endorsed the review recommendations. Act retained without reform.
Aboriginal Communities Act 1979 and By-laws	IA	Section 7(1) empowers a community to which the Act applies to make by-laws relating to the community lands of that community for or with respect to: <ul style="list-style-type: none"> <li>the prohibition or regulation of the admission of persons, vehicles and animals to the community lands or a part of the community lands; and</li> <li>the prohibition, restriction or regulation of the possession, use or supply of alcoholic liquor or deleterious substances.</li> </ul>	Review completed in 1997. Concluded that effects on the general economy are not significant. Non-legislative alternatives were considered, but it is considered that the provision of powers to Aboriginal communities to regulate access to community lands is necessary and that no less restrictive means are available to fulfil the purpose of the Act and maintain the level of public benefit. Recommended retaining the powers of the communities to regulate access and the availability of deleterious substances on the grounds of public health and cultural preservation.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal Heritage Act and Regulations 1974	IA	Access to Aboriginal lands containing protected sites is restricted.	Review completed in 1997. Concluded the restriction protects the cultural heritage of the State and ensures that sites of historical and cultural significance are not damaged or destroyed. Noted the restrictions on competition contained in the legislation are in the public interest and should be retained.	The Government endorsed the review recommendations. Act retained without reform.
Administration Act 1903 and Regulations	J	The Act treats natural persons differently from other classes of administrators of intestate estates as regards a requirement to obtain surety.	Review completed in 1997. The restriction has no costs, but provides benefits by placing natural person administrators on a level playing field with other classes of administrators. It does so because other administrators are already subject to similar safeguards to protect deceased estates, by other means. Recommended retaining the restriction as it was found to be in the public interest. Review also recommended: broadening the range of financial institutions covered by a provision that grants them protection to pay funds from a deceased estate, up to a maximum amount, for funeral or other authorised purposes prior to administration of the estate; and making this maximum amount consistent with corresponding provisions of the Financial Institutions Code (WA).	Amendments made under the Acts Amendment and Repeal (Financial Sector Reform) Act 1999 removed the restrictions that were to be addressed through the recommendations of the National Competition Policy (NCP) review of this Act.
Aerial Spraying Control Act 1966	Ag	Licensing of aerial spray contractors.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).
Agricultural Produce (Chemical Residues) Act 1983 and Regulations	Ag	Restrictions on chemically affected produce (eg on sale, movement or destruction). Minimum qualifications for analysts.	Not listed on WA's review schedule but reviewed as part of the national review of agvet chemicals. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).

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Agricultural Products Act 1929 and Regulations	Ag	Regulates the packing and sale of agricultural products.	Review by officials completed. It recommended repealing all codes and replacing these with regulations on labeling.	
Agricultural Protection Board Act 1950	Ag		Review by officials, in conjunction with the other agricultural protection Acts, completed. It found the Act did not restrict competition.	
Agriculture Act 1988	Ag		Review by officials, in conjunction with the other agricultural protection Acts, completed. It found the Act did not restrict competition.	
Agriculture and Related Resources Protection Act 1976 and Regulations	Ag	Restricts importation of some plants or animals. Requires landholders to control pests and diseases. Spraying regulations. Raises rates on pastoral land. Restricts the storage of agricultural chemicals.	Review by officials, in conjunction with the other agricultural protection Acts, completed. It found the Act did not restrict competition. It recommended: <ul style="list-style-type: none"> <li>• repealing the spraying regulations (as when amendments are made to Health (Pesticides) Regulations 1956) so that aerial operators are subject to the same licensing regimes as other pesticide operators; and</li> <li>• retaining powers to control use and other restrictions.</li> </ul>	
Agriculture and Veterinary Chemicals (Western Australia) Act 1995 and Regulations	Ag	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.
Albany Port Authority Act 1926 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.

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Albany Woollen Mills Agreement Act 1976	HW	Differential treatment.	Review not required.	Act repealed.
Anatomy Act 1930	DH	Licensing.	Review completed in 2000. The review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.
Anglo-Persian Oil Company Limited (Private) Act 1919	HW	The Act defines the relationships, rights and duties of oil companies, local government authorities and the Minister for Works in relation to the construction, operation and maintenance of pipelines on public lands. These duties and powers of the State and local governments constitute restrictions on the commercial activities of the oil companies.	Review completed in 1998. Review identifies public benefits of restrictions as: minor cost savings in management of municipal infrastructure arising from coordination in planning, construction and maintenance of municipal infrastructure and oil facilities; minimisation of public inconvenience during construction and maintenance activities on public land; and ensuring proper restoration of municipal infrastructure where this has been disturbed as a result of construction or maintenance activities by the oil companies.  Review concluded that the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact.	The Government endorsed the review recommendations. Act retained without reform.
Animal Resources Authority Act 1981	DH		Review by officials completed. It found the Act contained no restrictions on competition.	

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Architects Act 1921 and Regulations	HW	Registration, entry requirements, reservation of title, disciplinary processes, business conduct (including require Architects Board approval for advertising), and business licensing.	National review conducted by the Productivity Commission (PC) completed in August 2000, and publicly released in November 2000. (Previous State review commenced but not completed). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of the Act. State review being completed to address PC recommendations.	A States and Territories working group is developing a national response to the PC review.
Art Gallery Act 1959	BAG	The Act provides that works of art shall not be sold or exposed for sale in the Art Gallery or in any other places under the sole management and control of the Board. This imposes a discriminatory restriction on competition by not allowing private owners to sell works of art from the Gallery whilst allowing the Board to exempt governments or other art galleries from this provision.  Regulations specifying the conditions and restrictions under which the public may be allowed to examine works of art in the Art Gallery and other places under the management and control of the Board.	Review completed. Concluded that the intended effect of the restriction on the sale of artworks is to maintain the Gallery's status as the premier visual art collection and display institution and ensure that the Gallery is not diverted to overtly commercial operations. The restrictions on the sale of art works have minimal impact on those wishing to sell their artwork as the Art Gallery typically refers queries regarding the purchase of art works to the relevant owner. The proposed amendment would allow the Gallery some flexibility to sell artworks from its premises should the need or desire arise.  Recommended amending the Act to give the Board discretionary powers in the sale of artworks in the Art Gallery or in any other place under the management and control of the Board.	The Government endorsed the review recommendations.

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Artificial Breeding of Stock Act 1965	Ag	Restricts premises for supplying semen and other reproductive material. Licenses artificial breeders. Restricts the importation of reproductive material.	Review by officials, in conjunction with a range of other agricultural protection Acts, completed. Recommended: <ul style="list-style-type: none"> <li>• repealing all restrictions;</li> <li>• introducing new less restrictive regulations on control of diseases; and</li> <li>• voluntary licensing of artificial breeders.</li> </ul>	
Auction Sales Act 1973 and Regulations	DCEP	Licensing of auctioneers, entry requirements (fit and proper person, requires two years experience on restricted licence before general licence), reservation of practice, and business conduct (maintenance of records in relation to livestock and vendor accounts).	Review underway. Discussion paper released in September 2000 inviting submissions. Discussion paper recommended that: the licensing system be retained until a full legislative review of the Act within the next 12 months; unless justified by new reasons arising from that review, the licensing system be repealed; and if licensing, or some other form of occupational regulation, is justified after completion of a full legislative review, then the administration of such a system be the responsibility of a single Government organisation.	
Australian Soccer Pools Bloc: Rules for Subscriber Participation	RGL	Licensing.		Act repealed and replaced by the Lotteries Commission (Soccer Pools) Rules 1996.
Beekeepers Act 1963	Ag	Requires registration of all beekeepers and branding of hives. Restricts importation, antibiotic use and testing. Imposes standards on honey.	Review by officials, in conjunction with a range of other agricultural protection Acts completed. It recommended retaining all restrictions except to reconsider those relating to honey standards and nuisance provisions.	

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Betting Control Act 1954 and Regulations	RGL	Licensing.	<p>Review in conjunction with the Totalisator Agency Board Betting Act 1960, completed in 1998. Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> <li>• relaxing restrictions on the operation of totalisators other than by the Totalisator Agency Board (TAB);</li> <li>• relaxing restrictions on bookmakers and their operations;</li> <li>• removing limits on bets in the regulations, leaving the racing clubs to set limits as they see fit; and</li> <li>• relaxing some restrictions on the operations of the TAB.</li> </ul> <p>The legislative provisions giving rise to the remaining restrictions were assessed as being in the public interest and recommended for retention.</p>	The Government endorsed the review recommendations. Recommendations are being implemented via the Betting Legislation Amendment Bill 2001 and the Acts Amendment and Repeal (Competition Policy) Bill.
Biological Control Act 1986	Ag	No restrictions on competition. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.	Review not required.	Act to be retained without reform.
Boxing Control Act 1987 and Regulations	SR	Registration (boxers, trainers, promoters and judges).	Departmental review completed in 1997. Consultation involved submissions. Review found that the restrictions were in the public interest.	The Government endorsed the review recommendations. Legislation retained without reform.

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Bread Act 1982	DCEP	Restrictions on market entry. Restrictions on delivery time for bread. Requirements for marking vehicles delivering bread.	Review by officials completed. It recommended repeal of the Act.	Act to be repealed by Acts Amendment and Repeal (Competition Policy) Bill.
British Imperial Oil Company (Private) Act 1925	HW	Licensing.		Act retained without reform.
Builders Registration Act 1939 and Regulations	DCEP	Licensing, registration, entry requirements (training and seven years practical experience, age, good character, 'sufficient material and financial resources'), the reservation of practice, and business licensing.	Review, in conjunction with the Home Building Contracts Act 1991, underway. Discussion paper completed in June 2000. Proposed recommendations included reducing restrictions on owner builders, expanding the scope of conditional licences, and expanding the coverage of the Act to the whole State. The Government sought comments by November 2000.	
Building and Construction Industry Training Fund and Levy Collection Act 1990 and Regulations	DT	Differential treatment.	Review underway. Involves intra and inter agency consultation.	
Bulk Handling Act 1967 and Regulations	Ag	Co-operative Bulk Handling Limited (CBHL) granted sole right to receive and deliver grain until 31 December 2000.	Review scheduled for 1999 but deferred pending a restructure of CBHL and merger talks with the Grain Pool of WA (monopoly grain marketer).	
Bunbury Port Authority Act 1909 and Regulations	PI	Restrictions on market entry and conduct.	Review not required.	Act repealed and replaced by the generic Port Authorities Act 1998.

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Bush Fires Act 1954 and Regulations	FESA	<p>Restriction on the lighting of fires and the requirement to maintain fire breaks. This restriction regulates the lighting of fires and requires the maintenance of fire breaks.</p> <p>Requirement on local governments to provide firefighting equipment and insure voluntary firefighters.</p>	<p>Review completed in 1997. Concluded the restriction on the lighting of fires and the requirement to maintain fire breaks is a very minor restriction on competition. This restriction is clearly in the public interest as it reduces the likelihood of fires. Recommended retaining the restriction.</p> <p>Also noted that firefighting equipment is essential in combating bush fires and protecting the community. The extremely high potential cost of fire damage means local governments must be prepared. Volunteer firefighters are also essential in protecting communities from bush fires and therefore it is in the public interest for government to provide insurance to those who voluntarily risk their lives to protect the community. Recommended retaining the restriction.</p> <p>The review also recommended that Government businesses be subject to fire control requirements.</p>	The Government endorsed the review recommendations. Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Business Franchise (Tobacco) Act 1975	DH	A licence is required by any person wholesaling tobacco or purchasing tobacco for retailing from someone who is not a licensed wholesaler, unless purchase is exempt.	Review completed in 1997. Concluded that although this licensing regime restricts competition in the tobacco wholesaling industry and by doing so keeps prices artificially inflated, it thereby reduces consumption, and was found to be in the public interest on public health grounds. Recommended retaining the restriction.	The Government endorsed the review recommendations.
Camballin Farms (AIL Holdings Pty Ltd) Agreement Act 1985	LA		Review not required.	Act to be repealed.

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Caravan Parks and Camping Grounds Act 1995	LG	Competitive neutrality, land licensing.	Review underway. The Caravan Parks and Camping Grounds Advisory Committee, a committee comprising government and industry representatives, is considering matters to do with restrictions in both the Act and associated regulations.	
Carnarvon Banana Industry (Compensation Trust Fund) Act 1961	Ag	Trust fund provides compensation for storm damage that restricts the entry of potential insurers to this market. Subsidised compensation is available only to Carnarvon growers.	Review by officials completed. It recommended that the Act be repealed.	Act repealed on 28 June 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Casino (Burswood Island) Agreement Act 1985 and Regulations	RGL	Licences, restrictions on games, and regulation of operations.	<p>Review completed in 1998. The following restrictions found to be in the public interest:</p> <ul style="list-style-type: none"> <li>• limits on prizes and play amounts for amusement games with prizes;</li> <li>• limits on the number of bingo permits;</li> <li>• payout ratios and minimum and maximum wagers for minor lotteries;</li> <li>• the ability to set licence fees and taxes should remain, measures taken to ensure that in future, competing casino operators are treated equally and that licence fees are limited to cost recovery;</li> <li>• the licensing of casinos, games and the rules of games, and employees;</li> <li>• the approval needed for Casino supply contracts;</li> <li>• the ability of the Minister to approve certain ownership transactions and certain operating decisions;</li> <li>• the restriction of the use of credit wagering at the Casino;</li> <li>• the period of exclusivity for the Casino;</li> <li>• the conditions imposed on new casinos beyond the period of exclusivity; and</li> <li>• the monopoly over Casino style games and variants restricted to Burswood and any new casino beyond the period of exclusivity.</li> </ul>	The Government endorsed the review recommendations. Change limited to certain restrictions on playing bingo, and the licensing of 'junkets'. Main restrictions on conduct of casinos and casino games retained.

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Cattle Industry Compensation Act 1965	Ag	Powers to nominated persons to inspect and destroy cattle for the purposes of disease control. Provision to raise a levy on the sale of cattle.	Review by officials completed in 1998. It recommended: <ul style="list-style-type: none"> <li>• retaining the restrictions; and</li> <li>• amending the Act to ensure that compensation is only paid for animals destroyed as a result of a control program which is of a "sufficiently public good nature".</li> </ul>	
Censorship Act 1996	J		Review not required.	Act replaces the Censorship and Films Act 1947, the Video Tape Classification and Control Act 1987 and the Indecent Publication and Articles Act 1902.
Censorship and Films Act 1947	J	Licensing.	Review not required.	Act repealed.
Charitable Collections Act 1946 and Regulations	J	Licensing.		Legislation to be repealed.
Chicken Meat Industry Act 1977 and Regulations	Ag	Prohibits supply of chickens unless under an agreement approved by the Industry Committee. Processing plants and growing facilities must be approved.	Review completed in 1997, recommending the Government retain the industry committee's power to set industry-wide supply fees, subject to review after five years, and that restrictions on producer entry and individual negotiations be removed.	The Government endorsed the review recommendations. Amendments not yet implemented.
Chiropractors Act 1964	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway. Issues paper released October 1998.	
City of Perth Parking Facilities Act 1956 and Regulations	PI	Licensing.	Review not required.	Legislation repealed.
Coal Industry Superannuation Act 1989	CISB	Competitive neutrality.	Review deferred pending expected changes to Commonwealth superannuation industry regulatory framework.	

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Commonwealth Oil Refineries Limited (Private) Act 1940	HW	Licensing.		Act retained without reform.
Conservation and Land Management Act 1984	CALM	Exclusive control and management of State forests by the Conservation Commission. Licensing of timber collection and of taking of other resources.  Administrative discretion over how licences and produce are allocated and priced. Permits to occupy and use State forest. Registration of timber workers.	An independent economic adviser reviewed the Act prior to its amendment. The amending legislation was also reviewed.	Act substantially amended by: <ul style="list-style-type: none"> <li>the Conservation and Land Management Amendment Act 2000; and</li> <li>the Forest Products Act 2000.</li> </ul> <p>These Acts vested State forests and other lands in the Conservation Commission and established the Forest Products Commission to undertake commercial forestry functions on State forests and private land.</p> <p>However, the previous Government did not consider the reviews before the amending legislation was passed. The reviews are now awaiting consideration.</p>
Consumer Affairs Act 1971	DCEP		General review, in conjunction with the Fair Trading Act 1987, scheduled in the second half of 2001 and will include a review of any restrictions on competition to ensure they are in the public interest.	
Consumer Credit (Western Australia) Act 1996	DCEP		National review underway.	
Cooperative and Provident Societies Act 1903	J	Licensing.	Act recommended for repeal.	Act expected to be repealed.
Country Slaughterhouse Regulations 1969	DH		Review by officials underway.	

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Credit (Administration) Act 1984 and Regulations	DCEP	Licensing, and disciplinary provisions.	Review completed, with public consultation. It recommended that the licensing requirements be repealed and that many of the powers of the Tribunal and Commission be removed, but that the disciplinary provisions be retained on public interest grounds.	The Government endorsed the review recommendations. Drafting instructions to include the recommended amendments in the proposed Acts Amendment (Competition Policy) Bill 2001 have been forwarded to the Parliamentary Counsel.
Credit Act 1984 and Regulations	DCEP	Differential treatment.	Review underway. Limited consultation required as the legislation is largely superseded by the Consumer Credit Code. Very few provisions in the Credit Act 1984 and the Regulations remain.	
Cremation Act 1929	DH	Licensing.	Review underway. Issues paper released for comment.	
Curtin University of Technology Act 1996	DES	Competitive neutrality, and market power.	Review by officials completed in 1998. Review recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Dairy Industry Act 1973 and Regulations	Ag	Vesting of milk in the Dairy Industry Authority. Farmgate price-setting for market milk. Market milk quotas. Licensing of farmers and processors.	Review by officials, assisted by an industry working party, completed in 1998. Review recommended: <ul style="list-style-type: none"> <li>• the retention of farm-gate pricing for market milk;</li> <li>• the continued vesting of all milk in the Dairy Industry Authority; and</li> <li>• the continuation of the licensing powers of the Authority.</li> </ul> <p>The review also found that quotas as a mechanism for ensuring year round supply where unnecessary, but recommended that quotas be retained for as long as farm-gate pricing continues.</p>	In line with the March 2000 communique signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, WA passed Dairy Industry and Herd Improvement Legislation Repeal Act 2000 on 27 June 2000, deregulating the industry from 1 July 2000.

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Dampier Port Authority Act 1985 and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Dampier to Bunbury Pipeline Regulations 1998	OE			Regulations repealed on 1 January 2000.
Debt Collectors Licensing Act 1964 and Regulations	DCEP	Licensing, entry requirements (age, good fame and character, fit and proper person), the reservation of practice, and business conduct (trust accounts, fidelity bonds).	Departmental review underway. Issues paper released.	
Dental Act 1939	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed.	Amendments being drafted.
Dental Amendment Act 1996	DH	Licensing.	Review completed.	Amendments being drafted.
Dental Prosthetics Act	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed.	Amendments being drafted.
Dried Fruits Act 1947	Ag	Grading of fruit. Registration of dealers and packing sheds. Maintenance of health standards.	Review by officials completed in 1997. It recommended that the Act be repealed.	Act repealed on 15 December 1998.

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East Perth Redevelopment Act 1991 and Regulations	EPRA	Redevelopment control of the area, the compulsory taking of land, subdivision approval from Minister rather than the State Planning Commission, Treasurer's guarantee of loans, and Ministerial controls.	Review completed in 1997. Review found that effects of the restrictions on competition are relatively minor. The report concludes that there are no acceptable alternatives to achieving the objectives of the three restrictions relating to the powers of the Authority. The powers are necessary to clean up the existing environmental problems and achieve redevelopment in line with the vision for the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. The restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed. Recommended retaining restrictions.	The Government endorsed the review recommendations. Act retained without reform.
Eastern Goldfields Transport Board Act 1984 and Regulations	PI	Restrictions that gave the Board advantages arising from public ownership included: <ul style="list-style-type: none"> <li>• section 5(2) nominating the Board as an agent of the Crown;</li> <li>• section 21(1) implying a Government Guarantee on borrowings; and</li> <li>• section 35 exempting the Board from payment of local government rates.</li> </ul> Sections 32 and 36 allowing the Board to make by-laws and regulations governing the behaviour of patrons and other matters.	Review completed in 1997. Concluded the Board needs to retain the powers vested in Section 21(1) to enable monies to be borrowed to continue to perform its role as a provider of public bus services in Kalgoorlie/Boulder. Recommended repealing sections 5(2) and 35 of the legislation and retaining section 21(1).  Non-legislative alternatives were considered (and rejected) relating to the Board's current power to regulate patrons' behaviour through by-laws and regulations. The Board's powers in this respect are comparable to those of the Department of Transport in the Transperth system, and they do not confer any significant advantage over potential competitors. Recommended retaining above restriction.	Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.

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Edith Cowan University Act 1984	DES	Competitive neutrality, and market power.	Review by officials completed in 1998. Review recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Education Service Providers (Full Fee Overseas Students) Registration Act 1992	DES	Licensing of providers of education to overseas students.	Review underway.	
Electricity Act 1945 - Part 1 of 2	OE	Regulations concerning mandated supply; coordinator determines interconnection prices; restriction on sale/hire of non-approved electrical appliances; and uniform pricing.	Review by an independent consultant completed in 1998. Involved consultation. Review recommended retention of existing restrictions but removal of Western Power's exemption from seeking Coordinator's approval to supply the public.	The Government endorsed the review recommendations. Amendments to be included in the energy amendment Bill. The Government has since proposed further review and reform of the Act.
Electricity Act 1945 - Part 2 of 2 (Electricity (Licensing) Regulations 1991)	OE	Regulations - licensing, entry requirements (apprenticeship/training and experience/exam, fit and proper), reservation of practice, and disciplinary processes.	Review of Electricity (Licensing) Regulations underway.	
Electricity Corporation Act 1994	OE	Exclusive franchise of Western Power; barrier to entry to generate electricity; vertical integration; and competitive neutrality restrictions.	Review by an independent consultant completed. Involved consultation. Review recommended an accelerated timetable for third party access, removal of entry barriers for generators, and ring-fencing of vertical integration structure.	The Government endorsed the review recommendations. The contestability threshold was lowered from 5MW to 1MW from 1 January 2000. The Government has foreshadowed further reductions to the general contestability threshold from 1 July 2001 (228kW) and 1 January 2003 (34kW). Some minor competitive neutrality advantages have been removed by the Statutes (Repeals and Minor Amendments) Act 1998. The Government has since proposed further review and reform of the Act.

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Employment Agents Act 1976 and Regulations	DCEP	Licensing, entry requirements (fit and proper person), the reservation of practice, and business conduct (scale of fees, maintenance of records, no misleading advertising).	Departmental review underway. Consultation involves a questionnaire sent to 355 licensed employment agents, public submissions on issues, and stakeholder responses to draft report.	
Energy Coordination Act 1994	OE	Amended to introduce a gas licensing system that provides for regulation of companies operating distribution systems and supplying gas to consumers using less than 1 Terajoule per year.	Review of new provisions found restrictions were minimal and were the most cost-effective means of protecting small customers.	Act to be retained without reform.
Energy Operators (Powers) Act 1995; formerly known as Energy Corporations (Powers) Act 1979	OE	Provided monopoly rights over sale of liquid petroleum gas (LPG) and provides energy corporations with powers of compulsory land acquisition and disposal, powers of entry, certain planning approval and water rights, and indemnity against compensation claims.	Review completed in 1998. It recommended removal of monopoly over sale of LPG, and retention of land use powers of energy corporations. Land use powers necessary to facilitate energy supply.	Restrictions on LPG trading lifted with enactment of Energy Coordination Amendment Act 1999 and the Gas Corporation (Business Disposal) Act 1999.
Environmental Protection Act 1986	DEP	Licensing.	Review by independent consultants completed. The review found that restrictions should be retained.	The Government endorsed the review recommendations in 1997.
Esperance Lands Agreement Act 1960	LA			Act to be repealed.
Esperance Port Authority Act 1968 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Exotic Diseases of Animals Act 1993	Ag	Powers to inspect, demand assistance and issue local quarantine orders. Powers to seize and destroy infected stock. Powers to control the movement of stock.	Review completed in 1998. It recommended retaining the restrictions in the public interest.	
Explosives and Dangerous Goods Act 1971	DMPR	The Act requires licences, permits, authorisations or approvals to be obtained as a means of regulating the various activities involving explosives and dangerous goods.  The effects of the restrictions are generally to impose compliance costs on business and to protect the community from the activities involving explosives and dangerous goods.	Review completed in 1998. It found that generally there are more efficient and effective ways of achieving the objectives of the legislation. The review considered more flexible approaches to controlling activities involving dangerous goods and found that these alternatives can also achieve the required safety and community protection objectives.	The Government endorsed the review recommendations. The Dangerous Goods (Transport) Act 1998 implemented a revised framework for classifying explosives and dangerous goods and transport-related matters. This ensures international consistency in systems of classification and authorisation criteria for dangerous goods and explosives. In addition, regulation of the transportation of explosives is now consistent with that of other dangerous goods under the new national transport framework. Amendments being progressed through Parliament.
Fair Trading Act 1987	DCEP		Review, in conjunction with the Consumer Affairs Act 1971, undertaken in the second half of 2001. The review will include consideration of any restrictions on competition to ensure that they are in the public interest.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fertilisers Act 1977	Ag	Requires retailers to clearly label fertilisers and to handle them in such a way as to avoid contamination.	Review completed in 1997. It recommended: <ul style="list-style-type: none"> <li>• amending the Act to apply only to those fertilisers that pose a risk to agriculture; and</li> <li>• using less restrictive means to achieve the same objectives for other fertilisers.</li> </ul>	
Finance Brokers Control Act 1975	DCEP	Registration, business licensing (with exceptions), advertising, limits on remuneration, conditions on how monies are kept on behalf of clients, auditing requirements and other conduct restrictions.	Review completed in 1999. It was concluded that the significant cost of complying with the Act did not warrant the benefits (if any) that it obtained and that these could be achieved with a less restrictive model. There was no evidence that the current system reduced the risk of defalcation or fraudulent behaviour of finance brokers. The review identified a class of persons known as private lenders who require some form of regulation to ensure a high quality service is maintained. This group includes superannuants who see mortgage backed loans as being an alternative to bank deposits. The review recommended repealing the Act and introducing Code of Practice under section 42 of the Fair Trading Act 1987, to provide regulation of financial intermediaries who deal as private lenders, for 3 years while the industry develops a self regulatory mechanism.	Review held in abeyance pending the decision of the Temby Royal Commission into the Finance Broking Industry.
Firearms Act 1973 and Regulations	Po	Registration (firearm repairers).	Review not required. Act removed from the legislation review timetable in view of a national approach to firearms policy.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fish Resources Management Act 1994	Fish	Licensing of fishers. Prohibitions on market outlets. Input controls on boat, gear and fishing methods. Output controls such as total allowable catches, quota, bag and size limits.	Review completed in 1999. It recommended retaining existing restrictions except for the Western Rock Lobster Managed Fishery, where it recommended an assessment of the net benefit of moving to an output controls-based regime. It also recommended steps to include NCP principles in the ongoing cycle of fisheries management review.	The Government is consulting on the recommendations before determining its response.
Fisheries Adjustment Schemes Act 1987	Fish	Ministerial discretion as to eligibility for compensation upon cancellation of fishing property rights.	Review by independent consultant underway.	
Fishing Industry Promotion Training and Management Levy Act 1994	Fish	Potential for levies to be imposed with differential impact on fishers.	Review by independent consultant underway.	
Fremantle Port Authority Act 1902 Act and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Friendly Societies Act 1894	J	Licensing.		Act repealed.
Fruit Growing Industry Trust Fund Act 1941	Ag		Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming Commission Act 1987 and Regulations	RGL	Licensing for the conduct of games such as bingo, two-up and so on.	Review completed in 1998.	No change to most restrictions, including licensing and the availability of gaming machines. But restrictions on casino games for community gaming, two-up and bingo prize pools to be removed, subject to appropriate changes being negotiated in the Casino (Burswood Island) Agreement Act. Lotteries restrictions to be removed or reduced, including: to allow for the licensing of suppliers of State lottery products by State Agreement; amending the legislation so that lotteries conducted by organisations the subject of such an agreement are lawful lotteries; allow for licensing professional fundraisers; removing the definition of 'foreign lottery' from the legislation; and related amendments.
Gas Corporation Act 1994	OE	Creates Gas Corporation to run certain publicly owned gas assets.		Act repealed in December 2000.
Gas Standards Act 1972 and Regulations	OE	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 - gasfitters licensing, registration, entry requirements (knowledge and skills, fit and proper), and reservation of practice.	Review underway.	
Gas Transmission Regulations 1994	OE	Access provisions.		Legislation repealed. Access and related matters now regulated under the Gas Pipelines Access (WA) Act 1998.
Geraldton Port Authority Act 1968 and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gold Corporation Act 1987 and Regulations	TF	Deals with competitive advantages and disadvantages arising from Government ownership.	Review completed in 1999-2000. Review recommended removal of advantages enjoyed by the Gold Corporation and subsidiaries over other businesses operating in precious metals markets.	The Government endorsed the review recommendations. Legislation to implement recommendations introduced in May 2000 but not yet enacted.
Government Employees Superannuation Act 1987	GESB	Limits on choice of funds.		Act repealed.
Government Railways Act 1904 and By-laws: Nos. 1 to 53, 59, 62, 63, 64, 68, 74. No. 55 (rates) No. 60 (passenger fares) No. 75 (Auction Sales), and No. 76 (Licensed Porters)	WAGRC	Access, market power, and competitive neutrality.	Review completed in 1998.	The Government Railways (Access) Act 1998 and the Rail Safety Act 1998 have addressed amendments removing various advantages and disadvantages conferred on the Commission.
Grain Marketing Act 1975 and Regulations	Ag	Establishes the Grain Pool of WA and confers on it a monopoly over bulk exports of feed and malting barley, canola and lupins.	Review underway.	
Hairdressers Registration Act 1946 and Regulations	DT	Licensing, registration, entry requirements (good character, training and exam), reservation of practice and title, and disciplinary processes.	Review by independent consultants underway. A consultative committee has been established (including industry, Government and consumer representatives). Review has called for public submissions.	
Health (Adoption of Food Standards Code) Regulations 1992	DH	As per the Food Standards Code.	National review completed in 2000 (see the NSW Food Act 1989).	All Australian governments agreed in November 2000 to adopt core provisions of the Model Food Bill by November 2001.
Health (Asbestos) Regulations 1992	DH	Licensing.	Review underway.	
Health (Cloth Materials) Regulations 1973	DH	Licensing.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health (Construction Work) Regulations 1973	DH	Licensing.	Review underway.	
Health (Drugs and Allied Substances) Regulations 1961	DH	Licensing.	Part of Galbally Review. Final review report under consideration by the Australian Health Ministers Advisory Council (AHMAC).	
Health (Food Hygiene) Regulations 1993	DH	Licensing of food processors. Registration of premises. Safe food practices specified.	Review underway.	
Health (Game Meat) Regulations 1992	DH	Minimum qualifications for slaughterers. Registration of field depots and processing facilities.	Review underway.	
Health (Meat Inspection and Branding) Regulations 1950	DH		Review underway.	
Health (Pesticides) Regulations 1956	DH	Licensing.	Review underway. Invitation to submit.	
Health (Pet Meat) Regulations 1990	DH		Review underway.	
Health (Public Buildings) Regulations 1992	DH	Licensing.	Review underway.	
Health (School Dental Therapists) Regulations 1974	DH	Licensing.	Review underway.	
Health Act (Swimming Pools) Regulations 1964	DH	Licensing.	Review underway.	
Health Act 1911	DH	Licensing.	Review underway.	
Health Laboratory Services (Fees) Regulations	DH	Licensing.		Act repealed.
Health Services (Conciliation and Review) Act 1995	DH		Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hire Purchase Act 1959 and Regulations	DCEP	Credit providers are required to refund any surplus amount following repossession of goods under hire-purchase transactions; the Court has power to reopen hire-purchase transactions which it considers to be "harsh or unconscionable"; and the ability of credit providers to repossess farming goods is regulated.	Review completed, with public consultation. Review found that most of the provisions of the Act are no longer needed to achieve consumer protection for new hire-purchase transactions, since the enactment in 1996 of the national uniform Consumer Credit Code. However, the review found that three provisions (relating to surplus from sale of goods, equitable relief and farm goods purchases) are not adequately reproduced in the new Code and are justified for retention in the public interest.	The Government endorsed the review recommendations. Act to be amended via the Acts Amendment and Repeal (Competition Policy) Bill 2000.
Home Building Contracts Amendments Act 1996 and Regulations	DCEP	Requirement of written contracts, conditions (including mandatory insurance).	Review, in conjunction with the Builders Registration Act 1939, underway. Discussion paper completed in June 2000. Proposed recommendations included retaining requirements for written contracts and maximum amount for deposit, the 'warranty' period and home indemnity insurance (but with further examination of the differences in requirements in WA and the rest of Australia). Also recommendation that insurance authorisation be modified so Minister approves policies, rather than insurers.	The Government sought comments by November 2000.
Horticultural and Produce Commission Act 1988	Ag	Horticultural Produce Commission is empowered to raise compulsory levies from growers.	Review completed in 1997. It recommended amending the Act to ensure that levies are used only to fund services that are of a sufficiently public good nature and have had a benefit cost assessment.	Act amended. Now called the Agricultural Produce Commission Act 1988.
Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987	DH	Licensing.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997	DH	Licensing.	Review underway.	
Hospitals (Service Charges) Regulations 1984	DH	Licensing.	Review underway.	
Hospitals and Health Services Act 1927	DH	Licensing.	Review underway.	
Hospitals and Health Services Amendment Act 1996	DH	Licensing.	Review underway.	
Human Reproductive Technology Act 1991	DH	Licensing.	Review completed. Review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.
Human Reproductive Technology Amendment Act 1996	DH	Licensing.	Review completed, and no reform recommended.	
Human Tissue and Transplant Act 1982	DH	Licensing.	Review completed in 2000. The review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	
Indecent Publications and Articles Act 1902 and Regulations	J	Licensing.	Review not required.	Legislation repealed and replaced by the Censorship Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Industrial Relations Act 1979	DCEP	<ul style="list-style-type: none"> <li>• qualifications for Chief Commissioner and President;</li> <li>• age limit for members of Western Australian Industrial Relations Commission (WAIRC);</li> <li>• restrictions on the jurisdiction of WAIRC;</li> <li>• individual access to WAIRC;</li> <li>• representation of parties by legal practitioners;</li> <li>• employees as parties to industrial agreements;</li> <li>• registration of employer and employee organisations;</li> <li>• access to Public Sector Appeal Board and Railway Classification Board;</li> <li>• use of the Government Printer to print the Gazette;</li> <li>• binding of employers and employees to common rule awards;</li> <li>• parties to workplace agreements having total access to WAIRC; and</li> <li>• prohibition on use of membership funds for political expenditure.</li> </ul>	<p>Review completed in 1997. Due to the non-financial nature of the restrictions and the difficulty in quantifying them, the analysis is purely qualitative. The restrictions are largely discriminatory in nature. A number of restrictions discriminate between employees in relation to access to dispute resolution services.</p> <p>Recommended:</p> <ul style="list-style-type: none"> <li>• the above restrictions should be removed as they are not in the public interest; and the binding of employers and employees to common rule awards legislation should be amended;</li> </ul> <p>The following restrictions are in the public interest and should be retained;</p> <ul style="list-style-type: none"> <li>• parties to workplace agreements having total access to WAIRC;</li> <li>• restrictions on the jurisdiction of WAIRC; and</li> <li>• prohibition on use of membership funds for political expenditure.</li> </ul>	<p>The Government endorsed the review recommendations. Amendments are required.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Industrial Training Act 1975 and Regulations	DT	Licensing.	Review not required.	Legislation repealed and replaced by the Vocational Education and Training Act 1996.
Infectious Diseases (Inspection of Persons) Regulations	DH	Licensing.	Review underway.	
Inquiry Agents Licensing Act 1954 and Regulations	Po	Licensing.		Act repealed and replaced by the Security and Related Activities (Control) Act 1996.
Instant Lottery Rules 1991, Instant Lottery (Telespin) Rules 1991, and Lotto Rules 1990	RGL	Differential treatment.		Legislation repealed. Replacement Lotteries Commission regulations reviewed.
Insurance Commission of Western Australia Act 1986	IC	Limits on investment and borrowing powers, Treasurer's guarantee, Competitive neutrality.	Review completed in 1998. It concluded that the restrictions provide net public benefit primarily because they improve accountability and oversight controls that are consistent with the approach to other public sector bodies, and legislation other than this Act gives the Insurance Commission exclusive functions so that it has no competitors. The review recommended retaining the restrictions as they provide a net public benefit and are necessary to achieve the objectives of the Act.	Act retained without reform.
Jetties Act 1926 and Regulations	PI	Licensing, and competitive neutrality.		Legislation to be repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Valuers Licensing Act 1978 and Regulations	DCEP	Licensing, entry requirements (member of Institute of Valuers or education and four years experience, and possibly exams), the reservation of title and practice, and business conduct (including board setting maximum fees, code of conduct).	Review completed.	The Government is considering the review recommendations in light of the Gunning Inquiry. (Gunning Inquiry recommended replacing seven licensing boards including the Land Valuers Licensing Board, with a single authority to license finance brokers, builders, car dealers, land valuers, and real estate and settlement agents.)  Matters are now being held in abeyance pending the findings of the Temby Royal Commission.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Law Reporting Act 1981	J	<p>The requirement to obtain prior written consent of the Attorney General before publishing judicial decisions of State courts.</p> <p>The practice of selective invitation and awarding of a single contract for a ten year period for the publication of the Authorised Reports.</p> <p>An arrangement between the Supreme Court Library and the Attorney General which establishes the Library as a monopoly service provider for the supply of unreported judgments and which is not subject to any form of market testing.</p>	<p>Review completed in 1998. It found the benefits of the restriction (through maintaining the integrity of judicial processes utilising published judgments) outweigh the costs associated with potentially reduced innovation and availability of law reports. Review concluded the net public benefit could be achieved by a less restrictive alternative, involving a negative licensing system giving blanket authorisation to anyone to publish law reports while preserving the Attorney General's right to revoke, vary or withdraw authorisation, and the practice of selective invitation and awarding of a 10 year contract for publication of the Authorised Reports be replaced with a widened tender process and reducing contract periods to 5 years.</p> <p>Also recommended retaining the arrangement between the Supreme Court Library and the Attorney General, as there were benefits from greater accessibility to unreported judgments for the judiciary and the community at large through an efficient distribution service at minimal cost.</p>	<p>The Government endorsed the review recommendations. The recommendations are likely to be effected through administrative rather than legislative means.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Aid Commission Act 1976 and Regulations	J	<p>The review identified four restrictions in the Act as it will be amended by the Bill, all classified as minor:</p> <ul style="list-style-type: none"> <li>• prescribed composition of the Legal Aid Commission;</li> <li>• power and recognition given to the Law Society of WA (Inc);</li> <li>• prescribed qualifications of public assessor; and</li> <li>• prescribed rate of interest payable on money owed to Legal Aid Commission.</li> </ul>	Review completed. The review found that each of the restrictions is in the public interest and should be retained.	The Government endorsed the review recommendation that the restrictions in the Act, as it will be amended by the Bill, should be retained.
Legal Practitioners Act 1893 and Rules	J	Licensing, registration, entry requirements, reservation of title, reservation of practice, disciplinary processes, business conduct (including monopoly professional indemnity insurance, trust accounts, fees, advertising), and competitive neutrality.	Departmental review underway. Consultation involved establishing consultative group, releasing an issues paper (June 2000) and seeking submissions (by August 2000).	
Licensed Surveyors Act 1909 and Regulations	PI	Licensing, entry requirements (competency - education and experience, age, good fame and character, continuing professional development), the reservation of title and practice, disciplinary processes, business conduct (including professional indemnity insurance).	Review, in conjunction with the Strata Titles Act 1985, completed in November 1998. Recommendations included re-composing the board, clarifying entry standards, and retaining restrictions on professional indemnity insurance.	The Government endorsed the review recommendations. Amendments to the Act will be progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Lights (Navigation Protection) Act 1930	PI	Licensing.		Act to be repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Licensing Act 1988 and Regulations	RGL	Contains a public needs test. (s38 requires the licencing authorities to have regard to the number and condition and distribution and services provided by existing licensed premises in the affected area.)  Also, differential hours for hotels and liquor stores with the latter prohibited from opening on Sundays.	Review completed in March 2001. Recommended that the public needs test should be replaced by a public interest test. This public interest criteria should include reference to the likely effect on competition in the liquor market but not on individual competitors to enable identification of important but otherwise undisclosed public interest matters, i.e. outlet density and propensity for harm and ill heath.  Review also recommended that trading hours for liquor stores and hotels be similar including on Sundays.	
Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989	LG		Review not required.	The Government is currently developing a Bill to replace the Act. Bill to be examined under gatekeeper provisions.
Local Government Act 1995	LG	Competitive neutrality, differential treatment, and single industry superannuation scheme for employees.	Review completed. Concluded that requirement for local governments to participate in a single industry superannuation scheme is inappropriate.  Exemption of Cooperative Bulk Handling from rates found to be potentially anti-competitive. Matter to be considered in conjunction with the Bulk Handling Act 1967.	
Local Government Draft Model By-Laws	LG		Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lotteries Commission Act 1990 and Rules and Regulations - Lotteries Commission Regulations 1991; Lotteries Commission: (Super 66) Rules 1996; (Powerball Lotto) Rules 1996; (Saturday Lotto) Rules 1996; (Oz Lotto) Rules 1996; (Instant Lottery) Rules 1996; and (Soccer Pools) Rules 1996	RGL	Allowing the Lotteries Commission (the Commission) to enter into agreements with other State lotteries agencies for the purposes of jointly conducting Lotto and Soccer Pools. Allowing the Commission to use trading names and symbols. Allowing the Commission to obtain permits directly from the Minister. Making it an offence for a person, without the approval of the Commission, to derive a fee or reward for promoting or forming a syndicate to purchase a ticket in a game conducted by the Commission. Allowing the Commission to enjoy the status, immunities and privileges of the Crown.	Review completed in 1997. Recommended retention of restrictions.	Legislation retained without reform.
Marine (Hire and Drive Vessels) Regulations 1983	PI		Review by independent consultant completed.	
Marine Act 1982	PI		Review by independent consultant completed.	
Marine and Harbours Act 1981 and Regulations	PI	Competitive neutrality.	Review completed in 1999.	Act to be repealed.
Maritime Services Bill	PI	Designed to regulate the safety and pilotage requirements for ships in WA.	Review by an independent consultant completed.	When enacted, the Bill will replace several pieces of maritime legislation. The Government is considering the review recommendations. The Bill likely to be introduced into the Parliament in 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marketing of Eggs Act 1945	Ag	Prohibits sale of eggs to persons other than the WA Egg Marketing Board unless under certain exemptions.  Producers must be licensed and transfer of licences prohibited without written permission of the Board.	Review underway.	
Marketing of Meat Act 1946 and Regulations	Ag		Review not required.	Act repealed in mid 1999.
Marketing of Potatoes Act 1946 and Regulations	Ag	Prohibits sale for domestic consumption of potatoes to persons other than the WA Potato Marketing Corporation unless under certain exemptions.  Producers must hold entitlements allocated by the Corporation.	Review underway.	
Meat Transport Regulations 1969	DH		Review underway.	
Medical Act 1894	DH	Restrictions on entry, registration, title, practice, advertising and disciplinary provisions.	Review underway. Draft report released in October 1999. Recommendations included removing reserved practice, limiting the reservation on title, changing the disciplinary system and introducing new advertising restrictions.	
Mental Health (Administration) Regulations 1965	DH	Licensing.		Legislation repealed and replaced. Replacement legislation to be reviewed.
Mental Health (Consequential) Provisions Act 1996	DH	Licensing.	Review completed. Review concluded that restrictions are in the public interest and should be retained.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mental Health (Transitional) Regulations 1997	DH		Review completed. Review concluded that restrictions in the replacement legislation are in the public interest.	
Mental Health (Treatment Fees) Regulations 1992	DH	Licensing.	Review completed.	Legislation replaced. Replacement legislation to be reviewed.
Mental Health Act 1962	DH	Licensing, and differential treatment.		Act repealed and replaced by the Mental Health Act 1996.
Mental Health Act 1996	DH	Licensing, and differential treatment.	Review completed in December 2000. The review found that the restrictions safeguard the welfare of patients with mental illnesses, comply with international obligations and promote high and consistent standards in mental health care, leading to increased public confidence in the system. The review concluded that the restrictions are in the public interest and should be retained.	
Mental Health Regulations 1997	DH	Licensing.	Review completed. Review concluded restrictions are in the public interest.	
Metropolitan (Perth) Passenger Transport Trust Act 1957 and Regulations	PI			Legislation to be repealed.
Mining Act 1978 and Regulations 1981	DMPR	Establishes licensing regime for exploration and development of minerals.	Review completed. Review found restrictions necessary for orderly exploitation of mineral resources, minimising land use conflict, protecting third-party rights, minimising environmental impacts and promoting efficiency.	The Government accepted the review recommendations.
Morley Shopping Centre Redevelopment Agreement Act 1992	DIT		Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicle (Third Party Insurance) Act 1943	IC	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review completed in 2000. The review found mandatory insurance and price restrictions give rise to net public benefits (ensuring injured parties are compensated, reducing costly private legal action, lowering transactions costs, lowering costs of insurance, and increasing the proportion of claims' payments retained by claimants). No less restrictive means of achieving the objectives were found. The review found that monopoly provisions do not offer sufficient public benefit to justify their retention, and recommended the restrictions should be removed.	The Government endorsed the review recommendations. Drafting instructions are being prepared to include the recommended amendments in the proposed Acts Amendment (Competition Policy) Bill 2001.
Motor Vehicle Dealers Act 1973 and Regulations	DCEP	Licensing (motor vehicle dealers, yard managers, car market operators and sales persons), entry requirements (dealers must be solvent and understand their obligations under the Act, yard managers must complete a four-day course), business conduct (statutory warranties on used vehicles), and power to the Motor Vehicle Licensing Board to set standards for premises.	Review completed in 1997. Recommended: retaining restrictions on licensing for motor vehicle dealers and yard managers; retaining statutory warranties for used vehicles; repealing restrictions on licensing for car market operators and salespersons; and repealing the power of the Motor Vehicle Licensing Board to set standards for premises.	The Government endorsed the review recommendations. Amending legislation being drafted to implement review recommendations.
Motor Vehicle Drivers Instructors Act 1963	PI	Licensing, entry requirements (competency, aged at least 21 years, good character, fit and proper person, may require test or course), the reservation of practice (teach for reward), and business conduct (dual control vehicle, regulations may make provisions for displaying identification).	Review under consideration.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Murdoch University Act 1973	DES	Competitive neutrality, and market power.	Review by officials completed in 1998, recommending that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendments being proposed via the Acts Amendment and Repeal (Competition Policy) Bill.
Mutual Recognition (Western Australia) Act 1995	P&C		National review completed in July 1998.	
North West Gas Development (Woodside) Agreement Act 1979	DMPR		Review not required.	Act repealed and replaced by the North West Gas Development (Woodside) Agreement Amendment Act 1994.
North West Gas Development (Woodside) Agreement Amendment Act 1994	DMPR	Differential treatment.	Review completed in 1998.	Act retained without reform in view of sovereign risk implications of unilateral amendment or repeal.
Northern Developments (Ord River) Pty Ltd Agreement Act 1960	LA	Differential treatment.		Act to be repealed.
Northern Developments Pty Ltd Agreement Act 1957	LA	Differential treatment.		Act to be repealed.
Northern Developments Pty Ltd Agreement Act 1969	LA	Differential treatment.		Act to be repealed.
Nurses Act 1992	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway.	
Occupational Therapists Registration Act 1980	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway.	
Offensive Trades (Fees) Regulations 1976	DH	Licensing.	Review underway.	
Optical Dispensers Act 1966	DH	Licensing.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Optometrists Act 1940	DH	Restrictions on entry, registration, title, practice, advertising and disciplinary provisions.	Review underway.	
Osteopaths Act 1997	DH	Restrictions on entry, registration, title, and disciplinary provisions.	Review completed in 1997 and reforms recommended.	Amendments being drafted in the Acts Amendment and Repeal (Competition Policy) Bill.
Painters Registration Act 1961	DCEP	Licensing and registration (for persons carrying on a painting business in their own right and not as employees and for painting valued greater than \$200), entry requirements (degree/apprenticeship/ experience and exams, age, good character), the reservation of title and practice, disciplinary processes, and business licensing.	Review completed in 1998. Review concluded that the current system of mandatory licensing is too restrictive and should be removed. The review recommended a certification scheme be developed to allow consumers to readily identify painters who possess particular skills. It also recommended negative licensing to support a certification system, allowing for the removal from the industry of persons who do not adhere to basic standards of commercial conduct. These changes will reduce business costs but will still enable some control of the industry and certainty for consumers.	The Government endorsed the review recommendations.
Pathology Centre Notice and Directions 1995	DH	Market power.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers and Second-hand Dealers Act 1994 and Regulations	Po	Licensing (pawnbrokers, second-hand dealers for not exempt goods), registration, entry requirements (good character, fit and proper person - that is, adequate management, supervision and control of business operations, and no conviction of dishonesty, fraud, or stealing offence in past five years), the reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, computer records, notification of pawner of surplus of proceeds of sale; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Review by the WA Police Service completed in 1999. Consultation involved when developing legislation. No public consultation during review. Review recommended: retaining the current licensing provisions on the understanding that they may be modified following future review; conducting a further review after the current legislation had been in operation for an additional three years; and examining alternative approaches, including those likely to be introduced in other States.	The Government endorsed the review recommendations.
Pearling Act 1990 and Regulations	Fish	Licensing of pearling and hatcheries. Minimum quota holding for pearling licences. Hatchery licensees must also hold pearling licence. Wildstock quota. Hatchery quota. Hatchery sales to other than Australian industry prohibited.	Review completed in 1998. It recommended: <ul style="list-style-type: none"> <li>• removing minimum quota holdings;</li> <li>• decoupling pearl farming licences from pearl fishing licences;</li> <li>• auctioning wildstock quotas;</li> <li>• removing hatchery quotas;</li> <li>• codifying in regulation criteria for fishery management decisions; and</li> <li>• establishing an independent review tribunal.</li> </ul>	The Government is consulting on the recommendations before determining its response.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Perth Market Act 1926 and Regulations	Ag	Licensing, and differential treatment.	Review underway. Consultation involved public advertisement and calling for submissions in June 2000.	
Perth Parking Management Bill 1998	PI	Licensing, and differential treatment.	Reviewed as new legislation.	Bill removes discriminatory treatment of Council and private parking providers, licenses and limits parking places in Perth Central Business District. Public benefits are reduced Central Business District congestion and improved air quality. The Government approved on 18 May 1998. Assented to on 19 May 1999.
Perth Theatre Trust Act 1979	PTT	Competitive neutrality.	Review underway. Interagency consultation.	
Petroleum (Submerged Lands) Act 1982 and Regulations	DMPR	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by Australian and New Zealand Mineral and Energy Council (ANZMEC) Ministers.	Amendments to be developed by the Commonwealth and subsequently reflected in State and Territory legislation.
Petroleum Act 1967	DMPR	Regulates onshore exploration for and development of petroleum reserves.	Review to be conducted after outcome of the Petroleum and Submerged Land Act is finalised.	
Petroleum Pipelines Act 1969 and Regulations	DMPR	Regulates construction and operation of petroleum pipelines in WA.	Review completed. Common carrier provisions to be considered following the Petroleum and Submerged Land Act review.	Minor amendments to follow.
Petroleum Products Subsidy Act 1965 and Regulations	OE	Market power.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1964	DH	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing, residence, and disciplinary provisions.	National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.	Council of Australian Governments (CoAG) referred the Wilkinson Review to a senior officials' working party. The senior officials' recommendations are being considered by CoAG.
Physiotherapists Act 1950	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway. Issues paper released in October 1998.	
Pig Industry Compensation Act 1942	Ag	Ministerial discretion over allocation of funds raised compulsorily for scientific research. Minister may levy growers to fund services to the pig industry including compensation and disease control programs.	Review by officials completed in 1997. It recommended: <ul style="list-style-type: none"> <li>• changes to ensure that funds from compulsory levies are used only for services of a public good nature; and</li> <li>• retaining the power of the Minister to levy growers.</li> </ul>	
Piggeries Regulations 1952	DH		Review underway.	
Planning legislation: Town Planning and Development Act 1928, Western Australian Planning Commission Act 1985, and Metropolitan Region Town Planning Scheme Act 1959	PI	Controls land use via town planning schemes.	Review underway.	Legislation (the Town Planning and Development Act 1928, the Western Australian Planning Commission Act 1985, and the Metropolitan Region Town Planning Scheme Act 1959) consolidated into the Urban and Regional Planning Bill 2000. A review of the Bill has been drafted for consideration by the Minister for Planning.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plant Pests and Diseases (Eradication) Fund Act 1996 (previously the Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act 1974)	Ag	Power of Minister to impose levies and Ministerial discretion over application of funds.	Review by officials completed in 1997. It recommended amending the Act to ensure that levies fund only services that are of a sufficiently public good nature and that have been assessed as in accordance with a benefit cost methodology.	
Podiatrists Registration Act 1984	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed.	Amendments being drafted as part of new health practitioners legislation.
Poisons Act 1964, and Poisons Amendments Act 1996	DH	Licensing.	Part of Galbally Review. Final review report under consideration by AHMAC.	
Police Force Canteen Regulations 1988	Po	The Regulations enable a Canteen to sell liquor under terms and conditions that are not subject to the requirements of the Liquor Licensing Act 1988, and therefore discriminate in favour of the Canteen over competing businesses in the private sector.	Review completed in 1998. Review concluded the effect of the restriction is to enable the Canteen more flexibility in its operations than would be afforded to a private sector operator. Recommended that as the restrictions have a minimal impact and cannot be justified in the public interest, and thus the report concluded that the advantages should be removed. As there is no canteen operating at the moment, the report recommends that the removal of the restriction be addressed following the review of the Liquor Licensing Act. If a canteen is established before the review is completed, the review recommends that the canteen voluntarily comply with the Act.	The Government endorsed the review recommendations. Minor amendments to the Act required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Port Authorities Act 1998	PI	Imposes accountability and ownership requirements, together with safety and public interest controls. Restrictions include exemptions from planning and building requirements; public sector management provisions; accountability provisions; requirements for Ministerial approval; consultation and borrowing limits provisions; pilotage provisions; and licensing provisions.	Review completed in 1997. Review concluded that the objectives of the legislation could not be achieved by alternative means other than through the licensing restrictions. Act repeals individual port Acts.	New Act following the review of ports instruments assented to on 29 June 1999.
Port Hedland Port Authority Act 1970 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Port Kennedy Development Agreement Act 1992	PI	Competitive neutrality.		
Ports (Model Pilotage) Regulations 1994	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Ports Functions Act 1993	PI	Restrictions on market conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Potato Growing Industry Trust Fund Act 1947	Ag	Power to raise a compulsory levy on the sale of potatoes for the purposes of disease control and providing compensation to growers in the event of a disease outbreak.	Review by officials completed. It recommended retaining the restriction.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poultry Industry (Trust Fund) Act 1948	Ag	Power of the Poultry Industry Trust Fund Committee to impose levies.  Financial assistance from the Trust Fund to the Poultry Farmers Association.	Review by officials completed in 1997. It recommended: <ul style="list-style-type: none"> <li>• amending the legislation to ensure that levies fund only services that are of a sufficiently public good nature and that have been subject to a benefit cost analysis;</li> <li>• replacing the compulsory levy to fund the Poultry Farmers Association with a voluntary levy; and</li> <li>• retaining the levy raising power.</li> </ul>	Amendments to be made in accordance with the review recommendations.
Poultry Processing Establishments Regulations 1973	DH		Review by officials underway.	
Professional Standards Act 1997	J	Provides for limiting liability for persons who are members of prescribed associations.	Departmental review completed in 1998. No public consultation. Review recommended retaining restriction on competition.	The Government endorsed the review recommendations in July 1999. Act retained without reform.
Psychologists Registration Act 1976	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway. Issues paper released in October 1998.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Works Act 1902	HW	<p>Four restrictions all of which are related to competitive neutrality:</p> <ul style="list-style-type: none"> <li>• financial provisions and powers which potentially allow the WA Building Management Authority to access avenues of credit unavailable to private firms in competing commercial activities;</li> <li>• powers of entry on to land for the purposes of public works which may lead to cost savings deriving from not having to secure rights of access from landowners - such savings are not available to private firms;</li> <li>• powers to close roads or streets which may reduce the cost of works through not having to provide for access or protect the safety of road users in the vicinity of works - a right not available to private firms; and</li> <li>• exemptions from local building regulations (except public health regulations) which may provide cost advantages over firms which have to comply with local regulations.</li> </ul>	<p>Review completed. The review classified restrictions as minor, as their economic effects are insignificant and they are used to facilitate public works, the wider public benefit of which have already been assessed. The costs and loss of flexibility associated with more stringent definition of the projects to which the provisions may apply were found to outweigh the minimal benefit that might accrue. The extension of relevant powers to the private sector, in certain cases, was considered. However, given the negligible current involvement of the private sector in providing public infrastructure in WA, such reform is not considered justified. Recommended retaining the restrictions.</p>	<p>The Government endorsed the review recommendations.</p>
Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986	DH	Market power.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing Restrictions Act 1917	RGL	Licensing, and differential treatment.	Review completed in 1998. Recommended limiting the authority of the WA Turf Club to thoroughbred racing and providing for licensing of other forms of horse racing where in the public interest. It recommended retaining the centralised control of horse racing and trotting with the industry bodies.	The Government endorsed the review recommendations. To be amended via the Acts Amendment Repeal (Competition Policy) Bill.
Racing Restrictions Act 1927	RGL	Prevents the use of 'mechanical devices' in races for other than horses. It aimed to prevent the introduction of greyhound racing.	Review complete in 1999. Review recommended repeal of the Act.	Act to be repealed via the Acts Amendment and Repeal (Competition Policy) Bill.
Radiation Safety Act 1975, Radiation Safety (General) Regulations 1983-1999, Radiation Safety (Transport of Radioactive Substances) Regulations 1980-1999, and Radiation Safety (Qualifications) Regulations 1980-1999	DH	Licensing.	National review completed.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rates and Charges (Rebates and Deferments) Act 1992	TF	The restrictions identified refer to the differential treatment afforded pensioners and other eligible persons with respect to certain amounts payable by way of rates and charges. The legislation, in effect, discriminates in favour of pensioners and other eligible persons.	<p>Review completed in 1998. It concluded that the effects of the restrictions on competition are minimal. Only a very small group of eligible persons could potentially obtain a competitive advantage from the differential treatment received, and where such advantage occurred it would be minor. On the other hand, the removal of pensioner rebates and deferments in respect of rates and charges would have a significant impact on the standard of living of pensioners and other eligible persons.</p> <p>An alternative to the way in which the State Revenue Department administered rebates and deferments to eligible persons was considered. However, it was concluded that this alternative would result in greater administrative cost than the present scheme and therefore would not be in the public interest.</p> <p>Recommended that all of the restrictive elements of the legislation should be retained on public interest grounds.</p>	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Real Estate and Business Agents Act 1978 and Regulations	DCEP	Licensing (agent's licence, sales representative's certificate), registration, entry requirements (aged over 18 years, good character, fit and proper person (including having done prescribed courses, understands duties and obligations under Act), for agent, sufficient material and financial resources), the reservation of practice, disciplinary processes, business conduct (branch office/s require separate manager/s, supervision and control, records, trust accounts, audit, code of conduct, advertising, fidelity fund), and business licensing.	Departmental review underway. Discussion paper released in April 1999. Draft report being finalised.	Maximum fees removed in 1998.
Regional Development Commissions Act 1993	LG		Review underway. Submissions to be sought from Commissions and local government.	
Retail Trading Hours Act 1987 and Regulations	DCEP	Monday to Saturday trading hours regulated. Sunday trading hours limited and prohibited outside tourism zones. No restrictions above the 26th parallel.	An Industry Reference Group (IRG) report was completed in 1999. The Reference Group's charter was to seek public submissions and to make recommendations to the Minister. Following the Minister's consideration of the IRG report, the Department is now finalising the NCP report on the Retail Trading Hours Act 1987.	
Retirement Villages Act 1992, Regulations and Code of Practice	DCEP		Review underway. The Retirement Villages Reference Group produced a discussion paper and responses were obtained from retirement village residents and associations.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rottnest Island Authority Act 1987	RIA	Restrictions on: <ul style="list-style-type: none"> <li>• the membership of the Authority;</li> <li>• access to facilities on the island is limited;</li> <li>• the Authority has the power to grant leases and licences on the island;</li> <li>• the Authority is prohibited from selling any land on Rottnest;</li> <li>• the Authority is prevented from allowing anyone to remove any flora, fauna, rock, stone or soil from the island for any commercial purposes;</li> <li>• limitation on development and provision of accommodation;</li> <li>• requirement for a management plan;</li> <li>• Enforcement Powers of Rangers;</li> <li>• Requirement for revenue to at least equal expenditure and application of net profits;</li> <li>• Building work to be approved by the Authority; and</li> <li>• control of certain activities on Rottnest.</li> </ul>	Review completed in 1998. The review found that generally the restrictions on competition are necessary to achieve the objectives of the legislation. The objectives of the legislation are expressly to preserve the character of the island, to protect the environment and to ensure that Rottnest is accessible as an affordable holiday destination. The review recommended retaining the restrictions on public benefit grounds with the exception of the restriction prescribing the knowledge and experience necessary for appointment as a member of the authority which is to be removed. The continued need for a Management Plan for Rottnest should be considered in the context of any Government wide review of the use of Management Plans in the management of A-class reserves and the restriction on competition relating to access to facilities and the requirement for revenue to at least equal expenditure and application of net profits are to be considered in the Authority's competitive neutrality review.	Minor amendments under consideration.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rural Adjustment and Finance Corporation Act 1993	Ag	Differential treatment.	Review not required.	Act repealed and replaced by the Rural Business Development Corporation Act 2000.
Rural Housing Bill	CHA	Differential treatment of the Authority compared with similar private sector institutions (Sections 5,11,16,17); and differential treatment of customers based on location, occupation or type of business (Sections 18-26).	Review completed in 1998. It classified the restrictions as minor and in the public interest.	Changed name to Country Housing Act 1997.
Sandalwood Act 1929 and Regulations	FPC	Caps the quantity of naturally-occurring sandalwood harvested from Crown and private land. Licensing the harvesting of sandalwood. Individual licences capped at 10 per cent of the total limit.	Review completed. It recommended retaining the overall cap on the quantity sandalwood harvested while removing the restriction on the proportion of the annual sandalwood harvest that may be taken from private land.	Amendments being progressed via Act Amendment and Repeal (Competition Policy) Bill.
Secret Harbour Management Trust Act 1984	PI	Competitive neutrality.		Act to be repealed.
Securities Agents Act 1976 and Regulations	J	Licensing.		Act repealed and replaced by the Security and Related Activities (Control) Act 1996.
Security and Related Activities (Control) Act 1996	Po	Licensing (security and inquiry activities), registration, entry requirements (training, character, possible medical exam for security officers), the reservation of practice, and business conduct (operating restrictions, no advertise unless licensed), business licensing.	Review by WA Police Service completed. Review involved no consultation. The review concluded the security and related industries need statutory control to ensure high standards and to instill public confidence, especially in the area of crowd control. The review concluded that the legislation is effective and provides the necessary controls to maintain and improve the industry.	The Government endorsed the review recommendation in 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Seeds Act 1981 and Regulations	Ag		Review not required.	Legislation to be repealed.
Settlements Agents Act 1981 and Regulations	DCEP	Licensing, entry requirements (qualifications, two years experience, age, good character, fit and proper person, material and financial resources, resident in WA), the reservation of practice, business conduct (supervision, trust accounts, maximum fees, professional indemnity insurance, fidelity fund), and business licensing.	Departmental review underway. A discussion paper was sent to industry participants and the Consumer Association of WA. Consultation was conducted through a reference group comprising industry, the Settlement Agents Board and consumer representatives.	
Shipping and Pilotage Act 1967 and Regulations	PI	Governs pilotage services (licensing, competitive neutrality issues).		Act to be repealed.
Small Business Development Corporation Act 1983	SBDC	Differential treatment of businesses.	Review completed. Review found the effects of the restrictions on competition to have no practical importance.	The Government endorsed the review recommendations. Act retained without reform.
Small Business Guarantees Act 1984 and Regulations	SBDC	Differential treatment.	Review not required.	Act to be repealed.
Soil and Land Conservation Act 1945 and Regulations	Ag	Market power. Soil conservation notices, rates and service charges, clearing controls, and 90 day notice to clear or drain land.	Review completed.	Legislation retained without reform.
South Fremantle Oil Installations Pipeline Act 1948	HW	Licensing.	Review completed in 1998.	Act retained without reform.
State Employment and Skills Development Authority Act 1990 and Regulations	DT	Licensing.	Review not required.	Act repealed and replaced by the Vocational Education and Training Act 1996.
State Superannuation Act 2000	GESB	Limits on choice of fund managers.	Review underway.	

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State Supply Commission Act 1985 and Regulations	HW	Differential treatment.		Minor amendment being progressed.
State Trading Concerns Act 1916	TF	The Act prohibits the Government from entering into or establishing any trading concern, except where the entity has been established under specific enabling legislation; has been established as a 'trading concern' under the Act; or is a department and has been authorised by the Treasurer under the Act to generate revenue from specified activities.	Review completed in 1998. It concluded that while the legislation restricts the freedom with which government agencies can enter markets for goods and services it also reduces the risk that Government will become involved in inappropriate ventures. Recommended the restriction be retained.	The Government endorsed the review recommendations. Act retained without reform.
Statutory Corporations (Liability of Directors) Act 1996	J	Differential treatment of directors.	Review not required. Assessment of the effects of the potential restriction indicated that it does not give rise to significant costs or benefits. In view of this the Act was considered to not give rise to a restriction on competition. The 1998 amendments impose similar constraints on directors of statutory corporations as apply to private corporations, and therefore does not give rise to restrictions on competition.	Act retained without reform.
Stipendiary Magistrates Act 1957	J			Act to be repealed.
Stock (Identification and Movement) Act 1970	Ag	Branding of human food and fibre producing animals. Documentation when moving stock.	Review by officials completed. It found some scope for easing restrictions on horse owners.	
Stock Disease (Regulations) Act 1968	Ag	Restricts importation of stock on grounds of disease control. Requires stockholders to control and notify of diseases.	Review by officials completed. It recommended no change.	

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Strata Titles Act 1985 and Regulations	LA	Only licensed surveyors can 'certify' a strata plan, survey-strata plan, or notice of resolution where a strata company is requesting a conversion from a strata scheme to a survey-strata scheme.	Review, in conjunction with the Licensed Surveyors Act 1909, completed in 1998. Review concluded restrictions are in the public interest and should be retained.	The Government endorsed the review recommendation.
Street Collections Regulation Act 1940 and Regulations	DCEP	Licensing.		Legislation to be repealed and replaced by the Public Collections Bill.
Subiaco Redevelopment Act 1994	PI	<ul style="list-style-type: none"> <li>• redevelopment control of the area;</li> <li>• the compulsory taking of land;</li> <li>• subdivision approval from Minister rather than the State Planning Commission; and</li> <li>• Treasurer's guarantee of loans.</li> </ul>	Review completed in 1997. The report has found that effects of the restrictions on competition are relatively minor. The report concluded that the restrictive elements of the legislation need to be retained to achieve the objectives of the Act. The report also finds that there would be substantial costs associated with removing the restrictions, particularly at this stage of the Authority's work. There are no acceptable alternatives to achieving the objectives of the three restrictions relating to the powers of the Authority. The powers are necessary to remedy the existing environmental problems and achieve redevelopment consistent with the vision for the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. The restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed. Recommended retaining the restrictions on the grounds of public interest.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Suitors Fund Act 1964	J	Differential treatment of large companies and Crown Agencies.	Review completed in 1997. The review noted that all litigants are required to contribute to a fund which is used to defray legal costs where a court decision is reversed on a 'point of law' appeal or where the proceedings are aborted. However, companies with a paid up capital of \$200 000 or more and Crown agencies are barred from access to the Fund to recover such legal costs. Recommended removing the bar on companies with paid up capital of \$200,000 or more.	The Government endorsed the review recommendations. Amendments to be made to the Act.
Swan River Trust Act 1988 and Regulations	WRC	Licensing. Limitations on development activity that can be undertaken in the area under the control of the Swan River Trust; and limitations on non-development activity (including advertising) that can be undertaken in the area under the control of the Swan River Trust.	Review completed in January 2000. Review recommended restrictions be retained.	The Government endorsed the review recommendation that restrictions be retained on 14 August 2000.
Taxi Act 1994 and Regulations, and Amendment Regulations 1997	PI	Limitation on number of taxi licences.	Review completed in August 1999. Recommended removal of all licence number restrictions, buy-back of existing licences at full market value, and limit in new licence issues to 20 per cent per annum.	Tenders called for release of a limited number of restricted (peak period and wheelchair accessible taxi) licences. Ministerial Advisory Committee established to recommend on a feasible mechanism for licence buy-backs.

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Texas Company (Australasia) Limited (Private) Act 1928	HW	The Act define the relationships, rights and duties of oil companies, local government authorities and the Minister for Works in relation to the construction, operation and maintenance of pipelines on public lands. These duties and powers of the State and local governments constitute restrictions on the commercial activities of the oil companies.	Review completed in 1998. It considered the restrictions do not impose significant costs on the oil companies, or cost advantages or disadvantages on particular oil companies that are of sufficient magnitude to affect competition between the companies. The public benefits of restrictions were assessed to be: minor cost savings in management of municipal infrastructure from coordination in planning, construction and maintenance of municipal infrastructure and oil facilities; minimising public inconvenience during construction and maintenance activities on public land; and ensuring proper restoration of municipal infrastructure where this has been disturbed due to construction or maintenance activities by the oil companies. It concluded that due to the potential public benefits and the absence of significant costs or effects on competition, the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact.	The Government endorsed the review recommendations. Act retained without reform.
Tobacco Control Act 1990	DH	Differential treatment, and licensing.	Review underway.	

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Totalisator Agency Board Betting Act 1960 and Rules and Regulations	RGL	Restrictions on events and prescription of circumstances under which betting may occur; restrictions on persons and organisations able to conduct betting; constraints and costs imposed on bookmakers and operators of totalisators generally; constraints and costs imposed on racing clubs, authorities controlling racecourses and owners/occupiers of premises; constraints and costs imposed on punters; constraints and costs imposed specifically on the TAB; and competitive neutrality of the TAB.	<p>Review, in conjunction with the Betting Control Act 1954, completed in 1998.</p> <p>Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> <li>• relaxing restrictions on the operation of totalisators other than by the TAB;</li> <li>• relaxing restrictions on bookmakers and their operations;</li> <li>• removing limits on bets in the regulations, leaving the racing clubs to set limits as they see fit; and</li> <li>• relaxing some restrictions on the operations of the TAB.</li> </ul> <p>The legislative provisions giving rise to the remaining restrictions were assessed as being in the public interest and recommended for retention.</p>	The Government endorsed the review recommendations. Recommendations are being implemented via the Betting Legislation Amendment Bill 2001 and the Acts Amendment and Repeal (Competition Policy) Bill.
Transport Co-ordination Act 1966 and Regulations	PI	Restrictions relate to provisions for the Minister to borrow funds and make payment of subsidies to providers of transport services. Also included are a range of provisions, powers and requirements related to the licensing of vehicles used for commercial purposes and the regulation of transport services provided by these vehicles.	Review completed. The review recommended: removal of provisions relating to the licensing of ships engaged in coastal trade; removing general requirements for public vehicles (other than ships) to be licensed; and limiting licence fees to an amount sufficient to recover costs incurred in administering the relevant licence system and associated regulatory activities.	The Government endorsed the review recommendations in November 2000. Airport movement tax being phased out over 3 years.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1985 and Regulations	DCEP	Licensing and compulsory consumer compensation fund.	National review underway (coordinated by WA). A final review report by the Centre for International Economics (CIE) was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option.	
Trustees Companies Act 1987	J	Competitive neutrality, and licensing.	Review completed in 1998. Recommended retention on limits on borrowings and loans, and lessening of barriers to entry.	Amendment deferred pending enactment of proposed national uniform trustee company laws, which are currently being reviewed by the secretariat of the Standing Committee of Attorneys General (SCAG).
University Colleges Act 1926	DES	Competitive neutrality, and market power.	Review by officials completed 1998. Concluded that the restrictions are in the public interest given the quality of pastoral care provided to students by university colleges.	The Government endorsed the review recommendations. Act retained without reform.
University Medical School Teaching Hospitals Act 1955	DH	Market power.	Review underway.	
University of Notre Dame Australia Act 1989	DES	Competitive neutrality, and market power.	Review by officials completed in 1998. Recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
University of Western Australia Act 1911	DES	Competitive neutrality, and market power.	Review by officials completed in 1998. Recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations.
Valuation of Land Act 1987	PI	Valuer-General powers and activities.	Review completed in 1998. Review undertaken by intraagency committee. Public consultation involved submissions following release of an information paper. Recommended less narrowly defined eligibility for the position of Valuer General (dropping requirement to be a member of the Australian Property Institute), removing restriction that any person making valuation for rating and taxing purposes must be licensed under Land Valuers Licensing Act, and encouraging greater flow of information for the purposes of making valuations.	The Government endorsed the review recommendations.
Veterinary Preparations and Animal Feeding Stuffs Act 1976	Ag	Premises and products to be registered, and restrictions on packaging and labeling.  Minimum qualifications for analysts, advertising restrictions.	Review as part of the national review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).
Veterinary Surgeons Act 1960	Ag	Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, and controls on business names.	Review underway.	
Video Tape Classification and Control Act 1987	J	Licensing.		Act repealed and replaced by the Censorship Act 1996.
Vocational Education and Training Act 1996	DT	Registers training providers and accredits training courses.	Review by an independent consultant completed. Concluded that public benefits of restrictions outweigh costs.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Services Coordination Act 1995 - Part 2 of 2: Water Services Coordination (Plumbers Licensing) Regulations 2000	OWR	Plumbers - licensing, registration, entry requirements (competency or six years experience and qualification, fit and proper, reservation of practice (either licensed or under supervision of licensed), and disciplinary processes.	Review of the Water Services Coordination Amendment Act 1999 completed. Review recommended retaining restrictions to prevent unlicensed persons performing plumbing work and maintaining the power of the Board to set licence conditions.	The Government endorsed the review recommendations.
Weights and Measures Act 1915 and Regulations	DCEP		Review underway. The Ministry of Fair Trading is planning to introduce new legislation in 2001 that will replicate the uniform legislation operating in other jurisdictions and thereby contribute to national consistency. A preliminary NCP assessment was completed on an earlier draft of the new Bill but will need to be revisited once a final Bill has been prepared.	
Western Australian Greyhound Racing Authority Act 1981	RGL	Differential treatment.	Review completed. Review recommended removal from the WA Greyhound Racing Authority Act 1981 of the arbitrary limit on the number of meetings the WA Greyhound Racing Association may conduct. It also recommended that the provisions contained in the Act which establish centralised control of greyhound racing are in the public interest and should be retained. However, the establishment of an independent regulator should be considered if it is demonstrated that the Authority has improperly used its power to favour its racing activities.	The Government endorsed the review recommendations. Recommendations are being implemented in the Acts Amendment and Repeal (Competition Policy) Bill.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Land Authority Act 1992	WALA	The WA Land Authority's exemption from rates and taxes. The Authority's power to compulsorily acquire land. The requirement to seek pre-approval from the Minister on contracts. Restrictions on the Authority's retail activities in the higher end of the residential land market.	Review completed in 1997. Recommended: <ul style="list-style-type: none"> <li>the Authority be subject to a tax equivalent regime and pay to the Treasurer an amount equivalent to all rates and taxes imposed on private land developers that the Authority is currently not obliged to pay;</li> <li>removing the section of the Act allowing the Authority's power to compulsorily acquire land;</li> <li>amending that legislation to allow contracts to be agreed subject to Ministerial approval; and</li> <li>exempting surplus public sector land assets and urban renewal projects from the restrictions on the Authority's retail activities in the higher end of the residential land market.</li> </ul>	The Government endorsed the review recommendations. The amendment Bill was passed on 6 July 2000.
Western Australian Marine (Hire and Drive Vessels) Regulations 1983	PI	Licensing.		Legislation to be repealed.
Western Australian Marine Act 1982	PI	Licensing.		Act to be repealed.
Western Australian Meat Industry Authority Act 1976	Ag	Controls on abattoir capacity, controls on branding, and regulations of saleyards, abattoirs and processing works.	Review by officials completed in 1998. It recommended: removing controls on abattoir capacity and regulation of saleyards; retaining controls on branding; and retaining regulation of abattoirs and processing works.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Product Symbols Act	HW	The symbols are able to be used by eligible businesses free of charge and may present a slight advantage to WA businesses and products in home markets.	<p>Review completed. The review found that the symbols do not comprise a significant restriction in their own right, but due to their widespread success and recognition, they now influence consumer behaviour in WA. Their use may therefore confer a competitive advantage on qualifying businesses and products, which could potentially lead to an ability to charge marginally higher prices or obtain a higher market share.</p> <p>Alternatively, when viewed as a labeling mechanism, the symbols may do no more than provide consumers with the necessary information to purchase local products or support local business according to their inclination. The review noted some important spin-off benefits from the symbols in growing the WA economy and noted their popularity among consumers.</p> <p>The review concluded that, on the balance of probabilities, the benefits of the current model outweigh its minor costs and that the Act should be retained.</p>	The Government endorsed the review recommendations.
Western Australian Reproductive Technology Council (Nominating Bodies) Regulations 1992 and Directions	DH		Review deferred.	Replacement legislation to be developed which will obviate the need for review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Treasury Corporation (Amendment) Bill 1997	TF	The Act provides an exemption to the Corporation from State duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed. Review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Commonwealth and other government borrowers. Recommended retaining the restriction.	The Government endorsed the review recommendations.
Western Australian Treasury Corporation Act 1986	TF	The Act provides an exemption to the Corporation from State duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed in 1997. The review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Commonwealth and other government borrowers. Recommended retaining the restriction.	The Government endorsed the review recommendations.
Wheat Marketing Act 1989	Ag	Imports Commonwealth Act into State jurisdiction.		
Wild Cattle Nuisance Act 1871	Ag	Regulates the destruction of wild cattle.	Review by officials completed. It recommended repealing the Act as it is redundant.	Act to be repealed.
Wildlife Conservation Act 1950	CALM		Review not required.	Act to be repealed.
Workers' Compensation and Rehabilitation Act 1981	WCRC	Mandatory insurance, licensed insurers, and centralised premium setting.	Review underway. Public advertisement and call for submissions was made 20 December 2000.	