

# **9 Australian Capital Territory**

## **Agency abbreviations**

The following abbreviations are used in the ‘Agency’ column of the Australian Capital Territory legislation review timetable.

CM	Chief Minister’s Department
DECS	Department of Education and Community Services
DHHCC	Department of Health, Housing and Community Care
DoT	Department of Treasury
DUS	Department of Urban Services
JACS	Department of Justice and Community Safety

# Legislation review schedule: Australian Capital Territory

*Updated to September 2001*

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Administration and Probate Act 1929	JACS	Minor National Competition Policy (NCP) issues (imposes restrictions on business structure and conduct).	Intradepartmental review completed in 2001. Review concluded that the Act provides the Public Trustee with procedural advantages that are appropriate having regard to its function of being the trustee of last resort. Other minor restrictions on competition in the Act are justified having regard to the need to ensure public confidence in the judicial process and the need to protect beneficiaries from unfair practices.	
Adoption Act 1993	DECS	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agents Act 1968	JACS	Licensing (real estate agents, travel agents, business agents, stock and station agents), registration, entry requirements, the reservation of practice, disciplinary processes, and business conduct.	Intradepartmental review completed in 2001. Review concluded that there are no competition policy issues requiring legislative reform within the real estate, stock and station and business agents' markets, but questions the imposition of a licensing regime on the employment agents' market.  In relation to the regulation of travel agents (subject to a national review), the ACT believes that, given the current economic climate, the existing statutory Travel Compensation Fund scheme is justified under the NCP Public Benefit Test and should be retained. The ACT believes that, on balance, the positive net benefits of the national compensation scheme exceed the modest costs imposed on travel agents.	
Air Pollution Act 1984	DUS		Review not required.	Act repealed by the Environment Protection Act 1997.
Anglican Church of Australia Trust Property Act 1917 (NSW) in its application in the Territory	JACS		Intradepartmental review completed in 1999. Minor issues. Act assessed as not restricting competition. The Act does not give the church a commercial advantage and does not have an anticompetitive effect.	
Anglican Church of Australia Trust Property Act 1928 (NSW) in its application in the Territory	JACS		Intradepartmental review completed in 1999. Minor issues. Act assessed as not restricting competition. The Act does not give the church a commercial advantage and does not have an anticompetitive effect.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Animal Diseases Act 1993	DUS	Declaration of quarantine areas. Allows Minister to direct destruction of animals and removal of refuse. Imposes a tagging requirement for stock. Restricts entry into tag manufacture. Controls use of vaccines and the sale of infected animals.	Review, in conjunction with the Pounds Act 1928 and the Stock Act 1991, completed. It found the restrictions to have benefits to animal health, public health and sustainable development that outweigh their costs.	Report presented to the Minister. Act retained without reform.
Animal Welfare Act 1992	DUS	Ban on rodeos and circuses. Restrictions on use of animals in experiments. Restrictions on who may carry out surgical procedures.	Review completed. It found that, subject to some amendments, the restrictions were in the public interest.	Act retained without reform.
Annual Holidays Act 1973	DUS		Review not required.	Act renamed the Annual Leave Act 1973.
Annual Leave Act 1973	DUS	No competition restrictions. Act bestows employee benefits.	Review not required.	Act retained without reform.
Apiaries Act 1928	DUS			Act repealed and replaced by the Animal Diseases Act 1993.
Architects Act 1959	DUS	Registration, entry requirements, reservation of title, and disciplinary processes.	National review conducted by the Productivity Commission (PC) completed in August 2000, and publicly released in November 2000. PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of the Act.	A States and Territories working group has developed a draft national response to the PC review.
Associations Incorporation Act 1991	JACS	Minor NCP issues (imposes restrictions on business structure).	Intradepartmental review completed in 2000. Review concluded that the Act did not have a significant anticompetitive effect and that any such effect is justified in the public interest.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Auctioneers Act 1959	JACS	Licensing, entry requirements (age, good character, no pawnbrokers), the reservation of practice, and business conduct (maintenance of records for at least 12 months).	Intradepartmental review completed in 2001. Review found that while the regulatory costs imposed on auctioneers are minor, the benefits appear insufficient to justify the licensing requirements in the Act. Review recommended Act be repealed.	
Australian-American Educational Foundation Act 1966	JACS		Review not required.	Act to be repatriated to the Commonwealth.
Bank Mergers Act 1997	CM	Act assessed as not restricting competition	Review not required.	
Betting (ACTTAB Limited) Act 1964 and Betting (Corporatisation) (Consequential Provisions) Act 1996	DoT		Targeted review completed in 1999. Reviewed as part of the ACTTAB and Bookmakers legislation review. The report made a number of recommendations with a general objective of removing restrictions on competition where there is no justifiable public benefit.	The Government noted the review recommendations.
Birth (Equality of Status) Act 1988	JACS		Intradepartmental review completed in 1999. Minor issues. The Act does not have any material effect on competition.	
Births, Deaths and Marriages Registration Act 1997	JACS		Intradepartmental review completed in 2001. The Act assessed as not restricting competition.	
Blood Donation (Transmittable Diseases) Act 1985	DHHCC	Limits conduct, and confers benefit.	Review yet to commence. Awaiting the outcome of the National Review of Australian Blood Banking and Plasma Product Sector. ACT provision may subsequently be repealed or substantially amended.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Board of Senior Secondary Studies Act 1997	DECS	Provides for accreditation of secondary courses.	Intradepartmental review.	Legislation necessary to provide the Government approved function. Legislation to be retained to maintain uniform standards for senior secondary courses and certification.
Bookmakers Act 1985	DoT	Contains provisions for licensing bookmakers for racing and sports betting.	Targeted public review, in conjunction with the Betting (ACTTAB Limited) Act 1964 and the Betting (Corporatisation) (Consequential Provisions) Act 1996, completed in 1999.	Act repealed and functions incorporated in the new Race and Sports Bookmaking Act 2001.
Boxing Control Act 1993	DECS		National review of boxing completed in August 1999. Review concluded that a registration and licensing system enhances the safety of participants and minimises the incidence of malpractice in professional bouts. The working group proposed a national registration system to improve the management of professional boxing and combat sports.  ACT internal review underway (which should reflect national directions and linked to the NSW Boxing Act review).	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Act 1972	DUS	Building regulations, licensing, registration, entry requirements (training, course work, practical experience or qualifications and supervised building work, business capacity), reservation of practice, disciplinary processes, business conduct (insurance).	<p>Targeted public review, in conjunction with the Electricity Act 1971 (electricians licensing) and the Plumbers, Drainers and Gasfitters Board Act 1982, by Allen Consulting Group completed in August 2000. Review focused on regulation of building occupations and did not review building regulations. Public benefits for building regulations are amenity, safety and health of people who use buildings and community expectations.</p> <p>Review focused on regulation of building occupations and insurance arrangements. Review recommended: legislation be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.</p>	The Government announced its response to the review, agreeing with most recommendations. Does not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters. Legislation prepared as part of the 2001 program.
Building and Services Act 1924	DUS		Interdepartmental review underway. Part of the utilities legislation review under the lead of Treasury.	Act to be replaced in part by the new Utilities Act and in part by a separate Utilities (Telecommunications Installations) Act that deals with communications infrastructure.
Buildings (Design and Siting) Act 1964	DUS			<p>Act repealed by the Land (Planning and Environment) (Amendment) Act 1996 (No.3) as a result of implementation of the 1995 Stein report.</p> <p>Design and siting provisions incorporated into streamlined Development Application.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Franchise (Liquor) Act 1993	CM		Review not required.	Federal Court s90 decision, no further action.
Business Franchise (Tobacco and Petroleum Products) Act 1984	CM		Review not required.	Federal Court s90 decision, no further action.
Business Franchise ('X' Videos) Act 1990	JACS		Review not required.	Act repealed in 1996 following a High Court decision.
Business Names Act 1963	JACS	Minor NCP issues (imposes restrictions on business structure).	Intradepartmental review completed in 2000. Minor anticompetitive effect outweighed by the public benefit of being able to use fictitious names placed on a public register.	
Canberra Institute of Technology Act 1987	DECS		Review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Canberra Tourism and Events Corporation Act 1997	CM	Act assessed as not restricting competition.	Review not required.	
Casino Control Act 1988	DoT	Exclusive licence. Restrictions on operations and conduct.	Targeted public review, as part of the gambling legislation review, completed in 1998. The ACT established a Select Committee on gambling which made recommendations on gaming machine issues.	The Government announced that the exclusivity of the casino licence will not be extended beyond the current licence period. The prohibition on gaming machines at the Casino will remain at the recommendation of the Select Committee.
Cemeteries Act 1933	DUS	Limits conduct.	Targeted public review, in conjunction with the Cremation Act 1966, completed in 2000. Review recommended a limit on post-burial tenure at public cemeteries.	The Government rejected the recommendation to limit post-burial tenure at public cemeteries. New legislation, the Cemeteries and Crematoria Bill 2001, introduced for debate in the Legislative Assembly in August 2001 and adjourned.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Children and Young People Act 1999	DECS	Licensing of childcare operations. Introduces concepts of: parental responsibility; family group conferencing; and therapeutic protections and enduring parental responsibility for children and young people in need of care and protection.  Expanded definition of mandated professionals.	New legislation.	Act replaced the Children's Services Act 1986.
Chiropractors and Osteopaths Act 1983	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001.	The Government agreed to the drafting of revised legislation.
Classification (Publications, Films and Computer Games) (Enforcement) Act 1995	JACS		Joint jurisdictional review underway. Part of a national regulatory scheme.	
Clinical Waste Act 1990	DUS		Intradepartmental review underway. No NCP related issues raised - legislation to address technical issues.	Legislation proposed for consideration in the 2002 program.

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Collections Act 1959	DUS		<p>Joint review with the Hawkers Act 1936, by Allen Consulting Group, completed in April 2000. Involved targeted public consultation, with an issues paper, meetings and written submissions.</p> <p>Recommended: the Act not place limits on the level of fundraising costs or remuneration; regulatory emphasis be on the disclosure of fundraising details to potential donors; the Act not limit the locations where collections can be undertaken or the number of organisations collecting; rather than focusing on funds raised and costs incurred for particular collections, all organisations that produce audited accounts be required to lodge those accounts with the registrar on an annual basis; organisations that do not have audited accounts be required to keep appropriate records and have those records signed off by an 'appropriate person' as being in order; collectors be required to wear a badge (or prominently display information) relating to the collection; and the Act be drafted to apply to any direct or indirect appeal for support</p>	The Government accepted most of the review recommendations. Legislation being drafted for introduction into the Legislative Assembly in 2002.
Commercial Arbitration Act 1986	JACS		Intradepartmental review completed in 2000. Act assessed as not restricting competition.	
Common Carriers Act 1902 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for common land carriers ameliorating a common law "strict liability" which otherwise would apply to common carriers. As "strict liability" is not to be removed, the limitation of liability should remain.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Community and Health Services Complaints Act 1993	DHHCC	Confidentiality and investment restrictions.	Intradepartmental review completed in December 1999. Potential restrictions identified in terms of powers to both maintain the confidentiality of information and to access information. Review concluded that the restrictions did not function anticompetitively and that no market was affected by the legislation.	Act retained without reform.
Companies (Commonwealth Brickworks (Canberra) Limited) Act 1979	CM	Act assessed as not restricting competition.	Review not required.	
Companies (Registered Societies) Ordinance 1990	CM		Review not required.	Registered Societies model legislation adopted nationally.
Companies Auditors and Liquidators Disciplinary Board Ordinance 1982	CM		Review completed.	Registered Societies model legislation adopted nationally.
Construction Practitioners Registration Act 1998	DUS	Registration for building certifiers, entry requirements, disciplinary processes, business conduct (professional indemnity insurance with approved insurer, no conflict of interest).	New legislation to introduce private certification of building work. Review completed in November 2000.	
Consumer Credit (Administration) Act 1996	JACS	Minimal registration and conduct requirements.	Intradepartmental review underway. Review in draft form. Minor NCP issues.	
Consumer Credit Act 1995	JACS	Part of a national regulatory regime.	National review completed and all participating jurisdictions have accepted the outcome of the review.	

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Contractors' Debts Act 1897 (New South Wales) in its application in the Territory	JACS		Review completed in 1999.	Amendments recommended by the review included in the Justice and Community Safety Legislation Amendment Bill (No 2) 2000. The Bill repeals section 5 (which capped the liability of contractors for their employees to 60 days' wages) and section 6 (which limited the period in which a worker can make a claim for wages to 3 months).
Co-operative Societies Act 1939	CM		Intradepartmental review completed.	Act amended to reflect a consistent national approach.
Coroners Act 1997	JACS	Minor issues.	Review underway. Encompassed by stage 2 of the Legal Practitioner Act review.	
Credit Act 1985	JACS		Review not required.	Act substantially repealed. Remaining restrictions continue to apply to a number of contracts entered into prior to 1996. The Act does not apply to contracts entered into after that time and will be repealed once its effect is spent.
Cremation Act 1966	DUS	Limits conduct.	See the Cemeteries Act 1933.	Replacement legislation, the Cemeteries and Crematoria Bill 2001, introduced for debate in August 2001 and adjourned.
Crown Proceedings Act 1992	JACS		Intradepartmental review completed in 1999.	Amendments recommended by the review included in the Justice and Community Safety Legislation Amendment Bill (No 2) 2000. The Bill includes an amendment to the Act to remove a competitive advantage enjoyed by the Crown when it carries on business activities.

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Cultural Facilities Corporation Act 1997	CM	Act assessed as not restricting competition.	Review not required.	
Dangerous Goods Act 1975 (New South Wales) in its application in the Territory	DUS		Part of overall review of the ACT's Occupational Health and Safety legislation. Regulatory Impact Statement (RIS) prepared and public comments sought through an extensive consultative process.	See the Occupational Health and Safety Act.
Dangerous Goods Act 1984	DUS		Part of overall review of the ACT's Occupational Health and Safety legislation. RIS prepared and public comments sought through an extensive consultative process.	See the Occupational Health and Safety Act.
Defamation Act 1901 (New South Wales) in its application in the Territory	JACS	Minor NCP issues (confers differential statutory defences to different parts of the media market).	Review not required.	Act repealed.
Dental Technicians and Dental Prosthetists Registration Act 1988	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001.	The Government agreed to the drafting of revised legislation.
Dentists Act 1931	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001.	The Government agreed to the drafting of revised legislation.
Disability Services Act 1991	DHHCC	S6 and S7 grant conditions that may restrict competition.	Desktop review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	Act to be retained without reform.
Discrimination Act 1991	JACS	Minor NCP issues (confers differential exemptions on different parts of the market).	Intradepartmental review completed in 2000. The Act permits the insurance and superannuation industries to discriminate on the basis of age. The anticompetitive effects are minor and outweighed by the public benefit.	

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Domestic Relationships Act 1994	JACS		Intradepartmental review underway. Minor issues. Encompassed by stage 2 of the Legal Practitioner Act review.	
Door-to-Door Trading Act 1991	JACS	Imposes conduct restrictions and restricts the hours during which door to door sellers may operate.	Intradepartmental review completed in 2001. The Act limits the time of the day and night and the days when door-to-door traders may call on prospective customers. The review concluded that costs are minor and public benefit is high.	
Drugs of Dependence Act 1989	DHHCC	Restrictions on competition throughout Act.	Part of Galbally Review. Final review report under consideration by the Australian Health Ministers Advisory Council (AHMAC).	
Earnings (Assignment and Attachment) Act 1966	JACS	Act assessed as not restricting competition.	Review not required.	
Education Act 1937, Schools Authority Act 1976, Public Instruction Act 1880, and Free Education Act 1906	DECS	Requires non-government schools to be registered.	Full public review completed in 2000.	The Bill did not come before the Legislative Assembly for a second reading prior to election in October 2001. The new Government expected to consider how to proceed.
Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994	DECS	Requires registration of providers of education to overseas students.		Act repealed.
Electoral Act 1992	JACS	Act assessed as not restricting competition.	Review not required.	
Electricity Act 1971 (renamed the Electricity Safety Act 1971) - Part 1 of 2	DUS		Review not required.	Some provisions of the Act provided powers for suppliers of electricity distribution services. Such matters are now dealt with by the Utilities Act 2000 and the provisions were repealed in January 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Act 1971 (renamed the Electricity Safety Act 1971) - electricians licensing - Part 2 of 2	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, business capacity), reservation of practice (installing, altering or repairing an electrical installation, other than an electrical installation that operates at extra low voltage), disciplinary processes, and business conduct (insurance).	Targeted public review completed in 2000. Provisions for licensing of electricians reviewed by Allen Consulting Group in conjunction with the Building Act 1972 and the Plumbers, Drainers and Gasfitters Board Act 1982. Final report completed August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	The Government announced its response to the review, agreeing with most recommendations. Does not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters. See the Building Act 1972.
Enclosed Lands Protection Act 1943	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Energy and Water Act 1988	DUS		Review not required.	Act repealed as part of the Utilities legislation.
Enforcement of Public Interests Act 1973	JACS	Act assessed as not restricting competition.	Review not required.	
Environment Protection Act 1997	DUS		RIS undertaken in developing the legislation.	
Essential Services (Continuity of Supply) Act 1992	DUS		Review not required.	Part of the Act to be repealed; now part of the Utilities Act 2000.
Fair Trading (Consumer Affairs) Act 1973 (previously Consumer Affairs Act 1973)	JACS	Imposes conduct restrictions.	Intradepartmental review completed in 2001. It concluded that the Act should be retained because costs are negligible but public benefit is high.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading (Fuel Prices) Act 1993	JACS	Allows the relevant Minister to set fuel prices.	Intradepartmental review completed in 1999. It concluded that the Act has no effect on the market unless the Minister exercises a power to determine fuel prices under the Act. The Minister is unlikely to make such a determination unless the market is acting in a collusive or anticompetitive manner. On activation, costs would be significant. However, there would be a countervailing and greater community benefit. There is no viable or realistic alternative.	Act to be retained without reform on the Public Benefit Test.
Fair Trading (Petroleum Retail Marketing) Act 1995	JACS		Review not required.	Act repealed.
Fair Trading Act 1992	JACS	Registration and mandatory codes of practice for bodyguards, security guards, cash transit industry, crown marshals, and guard and patrol services, entry requirements (competency, character - criminal record check), reservation of practice, disciplinary processes, and business licensing.	Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Family Provision Act 1969	JACS	Act assessed as not restricting competition.	Review not required.	
Fertilizers Act 1904 (NSW) in its application in the Territory	JACS	Fertilizers not to be sold unless with statement of composition.	Review by officials completed in 1999.	Act to be retained without reform.
Financial Institutions (Application of Laws) Act 1992	CM		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999.
Financial Institutions (Removal of Discrimination) Act 1997	CM	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Financial Institutions (Supervisory Authority) Act 1992	CM		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999.
Financial Institutions Duty Act 1987	CM		National review completed in 1997.	Act amended to reflect a consistent national approach.
Firearms Act 1996	JACS		Review not required. Part of a national regulatory scheme with separate review mechanisms: legislation is subject to overriding public safety considerations.	
Fisheries Act 2000	DUS	Licensing of commercial fishers. Registration of fish dealers. Output controls such as size and bag limits. Input controls on gear.		Act replaced the Fishing Act 1967.
Fishing Act 1967	DUS		Review not required.	Act repealed and replaced by the Fisheries Act 2000.
Food Act 1992	DHHCC	Various food safety offences. Licensing of food businesses. Food to meet prescribed food standards.	National review completed in 2000 (see the NSW Food Act 1989).	All Australian governments agreed in November 2000 to adopt core provisions of the Model Food Bill by November 2001. This Act amended accordingly in August 2001.
Free Education Act 1906	DECS		Review completed.	The Bill did not come before the Legislative Assembly for a second reading prior to election in October 2001. The new Government expected to consider how to proceed.
Freedom of Information Act 1989	JACS		Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Fuels Control Act 1979	JACS/DU S		Intradepartmental review completed in 1999.	Act to be retained without reform on the Public Benefit Test.

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Games Wagers and Betting-houses Act 1901 (New South Wales) in its application in the Territory	DoT	Suppression of gaming houses.	Review, as part of the gambling legislation review, completed. (See the Gaming and Betting Act 1906 (NSW) in its application in the Territory).	
Gaming and Betting Act 1906 (New South Wales) in its application in the Territory	CM	Regulations on gaming, betting, and wagering; restricts the holding of race meetings; and licensing of racecourses.	Review, as part of the targeted public review of betting and gaming legislation, completed.	
Gaming Machine Act 1987	DoT		Targeted public review, as part of the gambling legislation review, completed. The Government established a Select Committee on Gambling to further report on gaming issues. It recommended further research into the social and economic impacts of gaming in the ACT. It also recommended a freeze on gaming machine numbers and measures to counter the negative effects of gambling.	The Government endorsed most of the review recommendations. Amendments to legislation forthcoming in 2001-02.
Gas Act 1992	DUS			Act repealed.
Gas Levy Act 1991	CM			Act repealed in 1998.
Gas Supply Act 1998	DUS			Act repealed and replaced by the Gas Safety Act 2000 (in respect of gas installations and appliances past the metering point) and the Utilities Act 2000.
Government Solicitor Act 1989	JACS	Act assessed as not restricting competition.	Review not required.	
Guardianship and Management of Property Act 1991	JACS		Intradepartmental review completed in 2001. Review concluded that the Act should be retained because the provisions are of great public benefit and no real competition issues arise.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hawkers Act 1936	DUS - DHHCC	Licensing, entry requirements (age, good character, fit and proper person), and business conduct (geographic and time restrictions, business structure).	Joint review, in conjunction with the Collections Act 1959, by Allen Consulting Group, completed in April 2000. Review involved targeted public consultation with issues paper, meetings and submissions. Recommended: refocusing legislation on land use and continuing positive licensing for hawkers operating from a single location, but having negative licensing for mobile hawkers; removing restrictions on number of vehicles a hawker can operate, number of people hawkers can employ and their age; and removing 180 metre exclusion zone from traditional shops, and regulating health, liquor and contraband goods via other legislation.	The Government accepted most of the review recommendations. Legislation is being drafted for introduction into the Legislative Assembly in 2002.
Health Act 1993	DHHCC	Limits conduct.	Intradepartmental review completed in December 1999. Review found that the restrictions did not apply to an organised pattern of activity and no commercial activity relating to the release or disclosure of information could be identified. The review concluded that the legislation did not impose restrictions on competition.	Act retained without reform.
Health and Community Care Services Act 1996	DHHCC	Restricts management of resources and interests.	Intradepartmental review completed in December 2000. Review identified that the restrictions primarily concerned the sound management of Territory resources and interests. Review further identified that there were difficulties in identifying the restrictions as anticompetitive. The conclusion was that the legislative restrictions provided an overall community benefit and were on balance significantly higher than any cost of compliance with the legislation.	Act retained without reform.

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Health Complaints Act 1993	DHHCC		Review not required.	Act replaced by the Community and Health Services Complaints Act 1993.
Health Promotion Act 1995	DHHCC	Limits functions to which board monies can be applied.	Intradepartmental review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	Act retained without reform.
Health Records (Privacy and Access) Act 1997	DHHCC	Limited restrictions on competition.	Intradepartmental review completed in December 1999. Review did not support the initial audit view that anticompetitive restrictions may apply. Restrictions do not relate to a market/commercial activity.	Act retained without reform.
Heritage Objects Act 1991	DUS		Review not required.	Decision to develop new legislation for the regulation of heritage matters. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.
Hotel School Act 1996	CM	Act assessed as not restricting competition.	Review not required.	
Housing Assistance Act 1987	DHHCC		Consultants review completed July 2001. Public consultations on the report and proposed changes to the legislation being progressed.	
Inebriates Act 1900 (NSW) in its application in the Territory	DHHCC	Sections 10 and 14 could restrict competition by licensing and regulating institutions.		Legislation to be repealed.
Inebriates Act 1938	DHHCC	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Innkeepers' Liability Act 1902 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for innkeepers ameliorating a common law "strict liability" which otherwise would apply to them. As "strict liability" is not to be removed, the limitation of liability should remain.	
Institute for the Study of Man and Society Incorporation Act 1968	JACS	Act assessed as not restricting competition.	Review not required.	Act to be repatriated back to the Commonwealth.
Intoxicated Persons (Care and Protection) Act 1994	DHHCC	Act contains restrictions on competition in terms of requirements that 'sobering up' shelters must be licensed.	Intradepartmental review completed in December 2000. Review identified that the restrictions were a sustainable public benefit.	Act retained without reform.
Judgment Creditors Remedies Act 1933	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	
Judiciary (Stay of Proceedings) Act 1933	JACS	Act assessed as not restricting competition.	Review not required.	
Juries Act 1967	JACS	Act assessed as not restricting competition.	Review not required.	
Lakes Act 1976	DUS	The only significant restriction is the limitation on commercial activity in a lake area.	Review, in conjunction with the Public Parks Act 1928, completed in 2000. The low cost of this restriction was considered justified by the protection afforded to lakes areas, and by the way it ensures that commercial operators in lakes areas gain no competitive advantage over those operating in normal commercial areas.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land (Planning and Environment) Act 1991- Part III (heritage provisions)	DUS		Review not required.	Decision to develop new legislation for the regulation of heritage matters. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.
Land (Planning and Environment) Act 1991- Parts V and VI	DUS	Direct granting of leases by non-competitive means and development approvals process.	Review completed in May 2000. Recommendations include improving transparency in the provision of direct grants and considering introducing a notification scheme for developments that are relatively minor and unlikely to be opposed by the government agency or to require conditions.	The Government issued a formal response to the review, agreeing in principle to most recommendations. Amending regulation signed on 25 January 2001.
Land Acquisition (Northbourne Oval) 1996 - No 84 of 1996	DUS		Targeted public review, in conjunction with the Lands Acquisition Act 1994, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.
Land Titles (Unit Titles) Act 1970	JACS		Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Land Titles Act 1925	JACS		Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Landlord and Tenant Act 1899 (New South Wales) in its application in the Territory	JACS			Act repealed by the Residential Tenancies Act 1997.
Landlord and Tenant Act 1949	JACS			Act repealed by the Residential Tenancies Act 1997.
Lands Acquisition Act 1994	DUS		Targeted public review, in conjunction with the Land Acquisition (Northbourne Oval) Act 1996, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Law Reform (Manufacturers Warranties) Act 1977	JACS	Act assessed as not restricting competition.	Review not required.	Act to be repealed by the proposed Fair Trading (Amendment) Bill 2001 because it duplicates more extensive provisions in the Trade Practices Act 1974 (TPA).
Law Reform (Misrepresentation) Act 1977	JACS		Act assessed as not restricting competition and removed from NCP review timetable.	
Lay-by Sales Agreements Act 1963	JACS	Imposes conduct restrictions.	Intradepartmental review completed in 2000. Act is procompetition. It provides for an alternative to traditional method of buying and selling whereby an outright payment is required. It assists consumers and at the same time encourages business activity.	
Legal Aid Act 1977	JACS		Intradepartmental review underway. Encompassed by stage 2 of the Legal Practitioner Act review. Minor issues.	
Legal Practitioners Act 1970	JACS	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, and business conduct (including professional indemnity insurance (two providers), ownership, locally registered foreign legal practitioner advertising (should not be false, misleading or deceptive or suggest legal practitioner is domestic)).	Targeted public review underway. Review being undertaken in two stages by the Department. Stage 1 options paper canvassing options for reform concerning admission and licensing of legal practitioners, complaints and discipline released in November 1999, with submissions sought. The Government is considering submissions. Stage 2 options paper, canvassing reform issues relating to business structures including multi-disciplinary practices, fee setting, insurance and the statutory interest account to be released in 2001.	
Legislation (Republication) Act 1996	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on the Public Benefit Test.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Act 1975 (except subsections 42E(2) and 42E(4))	JACS	Regulates the sale of liquor via licences.	Intradepartmental review underway.	
Liquor Act 1975 (subsections 42E(2) and 42E(4))	CM	Relates to procedures if a licence holder fails to pay liquor taxes.	Intradepartmental review completed.	
Listening Devices Act 1992	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on the Public Benefit Test.
Litter Act 1977	DUS		Targeted public review, in conjunction with the Roads and Public Places Act 1937, completed in 2000. Concluded that in terms of the requirements under NCP guidelines: the Act marginally restricts business for businesses dependent on flyer and bill advertising; public protection benefits of the Act outweigh any marginal impact on competition; and no feasible non legislative options were found which can achieve the same level of public benefits.	The Government accepted the review recommendations.
Long Service Leave (Building and Construction Industry) Act 1981	DUS		Targeted public review completed in 1999. Act assessed as not restricting competition. Final review report available at <a href="http://www.act.gov.au/urbanservices">www.act.gov.au/urbanservices</a> .	Legislation for restructuring of the Board to be prepared for the 2002 program.
Long Service Leave Act 1976	DUS	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.	Act retained without reform.
Lotteries Act 1964	DoT		Targeted public review, as part of the review of gambling legislation, completed.	The Government endorsed most of the review recommendations. Amendments to legislation forthcoming in 2001-02.
Machinery Act 1949	DUS			Act repealed and replaced by the Occupational Health and Safety (Amendment) Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Magistrates Court Act 1930	JACS		Intradepartmental review underway. Minor issues. Encompassed by stage 2 of the Legal Practitioner Act review.	
Meat Act 1931	DHHCC	Ministerial permission required to engage in certain meat processing activities.	National review completed in 2000 (see the NSW Food Act 1989).	Act to be repealed subject to the passage of uniform Food Act legislation.
Mediation Act 1997	JACS		Intradepartmental review completed in 2000. The review assessed the Act as not restricting competition.	
Medical Practitioners Act 1930	DHHCC	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed March 2001.	The Government agreed to the drafting of revised legislation.
Medical Records (Access and Privacy) Act 1997	DHHCC		Review, in conjunction with the Health Records (Access and Privacy) Act 1997, completed in December 1997.	Act retained without reform.
Medical Services (Fees) Act 1984	DHHCC	Legislation relates to an intergovernmental financial arrangement. Restricts the fees payable for the treatment of private patients in public hospitals.	Review not required.	
Mental Health (Treatment and Care) Act 1994	DHHCC	Restrictions on competition throughout Act. Restrictions relate to the Mental Health Tribunal powers to direct where a person with a mental health dysfunction will be detained, restrictions on the use of convulsive therapy and psychiatric surgery, and requirements that private psychiatric facilities be licensed.	Intradepartmental review completed in December 2000. Restrictions justified as being in the overall public benefit.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mercantile Law Act 1962	JACS		Intradepartmental review completed in 1999.	Archaic provisions of Act to be repealed.
Milk Authority Act 1971	DUS	Retail price controls. Licensing of home vending. Canberra Milk Authority required to buy milk from sole ACT producer.	Review by officials completed in 1998. It recommended: <ul style="list-style-type: none"> <li>• separation of Authority's regulatory and commercial roles;</li> <li>• retention of retail price controls until mid 2000;</li> <li>• reform of home vending arrangements; and</li> <li>• retention of compulsory acquisition of ACT milk.</li> </ul>	The Government initially accepted the review recommendations. In line with the March 2000 communique signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, the ACT passed the Milk Authority Repeal Act 2000 on 23 May 2000, deregulating its milk arrangements from 1 July 2000.
Motor Omnibus Services Act 1955	DUS		Review not required.	Act to be repealed and replaced by the Road Transport (Public Passenger Services) Act in August 2001.
Motor Traffic Act 1936 – Part 1 of 2	DUS	Compulsory third party insurance provisions.	Review not required.	Act to be retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Traffic Act 1936 - taxi and hire car provisions - Part 2 of 2	DUS	Limitation on number of taxi and hire car licences.	Review completed and final report issued in March 2000. Review recommended immediate removal of restrictions on taxi and hire car licence numbers, full compensation to licence-holders to be funded either via general revenue or by long-term licence fee arrangements.	Minor reforms implemented (10 wheelchair accessible taxi licences issued, encouragement of establishment of a second dispatch service, cross-border trials with NSW, accreditation for networks). The Road Transport (Public Passenger Services) Amendment Bill 2001 also introduced operator accreditation and removal of restrictions on the number of licences an individual can hold. Bill passed in August 2001.  Further review (by June 2002) of the key question of licence number restrictions.  Changes to hire car provisions will need to be considered by the incoming Government in 2002.
Motor Vehicles (Dimensions and Mass) Act 1990	DUS		Review not required.	Act superceded by national road transport reforms.
National Environment Protection Council Act 1994	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
National Exhibition Centre Trust Act 1976	CM	Act assessed as not restricting competition.	Review not required.	
Nature Conservation Act 1980	DUS	Controls on commerce in animals and plants.	Targeted public review completed in 1999. Review found that restrictions are justified provided that the lists of protected and exempt plants are reviewed to ensure that entries are justifiable on conservation grounds.	Review presented to the Government on 7 August 2000.  Disallowable Instrument in relation to the revision of the relevant lists proposed for December 2001.
Noise Control Act 1988	DUS			Act repealed by the Environment Protection Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Notaries Public Act 1984	JACS		Intradepartmental review underway. Minor issues. Encompassed by stage 2 of the Legal Practitioner Act review.	
Nurses Act 1988	DHHCC	Restrictions on entry, registration, title, and disciplinary provisions.	Review completed in March 2001.	The Government agreed to the drafting of revised legislation.
Oaths and Affirmations Act 1984	JACS		Intradepartmental review underway. Encompassed by stage 2 of the Legal Practitioner Act review. Minor issues.	
Occupational Health and Safety Act 1989	DUS		Review, in conjunction with the Dangerous Goods Act 1984, the Scaffolding and Lifts Act 1957 and the Machinery Act 1949, underway. Review is examining the development of an integrated performance-based regulatory regime for workplace safety, dangerous goods and those areas currently regulated under the Scaffolding and Lifts Act and the Machinery Act, in line with agreements reached in 1991 by Premiers and Chief Ministers that jurisdictions would pursue the development of nationally uniform, flexible and performance-based regulations under parent occupational health and safety legislation.	RIS issued for consultation comments. Issues being examined with a view to drafting a Bill early in 2002.
Ombudsman Act 1989	JACS		Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Optometrists Act 1956	DHHCC	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in March 2001.	The Government agreed to the drafting of revised legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Ozone Protection Act 1991	DUS			Act repealed by Environment Protection Act 1997.
Parental Leave (Private Sector Employees) Act 1992	DUS	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.	Act retained without reform.
Partnership Act 1963	JACS	Minor issues.	Intradepartmental review completed in 2000.	Amendments recommended by the review included in the Justice and Community Safety Legislation Amendment Bill (No. 2) 2000. Amendments remove a disincentive to ACT partners accepting positions on public or private sector corporate boards.
Pawnbrokers Act 1902 (New South Wales) in its application in the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice, and business conduct (prescribed records, public auction unredeemed goods over \$10, cooperation with police).	Intradepartmental review completed in 2001. Recommended, as with second-hand dealers, the restructuring and modernisation of existing regulations.	
Payroll Tax Act 1987	CM		Intradepartmental review completed.	
Periodic Detention Act 1995	JACS	Act assessed as not restricting competition.	Review not required.	
Perpetuities and Accumulations Act 1985	JACS	Act assessed as not restricting competition.	Review not required.	
Pesticides Act 1989	DUS	Pesticides not to be used unless registered.		Act repealed and replaced by the Environment Protection Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1931	DHHCC	Restrictions on entry, registration, title, practice, 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.  Also part of targeted public review of health practitioner registration Acts. Review completed March 2001.	The Council of Australian Governments (CoAG) referred the Wilkinson Review to a senior officials' working party, which reported back to CoAG.  Legislation was passed in August 2001 amending the Act to allow pharmacies to take advantage of company structures and to restrict ownership to pharmacists.
Physiotherapists Act 1977	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in March 2001.	The Government agreed to the drafting of revised legislation.
Plant Diseases Act 1934	DUS	Restrictions on introduction into the ACT of declared pests and diseases. Destruction of neglected trees. Quarantine control provisions. Specifies particular products for use in controlling fruit fly and aphidae. Specifies particular kinds of packaging. Imposes inappropriate and unduly restrictive standards on fruit for retail sale.	Review in conjunction with the Land (Planning and Environment) Act 1991 (pest plant and animal provisions) completed. It recommended: <ul style="list-style-type: none"> <li>• retaining restrictions on introduction into the ACT of declared pests and diseases, provisions relating to the destruction of neglected trees and quarantine control provisions;</li> <li>• repealing provisions that specified particular products for use in controlling fruit fly and aphidae, particular kinds of packaging, and that imposed inappropriate and unduly restrictive standards on fruit for retail sale; and</li> <li>• retaining provisions relating to pest plant and animals.</li> </ul>	Legislation proposed as part of the 2002 legislation program.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plumbers, Drainers and Gasfitters Board Act 1982	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, age 18 years or over, fit and proper), reservation of practice (install or fit fire-fighting sprinkler system, sanitary plumbing work, water supply plumbing work, laying or repairing drains, install/repair/inspect/test consumer natural gas piping systems and gas appliances), and disciplinary processes.	Targeted public review by Allen Consulting Group, in conjunction with the Electricity Act 1971 (electricians licensing), and the Building Act 1972, completed in August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended: legislation be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to the disciplinary system.	See the Building Act 1972. The Government announced its response to review, agreeing with most recommendations. The Government does not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters.
Podiatrists Act 1994	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in March 2001.	The Government agreed to the drafting of revised legislation.
Poisons Act 1933	DHHCC	Restricts the sale and storage of poisons and biological substances.	Part of Galbally Review. Final review report under consideration by AHMAC.	
Poisons and Drugs Act 1978	DHHCC		Part of Galbally Review. Final review report under consideration by AHMAC.	
Pool Betting Act 1964	DoT	Approvals for conduct of pool betting competitions, restrictions on advertising and other conduct, possible supervision of competitions, and levies and probity of financial arrangements.	Targeted public review, as part of the review of gambling legislation, completed.	The Government endorsed most of the review recommendations. Amendments to legislation forthcoming in 2001-02.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pounds Act 1928	DUS	Establishes government operated pounds. Conferring differential benefits on market participants as to impounding stock depending on what stock they keep and where their property is located.	Review by officials, in conjunction with the Animal Diseases Act 1993 and the Stock Act 1991, completed. It found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Powers of Attorney Act 1956	JACS	Minor NCP issues (imposes restrictions on business structure).	Intradepartmental review underway.	
Presbyterian Church (Proposals for Union with other Churches) Act 1972	JACS	Act assessed as not restricting competition.	Review not required.	
Presbyterian Church Trust Property Act 1971	JACS		Intradepartmental review completed in 1999. Concluded that to the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	
Printing and Newspapers Act 1961	JACS		Intradepartmental review completed in 1999.	Act to be repealed.
Proceeds of Crime Act 1991	JACS		Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Prohibited Weapons Act 1996	JACS		Review not required. Part of a national regulatory scheme subject to separate review requirements. Legislation is subject to overriding public safety considerations.	
Prostitution Act 1992	JACS		Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Protection of Lands Act 1937	DUS		Interdepartmental review underway. Following preliminary review work, the Trespass on Territory Land, the Enclosed Lands and the Recovery of Lands Acts were removed from the joint review as no competition restrictions were identified.	Act repealed on 29 March 2001.
Psychologists Act 1994	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in March 2001.	The Government agreed to the drafting of revised legislation.
Public Baths and Public Bathing Act 1956	DECS	Act assessed as not restricting competition.	Review not required.	
Public Health (Miscellaneous Provisions) Act 1997	DHHCC	Limited restrictions on competition.	Review not required.	Act to be repealed.
Public Health (Prohibited Drugs) Act 1957	DHHCC	Limits business conduct.	Part of Galbally Review. Final review report under consideration by AHMAC.	
Public Health Act 1928	DHHCC			Act repealed by the Public Health Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Health Act 1997	DHHCC	Limits conduct.	The ACT commenced a process of reviewing its public health legislation by the introduction of the Public Health Act 1997. This legislation established a template for the management of health risk activities or procedures through a Code of Practice approach. As codes of practice are developed existing health risk management provisions that are under the former Public Health Act 1928 are repealed. The revised legislative approach while more focussed on outcomes, stakeholder collaboration and the currency of the health risk, retains potential restrictions on approval, activity and conduct. Accordingly the revised legislation has potential to impose costs and restrict competition. A departmental review has been completed that identifies the anticompetitive provisions that arise through the application of the Act to health risk activities and procedures. This review to be released for consultation.	Amendment Bill May 2000 introduced some negative licensing provisions.
Public Parks Act 1928	DUS		Review, in conjunction with the Lakes Act 1976, completed.	Act repealed by the Statute Law (Amendment) Act 2000.
Public Trustee Act 1985	JACS	Prohibits other than Trustee companies to act as Public Trustee.	Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Rabbit Destruction Act 1919	DUS			Act repealed by the Land (Planning and Environment) (Amendment) Act 1997 (No.7) and relevant provisions transferred to the Land (Planning and Environment) Act 1991.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Race and Sports Bookmaking Act 2001	DoT		Review of the Bookmakers Act 1985 resulted in the new Race and Sports Bookmaking Act 2001.	<p>Act repealed and replaced the Bookmakers Act 1985. New legislation:</p> <ul style="list-style-type: none"> <li>• removes requirement for racing club approval to grant bookmakers licences;</li> <li>• removes racing club-specific restrictions on bookmakers licences;</li> <li>• allows an independent authority (the ACT Gaming and Racing Commission) to assess licence applications;</li> <li>• removes limitations on phone betting;</li> <li>• removes requirement for sports bookmakers licence (or agents licence) holders to first obtain a standing bookmakers licence;</li> <li>• removes the limit on the number of sports betting licences granted;</li> <li>• allows for flexibility in the location of betting office operations; and</li> <li>• relates the size of the betting security guarantee to the amount of risk.</li> </ul>
Racecourses Act 1935	DoT		Review not required.	Act to be repealed and provisions incorporated in new racing legislation – the Racing Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing Act 1999	DoT	Regulates thoroughbred racing, harness racing and greyhound racing conducted for the purpose of betting, and for related purposes, including restrictions on holding race meetings, and setting up controlling bodies for each racing mode.	New legislation. RIS completed.	Act passed in 2000 and commenced in June 2001.
Radiation Act 1983	DHHCC		National review completed.	
Rates and Land Rent (Relief) Act 1970	DoT		Intradepartmental review completed in 1998.	
Rates and Land Tax Act 1926	DoT		Intradepartmental review completed in 1998.	
Rates and Land Tax Act 1986	DoT		Intradepartmental review completed in 1998.	
Real Property (Unit Titles) Act 1970	JACS		Review not required.	Act repealed.
Recovery of Lands Act 1929	DUS		Intradepartmental review completed. Act assessed as not restricting competition.	Act retained without reform.
Registration of Births, Deaths and Marriages Act 1963	JACS		Review not required.	Act repealed.
Registration of Deeds Act 1957	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	
Registration of Interests in Goods Act 1990	JACS		Intradepartmental review completed in 2000. Act assessed as not restricting competition.	Act proposed for repeal by the Sale of Motor Vehicles Amendment Bill 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Road Transport (Driver Licensing) Act 1999	DUS	Licensing, entry requirements (accreditation: skills, completed training course, aged at least 21 years, suitable person, medically fit), the reservation of practice, business conduct (vehicle requirements unless vehicle provided by person under instruction, display certificate).	New legislation.	Act introduced to meet national reform requirements.
Road Transport (General) Act 1999	DUS	Mandatory insurance, and licensing of insurers.	Review not required. Legislation allows the Government to approve multiple insurers.	
Road Transport (Public Passenger Services) Act 2001	DUS		RIS completed.	Act provides for the accreditation of bus operators and allows the Government to enter into contracts to provide regular public passenger transport services in the ACT.
Roads and Public Places Act 1937	DUS		Targeted public review, in conjunction with the Litter Act 1977, completed in 2000. Final report concluded that in terms of the requirements under NCP guidelines the Act does restrict business to some extent in terms of the areas available for commercial activity and through its advertising restrictions. The public protection and safety benefits of the Act outweigh these impacts on competition.	The Government accepted the review recommendations.
Roman Catholic Church Property Trust Act 1937	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	
Sale of Goods (Vienna Convention) Act 1987	JACS	Act assessed as not restricting competition.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sale of Goods Act 1954	JACS	Imposes conduct requirements.	Review, in conjunction with the Fair Trading Act 1992 and related legislation, underway.	
Sale of Motor Vehicles Act 1977 - Part 1 of 2	JACS		Preliminary work for full public review underway.	
Sale of Motor Vehicles Act 1977 - Part 2 of 2	JACS	Parts of Act relating to motor vehicle dealers.	Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Salvation Army Property Trust Act 1934	JACS		Intradepartmental review completed in 1999. Minor issues. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	
Scaffolding and Lifts Act 1957	DUS		Review, in conjunction with the Occupational Health and Safety Act 1989, completed.	Act repealed by the Occupational Health and Safety (Amendment) Act 1997.
Scaffolding and Lifts Act, 1912-1948 (New South Wales) in its application in the Territory	DUS		Review, in conjunction with the Occupational Health and Safety Act 1989, completed.	Act repealed by the Occupational Health and Safety (Amendment) Act 1997.
Schools Authority Act 1976	DECS	Governance and operation of government schools.	Review completed in 2000.	The Bill did not come before the Legislative Assembly for a second reading prior to election in October 2001. The new Government expected to consider how to proceed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Second-hand Dealers and Collectors Act 1906 (New South Wales) in its application in the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice (persons who deal in certain second-hand goods), and business conduct (prescribed records, holding of goods for prescribed period, cooperation with police).	Departmental review completed in 2000. Review recommended: updating definition of second-hand goods; altering business conduct requirements to take into account new technology; and repealing a number of the business rules in the legislation and repealing provisions dealing with the licensing and regulation of collectors.	The Government accepted the review recommendations. Amendments passed by the Assembly in the Justice and Community Safety Legislation Amendment Act (No. 2) 2001.
Sexually Transmitted Diseases Act 1956	DHHCC		Review underway.	
Skin Penetration Procedures Act 1994	DHHCC		Review not required.	Act repealed.
Small Claims Act 1974	JACS		Review not required.	Act repealed.
Smoke-free Areas (Enclosed Public Places) Act 1994	DHHCC	Restrictions on competition throughout Act.	Review, in conjunction with the Tobacco Act 1927, yet to commence.	
Stamp Duties and Taxes Act 1987	DoT		Intradepartmental review completed in 1998.	
Standard Time and Summer Time Act 1972	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Stock Act 1991	DUS	The Government determines stock carrying capacity for rural leases (which affects the level of the stock levy imposed). Restricts the movement of stock.	Review, in conjunction with the Animal Diseases Act 1993 and the Pounds Act 1928, completed. It found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Subordinate Laws Act 1989	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	
Substitute Parent Agreements Act 1994	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on the Public Benefit Test.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Supervision of Offenders (Community Service Orders) Act 1985	JACS	Act assessed as not restricting competition.	Review not required.	
Supreme Court Act 1933	JACS		Intradepartmental review underway. Minor issues. Encompassed by stage 2 of the Legal Practitioner Act review.	
Surveyors Act 1967	DUS	Licensing, entry restrictions (educational prerequisites), reservation of title and practice, and ability of Board (made up of mostly surveyors) to make regulations and undertake disciplinary processes.	Review completed in December 1998. Review recommended retaining registration, having less rigorous entry standards and abolishing the board in favour of powers of a Chief Surveyor.	The Government accepted all of the review recommendations but deferred considering removing compulsory postgraduate entry requirements until all jurisdictions have completed their reviews of surveyors legislation. The new Surveyors Act 2001, giving powers to a Commissioner for Surveys, commenced on 26 July 2001.
Tenancy Tribunal Act 1994	JACS		Review not required.	Act repealed by the Leases (Commercial and Retail) Bill 2000.
Territory Owned Corporations Act 1990	DoT	Potential (marginal) restrictions on competition in section 18.	Targeted public review completed in 1998. Act assessed as not restricting competition.	
Theatres and Public Halls Act 1928	CM		Review completed in 1998.	Act repealed in March 2001.
Tobacco Act 1927	DHHCC		Review, in conjunction with the Smoke Free Areas (Enclosed Public Places) Act 1994, yet to commence.	
Tobacco Products (Health Warnings) Act 1986	DHHCC	Restrictions on competition throughout the Act.	Targeted public review completed. Review report redrafted to take account of the 1999 amendments to the Act.	
Trade Measurement (Administration) Act 1991	JACS		Review and reform contingent on outcome of national review.	
Trade Measurement Act 1991	JACS		National review underway.	
Trading Hours Act 1962	DUS		Intradepartmental review completed.	Legislation repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trading Stamps Act 1972	JACS	Act assessed as not restricting competition.	Review not required.	
Transplantation and Anatomy Act 1978	DHHCC	Limited restrictions on competition.	Review underway. Restrictions within legislation identified. Consultation paper being prepared.	
Trans-Tasman Mutual Recognition Act 1997	CM		National review completed in 1998.	The Government is considering the review recommendations.
Trespass on Territory Land Act 1932	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Trustee Act 1957	JACS	Minor issues.	Intradepartmental review completed in 1999.	Anticompetitive provisions to be repealed. Repeal of listed investments in the Trustee (Amendment) Bill 1999 to allow a trustee to invest in any form of investment. However, it goes on to require the trustee to exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.
Trustee Companies Act 1947	JACS		National review underway.	Act to be repealed by proposed uniform trustee companies legislation drafted for consideration by the Standing Committee of Attorneys-General (SCAG).
Tuberculosis Act 1950	DHHCC			Act repealed in 1997.
Unclaimed Moneys Act 1950	JACS	Act assessed as not restricting competition.	Review not required.	
Uncollected Goods Act 1996	JACS	Act assessed as not restricting competition.	Review not required.	
Unit Titles Act 1970	DUS		Review completed in 2000. The Act has been the subject of a major non-NCP review. There are no identified restrictions on competition.	Replacement legislation was passed in April 2001, to commence on 6 October 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Uniting Church in Australia Act 1977	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	
University of Canberra Act 1989	DECS	Act assessed as not restricting competition.	Review not required.	
Unlawful Games Act 1984	CM		Targeted public review, as part of the review of gambling legislation, completed.	
Utilities Act 2000	DUS		Introduction of the Act followed public consultation and review of both existing regulatory arrangements and principles for effective regulation.	Act amends or repeals a number of other electricity-related Acts including the Electricity Supply Act 1997, the Electricity Act 1971, the Energy and Water Act 1988 and the Essential Services (Continuity of Supply) Act 1992.
Veterinary Surgeons Act 1965	DHHCC	Licensing of veterinary surgeons, reservation of practices, reservation of title, and advertising restrictions.	Review completed in March 2001, proposing retention of licensing and reservation of title, but removal of practice reservation and controls on advertising and ownership.	The Government agreed to the drafting of revised legislation.
Vocational Education and Training Act 1995	DECS	Registration of training providers and accreditation of training providers.	Intradepartmental review completed. Concluded that public benefit of restrictions outweigh costs.	Act retained without reform. Amendments proposed to meet national requirements for mutual recognition of training organisations.
Witness Protection Act 1996	JACS	Act assessed as not restricting competition.	Review not required.	
Workers' Compensation Act 1951	DUS	Mandatory insurance, and licensing of insurers.	Review completed in July 2000. Review recommended changes to scheme design elements and a greater capacity to self-insure.	Draft Exposure Bill released in December 2000. Debated and passed in the Legislative Assembly, in August 2001.

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<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workers' Compensation Supplementation Fund Act 1980	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.