

7 South Australia

Agency abbreviations

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

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| AIS | Administrative and Information Services (Office for Government Enterprises) |
| EH | Environment and Heritage |
| ETE | Education, Training and Employment |
| HS | Human Services |
| IT | Industry and Trade |
| J | Justice (Attorney-General) |
| P&C | Premier and Cabinet |
| PIR | Primary Industries and Resources |
| T&F | Treasury and Finance |
| TUPA | Transport, Urban Planning and the Arts |
| WR | Water Resources |

Legislation review schedule: South 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> |
|--|---------------|---|---|---|
| Advances to Settlers Act 1930 | T&F | Restricts market conduct. | Review completed in 1997. | Act to be repealed. |
| Agricultural and Veterinary Chemicals (South Australia) Act 1994 | PIR | 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. |
| Agricultural Chemicals Act 1955 | PIR | Chemicals must be sold with registered label. Use of chemicals must be as per label or Ministerial directions. | Review completed in 2000. | The Agricultural and Veterinary Chemicals Bill before Parliament. |
| Agricultural Holdings Act 1891 (The) | PIR | Restricts market conduct. | Review completed in 1999, recommending repeal. | Legislation passed in April 2000 to repeal the Act. |
| Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986 | PIR | Barrier to market entry and restricts market conduct. | Review, in conjunction with the Soil Conservation and Land Care Act 1989, completed in 1997. | Amendments to be made under the Soil Conservation and Land Care (Amendment) Act. |
| Apiaries Act 1931 | PIR | Barrier to market entry and restricts market conduct. | Desktop review completed in September 1998. | Act repealed by Schedule 2 Livestock Act 1997 and replaced by regulations under the Livestock Act 1997 and the Primary Industries Funding Schemes Act 1998. |

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|--|---------------|--|---|---|
| Architects Act 1939 | TUPA | Registration, entry requirements, reservation of title, disciplinary processes, business conduct (including advertising - accuracy), business licensing, and advertising restrictions. | National review conducted by the Productivity Commission (PC) completed in August 2000, and publicly released in November 2000. (Previous State review completed, with results to be reconsidered following PC review outcomes). 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. | A States and Territories working group is developing a national response to the PC review. Outcomes of State review to be considered following decision on PC review. |
| Australian Formula One Grand Prix Act 1984 | P&C | The Board is not subject to the same laws as private sector competitors. | Review underway. | |
| Barley Marketing Act 1993 | PIR | Established the former Australian Barley Board (ABB) and conferred on it a monopoly over the marketing of SA barley and oats. | Independent review, by the Centre for International Economics (CIE), completed in 1998, jointly with Victoria, recommending that SA: <ul style="list-style-type: none"> • remove the domestic barley marketing monopoly; • retain the export barley marketing monopoly for only the 'shortest possible transition period'; • remove the oats marketing monopoly; and • restructure the ABB as a private grower-owned company. | Act amended in 1999 to remove monopoly on domestic barley and oats from 1 July 1999; and export barley from 1 July 2001. The Board was transferred into grower ownership on 1 July 1999. It has no regulatory powers. On 14 September 2000, the SA Minister for Primary Industries announced that the SA Government would retain the export monopoly over barley, citing economic modelling showing a net benefit arising from the export single desk. The Act was amended to retain the export monopoly beyond 1 July 2001 and to require a further review by December 2002. This review will be consistent with Competition Principles Agreement (CPA) clause 5 principles. |

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|------------------------------------|---------------|--|--|---|
| Benefit Associations Act 1958 | T&F | Restricts market conduct. | Desktop review completed in December 1999. The review found that the Act provided a net public benefit but recommended investigation of whether other existing legislation could be amended to encompass the consumer protection role provided by the Act. | |
| Branding of Pigs Act 1964 | PIR | Barrier to market entry and restricts market conduct. | Desktop review completed in June 2000. | Act to be repealed by Schedule 2 cl 1(b) of the Livestock Act 1997 when it is proclaimed. |
| Brands Act 1933 | PIR | Barrier to market entry and restricts market conduct. | Desktop review completed in September 1998. | Act to be repealed by Schedule 2 cl 1(c) of the Livestock Act 1997 when it is proclaimed. |
| Building Work Contractors Act 1995 | J | Licensing (building work contractors), registration (building work supervisors), entry requirements (for contractors: qualifications, experience, sufficient business knowledge and experience and financial resources, fit and proper, not bankrupt within last ten years; for supervisor: qualifications and experience), the reservation of practice, disciplinary processes, and business conduct (written contracts, product or service standards, statutory warranty). | Review completed. | The Government is considering the review recommendations. |
| Bulk Handling of Grain Act 1955 | PIR | SA Co-operative Bulk Handling Limited granted sole right to receive and deliver grain. | Review completed in 1998, recommending repeal. | Act repealed in 1998. |
| Business Names Act 1996 | J | Registration of business names. | Desktop review completed in 1998. No reform recommended. | |

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|--|---------------|--|---|--|
| Carriers Act 1891 (The) | J | Restricts market conduct. | Review completed in 1999. Involved public consultation. | Act repealed in 1999. |
| Casino Act 1997 | T&F | Exclusive licence, and controls on operations of licence holder. | Review completed in anticipation of the sale of the Casino. While not a National Competition Policy (NCP) review, it took into account social policy considerations. This review found that there were net public benefits associated with the probity and operational requirements of the Act. It also found that the single licence did not affect competition as it concluded the market would only support one operator. A further review of casino, gaming, the Totalizator Agency Board (TAB) and lotteries legislation (including new legislation, such as the Authorised Betting Operations Act) being undertaken in light of the PC work and the Council of Australian Governments' (CoAG) announcements on gambling. | |
| Cattle Compensation Act 1939 | PIR | Barrier to market entry and restricts market conduct. | Desktop review completed in September 1998. | Act repealed by Schedule 2 of the Livestock Act 1997 and replaced by regulations under the Livestock Act 1997 and the Primary Industries Funding Schemes Act 1998. |
| Children's Protection Act 1993 | HS | Restricts market conduct - requires mandatory notification. | Review completed in 1999. No reform recommended. | |
| Children's Services Act 1985 and Regulations | ETE | Barrier to market entry and restricts market conduct. | Review completed in 2000. No reform recommended. | The Government endorsed the review recommendation. Legislation retained without reform. |

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|---|---------------|---|--|---|
| Chiropodists Act 1950 | HS | Restrictions on entry, registration, title, practice, advertising, ownership, business licensing, and disciplinary provisions. | Review completed in January 1999, recommending removing ownership and advertising restrictions and limiting reserved practice. | Cabinet approved drafting amendments. |
| Chiropractors Act 1991 | HS | Restrictions on entry, registration, title, practice, advertising, insurance, business licensing, ownership, and disciplinary provisions. | Review completed in 1999. Review recommended removing ownership restrictions and amending practice reservation and advertising codes. | The Government is considering the review recommendations. |
| Citrus Industry Act 1991 | PIR | Restricts market conduct. | Review underway. | |
| Coast Protection Act 1972 | EH | Restricts market conduct. | Review completed in December 1999. Involved public consultation. No NCP reform recommended. | |
| Collections for Charitable Purposes Act 1939 | T&F | Restricts market conduct by requiring collectors to be licensed. | Desktop review completed in November 1999. The review found that the Act provides a net public benefit and thus no reforms were recommended. | |
| Commercial Vehicles (Hours of Driving) Act 1973 | TUPA | | Review completed in 1997. | Act repealed. |
| Construction Industry Training Fund Act 1993 | ETE | Restricts market conduct. | Review completed in 1997. Involved public consultation. No NCP reform recommended. Act to be reviewed again in 2003. | Act retained without reform. |
| Consumer Credit (South Australia) Act 1995 | J | Barrier to market entry and restricts market conduct. | National review underway. | |
| Controlled Substances Act 1984 | HS | Restricts market conduct. | Part of Galbally Review. Final review report under consideration by the Australian Health Ministers Advisory Council (AHMAC). | |

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|---|---------------|---|---|--|
| Conveyancers Act 1994 | J | Licensing, registration, entry requirements (qualifications, no convictions for offences of dishonesty), the reservation of practice, disciplinary processes, business conduct (professional indemnity insurance, trust accounts, ownership), and business licensing. | Review completed in 1999. Review involved public consultation. Review recommended: changing entry requirements in relation to fitness and propriety; removing ownership restrictions (but introducing requirement that a director of an incorporated company must not unduly influence a registered conveyancer); and removing the requirement that the sole object of a conveyancing company is carrying on business as a conveyancer. | Cabinet approved retention of Act in March 1999. Removal of ownership restrictions and prohibition of undue influence amendments introduced into Parliament in late 2000. |
| Cooper Basin (Ratification) Act 1975 | PIR | Ratifies the contract for the supply of gas by Cooper Basin producers to AGL. | Review completed in 1996, finding substantial public benefits in continuing previously granted concessions and exemptions on grounds of sovereign risk. | Some amendments being considered. Draft legislation awaiting comments. |
| Cremation Act 1891 | J | Barrier to market entry and restricts market conduct. | Review completed in 1999. | Amending legislation passed and operational in February 2001 (52 of 2000). Amendments abolished licences and removed need for Health Commission approval prior to Development Act approval, and funeral directors possible monopoly. |
| Criminal Law Consolidation Act 1935 Section 82A | J | Requires pregnancy terminations to be performed in prescribed hospitals. | Review not required. | |
| Crown Lands Act 1929 | EH | Restricts market conduct. | Review completed in December 1999. Involved public consultation. | Removal of barriers to more cost efficient processes and repeal of superfluous provisions approved. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|---|--|
| Dairy Industry Act 1992 | PIR | Vesting of milk in Dairy Authority of SA. Farmgate price-setting for market milk. Pooling of market milk returns. Licensing of farmers, processors and vendors. | Review of price-setting restrictions by officials completed in 1999. Review recommended removal of these. Food safety provisions remain under review by officials. | In line with the March 2000 communique signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, SA passed the Dairy Industry (Deregulation of Prices) Amendment Act 2000 on 1 June 2000, deregulating the industry from 1 July 2000. |
| Dairy Industry Assistance Act (Special Provisions) Act 1978 | PIR | | Review completed in 1999, recommending repeal of the Act. | Legislation passed in April 2000 repealing the Act. Yet to be proclaimed. |
| Dangerous Substances Act 1979 | AIS | Barrier to market entry and restricts market conduct. | Review, in conjunction with the Explosives Act 1936 and the White Phosphorus Matches Prohibition Act 1915, completed in 1999. No reforms recommended. | |
| Deer Keepers Act 1987 | PIR | Barrier to market entry and restricts market conduct. | Desktop review completed. | Act to be repealed by Schedule 2 cl 1(e) of the Livestock Act 1997 when it is proclaimed. |
| Dentists Act 1984 | HS | Restrictions on entry, registration, title, practice, ownership, advertising, business conduct and disciplinary provisions. | Review completed in February 1999. Review recommended changing the disciplinary process, introducing paraprofessional registration and removing some areas of reserved practice. The review also recommended the removal of ownership restrictions. | Act repealed and replaced by the Dental Practice Act. New Act retains limits on ownership and related restrictions, contrary to review recommendations. |

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|---|---------------|---|---|---|
| Development Act 1993 | TUPA | Controls the uses to which land may be put. Sets procedures for the issue of planning permits and approval. | Review completed in July 1999. Review recommended: requiring Crown developments to be subject to building rules and fire safety requirements consistent with those for private buildings; allowing private certification of private development; and removing the obligation for planning authorities to obtain independent advice for noncomplying developments. | Reforms implemented. |
| Discharged Soldiers Settlement Act 1934 | EH | Restricts market conduct. | Review completed in December 1999, Public consultation involved. Review recommended repeal of legislation. | Act to be repealed. |
| Dried Fruits Act 1993 | PIR | Restricts market conduct. | Review completed. Review recommended repeal of the Act and voluntary industry development fund under the Primary Industries Funding Schemes Act. | The Government is considering the review recommendations. |
| Education Act 1972 and Regulations | ETE | Barrier to market entry and restricts market conduct. Provides for registration of non-government schools and for registration of non-government schools wishing to enrol overseas students. Teacher licensing, registration, entry requirements (qualification, experience, fit and proper person), reservation of practice, and disciplinary processes. | Review completed in July 2000. Review involved public consultation. No reform recommended. | The Government endorsed the review recommendation. Legislation retained without reform. |
| Electrical Products Act 1988 | PIR | Restricts market conduct. | Review completed. | The Electrical Products Act 2000 passed and regulations drafted. |

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|---|---------------|---|---|--|
| Electricity Act 1996 | T&F | Restricts market entry and market conduct. | Review completed in September 2000. Review involved public consultation. No reforms recommended as the Act facilitates regulation of electricity supply in SA in conjunction with other national electricity market reforms. | |
| Electricity Corporation Act 1994 | T&F | Restricts market entry and market conduct. | Review completed in September 2000. Review involved public consultation. No reforms recommended as the Act facilitates establishment of state owned corporations in SA in conjunction with other national electricity market reforms. | |
| Emergency Powers Act 1941 | P&C | Barrier to market entry and restricts market conduct in wartime. | Desktop review completed in December 1998. Review recommended repeal of the Act. | Act to be repealed. |
| Employment Agents Registration Act 1993 | AIS | Licensing, entry requirements (fit and proper, manager with sufficient knowledge and experience to manage business), the reservation of practice, and business conduct (maintenance of records, no misleading advertising). | Review completed in October 2000. Review involved public consultation. | The Government is considering the review recommendations. |
| Enfield General Cemetery Act 1944 | TUPA | Restricts market conduct. Exemption from section 586 of Local Government Act. | Review completed in July 1999. Involved public consultation. Recommended certain sections of the Act be amended to remove the competitive advantage or disadvantage. | Review recommendations implemented through the Adelaide General Cemeteries Act 2001, which is awaiting proclamation. |
| Environment Protection Act 1993 | EH | Barrier to market entry and restricts market conduct. | Review completed in 1999. Public consultation. No NCP reform recommended. | |

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|---|---------------|---|--|--|
| Explosives Act 1936 | AIS | Barrier to market entry and restricts market conduct. | Desktop review completed in December 1999. The Act centres around safety and does not provide primary economic control of the industry. No reform recommended. | |
| Family and Community Services Act 1972 | HS | Barrier to market entry and restricts market conduct of foster care agencies. | Review completed in 1999. No reform recommended. | |
| Financial Institutions (Application of Laws) Act 1992 | J | | Review completed. | Act repealed by the Financial Sector Reform (South Australia) Act 1999. |
| Firearms Act 1977 | J | Restriction of ownership of and dealing in firearms. | Desktop review completed in July 1999. No reform recommended. | |
| Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) Act 1987 | PIR | Imposes on remaining licence holders the cost of compensating those who surrender their licences. | Review by officials completed in 1999. The Act has achieved objective of reducing licence numbers. | Act to be repealed once settlement with remaining licence holders finalised. |
| Fisheries (Southern Zone Rock Lobster Fishery Rationalisation) Act 1987 | PIR | Licensees may not transfer their licences. Imposes on remaining licence holders the cost of compensating those who surrender their licences. | Review by officials completed. The Act has achieved objective of reducing licence numbers. | Act repealed. |
| Fisheries Act 1982 | PIR | Licensing of fishers and fish farmers. Registration of boats and fisher processors. Input controls on gear and fishing methods. Output controls such as catch limits, size limits and prohibitions on taking certain species. | Review by officials underway with extensive consultation. | |
| Food Act 1985 | HS | Offence to manufacture or sell food that does not meet prescribed standard. | National review completed in 2000 (see the NSW Food Act 1989). | All Australian governments agreed in November 2000 to adopt the core provisions of the Model Food Bill by November 2001. Drafting of amendments approved by Cabinet. |

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|--|---------------|---|--|---|
| Foot and Mouth Disease Eradication Fund Act 1958 | PIR | Barrier to market entry and restricts market conduct. | Desktop review completed June 1998. | Act repealed by the Livestock Act 1997 and replaced by new Part 5 of the Livestock Act. |
| Freedom of Information Act 1991 | AIS | The Government's ability to refuse access to information which relates to categories of exempt documents specified in Schedule 1 of the Freedom of Information Act, in particular documents affecting the economy of the State, financial or property interests and business affairs. | Desktop review completed in September 2000. No reform recommended. The Act promotes competition by enabling access to official information on a regulated basis. | The review report was noted in Cabinet on 28 August 2000. |
| Friendly Societies (South Australia) Act 1997 | | | Review completed in 1997. Act deleted from the legislation review program (LRP). | Act repealed. |
| Friendly Societies Act 1919 | J | Restricts market conduct. | Review completed. | Act repealed and replaced by the Friendly Societies (SA) Act 1997, subsequently repealed by the Financial Sector Reform (South Australia) Act 1999. |
| Fruit and Plant Protection Act 1992 | PIR | Restricts market conduct. | Review underway. | |
| Fruit and Vegetables (Grading) Act 1934 | PIR | Product standard restricts market conduct. | Review completed, recommending repeal of the Act. | Act repealed. |
| Gaming Machines Act 1992 | T&F | Gaming machines are restricted to licensed clubs, hotels and the Casino and there are controls on the number of machines allowed in licensed venues; and granting of an exclusive monitoring licence to the Independent Gaming Corporation and an exclusive supply and service licence to the State Supply Board. | Omnibus review underway. All gambling legislation (except the Racing Act 1976), including Bills before the Parliament, are to be reviewed. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|--|---|--|
| Garden Produce (Regulation of Delivery) Act 1967 | PIR | Restricts market conduct. | Review completed, recommending repeal of the Act. | Act repealed. |
| Gas Act 1997 | PIR | Provides for separate licences to operate pipelines and to undertake gas retailing. | Review completed in 1999. Review found restrictions to be in the public interest. | Act to be retained without reform. |
| Government Financing Authority Act 1982 | T&F | May restrict market conduct of government business enterprises (GBEs). | Review completed in 1998. Although technically there may be a restriction on "market conduct" of GBEs in being required to utilise the SA Financing Authority's services, this is insignificant and there is no impact on private sector market conduct. The review found that the Act provides a net public benefit and recommended no reform. | |
| Hairdressers Act 1988 | J | Negative licensing, entry requirements (qualifications), and reservation of practice (washing, cutting, colouring, setting, permanent waving or other treatment of a person's hair or the massaging or other treatment of a person's scalp for fee or reward). | Review completed in 1999. Review involved public consultation. Review recommended reducing the scope of work reserved for hairdressers and reviewing the Act in three years with view to its repeal. | The Government endorsed the review recommendations. Parliament passed legislative amendments in March 2001. |
| Harbors and Navigation (Control of Harbors) Amendment Act 2001 | TUPA | Provision for marine safety, licensing and pilotage. | New legislation (CPA clause 5(5)). | |
| Harbours and Navigation Act 1993 | TUPA | Governs harbour operations (market conduct). | Review completed in 1999. | Intergovernmental agreement to develop nationally consistent legislation. The Government is currently considering amendments to the legislation. |

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|---|---------------|---|--|--|
| Heritage Act 1993 | EH | Restricts market conduct. | Review completed in 1999. Review involved consultation with stakeholders. No NCP reform recommended. | |
| Highways Act 1926 | TUPA | Restricts market entry. | Review completed in 1998. | Relevant provisions of the Act repealed in 2000. |
| Housing Improvement Act 1940 | HS | Barriers to entry, and restricts market conduct. | Review completed in March 1999. Involved public consultation. No reforms recommended. | |
| Impounding Act 1920 | PIR | Discretionary power for council to establish a pound. | Desktop review completed in December 2000. Recommends repeal of the Act and replacement with modern scheme. | |
| Independent Gambling Authority Act 2001 | T&F | Regulation of casino and gaming machines licensees. | Omnibus review underway. All gambling legislation (except the Racing Act 1976), including Bills before the Parliament, are to be reviewed. | |
| Industries Development Act 1941 | IT | Section 24, which contains provisions for making Regulations, may be in conflict with the Trade Practices Act 1974 (TPA). | Review completed. No NCP reforms recommended. | Act to be retained without reform. |

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|--|---------------|---|--|--|
| Land Agents Act 1994 | J | Licensing (agents, not sales representatives who are negatively licensed), registration, entry requirements (qualifications, no conviction for an offence of dishonesty, not an undischarged bankrupt or no suspension or disqualification from practising an occupation, trade or business), the reservation of practice, disciplinary processes, business conduct (provisions for maximum fees in regulations (but not used currently), indemnity fund, trust account), and business licensing. | Review completed in 1999. Review involved public consultation. No reforms recommended. Review recommendation that Act be amended to lower entry criteria (prescribed offences - only indictable offences). Supplementary review (Legal qualifications/recommendations) completed in March 2001. | The Government endorsed the review recommendation. Act retained without reform. Commissioner for Consumer Affairs has implemented recommendations administratively (recommendations were matters within his discretion). |
| Land and Business (Sale and Conveyancing) Act 1994 | J | Business conduct of agents, conveyancers and vendors of property for sale of land or small business (information provision, cooling-off, subdivided land, relationship between agent and principal, preparation of conveyancing instruments, representations). | Review completed in 1999. Review involved public consultation. Review recommended no reform. | The Government endorsed the review recommendation. |
| Land Valuers Act 1994 | J | Negative licensing, entry requirements (qualifications or membership of various professional associations), reservation of practice, and disciplinary processes. | Review completed in 1999. Review concluded that the current qualification requirements are too onerous in relation to the postgraduate qualifications and that the Government should consider re-examining the current requirements and broadening the number and type of acceptable qualifications. | The Government endorsed the review recommendations. Awaiting a national training package to be approved - can be given effect administratively. |
| Landlord And Tenant Act 1936 | J | Restricts market conduct. | Review completed in 1999. | Relevant provisions of Act repealed. |

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|------------------------------|---------------|--|--|--|
| Legal Practitioners Act 1981 | J | Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, and business conduct (including monopoly professional indemnity insurance). | Review completed. | The Government accepted the review recommendations. Restrictions on multi-disciplinary practices will be reviewed over the next two years; and no change to the professional indemnity insurance provisions provided premiums remain competitive. Amendments to the Act currently being drafted. |
| Liquor Licensing Act 1985 | J | Legislation contains a proof-of-need test requiring licence applicants to demonstrate that a consumer need exists for the grant of a licence; and a requirement that only hotels and retail liquor stores devoted to sale of liquor exclusively may sell liquor. | <p>Review completed in 1996 and recommended:</p> <ul style="list-style-type: none"> • removal of several restrictions including a requirement that the licensing authorities take account of the impact of a new licensee on existing licence holders; • retention of restrictions including proof of need test and requirement that liquor can only be sold from stores devoted entirely to liquor sales; and • further review of liquor licensing arrangements in 3 or 4 years (when there is more information about the impacts of less regulated approaches in other jurisdictions). <p>SA has undertaken to review the proof of need test in 2001.</p> | <p>The Liquor Licensing Act 1997 removed several restrictions on the sale of liquor. The 1997 Act:</p> <ul style="list-style-type: none"> • retains "proof of need" test requiring applicants to demonstrate a consumer need exists for the grant of a licence; and • retains the restriction that only hotels and retail liquor stores devoted exclusively to the sale of liquor may sell liquor. |
| Liquor Licensing Act 1997 | J | Proof of need test before new licence to sell liquor granted. Only hotels and liquor stores selling liquor exclusively able to sell liquor. | New legislation following SA's review of its Liquor Licensing Act 1985. See the Liquor Licensing Act 1985. | See the Liquor Licensing Act 1985. |
| Loans to Producers Act 1927 | T&F | Restricts market conduct. | Review completed. | Act expected to be repealed when last repayments made. |

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| Local Government Act 1934 | TUPA | Restricts market conduct and product and service standards. | Review completed in 1999, except for the cemetery provisions for which, in turn, a competition review was commenced in early 2000 that was subject to targeted consultation. A final report on the cemetery provisions is currently in preparation. | New legislation came into operation in 2000 replacing most of the existing Act. Elements remaining are either progressively being repealed or being considered as part of other legislation reviews (with the intent of being transferred to or being integrated into appropriate functional legislation). Reform activity for the cemetery provisions is subject to the Government response to the final report. |
| Lottery and Gaming Act 1936 | T&F | Barrier to market entry and restricts market conduct. | Omnibus review underway. All gambling legislation (except the Racing Act 1976), including Bills before the Parliament, are to be reviewed. | |
| Manufacturing Industries Protection Act 1937 | AIS | Exempts some industries from legal requirements applying to competitors. | Review completed March 1999. Public consultation. | Act repealed in 1999. |
| Margarine Act 1939 | PIR | Restricts market conduct. | Review completed, recommending repeal. | Act repealed. |
| Marginal Dairy Farms (Agreement) Act 1971 | PIR | Restricts market conduct. | Review completed in 1999, recommending repeal of the Act. | Legislation repealing Act passed in April 2000, but not yet proclaimed. |
| Maritime Services (Access) Act 2000 | AIS | Provides regime for third party access to channels, defined common user berths, berths adjacent to grain handling facilities and grain handling facilities (belts). Provides for the regulation of prices in respect to certain essential maritime services provided by the private port operator. | New legislation. | |

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| Meat Hygiene Act 1994 | PIR | Accreditation of meat processors. Meat inspectors and auditors must enter agreement with Minister. | Review completed in 2000. Recommended extension to cover rabbit meat and retail within the scope of the Act. | |
| Medical Practitioners Act 1983 | HS | Restrictions on entry, registration, title, practice, advertising, business conduct and disciplinary provisions. | Review completed in 1999. Review recommended removing ownership restrictions, registering medical students, requiring declaration of commercial interests and requiring professional indemnity insurance. | New legislation introduced in May 2001 (second reading speech on 5 July 2001). |
| Mines And Works Inspection Act 1920 | PIR | Creates barrier to market entry and restricts market conduct. | Review underway. | |
| Mining Act 1971 | PIR | Creates barriers to market entry and restricts market conduct. | Review underway. | |
| Motor Accident Commission Act 1992 | T&F | No restrictions on competition - restrictions contained under Part 4 of the Motor Vehicles Act. | | |
| Motor Vehicles Act 1959 | TUPA | Barrier to market entry and restricts market conduct. Mandatory insurance, monopoly insurer, and centralised premium setting. | Review into tow truck operators, motor driving instructors and compulsory third party insurance completed. Compulsory third party insurance review completed in 1998, recommending removing the monopoly and controls on premiums. Second review completed in 1999, rebutting previous review's recommendations. The Government issued both reviews for public consultation in early 2001. | Uniform national motor vehicle registration and driver licensing legislation implemented July 2001. The Government announced retention of mandatory insurance, the sole provision of insurance by the Motor Accident Commission, and community rating. The Government is considering the review recommendation regarding tow truck operators and motor driving instructors. |

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|---|---------------|---|--|---|
| National Electricity (South Australia) Act 1996 | T&F | Restricts market entry and market conduct. | Review completed in September 2000. No reforms recommended as the sole object is to implement a national electricity market. Review process involved consultation with other jurisdictions. | |
| National Parks and Wildlife Act 1972 | EH | Restricts market conduct. | Review completed December 1999. Public consultation involved. Reform recommended. | Reforms introduced via the National Parks and Wildlife (Miscellaneous) Amendment Act 2000 (in operation as of 24 August 2000). |
| Native Vegetation Act 1991 | EH | Restricts market conduct. | Review completed December 1999. Public consultation involved. Reform recommended. | The Native Vegetation (Miscellaneous) Amendment Bill 2001 currently before Parliament. |
| Natural Gas (Interim Supply) Act 1985 | PIR | | Review completed, recommending the repeal of certain parts of the legislation restricting the use and production of gas. The balance of the Act can be repealed by proclamation. | Main restrictions repealed in 1996. |
| Natural Gas Pipelines Access Act 1995 | PIR | Establishes access regime for access to natural gas pipelines in SA. | Review completed in 1997. | Act repealed by s50 of the Gas Pipelines Access (SA) Act 1997. However, for transitional purposes, the Act continues until access arrangements are set under the National Gas Access Code and any continuing arbitration proceedings are finalised. |
| Noxious Insects Act 1934 | PIR | Restricts market conduct. | Review completed in 2000, recommending no reform. | |
| Nurses Act 1984 | HS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | Review completed in 1998. The SA review of the Nurses Bill 1997 made a number of recommendations that provide greater clarity and accountability and remove the power to restrict advertising. | Act repealed and replaced by the Nurses Act 1999. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|---|
| Nurses Act 1999 | HS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | New legislation. See the Nurses Act 1984. | |
| Occupational Health Safety and Welfare Act 1986 | AIS | Restricts market competition. | Review completed in November 2000. Involved public consultation. | The Government is considering the review recommendations. |
| Occupational Therapists Act 1974 | HS | Restrictions on entry, registration, title, practice, and disciplinary provisions. | Review completed in 1999. Review recommended maintaining registration requirements. | Cabinet approved drafting of amendments to the Act. |
| Opal Mining Act 1995 | PIR | Creates barrier to market entry and restricts market conduct. | Review underway. | |
| Optometrists Act 1920 | HS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | Review completed in April 1999. Recommendations include extending coverage to include optical dispensers, removal of restriction on training providers and the introduction of a code of conduct. | The Government is considering the review recommendations. |
| Outback Areas Community Development Trust Act 1978 | TUPA | Restricts market conduct. | Review completed. Crown Solicitor's Office found no restrictions on competition. | |
| Passenger Transport Act 1994 | TUPA | Restrictions on taxi licence numbers (note, free entry to hire car market). | Review completed November 2000. Review involved public consultation. | The Government is considering the review recommendations. No substantial reform expected. |
| Pastoral Land Management and Conservation Act 1989 | PIR | Restricts market conduct. | Review completed in December 1999. It identified no major issues but recommended that the Act be updated and consolidated. | |
| Petroleum (Submerged Lands) Act 1982 | PIR | Regulates exploration for and development of undersea petroleum resources. Forms part of a national scheme. | National review completed in 1999-2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers. | Amendments to be developed by the Commonwealth and subsequently reflected in State and Territory legislation. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|--|
| Petroleum Act 1940 | PIR | Regulates onshore exploration for and development of petroleum reserves. Barrier to market entry and restricts market conduct. | Review completed in 1999. | Act repealed and replaced by the Petroleum Act 2000 and Regulations. New Act incorporates principles proposed by the ANZMEC Petroleum sub-committee in regard to acreage management. The SA Government directed efforts at facilitating new explorers entering the Cooper Basin and to encourage the development of a voluntary access code for access to production facilities. |
| Petroleum Products Regulation Act 1995 | T&F | Barrier to market entry and restricts market conduct. | Review underway and expected to be completed by mid 2001. | |
| Pharmacists Act 1991 | HS | Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing, and disciplinary provisions. | National review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, 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. | CoAG referred the Wilkinson Review to a senior officials' working party, which is yet to report back to CoAG. |
| Phylloxera and Grape Industry Act 1995 | PIR | Restricts market conduct. | Review completed in June 2000. It recommended no reform. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|---|---------------------------------------|
| Physiotherapists Act 1991 | HS | Restrictions on entry, registration, title, practice, advertising, ownership, and disciplinary provisions. | Review completed in February 1999. Recommendations include publication of a code of conduct without advertising restrictions, amended definitions of areas of practice protected, removal of the requirement to register business names, removal of ownership restrictions, prohibition of undue influence, demonstration of continuing competence and removal of advertising and unprofessional conduct provisions from code of ethics prior to adoption of a code of conduct. | Cabinet approved drafting amendments. |
| Plumbers, Gas Fitters and Electricians Act 1995 | J | Licensing (contractors), registration (workers), entry requirements (for contractor: qualifications, experience, not undischarged bankrupt, fit and proper, sufficient business knowledge and experience and financial resources; for worker: qualifications and experience), reservation of practice (for plumbing: water, sanitary or draining work or the installing or testing of backflow prevention devices), and disciplinary processes. | Review underway. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|--|--|
| Poultry Meat Industry Act 1969 | PIR | Prohibits processing of chickens unless from approved farms. | Review completed in 1994, recommending that producers seek Australian Competition and Consumer Council (ACCC) authorisation for collective bargaining with each processor, and that the Government repeal the Act. | The ACCC authorised collective negotiations between chicken growers and: <ul style="list-style-type: none"> • Ingham Enterprises P/L, on 9/4/97, expiring 30/6/02; and • Steggles Ltd, on 20/5/98, expiring 11/6/02. The Act not yet repealed. New legislation is under consideration. |
| Prevention of Cruelty to Animals Act 1985 | EH | Requires licences for teaching and research involving animals. | Review completed in 1999. Public consultation involved. Reforms recommended. | Reforms introduced via the Prevention Of Cruelty To Animals (Miscellaneous) Amendment Act 1999 (in operation from 1 February 2000). |
| Prices Act 1948 | J | Restricts market conduct. | Review completed, recommending the removal of a number of restrictive provisions but the retention of price controls for infant foods, returns of unsold bread, towing, recovery, storage and quoting for repair of motor vehicles and the carriage of freight to Kangaroo Island. | The Government enacted amendments in line with the review recommendations in 2000. |
| Psychological Practices Act 1973 | HS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | Review completed in 1999. Review recommended removing advertising and practice restrictions. | Cabinet approved drafting amendments to the Act. |
| Public and Environmental Health Act 1987 | HS | Restricts market conduct. | Review completed. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|--|--|
| Public Corporations Act 1993 | T&F | The Act technically "restricts" the market conduct of public corporations established under the Act in order to limit the Government's ownership risks. However these restrictions do not limit market entry or conduct of private sector participants. The Act is the preferred model of corporatisation and is consistent with the objectives of NCP competitive neutrality principles. | Review completed in 1998. Review found there is a net public benefit and recommended no reforms. | |
| Public Trustee Act 1995 | J | Statutory powers and duties not applicable to private trustees. | Review completed in August 2000. Public consultation involved. | Bill introduced into Parliament and is currently before the Legislative Council. |
| Racing Act 1976 | EH | Barrier to market entry and restrictions on market conduct. | Review completed in January 2000. | Act to be repealed. |
| Radiation Protection and Control Act 1982, Ionizing Radiation Regulations 2000, and Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991 | HS | Creates barrier to market entry and restricts market conduct. | National review completed. | |
| Road Traffic Act 1961 | TUPA | Barrier to market entry and restricts market conduct. | Desktop review underway. | National legislation implemented. |
| Roxby Downs (Indenture Ratification) Act 1982 | PIR | Authorises behaviour contrary to the TPA. | Desktop review completed in May 2000. No reform recommended. | |
| Rural Industry Adjustment (Ratification of Agreement) Act 1990 | PIR | | Review completed in December 1998, recommending repeal of the Act. | Legislation passed in April 2000 to repeal the Act. |
| Rural Industry Adjustment and Development Act 1985 | PIR | | Review completed in June 2000, recommending no reform. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|---|---|
| Rural Industry Assistance Act 1985 | PIR | | Review completed in March 1999, recommending repeal of the Act. | Legislation passed in April 2000 to repeal the Act. |
| Sandalwood Act 1930 | EH | Caps the quantity of naturally-occurring sandalwood harvested from Crown and private land. Licensing the harvesting of sandalwood. | Review completed in 1999. Review recommended repeal of the Act. | Act repealed (7 of 2001), effective 5 April 2001. |
| Santos Limited (Regulation of Shareholdings) Act 1989 | PIR | Restricts market conduct. | Review completed July 2001. | Act to be retained without reform. |
| Second-Hand Dealers and Pawnbrokers Act 1996 | J | Negative licensing (pawnbrokers, second-hand dealers for all goods except cars), registration (that is, notify police), entry requirements (not convicted dishonesty offence in past five years, not undisclosed bankrupt/insolvent), reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, selling of unredeemed goods; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification (unless sale by phone), cooperation with police). | Review completed in 1998. No reform recommended. | The Government endorsed the review recommendation. |
| Second-Hand Vehicle Dealers Act 1995 | J | Barrier to market entry, and business conduct. | Review completed. Review recommendation for audits; entitlement criteria for licensing, and distinction between summary and indictable offences for dishonesty. | Amendments passed by Parliament in October 2001. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|---|--|
| Security and Investigation Agents Act 1995 | J | Barrier to market entry (private inquiry agents, security providers), and market conduct. | Review completed. | |
| Seeds Act 1979 | PIR | Restricts market conduct. | Review completed, recommending no reform. | |
| Shearers Accommodation Act 1975 | AIS | Restricts market conduct. | Review completed in March 1999. Public consultation involved. | Act repealed in 1999. |
| Shop Trading Hours Act 1977 | AIS | Significant restrictions, including: controls on the hours during which shops may open; variation in allowed opening hours based on the day of the week; and variation in permitted opening hours vary depending on shop location, size and products sold. Monday-to-Saturday trading hours are restricted. Sunday trading is prohibited in Adelaide outside the central business district, where hours are restricted. | Review completed in 1998. Report not released by the Government. | Limited changes took effect from June 1999. |
| Soil Conservation and Land Care Act 1989 | PIR | Restricts market conduct. | Review, in conjunction with the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, completed. It recommended changes to the Act. | Amendments made under the Soil Conservation and Land Care Act (Amendment) Act. Further changes pending, subject to new Natural Resource Management Bill. |
| South Australian Film Corporation Act 1972 | TUPA | Restricts market conduct in granting sole and exclusive right to produce Government films. | Review completed in February 2000. Public consultation involved. No reform recommended. | |
| South Australian Health Commission Act 1976 | HS | Barrier to market entry and restricts market conduct of private hospitals. | Review completed in 1999. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|---|---|
| South Australian Housing Trust Act 1995 | HS | Restricts market conduct. | Review completed in 1999. No reform recommended. | |
| South Australian Museum Act 1976 | TUPA | Restricts market conduct in relation to meteorites. | Desktop review completed in May 1997. No reform recommended. | |
| South Australian Ports Corporation Act 1994 | AIS | Restricts market conduct. | Review postponed pending the outcome of the process for the lease/sale of the SA Ports Corporation. | Parliament passed legislation for the lease/sale of the corporation in December 2000. |
| Southern State Superannuation Act 1994 | T&F | Limits on choice of funds. | Desktop NCP review completed. Restrictions found to be trivial. No reform recommended. | Act retained without reform. |
| Starr-Bowkett Societies Act 1975 | J | | Identified at national level. | Payments through these societies are almost complete. Act expected to be repealed upon dissolution of the 2 remaining societies. The last Starr Bowkett Society recently deregistered. |
| State Clothing Corporation Act 1977 | AIS | Protects sheltered workshops. | Review completed. | Corporation sold in 1995-96. Act amended to repeal most of original Act including all reference to sheltered workshops. |
| State Lotteries Act 1966 | AIS | Restricts market conduct. | Review underway. See the Casino Act 1997. | Legislation to sell the SA Lotteries Commission was defeated in Parliament in November 2000. The Government decided to restructure the Act to separate policy, regulation and management. |
| State Supply Act 1985 | AIS | Restricts market conduct. | Desktop review completed. | The Government is considering the review recommendations. |
| Stock Act 1990 | PIR | Barrier to market entry and restricts market conduct. | Review completed in 1996. | Act repealed by the Livestock Act 1997. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|---|---|
| Stock Foods Act 1941 | PIR | Stock foods must be sold with label or certificate specifying chemical analysis. Seed grain must not be fed to stock. | See the Agricultural Chemicals Act 1955. | See the Agricultural Chemicals Act 1955. |
| Stock Medicines Act 1939 | PIR | Stock medicines to be registered. | See the Agricultural Chemicals Act 1955. | See the Agricultural Chemicals Act 1955. |
| Stony Point (Liquids Project) Ratification Act 1981 | PIR | Authorises behaviour contrary to the TPA. | Review completed in 2000. No reform recommended. | Act to be retained without reform. |
| Supported Residential Facilities Act 1992 | HS | Barrier to market entry and restricts market conduct. | Review completed in 1998. No reform recommended. | |
| Survey Act 1992 | AIS | Licensing, registration, entry requirements (education, experience, fit and proper), reservation of title (and derivatives), reservation of practice, disciplinary processes, business conduct (including ownership restrictions), and business licensing. | Review completed in 1999, but report not yet released. Review involved public consultation. | The Government is considering the review recommendations. |
| Swine Compensation Act 1936 | PIR | Barrier to market entry and restricts market conduct. | Desktop review completed, recommending repeal. | Act to be repealed by Schedule 2 of the Livestock Act 1997 once it is proclaimed, and replaced by regulations under the Livestock Act 1997 and the Primary Industries Funding Schemes Act 1998. |
| Tobacco Products Control Act 1986 | HS | Restricts market conduct. | | Act repealed and replaced by the Tobacco Products Regulation Act 1997. |
| Tobacco Products Regulation Act 1997 | HS | | New legislation. Subject to CPA clause 5(5) analysis before introduction. | Act replaced the Tobacco Products Control Act 1986. |
| Trade Measurement Act 1993 | J | Restricts market conduct. | National review underway. | |
| Trade Measurement Administration Act 1993 | J | | National review underway. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---------------------------------|---------------|--|--|---|
| Trade Standards Act 1979 | J | Restricts market conduct. | Review completed. No reforms recommended. | The Government endorsed the review recommendations. |
| Travel Agents Act 1986 | J | Licensing and compulsory consumer compensation fund. | National review underway (coordinated by WA). A final review report by CIE was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended entry qualifications for travel agents be removed and compulsory insurance maintained, 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. | |
| Trustee Companies Act 1988 | J | | To be reviewed under the Standing Committee of Attorneys-General (SCAG), and the Parliamentary Counsel Committee with NSW as lead agency. The national group has released a discussion paper. Time for submissions has closed. A meeting to discuss submissions is yet to be held. | |
| Unauthorised Documents Act 1916 | P&C | Barrier to market entry and restricts market conduct. Restricts use of State insignia and official emblems and licensing of the State's commercial emblem. | Desktop review completed in December 1998. Review recommended that the Act be retained in its current form. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|--|---|
| Veterinary Surgeons Act 1985 | PIR | Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, and controls on business names. | Review completed in 2000. | Act to be repealed and replaced by the Veterinary Practices Act, currently being drafted. |
| Vocational Education, Employment and Training Act 1994 | ETE | Registers training providers and accredits training courses. | Review completed in April 2000. Concluded that the public benefits of the restrictions outweigh costs. | Act retained without reform. |
| War Service Land Settlement Agreement Act 1945 | EH | Restricts market conduct. | Review completed in December 1999. Public consultation involved. No NCP reform recommended. | |
| Wheat Marketing Act 1989 | PIR | Imports the Commonwealth Act into State jurisdiction. | Review of SA-only provisions underway. | |
| White Phosphorus Matches Prohibition Act 1915 | AIS | Barrier to market entry and restricts market conduct. | Review completed in April 1999. | The Government approved negotiation with the Commonwealth so that Act can be repealed without international implications. |
| Wilderness Protection Act 1992 | EH | Restricts market conduct. | Review completed in December 1999, recommending no reform. | |
| Wine Grapes Industry Act 1991 | PIR | Restricts market conduct - indicator price calculation, terms and conditions of payment and exclusion from subsequent harvests. | Review underway. | |
| Workers Rehabilitation and Compensation Act 1986 | AIS | Mandatory insurance, monopoly insurer, and centralised premium setting. | Review underway. Draft report released in May 2000. | |