

National Competition Council

**Legislation Review
Compendium**

Fifth Edition

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The National Competition Council

The National Competition Council was established on 6 November 1995 by the *Competition Policy Reform Act 1995* following agreement by the Commonwealth, State and Territory governments.

It is a federal statutory authority which functions as an independent advisory body for all governments on the implementation of the National Competition Policy reforms. The Council's aim is to 'help raise the living standards of the Australian community by ensuring that conditions for competition prevail throughout the economy which promote growth, innovation and productivity'.

Information on the National Competition Council, its publications and its current work program can be found on the internet at www.ncc.gov.au or by contacting NCC Communications on (03) 9285 7474.

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Abbreviations

ABB	Australian Barley Board
ACC	Australian Communications Authority
ACCC	Australian Competition and Consumer Commission
ACIS	Automotive Competitiveness and Investment Scheme
ACT	Australian Capital Territory
ACTION	Australian Capital Territory Internal Omnibus Network
ACTTAB	Australian Capital Territory Totalizator Agency Board
ADC	Australian Dairy Corporation
AGL	Australian Gas Light Company
AHC	Australian Horticulture Corporation
AHMAC	Australian Health Ministers Advisory Council
AHMC	Australian Health Ministers Conference
ANZFA	Australia New Zealand Food Authority
ANZMEC	Australian and New Zealand Minerals and Energy Council
APMVA	Australian Pesticides and Veterinary Medicines Authority
APRA	Australian Prudential Regulation Authority
AQIS	Australian Quarantine and Inspection Service
ARMCANZ	Agriculture and Resource Management Council of Australia and New Zealand
ARPANSA	Australian Radiation Protection and Nuclear Safety Agency
ATC	Australian Transport Council
AWB	Australian Wheat Board
AWBI	AWB (International) Ltd
BIC	Banana Industry Committee

BMA	Brisbane Market Authority
BRC	Bookmakers Revision Committee
CAA	Capital Assistance Authorities
CAC	Community Ambulance Cover
CBH	Co-operative Bulk Handling Limited
CCA	Conduct Code Agreement
CGS	Commonwealth Grants Scheme
CIE	Centre for International Economics
CN	Competitive neutrality
CoAG	Council of Australian Governments
CPA	Competition Principles Agreement
CPI	Consumer price index
CRR	Committee on Regulatory Reform
CSO	Customer Service Obligation
CTP	Compulsory Third Party
DHA	Defence Housing Authority
DMS	Domestic Market Support
EFIC	Export Finance and Insurance Corporation
EPA	Environmental Protection Agency
FAG	Financial Assistance Grant
FSANZ	Food Standards Australia New Zealand
FTA	Free trade agreement
GBE	Government business enterprise
GPO	General Post Office
GPWA	Grain Pool of Western Australia
HACC	Home and Community Care
HEC	Hydro-Electric Commission

HELP	Higher Education Loans Programme
HP(H)C	Hastings Port (Holding) Corporation
ICRC	Independent Competition and Regulatory Commission (ACT)
IDC	Interdepartmental Committee
IPART	Independent Pricing and Regulatory Tribunal (NSW)
IRG	Industry Reference Group
ITSA	Insolvency and Trustee Service Australia
kW	Kilowatt
LPG	Liquid Petroleum Gas
LRP	Legislation Review Program
MCCA	Ministerial Council on Consumer Affairs
MIA	Murrumbidgee Irrigation Area
MPC	Melbourne Port Corporation
MRA	Mutual Recognition Agreement
MW	Megawatt
NCC	National Competition Council
NCP	National Competition Policy
NDRP	National Directory for Radiation Protection
NOHSC	National Occupational Health and Safety Commission
NOIE	National Office of Information Economy
NRA	National Registration Authority
NRTC	National Road Transport Commission
NSW	New South Wales
NT	Northern Territory
NTGPASS	Northern Territory Government and Public Authorities Superannuation Scheme

ORR	Office of Regulation Review
OWP	Office of Water Policy
OWR	Office of Water Regulation
PAR	Performance Assessment Regime
PAWA	Power and Water Authority
PBT	Public benefit test
PC	Productivity Commission
QBSA	Queensland Building Services Authority
QCSC	Queensland Corrective Services Commission
QIC	Queensland Investment Corporation
QIRC	Queensland Industrial Relations Commission
QR	Queensland Rail
RCL	Ricegrowers' Co-operative Limited
REA	Rice Export Authority
RIS	Regulatory/Regulation Impact Statement
RMB	Rice Marketing Board
SA	South Australia
SCAG	Standing Committee of Attorneys-General
SCARM	Standing Committee of Agriculture and Resources Management
SIP	Strategic Investment Program
TAB	Totalizator Agency Board
TABCORP	Totalizator Agency Board Corporation
TCF	Textiles, clothing and footwear
TAC	Transport Accident Commission
TCV	Treasury Corporation of Victoria
TDIA	Tasmanian Dairy Industry Authority

TGA	Therapeutic Goods Administration
TGIO	Tasmanian Government Insurance Office
TPA	<i>Trade Practices Act 1974</i>
TTMRA	Trans-Tasman Mutual Recognition Arrangement
VCA	Victorian Channels Authority
VFF	Victorian Farmers Federation
WA	Western Australia
WAIRC	Western Australian Industrial Relations Commission
WEA	Wheat Export Authority
WRC	Water and Rivers Commission

1 Introduction

Australia's nine governments signed three agreements establishing the National Competition Policy (NCP) on 11 April 1995. These agreements are:

- the Competition Principles Agreement (CPA);
- the Conduct Code Agreement; and
- the Agreement to Implement the National Competition Policy and Related Reforms.

The agreements are reproduced in the National Competition Council publication, *Compendium of National Competition Policy Agreements — Second Edition* (June 1998), and are accessible on the Council's website: <http://www.ncc.gov.au>.

Under clause 5 of the Competition Principles Agreement (CPA)¹, governments undertook to conduct a program for the review, and where appropriate, reform of legislation that restricts competition. The CPA originally set 2000 as the deadline for governments to complete their programs. The Council of Australian Governments (CoAG) extended this timeframe on 3 November 2000 to allow a target date of 30 June 2002 (CoAG 2000). The date for finalisation of the National Competition Council's 2002 assessment of governments' progress in implementing National Competition Policy coincided with this date. This coincidence of timing meant that the National Competition Council, in preparing the 2002 assessment, did have complete information for reviewing governments' legislation review and reform activity up that date. The Council thus accorded jurisdictions an extension of twelve months, to 30 June 2003, to complete their review and reform activity.

The principles guiding legislation review and reform are outlined in Clause 5 of the CPA. Governments agree that legislation should not restrict competition unless they can show that:

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

¹ The full text of clause 5 is reproduced in appendix A.

New legislation that restricts competition must also be shown to meet these guiding principles. All States and Territories have legislation gatekeeping processes to assess new legislation against the CPA principles.

Each government established a timetable for reviewing its restrictive legislation over the period June 1996 to June 2002 and each reports annually on its progress. Review timetables and annual reports are available from respective State and Territory competition policy officials. Contact details for State and Territory competition policy officials are provided in appendix C.

The legislation review compendium

The compendium provides summary information, provided by each government, current to February 2004.

- Name of legislation
- Agency — the department, authority or Minister responsible for the legislation
- Major restrictions — the nature of the restriction(s) on competition
- Review activity — the nature and status of review activity
- Reform activity — a summary of the reforms implemented following the review

The compendium reports governments' legislation review and reform activity relating to the NCP water reform program in chapter 11.

The compendium is a guide to review programs and their progress, and does not replace the legislation review timetables or annual reports produced by each government.

What is legislation that restricts competition?

While there is almost no regulatory activity that is neutral in its implications for competition, the types of regulation which impact on competition most directly are those which restrict entry to markets and those which restrict competitive conduct by participants in markets (Hilmer, Rayner and Taperell 1993, p. 191).

Legislation affecting competition may directly or indirectly:

- govern the entry and exit of firms or individuals into or out of markets;
- control prices or production levels;
- restrict the quality, level or location of goods and services available;
- restrict advertising and promotional activities;
- restrict price or type of inputs used in the production process;
- be likely to confer significant costs on businesses; or
- provide advantages to some firms over others by, for example, sheltering some activities from the pressures of competition.

Legislation is defined broadly in the CPA to include Acts, enactments, Ordinances or regulations.

The terms of reference for reviews

The CPA provides guidance on the matters that should be taken into account in undertaking a review of anticompetitive legislation. Without limiting the terms of reference, a review should:

- clarify the objectives of the legislation;
- identify the nature of the restriction on competition;
- analyse the likely effect of the restriction on competition and on the economy generally;
- assess and balance the costs and benefits of the restriction; and
- consider alternative means of achieving the same result including non-legislative approaches.²

National reviews

In some cases, particular legislation will have a national dimension or effect on competition (or both), and a national rather than a State based review may

² See CPA subclause 5(9). Clause 5 is reproduced in appendix A of this compendium.

be appropriate. National reviews of similar legislation may be proposed where some or all jurisdictions agree on terms of reference. The CoAG Committee on Regulatory Reform facilitates identification of possible national reviews and agreement by jurisdictions on review arrangements.

Water industry legislation

Chapter 11 reports on progress by State and Territory governments in reviewing and reforming legislation relating to the water industry. The chapter reports on both the work undertaken by governments as a result of the Competition Principles Agreement legislation review and reform obligation and on actions by governments to address the water reform obligations set by the Council of Australian Governments. The information in the chapter is current to February 2004.

Using the compendium

For each jurisdiction, the compendium reports the legislation being reviewed alphabetically.

The government agencies responsible for administering the legislation are listed in the tables in abbreviated form, with a key to the abbreviations included in the introduction to each jurisdiction's chapter.

For information about specific reviews, users should contact the relevant jurisdiction's competition policy unit. Contact details are provided in appendix C of this compendium.

Readers who have questions about competition policy and legislation review are welcome to contact the National Competition Council Secretariat located in Melbourne. The telephone number of the Secretariat is (03) 9285 7474.

2 Australian Government

Agency abbreviations

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

ACA	Australian Communications Authority
AG	Attorney-General’s Department
C	Comcare
D	Department of Defence
DAFF	Department of Agriculture, Fisheries and Forestry
DCITA	Department of Communications, Information Technology and the Arts
DEH	Department of the Environment and Heritage
DEST	Department of Education, Science and Training
DEWR	Department of Employment and Workplace Relations
DFA	Department of Finance and Administration
DFAT	Department of Foreign Affairs and Trade
DHA	Department of Health and Ageing
DIMIA	Department of Immigration and Multicultural and Indigenous
DITR	Department of Industry, Tourism and Resources
DTRS	Department of Transport and Regional Services
DVA	Department of Veterans’
PMC	Department of Prime Minister and Cabinet
T	Department of the Treasury

Legislation review: Australian Government

** denotes not on the Australian Government's original legislation review program*

Updated to February 2004

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
A New Tax System (Family Assistance Administration) Act 1999*		The Child Care Benefit is provided to families using 'approved' child care services.	Legislation for which the Australian Government provided the Council a public benefit case. It is considered necessary to approve providers to maintain the quality of services. The conditions for approval are not unduly onerous and do not discriminate among providers.	
A New Tax System (Family Assistance) Act 1999*		The Child Care Benefit is provided to families using 'approved' child care services.	Legislation for which the Australian Government provided the Council public benefit case. It is considered necessary to approve providers to maintain the quality of services. The conditions for approval are not unduly onerous and do not discriminate among providers.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	DEH	Preserves and protects from injury or desecration areas and objects that are of particular significance to Aboriginal and Torres Strait Islander peoples.	<p>Evatt Review completed in 1996. The report made recommendations concerning reforms to Australian Government, State and Territory indigenous heritage protection regimes. The major recommendations included:</p> <ul style="list-style-type: none"> • establishment of national standards for the protection of indigenous heritage; • separation of decisions on the issue of significance from the question of site protection; • providing adequate protection for culturally sensitive information disclosed in the course of administering heritage protection legislation; • promoting negotiated outcomes through mediation; and • establishment of an Indigenous Heritage Protection Agency/Office. 	<p>Recommendations were taken into consideration when formulating the Aboriginal and Torres Strait Islander Heritage Protection Bill 1998. The Bill was introduced into the House of Representatives in April 1998 and after the 1998 election was reintroduced into the House of Representatives in November 1998. The opposition made numerous amendments to the Bill in the Senate in November 1999, most of which were unacceptable to the Government. The Government consulted further with all major stakeholders over the next two years. The Bill lapsed when Parliament was prorogued prior to the 2001 election. The Government is consulting further with all major stakeholders with a view to pursuing its election commitment of reforming the Act.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal Land Rights (Northern Territory) Act 1976 and Regulation	PMC	Provides for the granting of land to traditional Aboriginal owners and gives certain rights over granted land, including a veto over mineral exploration.	Review completed. Review report released publicly in August 1999.	<p>The Government is considering a response to this and other reviews relating to the Act.</p> <p>The Government released an options paper on possible reforms in 2002 and, in response, the Northern Territory Government and the Northern Territory Land Council released a joint submission in September 2003 proposing reforms to the Act. The Australian Government is now considering the final form of a reform package to the Act.</p>
Affirmative Action (Equal Employment Opportunity for Women) Act 1986	DEWR		Review, by a five member independent committee, completed in July 1998.	<p>The Government announced its response to the review on 16 December 1998, endorsing its main recommendations. Of those recommendations that were rejected, none were considered to be pro-competitive. Key changes to be implemented include the establishment of an Advisory Board and the introduction of a simpler reporting system to reduce the paperwork burden on business.</p> <p>To implement the endorsed recommendations from the report the revised and renamed Equal Employment Opportunity for Women in the Workplace Act 1999 came into effect from 1 January 2000.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Agricultural and Veterinary Chemicals (Administration) Act 1992</p> <p>Agricultural and Veterinary Chemicals Code Act 1994</p>	DAFF	<p>Prohibits chemicals from being imported, supplied or held unless approved or exempt.</p> <p>Requires approval of chemicals solely by the National Registration Authority (NRA).</p> <p>Imposes same approval costs on low risk chemicals as on high risk chemicals.</p> <p>Provides for assessment services purchased from only certain authorities.</p> <p>Prohibits approval of chemicals unless NRA satisfied of appropriate efficacy.</p> <p>Licenses chemical manufacturers and analysts.</p> <p>Protects approval data from rivals unless compensation is paid.</p>	<p>Review completed and report released by the Standing Committee on Agriculture and Resources Management (SCARM) in March 1999. In relation to the National Registration Scheme, review recommended:</p> <ul style="list-style-type: none"> • retaining the monopoly on approval of chemicals; • lowering of regulatory costs for low risk chemicals; • including principles in the Code to guide inclusion/exclusion of chemicals in scheme; • accepting alternative suppliers of assessment services; • limiting of efficacy review to truth of claimed efficacy; • recovering NRA costs via a simple flat rate sales levy and cost-reflective application fees; • retaining licensing of veterinary chemical manufacturers; • removing provision to license agricultural chemical manufacturers until case is made; and • applying the Trade Practices Act 1974 (TPA) third party access pricing to data protection provisions. <p>Data protection is to be considered in a wider review by the Department of similar provisions.</p>	<p>Intergovernmental response completed in 2000 by SCARM/Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) Signatories Working Group. It supported all recommendations except:</p> <ul style="list-style-type: none"> • removing provision to license agricultural chemical manufacturers; and • limiting efficacy review. <p>Amendments to implement a number of review recommendations were enacted in February 2003.</p> <p>Further reviews of fee setting, assessment services and licensing of agricultural chemical manufacturers have been completed. A revised fee and levy structure for the Australian Pesticides and Veterinary Medicines Authority (APVMA) will be introduced in an amendment Bill in autumn 2004. In December 2003, the Government endorsed a framework for the provision of advice by DAFF and DHA on human health risk management to APMVA. Also in that month, APMVA released a RIS for quality assurance of active constituents and agricultural chemical products to implement the recommendations relating to manufacturers' licensing. Implementation is scheduled for March 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Anti-dumping Authority Act 1988				Act repealed in December 1998 following changes to the administration of the anti-dumping and countervailing investigations.
Anti-dumping legislation Customs Act 1901 Pt XVB Customs Tariff (Anti-dumping) Act 1975	AG	Barrier to competition from low priced or discounted imports.	The Government has not finalised the timing or manner of review of legislation relevant to anti-dumping and countervailing measures.	Reference to the Anti-dumping Authority Act 1988 has been deleted, as this Act was repealed in December 1998 following changes to the administration of the anti-dumping and countervailing investigations.
Australian Maritime Safety Authority Act 1990	DTRS		Review completed in 1997. Review recommended that the safety regulatory functions of Australian Maritime Safety Authority continue to be undertaken by the government and that the current administrative arrangements should continue (with the Board able to review the scope to contract out administrative activities).	Recommendations implemented.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian Postal Corporation Act 1989	DCITA	Legislated monopoly for Australia Post for activities including letter delivery and inwards international mail.	The National Competition Council (NCC) completed a review in 1998. The review recommended a package of reforms to open up letter delivery to more competition. Review recommended reserving only household mail to Australia Post, and opening the delivery of business letters and international mail to competition. The review also recommended funding unprofitable business associated with Australia Post's universal service obligation from the budget; introducing access arrangements for post office boxes; and introducing accounting separation for Australia Post's retail, reserved services and CSO operations.	<p>A 2000 amendment Bill included provisions which would have reduced Australia Post's monopoly protection from four times the standard letter rate to one times the standard letter rate and the weight restriction from 250g to 50g. The Bill would also have removed incoming international mail from the monopoly. However, the Government withdrew the amending legislation in March 2001 as it did not attract the support necessary for passage in the Senate. An alternative legislative package (the Postal Services Legislation Amendment Bill 2003) was introduced to Parliament in June 2003. It partly addresses the recommendations of the 1998 National Competition Policy (NCP) review, providing for: expanded powers for the Australian Competition and Consumer Commission (ACCC) to inquire into disputes about bulk mail interconnection arrangements; expanded powers for the Australian Communications Authority (ACA) to cost Australia Post's CSOs and report on its service quality; and the introduction of accounting transparency by Australia Post.</p> <p>The Government is intending to introduce legislation in the first half of 2004 to establish a Postal Industry Ombudsman.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Australian Radiation Protection and Nuclear Safety Act 1998*</p> <p>Australian Radiation Protection and Nuclear Safety Regulations 1999*</p> <p>Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998*</p>	DHA		<p>Not part of the Australian Government's legislation review program (LRP). However, the Acts were reviewed as part of a national review of radiation protection legislation. National review completed.</p>	
<p>Bankruptcy Act 1966</p> <p>Bankruptcy (Registration Charges) Act 1997*</p>	AG	Trustee registration.	<p>Review completed in December 1998. Review recommended that Insolvency and Trustee Service Australia continue to register bankruptcy trustees; and that a handover of the trustee registration function to the private sector be considered if and when that sector has an appropriate and adequate infrastructure in place.</p>	<p>There is no Government response to the review report. The Minister approved the recommendations in late January 1999, subject to the comments of the then Minister for Financial Services and Regulation. On 24 June 1999, the then Minister for Financial Services and Regulation advised that he had no comments on the matter.</p> <p>No further, formal, Government response, beyond existing Ministerial approval of the recommendations, is anticipated.</p> <p>The recommendation of the report was that the status quo be maintained — for this reason there is no timetable for reform implementation.</p> <p>ITSA is continuing to register bankruptcy trustees as there is no private sector infrastructure in place.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bills of Exchange Act 1909	T	The objectives of the Act are to provide uniformity of law across Australia in relation to bills of exchange and promissory notes, to provide legal certainty by confirming the nature of bills of exchange and promissory notes as negotiable instruments, and to promote efficiency in the market place which utilises bills of exchange and promissory notes as financial instruments.	Review, by a taskforce of officials, comprising representatives of the Australian Government Treasury, the Reserve Bank of Australia and the Attorney-General's Department, commenced in April 1997. A final report was released in August 2003. Treasury expects to undertake further consultations with industry to inform the Australian Government's response to the review recommendations.	
Bounty (Books) Act 1986	DITR		Review completed.	Bounty ceased on 31 December 1997.
Bounty (Fuel Ethanol) Act 1994	DITR		Review completed.	Ethanol Bounty Scheme terminated.
Bounty (Machine Tools and Robots) Act 1985	DITR		Review completed.	Bounty ceased on 30 June 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Broadcasting Services Act 1992</p> <p>Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992</p> <p>Radio Licence Fees Act 1964</p> <p>Television Licence Fees Act 1964</p>	DCITA	Licensing, entry barriers, content, antisiphoning rules, simulcasting requirement, spectrum allocation, restrictions on ownership, conduct, multichannelling and datacasting.	<p>Review by the Productivity Commission (PC) completed in March 2000. Review raised significant questions and made extensive recommendations for reform, including: separating licences granting access to spectrum from content-related licences that grant permission to broadcast and converting broadcasting licences to access fees; selling spectrum for new broadcasters competitively; converting licence fees for existing commercial radio and television broadcasters to fees that reflect the opportunity cost of the spectrum; permitting multichannelling and the provision of interactive services by commercial and national broadcasters; removing restrictions that prevent the entry of new broadcasters before the end of 2006; freeing up spectrum by setting a final date for the end of simulcasting of standard and high definition digital television services, and by making the broadcasting of high definition services optional rather than mandatory; and relaxing the antisiphoning rules.</p>	<p>The Minister for Communications, Information Technology and the Arts announced on 5 August 2002 a review of the roles of the Australian Broadcasting Authority and the Australian Communications Authority. This review will focus on, but not be limited to, arrangements for the management of broadcasting and telecommunications spectrum. The review of datacasting by the Department was released on 10 December 2002. The Government announced that there would be no change to the rules on datacasters' broadcasting content.</p> <p>The Broadcasting Amendment Act (No. 2) 2000 was passed in November 2002 providing a new licensing framework for community television. The Broadcasting Services Amendment (Media Ownership) Bill 2003 has passed the House of Representatives and introduced into the Senate in December 2003. It provides for the repeal of specific restrictions on foreign ownership and empowers the ABA to issue an exemption to the cross-media rules.</p>
Census and Statistics Act 1905	T		<p>Review completed in 1996 as part of the Small Business Deregulation Taskforce.</p>	<p>The Australian Bureau of Statistics required to reduce the cost of completing statistical returns by 20 per cent in 1996-97. Code of conduct for private sector statistical collection agencies.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commerce (Imports) Regulations Customs (Prohibited Imports) Regulations Commerce (Trade Descriptions) Act 1905	AG		Review completed in November 2002. Review recommended: <ul style="list-style-type: none"> • retention of the Commerce (Trade Descriptions) Act with amendments to certain (mainly administrative) provisions; and • repeal of the Commerce (Imports) Regulations. Commerce Prohibited Imports Regulations - The scope and timing of the review of the Commerce (Prohibited Imports) Regulations is under consideration.	The Government response to the report is currently being developed.
Corporations Act 1989	T		Deleted from the Australian Government's LRP.	
Customs Act 1901 Regulation 11 (Prohibited exports — nuclear materials)	AG		Review deleted from the Australian Government's LRP in 1999.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Customs Act 1901 Sections 154-161L	AG	<p>Provides the basis for determining the customs value of goods imported into Australia. Customs value is used to determine the duty payable on imported goods, to compile import statistics and also contributes to the collection of sales tax where this is payable at the time of importation. Customs value also contributes to the calculation of GST on imported goods.</p> <p>Legislation enacts Australia's obligations under the World Trade Organisation Customs Valuation Agreement.</p>	<p>Interdepartmental review completed and released on 16 June 1999. Review recommended: sections 154 to 161L be repealed and redrafted in a clear straightforward 'plain English' format that incorporates the language and terms of the World Trade Organisation Agreement on Customs Valuation as far as possible and is consistent with that Agreement; the redrafted legislation contain statements of its purpose and objectives; the proposed new legislation make clear the statutory basis on which importers are required to self-assess the value of imported goods; the legislation or its supporting material should clearly explain the principles which underpin import valuation procedures and the intent behind each of the provisions; the Customs Service examine the feasibility of adopting a system of public valuation rulings; and the Customs Service introduce (at the same time the new legislation comes into effect) a public information program about the requirements for valuation of imports under the proposed new legislation.</p>	<p>In early 2001, implementation of the review recommendations commenced with Customs seeking the necessary approvals for legislative amendments. These approvals have now been obtained. The Prime Minister and relevant Ministers have supported the amendment of the legislation.</p> <p>Customs has commenced processes to amend the valuation provisions of the Customs Act (to give effect to the first four recommendations of the review).</p> <p>Customs is considering the feasibility of a system of public valuation rulings (recommendation five). Customs already provides a valuation advice service. Each piece of advice is provided only to the applicant for that advice. Most advice would not have general applicability, given that it is tailored to particular circumstances, including the contractual arrangements, of the applicant.</p> <p>Customs intends to provide information to the public once the new legislation is enacted (recommendation six).</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Customs Tariff Act 1995 - Automotive Industry Arrangements	DITR	Barrier to competition from automotive imports.	PC review of automotive assistance post 2005 completed in August 2002.	The Government announced its response to the PC review report in December 2002. Tariffs are to be reduced from 15 per cent to 10 per cent in 2005 (as previously introduced), and from 10 per cent to 5 per cent in 2010 (with no further reductions until 2015). The Automotive Competitiveness and Investment Scheme (ACIS) will be extended to 2015 as a transitional industry support measure. On 14 October 2003, the ACIS Administration Amendment Act 2003 and Customs Tariff Amendment (ACIS) Act 2003 on 25 June 2003 were given royal assent. These Bills enact the 2010 tariff reduction and give effect to the extension of ACIS.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Customs Tariff Act 1995 – Textiles, Clothing and Footwear Arrangements	DITR	Barrier to competition from imports.	<p>Current arrangements for the textiles, clothing and footwear (TCF) industries provide for: Strategic Investment Program (SIP) grants for eligible investment in plant and equipment, research and development, production and ancillary activities related to restructuring; a commitment to hold tariffs at 2001 levels until 2005, when the tariff for clothing and finished textiles will fall from 25 per cent to 17.5 per cent, for cotton sheeting and fabrics, carpet and footwear from 15 to 10 per cent, and for sleeping bags, table linen and footwear parts from 10 per cent to 7.5 per cent; and the Expanded Overseas Assembly Provision Scheme, specific TCF policy by-laws and market access initiatives.</p> <p>In 2002, the Government asked the PC to provide a report on post-2005 assistance. This report was completed on 31 July 2003 and forwarded to the Government for its consideration and release within 25 Parliamentary sitting days of receipt of the report.</p>	<p>The Government announced its response to the inquiry on 27 November 2003. Recommendations relating to tariff reductions were adopted. The announcement package includes a \$747 million package of adjustment assistance. The core element of the package — a \$600 million scheme to encourage investment and innovation — will require new legislation.</p> <p>Amendments to the Customs Tariff Act reflecting both the tariff reductions and a new item for the proposed import credit scheme will be required. The Government expects to introduce all legislation into Parliament in 2004. TCF By-laws, which form part of the Customs Tariff Act, remain unaffected.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dairy Produce Act 1986	DAFF	<p>Prohibits export of specified dairy products to specified markets unless under licence from the Australian Dairy Corporation (ADC).</p> <p>Imposes a tariff-quota on imported manufactured dairy products.</p> <p>Levies producers of milk for drinking and pays the proceeds to producers of milk for manufacturing — the Domestic Market Support (DMS) scheme.</p>	The Government is considering the scope and nature of a review of restrictions following reforms to domestic market support and industry bodies. If a review is still necessary, it will take place in 2004.	<p>Domestic market supports sunsetted on 30 June 2000. Also from this date, the ADC has ceased the single desk for sales of cheese to Japan.</p> <p>On 1 July 2003, amendments to the Act facilitated the merger of the Dairy Research and Development Corporation and the ADC into one Corporations Act company, Dairy Australia. The Act does not provide for the new privatised entity to undertake any single desk selling arrangements. Export control functions transferred from the ADC are now the responsibility of the Department. Regulations governing certain types of cheese products entering the regulated markets of the European Union and United States came into effect from 1 January 2004.</p>
Defence Act 1903 (Army and Airforce Canteen Services Regulations)	D		This review had not commenced by early March 2004.	
Defence Force (Home Loans Assistance) Act 1990	D		The review had not commenced by early March 2004.	
Defence Forces Retirement Benefits Act 1948* Military Superannuation and Benefits Act 1991*	T	Limits on choice of funds.	The Australian Government does not intend to provide a choice of fund for military personnel. The superannuation schemes operated under the Acts contain benefit features that are unique to the nature of military service.	The Australian Government argues that attractive in-service death and invalidity benefits are required to attract and retain Defence Force personnel. The Government does not propose to alter defence sector superannuation arrangements.

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Defence Housing Authority Act 1987	D		Review completed. A comprehensive external review of the Act was commissioned by the Defence Housing Authority and reported in November 2000.	The terms of reference for this review were agreed to in June 1998. Since then, however, extensive competitive neutrality reforms have been applied progressively to the DHA, including a commercial rate of return, debt neutrality and a tax equivalent regime. In addition, a Services Agreement has been instituted to set Defence Housing Authority relations with Defence on a commercial footing, and this Agreement does not oblige Defence to exclusively use the services of the Defence Housing Authority. Consideration is being given to whether the Act contains any restrictions on competition that would require a review.

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Disability Discrimination Act 1992	AG		<p>Act added to the Australian Government's LRP timetable in 1998-99. The Office of Regulation Review (ORR) approved terms of reference for the review on the 9 December 2002. The PC commenced the review on 5 February 2003.</p> <p>The PC has released an issues paper. Submissions were due in mid-May 2003, and a draft report was released in October 2003. The draft report was followed by another round of public consultations in January and February 2004. A final report is expected by April 2004. The draft report indicates that the legislation seems to meet the tests of the Competition Principles Agreement and has limited impact on competition. It recommends a number of reforms to the Act to make it more effective in meeting its objectives.</p>	The Government's final response will be tabled in Parliament within six months of receipt of the final report.
<p>Dried Vine Fruits Equalization Act 1978</p> <p>Dried Sultana Production Underwriting Act 1982</p> <p>Dried Vine Fruits Legislation Amendment Act 1991</p> <p>Various regulations under the Australian Horticultural Corporation Act 1987 restricting the export of dried vine fruit</p>	DAFF	<p>The Dried Vine Fruits Equalization Act 1978 equalises returns from the export of dried fruit.</p> <p>The Dried Sultana Production Underwriting Act 1982 underwrites the production of sultanas.</p> <p>The regulations under the Australian Horticultural Corporation Act 1987 restrict the export of dried fruits.</p>	The Acts have been repealed without review. The regulations expired as part of horticulture industry regulation and structural reforms.	Acts repealed and regulations expired. New dried fruit export licensing arrangements now in place (quality standards, export credit insurance and statistical reporting) followed the preparation of a regulatory impact statement approved by the Secretary of DAFF. These are reviewed under NCP every three years.

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Duty Drawback (Customs Regulations 129-136B) TEXCO (Tariff Export Concession Scheme) — Customs Tariff Act 1995, Schedule 4, Item 21, Treatment Code 421	AG		Review completed in 1997.	TEXCO and Duty Drawback integrated into simplified and more accessible scheme — TRADEX.
Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991	DEST	Requires registration of providers of education to overseas students.	Review completed.	Act extended to allow development of self regulating measures.
Employment Services Act 1994 (case management issues)	DEWR		Review removed from the Australian Government's LRP.	
Environmental Protection (Nuclear Codes) Act 1978	DHA			Act repealed by the Australian Radiation Protection and Nuclear Safety (Consequential Amendments) Act 1998. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) will oversee the codes.

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Export Control (Unprocessed Wood) Regulations under the Export Control Act 1982	DAFF	<p>Licensing of unprocessed wood exporters.</p> <p>Licensing of hardwood chip exporters.</p> <p>Maximum aggregate mass limits for woodchip exports.</p>	<p>Review principally by DAFF officials completed in July 2001. It recommended the Government:</p> <ul style="list-style-type: none"> • remove export controls on sandalwood; • remove export controls over plantation-sourced wood if reviews of plantation codes of practice for Queensland and the Northern Territory find these meet National Plantation Principles; and • either remove export controls over native forest-sourced hardwood chips, or allow such exports from non-RFA regions under licence. 	<p>The Government is currently planning the removal of export controls on exporting sandalwood and is consulting with Western Australia on this matter. Discussions are yet to take place with Queensland, the other State that exports sandalwood. Discussions with Queensland on a Code of Practice for plantation timber will be progressed in 2004.</p> <p>The Government has agreed to remove export controls on plantation timber from the Northern Territory and is finalising administrative arrangements for this to occur.</p> <p>Once export controls have been removed for plantation timber from the Northern Territory and Queensland, export controls on hardwood chips from non-RFA regions can then be considered for removal. Hardwood chips from native forest in non-RFA regions are prohibited from export.</p>

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Export Control Act 1982 (fish, grains, dairy, processed foods etc)	DAFF	Registration of processing premises. Inspection of premises and goods. Product standards. Charges and penalties for noncompliance.	Review of provisions related to fish, grain, dairy and processed food completed in February 2000. Review recommended: <ul style="list-style-type: none"> • introducing a three-tier model for export standards; • harmonising domestic and international standards; • retaining a monopoly on certification of exports; and • making monitoring and inspection contestable. 	The Government has accepted all recommendations, and progress has been made against each of them. In the meat export industry, a harmonised national standard has been developed and subordinate legislation is being restructured to reflect the three-tier model proposed by the Report. The Quarantine and Exports Advisory Committee is monitoring implementation of the recommendations.
Export Finance and Insurance Corporation Act 1991 Export Finance and Insurance Corporation (Transitional Provisions and Consequential Amendments) Act 1991	DFAT		Review deleted from the Australian Government's LRP in June 2002.	
Financial Corporations Act 1974	T		Removed from the Australian Government's LRP.	
Financial system — comprehensive review of the regulatory framework	T		Review completed in 1997. The Wallis Inquiry examined the Australian financial system, making recommendations on regulatory change.	The Government announced package of reforms in September 1997. Suite of legislation passed in all jurisdictions in 1998-99, and in 2001, in line with recommendations.

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Financial Transactions Reports Act 1988	AG	The objective of the Act is to facilitate administration and enforcement of taxation laws, other laws of the Australian Government and the Territories, and to make information collected available to State authorities to facilitate administration and enforcement of the laws of the States.	Review, by a taskforce of Australian Government officials with a reference group of two non-government persons, completed. The taskforce report recommends a number of amendments to the Act and the Regulations. Those recommendations, together with a number of other legislative amendment proposals, have been the subject of continuing consultations.	<p>The recommendations of the taskforce will be considered as part of Australia's wider consideration of implementing the Financial Action Task Force on Anti-Money Laundering, international anti-money laundering and counter-terrorist financing standards.</p> <p>On 8 December 2003, the Government announced its endorsement of those international standards. This will require a significant review of Australia's anti-money laundering system and include some new measures intended to counter terrorism financing.</p>

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Fisheries Legislation	DAFF	Licensing of commercial fishers. Permits for fish receivers. Input controls on boats, gear and fishing methods. Output controls such as total allowable catches, individual transferable quota (transfer of which is subject to various restrictions), size limits, prohibitions on taking certain species and restrictions on by-catch.	<p>Review finalised in September 2002, recommending that the Australian Government retain all existing restrictions available under the Act, subject to using the following controls as temporary measures only while longer term measures are developed and implemented:</p> <ul style="list-style-type: none"> • Competitive total allowable catches. • Nontransferable fishing rights. • It also confirmed that individual transferable quotas are the preferred management tool where it is feasible to set and enforce practical total allowable catches. 	<p>The Government referred the report to the wider review of Commonwealth fisheries policy. The Fisheries Minister tabled a report of this policy review, Looking to the Future, in Parliament on 25 June 2003. The report noted that:</p> <ul style="list-style-type: none"> • The Australian Government will prepare a policy paper on pursuing economic efficiency and ecologically sustainable development in management of Commonwealth fisheries. • The Australian Fisheries Management Authority (AFMA) will continue to provide RISs when developing statutory management plans. • The Government will amend the Fisheries Management Act 1991 ('the Act') to clarify that management plans must include objectives that are consistent with those under the legislation, and include criteria and timeframes for performance review. <p>The AFMA will complete fisheries management plans for all major fisheries as soon as practicable, and implement the Government's cost recovery policy for Commonwealth-managed fisheries.</p>

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Food Standards Australia New Zealand Act 1991 (replaces the Australia New Zealand Food Authority Act 1991)	DHA	Establishes the Australia New Zealand Food Authority (ANZFA) (now FSANZ), which develops food standards, coordinates food surveillance and recall systems, and develops codes of practice with industry.	Blair review of food regulation completed in 1998. Review recommended amending the Act to: clarify regulatory objectives; and require ANZFA, in carrying out its regulatory functions, to apply an NCP test.	Act was amended by the Australia New Zealand Food Authority Amendment Act 1999 to address the key recommendations.
Food Standards Code (under the Food Standards Australia New Zealand Act 1991)	DHA	The Code sets standards for preparation, composition and labelling of food.	ANZFA developed a proposed new code including new standards on ingredient and nutritional labelling. It undertook regulatory impact analysis but the ORR found this analysis to be inadequate. A revised code has since been developed.	A new joint code was adopted in November 2000. Transition arrangements were completed in December 2002.
Foreign investment policy and associated regulation	T		Review completed in September 1999.	On 3 September 1999, the Treasurer announced a number of foreign investment policy and administrative changes arising from the review. These changes reduce notification obligations on business and streamline the administration of foreign investment policy, while continuing to ensure that foreign investment is consistent with the interests of the Australian public. A number of changes required regulation, which took effect from September 1999.
General Insurance Supervisory Levy Act 1989	T		Removed from the Australian Government's LRP.	

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<p>Hazardous Waste (Regulation of Imports and Exports) Act 1989</p> <p>Hazardous Waste (Regulation of Imports and Exports) Amendment Bill 1995</p> <p>Related Regulations</p>	DEH	Act's objective is to regulate export, import and transit of hazardous waste to ensure it is managed in an environmentally sound manner to protect human beings and the environment, both within and outside Australia, from the harmful effects of the waste.	<p>Review, by a taskforce of officials from Environment Australia, Attorney-General's Department, the Department of Foreign Affairs and Trade, the Department of Industry, Science and Resources and the Department of Health and Aged Care and the ORR, completed. The taskforce is supported by the Hazardous Waste Act Policy Reference Group, acting as a reference group of independent members.</p> <p>A draft report of the review was discussed with stakeholders at a meeting of the Hazardous Waste Act Policy Reference Group in November 2000. The taskforce of officials required that numerous changes be made and the final report was received on 23 February 2001. A copy of the report can be located at: www.ea.gov.au/industry/hwa/papers/revi ew.html.</p>	<p>The Government response, agreeing to most of the review recommendations, was released on 12 June 2001 and can be located at: www.ea.gov.au/industry/hwa/papers /review response.html.</p> <p>Amendments to the Hazardous Waste (Regulation of Exports and Imports) Act 1989 commenced on 16 October 2001, implementing some of the recommendations.</p> <p>Amendments have been made to the 'Australian Guide to Exporting and Importing Hazardous Waste: Applying for a Permit: Second Edition' implementing some other recommendations.</p> <p>A draft RIS to the Fess Regulations was discussed with stakeholders in September 2003 and the amendment process has begun.</p> <p>Further recommendations will be implemented in amendments to the OECD Decision Regulations in early 2004.</p>

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Health Insurance Act 1973, Part IIA	DHA	Pathology collection centre licensing which affects entry to the market.	An NCP review commenced in 2000 and was completed in December 2002. Review found that, under the current funding arrangements, it is necessary to maintain the current legislative framework to achieve the Government's objectives. It also found that the approved collection centre scheme may not be appropriate or sustainable in the longer term, but recommended deferring reforms in this area until 2005 to provide time to realise any benefits arising from the new arrangements.	Legislative changes introduced in June 2001 simplified the licensed collection centre scheme while retaining licensing. The review report was released to the public in February 2003 and is available at DHA's website. The Government has agreed and finalised its response, and DHA is working to implement the recommendations as a priority.
Health Insurance Amendment Act (No. 2) 1996*		Prevents new medical graduates from providing a service that attracts a Medicare rebate unless they hold postgraduate qualifications, are studying towards such qualifications or work in rural areas.	Mid-term review of provider number legislation completed in December 1999. Review recommended removing the sunset clause on the legislation and addressing some training issues.	Act amended in 2001 to remove the sunset clause.
Higher Education Funding Act 1988 Vocational Education and Training Funding Act 1992 Other regulation with similar effects to the Higher Education Funding Act 1988	DEST		Review completed in 1998 as part of the West Review of Higher Education Financing and Policy. Proposed changes relate to the equal treatment of private and public institutions. The Australian National Training Authority (ANTA), the Australian Government and the State and Territory Governments reviewed major components funded under the Vocational Education and Training Funding Act 1992. This Act is Commonwealth-State funding legislation, and does not directly affect business or restrict competition. Neither does it have	The outcomes of the Higher Education Review were announced by the Treasurer in the 2003-04 Budget. The Higher Education Support Act 2003, given royal assent on 19 December 2003, is new primary legislation for the Australian Government's funding and regulation of the higher education sector and will give effect to the Government's higher education reforms. The Act: <ul style="list-style-type: none"> provides the framework for quality and accountability in the

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			a significant indirect impact on business.	<p>higher education sector;</p> <ul style="list-style-type: none"> • establishes the Australian Government Grants Scheme (CGS); • provides for forms of financial assistance for higher education providers; establish the Student Learning Entitlement and the Australian Government Higher Education Record, which will include a unique student identifier; • establishes the framework for Australian Government Scholarship Programmes; • establishes the Higher Education Loans Programme (HELP); and • maintains relevant provisions from Chapter 6 of the Higher Education Funding Act 1988 — miscellaneous provisions which include appropriating money from the Consolidated Revenue Fund. <p>The Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 was repealed and replaced in part by the Education Services for Overseas Students Act 2000. An independent evaluation of the operation of this Act has commenced.</p>

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Home and Community Care Act 1985	DHA		Act removed from the Australian Government's LRP.	
Human Services and Health Legislation Amendment Act (No. 2) 1995*		Prevents new medical graduates from providing a service that attracts a Medicare rebate unless they hold postgraduate qualifications, are studying towards such qualifications or work in rural areas.	Mid-term review of provider number legislation completed in December 1999. Review recommended removing the sunset clause on the legislation and addressing some training issues.	Act amended in 2001 to remove the sunset clause.
Imported Food Control Act 1992 and Regulations	DAFF	Requires imported food to meet Australian standards. Subjects imported food to risk-based inspection and testing. Only Australian Government Analytical Laboratories performs testing.	Review completed in 1998. Review recommended: <ul style="list-style-type: none"> recognising quality assurance processes of importers; tailoring inspection rates and strategies to importer performance and agreements on certification and compliance; and permitting qualified laboratories to test imported food. 	Australian Government accepted all recommendations in June 2000. Amendments to the Act have been introduced into Parliament and were before the Senate in early 2004, while amendments to regulations relating to surveillance of imported food are close to finalisation.
Income Equalisation Deposits (Interest Adjustment) Act 1984 Loan (Income Equalisation Deposits) Act 1976	DAFF		Review completed.	These schemes were replaced by the Farm Management Deposit Scheme in 1998. The new scheme is a commercially available arrangement operating through deposit taking institutions (such as banks, credit unions and building societies).
Industrial Relations Act 1988	DEWR		Review subsumed into major restructuring of industrial relations legislation.	Changes to structure for negotiating wages and conditions. Legislation replaced by the Workplace Relations Act 1996.

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Insurance (Agents and Brokers) Act 1984	T		Act removed from LRP.	
Intellectual property protection legislation Designs Act 1906 Patents Act 1990 Trade Marks Act 1995 Copyright Act 1968 Circuit Layouts Act 1989)	AG and DITR	Objective of each Act is to encourage investment in innovation and creative effort for the benefit of society.	Review by an independent committee completed in September 2000. Public consultation included releasing an issues paper and an interim report, receiving submissions, and consultation. The review committee presented its Report on Parallel Importing under the Copyright Act 1968 in June 2000 and its final report, Review of Intellectual Property Legislation under the Competition Principles Agreement, in September 2000. The final report is available on the review committee's website (www.ipcr.gov.au).	In June 2000, the Government announced the decision to allow parallel imports of books, periodicals, printed music and software products (with the decision being informed, inter alia, by the June 2000 report noted above). The Government announced its response to the review on 28 August 2001, including: <ul style="list-style-type: none"> raising threshold tests for obtaining a patent to international standards, implementing a grace period to protect a patent application against invalidation by inadvertent or ill-timed public disclosure, and amending the Trade Marks Act 1995 to remove the impediment to the parallel importation of legitimately trade marked goods. The Government fast-tracked implementation of the more significant patent initiatives; accepting the recommendation to repeal copyright control over parallel importation, except in relation to films; accepting recommendations regarding the copyright term and the efficient operations of the

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				<p>Internet; and</p> <ul style="list-style-type: none"> • deciding to consider best practice guidelines for the Australian Government in commissioning works with regard to Crown ownership of commissioned works. <p>The Government did not accept the recommendation to remove the cap on royalties for broadcasting sound recordings, and accepted in part the Committee's recommendations regarding collecting societies, identifying existing as well as future actions to implement the Committee recommendations.</p> <p>Some of the recommendations have been implemented through various Acts and Regulations, while further legislation will be introduced during 2004. In November 2003, the Government announced a review of government ownership of copyright.</p> <p>For the two recommendations deferred to the Advisory Council on intellectual property, the Council reported to Government on one in December 2003 and expects to report on the other by mid 2004.</p> <p>In its formal response, the Government accepted the recommendations regarding the copyright term and the efficient operations of the Internet but has since had further occasion to review</p>

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				the issue of the term of protection and the amendments made by the Copyright Amendment (Digital Agenda) Act in the context of the negotiations on a free trade agreement (FTA) with the USA and a specific review of the digital agenda amendments. Following the conclusion of the FTA in February 2004, the Government has agreed to increase the term of protection by an additional 20 years. Further, it proposes to make changes to provisions concerned with technological protection and the arrangements for managing the liability for Internet service providers to make these areas more in line with US law. The review of the digital agenda amendments was not complete at the time of writing.
Interactive Gambling Act 2001*	DCITA	Prohibition.	The ORR is of the view that, although the social benefits of the proposed legislation were discussed, the Regulation Impact Statements that had been prepared before the Act was introduced did not demonstrate that the Government's objectives could only be met by restricting competition.	
International Air Service Agreements	DTRS		Review by the PC completed in September 1998. Review combined with the review of International Air Services Commission Act 1992.	On 3 June 1999, the Government issued a joint statement by the Treasurer and Minister on international aviation policy. Provisions are being progressed, with the regulations and policy statement being negotiated with stakeholders.

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International Air Services Commission Act 1992	DTRS		Review by the PC completed in September 1998. Review combined with the review of International Air Services Agreements.	On 3 June 1999, the Government issued a joint statement by the Treasurer and Minister on international aviation policy. Provisions are being progressed, with the regulations and policy statement being negotiated with stakeholders.
International Arbitration Act 1974	AG		Review completed. Act assessed as not restricting competition.	The Government accepted the review recommendations.
Land Acquisition Acts: Land Acquisitions (Defence) Act 1968 Land Acquisition (Northern Territory Pastoral Leases) Act 1981 Land Acquisition Act 1989 and Regulations	DFA	<p>The Land Acquisition Act sets out processes that the Australian Government and its agencies must follow when acquiring or disposing of an interest in land. It also deals with entry on private land by Australian Government officers and the regulation of mining on Australian Government land. The Act includes provisions for compulsorily acquiring an interest in land and for the arrangements for consequential payment of compensation.</p> <p>The Land Acquisition (Defence) Act 1986 facilitated the acquisition of public park land in New South Wales for defence purposes and the Land Acquisitions (Northern Territory Pastoral Leases) Act 1981 was used to compulsorily acquire two pastoral leases for subsequent inclusion in Kakadu National Park.</p>	Review, by officers of the Department of Finance and Administration reporting to an internal Steering Committee, completed. The review was advertised nationally and public comment sought from interested persons. The review identified some operational and administrative issues but concluded that the legislation substantially complies with competition policy principles.	There is no Government response to the report; however, the review found that the legislation does not significantly restrict competition.

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Life Insurance Supervisory Levy Act 1989	T		Removed from the Australian Government's LRP.	
Marine Insurance Act 1909	AG	The Act sets out the legal requirements surrounding contracts for and policies of marine insurance.	Review by the Australian Law Reform Commission was submitted to the Attorney-General on 30 April 2001 and tabled in Parliament on 22 May 2001. Review recommended minor changes, including bringing marine insurance brokers and agents into the financial services reform regulatory framework. The review found that the Act has no impact on competition in the insurance sector, and is not regulatory legislation.	The Government has yet to announce its response.
Migration Act 1958 — sub-classes 120 and 121 (business visas)	DIMIA		Review completed in 1997.	Amendments, aimed at strengthening and streamlining the skilled entry programs, came into effect in November 1997.
Migration Act 1958 — sub-classes 560, 562 and 563 (student visas)	DIMIA		Review completed in 1998.	Recommendations implemented to further deregulate student visa program without compromising the integrity of the immigration program.
Migration Act 1958 — sub-classes 676 and 686 (tourist visas)	DIMIA		Removed from the Australian Government's LRP.	

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Migration Act 1958, Part 3 (Migration Agents and Immigration Assistance) and Regulations	DIMIA		Review completed in 1997. Review combined with that for Migration Agents Registration (Application) Levy Act 1992 and Migration Agents Registration (Renewal) Levy Act 1992. Review concluded that due to consumer protection concerns, voluntary self-regulation was not immediately achievable, and a transitional arrangement needs to be in place to enable the industry to prepare for self-regulation.	The Government accepted review findings, and passed legislation to implement statutory self-regulation for two years then voluntary self-regulation. Statutory self-regulation extended to March 2003 after a review in 1999 found that the industry was not ready for voluntary self-regulation.
Migration Agents Registration (Application) Levy Act 1992 Migration Agents Registration (Renewal) Levy Act 1992	DIMIA		Review completed in 1997. Review combined with that for Migration Act 1958 Part 3.	The Government decided to move the migration advice industry to statutory self-regulation. Legislation to give effect to this decision commenced in March 1998.
Moomba-Sydney Pipeline System Sale Act 1994 — Part 6 (access provisions)	T		Removed from the Australian Government's LRP.	Act repealed.
Motor Vehicle Standards Act 1989	DTRS	Provides a mechanism for setting national safety, emissions and anti-theft standards for road vehicles supplied to the Australian market. It applies to all new and imported vehicles.	Review completed. Review recommended a number of changes to the administrative and legislative arrangements to improve clarity and efficiency. It recommended that the low volume scheme be maintained and extended to full volume manufacturers and some other modifications to the scheme should be made. The review also recommended changes to the vehicle import arrangements and cost recovery.	The Government announced changes on 8 May 2000. The Government accepted nearly all of the report recommendations except those relating to restrictions on imports of vehicles under the Low Volume Scheme. A new scheme, the Specialist and Enthusiasts Vehicle Scheme, is now in place. Some amendments commenced on 1 April 2002 and work is progressing on other matters.

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Mutual Recognition Act 1992	DEST and PMC		National review completed in July 1998. Review conducted by a working group of Council of Australian Governments (CoAG) Committee on Regulatory Reform (CRR), comprising representatives from the Australian Government, NSW, Queensland (Chair) and WA. The report, which covers both the NCP and Mutual Recognition Agreement (MRA) aspects of the review, is available on the Internet at www.pmc.gov.au . The review found that the scheme is generally working well to minimise the impediments to freedom of trade in goods and services and to establish a truly national market in goods and services in Australia. The review data indicated that the MRA has increased competition and consumer choice, and reduced business costs. In relation to the NCP review, it was recommended that all existing (potentially anticompetitive) exceptions to the MRA be retained.	<p>Jurisdictions generally support the review recommendations. In relation to the NCP aspect of the review, Queensland and Victoria had concerns about some recommendations.</p> <p>The recommendations of the review, and the concerns expressed by Queensland and Victoria are being taken up in the 2003 review of the MRA. On 8 January 2003, the PC commenced a nine month commissioned research study reviewing the Trans Tasman Mutual Recognition Arrangement (TTMRA) and its internal Australian equivalent, the MRA. The PC report was released in October 2003, concluding that the MRA and TTMRA have been effective overall in assisting the integration of the State, Territory and New Zealand economies.</p>
National Health Act 1953 (Part 6 and Schedule 1) Health Insurance Act 1973 (Part 3)	DHA	Community rating of private health insurance, preventing insurers from setting different terms and conditions for insurance on the basis of sex, age and health status.	The PC completed a review of private health insurance in 1997. The review was prevented from examining community rating.	The Government accepted most recommendations. Succession of legislative changes from 1998. Lifetime Health Cover introduced July 2000, amending community rating to permit a premium surcharge for new entrants based on age at entry.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
National Residue Survey Administration Act 1992 and related Acts	DAFF	Provides for monitoring of chemical residue in many Australian agricultural food commodities.	Review, by a committee of officials, completed and made public. The review committee concluded that the legislation did not restrict competition and actually provided a substantial competitive benefit to Australian producers by facilitating local and international trade. The Government has approved the report and its recommendations and it has been forwarded (out of session) to SCARM and the Standing Committee on Fisheries and Aquaculture for information.	No reform required.
National Road Transport Commission Act 1991 and related Acts	DTRS	The Act provides a statutory basis for the National Road Transport Commission (NRTC), which is also governed by Heads of Government Agreements scheduled to the Act. The NRTC's primary role is to advise the Australian Transport Council (ATC) on reforms that will improve the safety, efficiency and reduce the administrative cost of road transport.	Review completed in 1997. Review recommendations focused on improving the NRTC and the delivery of its outcomes. No changes were needed to address the requirements of the Competition Principles Agreement (CPA). ATC Ministers made recommendations to CoAG in 1997.	<p>Following a Review of the Act commencing in December 2001, Heads of Government agreed to the repeal of the Act and the establishment of a new body, the National Transport Commission, under the <i>National Transport Commission Act 2003</i>.</p> <p>The National Transport Commission commenced on 15 January 2004 with a focus on cooperative national regulatory reform with responsibilities for road, rail and intermodal transport. The Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport formalises the cooperative arrangements between the States, Territories and the Australian Government and defines the role and responsibilities of the new Commission, the Australian Transport Council and jurisdictions.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Native Title Act 1993 and Regulations	AG		Review had not commenced by early March 2004. The Department is examining whether review of the Act is required.	
Navigation Act 1912	DTRS	Regulates maritime matters (including ship safety, coastal trade, the employment of seafarers and shipboard aspects of protection of the marine environment), wreck and salvage operations, passengers, tonnage measurement of ships, administrative measures relating to ships and seafarers, and processes (part VI) for engaging in coastal trade.	The Shipping Reform Group reviewed the coastal trade provisions of part VI of the Act in 1997. The rest of the Act was reviewed in two stages. The first stage was concerned with employment regulation in shipping. The second stage was a comprehensive review of the Act (excluding part VI) that was completed in June 2000. The review found that the benefits of regulating ship safety and environmental protection outweigh the costs of restrictions on competition, and that the alternative approaches to meeting shipping safety and environmental objectives would be impractical.	<p>Following the 1997 review, the Government introduced measures to streamline processes and reduce compliance costs in coastal trade. The first stage of the review led to the Navigation Amendment (Employment of Seafarers) Bill 1998. The Bill would have removed the employment-related provisions that are inconsistent with the Workplace Relations Act 1996. The Bill was introduced to Parliament on 25 June 1998. The Senate rejected a significant number of items. The Minister deferred the Bill. The second stage of the review covered maritime and safety issues and seafarers' employment arrangements that had been deferred from the first stage process.</p> <p>The Government has recently announced its intention to introduce amendments to Section 286 of the Act and there is an ongoing examination of this Act and the Shipping Registration Act 1912 as part of the Government's consideration of shipping policy issues.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nuclear Safeguards (Producers of Uranium Ore Concentrates) Charge Act 1993 and Regulations	DFAT	Imposes a charge on uranium producers to recover cost of nuclear safeguards and protection activities.	Review by officials completed in 1997. Review recommended principally that the flat fee be replaced with an output-based fee. Review also recommended removal of cap on fees paid by individual producers.	The Government announced its response in December 1997, accepting all recommendations but that to remove the fee cap.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Ozone Protection Act 1989 Ozone Protection (Amendment) Act 1995</p>	<p>DEH</p>	<p>Implement the provisions of the Montreal Protocol on Substances that Deplete the Ozone Layer. Regulates the phase out of ozone depleting substances, in some cases ahead of the Montreal Protocol requirements where consultations with industry determined a faster phase out was possible.</p>	<p>Review completed in January 2001 and endorsed by the Minister for the Environment and Heritage in May 2001. The review recommended that:</p> <ul style="list-style-type: none"> • the Ozone Protection Reserve be extended to include all applications, revenue and expenditure associated with ozone protection, including that associated with the National Halon Bank; • Environment Australia develop longer-term budgets for its ozone protection activities; • a fee be introduced for processing Section 40 exemptions under the legislation; • Australian Government end-use powers be elaborated and exercised in a new part of the legislation; • the Australian Government consider early extension of the legislation to ensure national consistency in ozone protection regulation across all States and Territories, in relation to supply and end-use; and • noting widespread support from stakeholders, the Australian Government should determine, upon direct and early advice from relevant agencies, whether the legislation should be extended to cover synthetic greenhouse gases used in Montreal Protocol industries. 	<p>In a press release on the 2002-03 Budget, the Minister for the Environment and Heritage announced measures in response to the review.</p> <p>Amendments to the Ozone Protection Act 1989 and the Ozone Protection and Synthetic Greenhouse Management Act 1989 were passed in December 2003.</p> <p>The Department of Environment and Heritage and the Australian Greenhouse Office have commenced implementation of the amendments. The licensing system for synthetic greenhouse gases and equipment pre-charged with HCFCs or HFCs commences on 1 April 2004. Consultation has commenced with fire protection, refrigeration and air-conditioning industries to establish end-use regulations and product stewardship arrangements. End use arrangements for these sectors are expected to be in place by mid 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Parliamentary Contributory Superannuation Act 1948	T	Limits on choice of funds.	Review completed. Review of the Act concluded that administration costs are trivial and that there are efficiencies. The scheme operated under this Act (an unfunded defined benefit scheme) is small (with minimal consequences arising from the lack of competition).	Choice of fund will not apply to parliamentarians.
Patents Act 1990, S198-202 (Patent Attorney registration)	DITR		Review completed.	In February 1997, the Government announced it would make changes to the Act including broadening the range of experience for qualifications in patents and removing restrictions to practice in trademarks and design. The Government announced its response to the review on 28 August 2001. The Government fast tracked implementation of the more significant patent initiatives. The Patents Amendment Act 2001 amends the Patents Act 1990 to strengthen its novelty and inventiveness requirements. The introduction of a grace period for patents will be achieved through amendments to the Patents Regulations 1991. These amendments to both the Act and Regulations commenced on 1 April 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum (Submerged Lands) Act 1967	DAFF	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	Two specific legislative amendments flow from the review. One addresses potential compliance costs associated with retention leases and the other expedites the rate at which exploration acreage can be made available to explorers. These amendments were given effect by the Petroleum (Submerged Lands) Amendment Act 2002. Amendment and rewrites of the counterpart State and Northern Territory legislation will follow. Consequential amendments to the Gas Pipeline Access (Commonwealth) Act 1999, arising from the rewrite of the Petroleum (Submerged Lands) Act 1967, are expected to be introduced to Parliament in autumn 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Petroleum Retail Marketing Franchise Act 1980</p> <p>Petroleum Retail Marketing Sites Act 1980</p>	DITR		Review had not commenced by early March 2004.	<p>The Treasurer's joint press release with the Minister for Industry, Tourism and Resources of 14 May 2002, notes that discussions are ongoing between the Government and industry concerning the reform package, and the Government will pursue petroleum industry reform if there is broad industry support.</p> <p>The Government responded to the Senate Economics Reference Committee Report in December 2002, confirming the Government's position favouring repeal of both Acts. Currently, the Government continues to actively pursue reform of the petroleum retail-marketing sector as part of the Downstream Petroleum Industry Framework, including the proposed repeal of these Acts. The reform package will be subject to the RIS process.</p>
Pig Industry Act 1986 and related Acts	DAFF	The Act established the Australian Pork Corporation whose functions include improving the production, consumption, promotion and marketing of pigs and pork both in Australia and overseas.	Work on the review was suspended following advice from industry on a restructure of industry bodies, including the Australian Pork Corporation.	Act repealed and replaced by the Pig Industry Act 2001 which allows for the declaration of a pig industry services body, established under Corporations Law, responsible for the industry's strategic policy development as well as the industry's marketing and research and development services, formerly provided by the Australian Pork Corporation and the Pig Research and Development Corporation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pooled Development Funds Act 1992	DITR		Review completed in 1998.	Amendments were made through the Pooled Development Funds Amendments Act 2000.
Prawn Boat Levy Act 1995	DAFF		Removed from the Australian Government's LRP.	
Prices Surveillance Act 1983	T	<p>The Act assigns three specific functions to the ACCC:</p> <ul style="list-style-type: none"> • to review price rises notified to the ACCC by certain organisations; • to undertake monitoring of prices or other matters for particular organisations, products or services; and • to hold inquiries into price and other matters as directed by the Australian Government. 	Review, by the PC, completed. Final reports provided to Government on 22 August 2001.	The Government has accepted the recommendation that the PSA be repealed and that limited new inquiry and monitoring functions be written into the TPA. An Act to give effect to the Government's response was passed on 17 December 2003 and is scheduled to commence on 1 March 2004.
Primary Industries Levies Act (and related Collection Acts)	DAFF	Legislation authorises the collection of statutory levies imposed on primary industries under separate legislation for specified purposes.	Review by officials completed in 2000. Review found, in general, that the benefits to the community of the present structure of levies legislation outweigh the costs and should be retained. Only some minor changes to the legislation and the guidelines were recommended, including a proposal that the guidelines indicate a preference for voluntary arrangements unless the free rider costs are assessed to exceed compliance, enforcement, administrative, and other costs.	An Interdepartmental Committee (IDC) was formed to develop a Government response. The Minister approved the response on 20 December 2003. The Government considered that there was sufficient flexibility in these arrangements to accommodate the issues raised in the review report without the need to explicitly indicate a preference for voluntary levy arrangements in the legislation or the guidelines. Hence, amendments to existing legislation and guidelines were not necessary.
Proceeds of Crime Act 1987	AG	The Act's principal objects are:	The competition principles review of the	The Proceeds of Crime Act 2002 and

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and Regulations		<ul style="list-style-type: none"> • to deprive persons of the proceeds of, and benefits derived from the commission of offences against the laws of the Australian Government or Territories; • to provide for the forfeiture of property used in or in connection with the commission of such offences; and • to enable law enforcement authorities effectively to trace such proceeds, benefits and property. <p>Other objects of the Act are:</p> <ul style="list-style-type: none"> • to provide for the enforcement in the Territories of forfeiture orders, pecuniary penalty orders and restraining orders made in respect of offences against the laws of the States; • to facilitate the enforcement in Australia, pursuant to the Mutual Assistance Act, of forfeiture orders, pecuniary penalty orders and restraining orders made in respect of foreign serious offences; and 	<p>Financial Transaction Reports Act 1988 (FTR Act) completed in August 2000. That review included a review of Division 4 of Part IV of the Proceeds of Crime Act as well as of Part III of the FTR Act, both parts dealing with various obligations on financial institutions such as banks and like organisations to retain various records and documents. Division 4 of Part IV of the Proceeds of Crime Act, which imposes record retention obligations on financial institutions, is the only Part of the Proceeds of Crime Act which affects the business sector.</p>	<p>the Proceeds of Crime Act (Consequential Amendments and Transitional Provisions) Act 2002 came into effect on 1 January 2003. The Proceeds of Crime Act 2002 greatly strengthens and improves Australian Government laws for the confiscation of the proceeds of crime.</p> <p>The Proceeds of Crime Act 2002 includes improved provisions for conviction based confiscation and also provides for a new civil forfeiture regime (namely forfeiture which does not require conviction of a criminal offence as a condition precedent). It also includes provisions for literary proceeds orders to prevent criminals exploiting their notoriety for commercial purposes.</p> <p>Amongst other things the Proceeds of Crime Act (Consequential Amendments and Transitional Provisions) Act 2002 repeals Division 4 of Part IV of the Proceeds of Crime Act 1987 and replaces the repealed provisions by a new Part VIA which the Act inserts into the Financial Transaction Reports Act 1988.</p> <p>The Act includes provision for an independent review of the operation of the Act to be undertaken after the third year of its commencement (that is, as soon as practicable after 1 January 2006).</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
		<ul style="list-style-type: none"> to assist foreign countries, pursuant to the Mutual Assistance Act, to trace the proceeds of, benefits derived from and property used in or in connection with the commission of foreign serious offences. 		
Protection of Movable Cultural Heritage Act 1986	DCITA		Review completed.	The Government implemented the review recommendations by amending the Act and regulations in December 1998 and May 1999.
Quarantine Act 1908 (human quarantine provisions)	DHA	Requires screening of goods and passengers entering Australia.	Departmental review of provisions relating to human quarantine completed in 1998. Review found minimal impact on competition, and public health benefits in excess of costs, but recommended some updating via a second phase review.	The Government announced in July 1998 that it approved the report. Act retained without reform.
Quarantine Act 1908 (in relation to plant and animal quarantine)	DAFF	Prohibits import of certain goods, animals and plants unless with a permit.	The NCP review of this Act has been delayed pending the resolution of the challenges concerning Australia's quarantine regime in the World Trade Organisation and assessment of any administrative and legislative actions that might become necessary as a result.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Radiocommunications Act 1992 and related Acts	DCITA	Licensing, and spectrum allocation.	<p>Review commenced in 1997. However, the national competition principles aspects of the review were not completed.</p> <p>The PC commenced a review of the Act in July 2001 and completed it in July 2002. The Government released the report on 5 December 2002. The report recommended legislative amendments to allow encumbered spectrum to be sold, to facilitate the conversion of apparatus licences to spectrum licences, to allow spectrum charges to be based on opportunity cost, to facilitate better use of spectrum for broadcasters, and to allow the Australian Communications Authority to re-assign spectrum licences three years before expiry.</p>	The Government accepted the PC's recommendations on conversion of licences, selling encumbered spectrum and re-assigning spectrum licences, and it will consider the recommendations on broadcasters' use of spectrum. Work has commenced on implementing amending legislation.
Rural Adjustment Act 1992 States and Northern Territory Grants (Rural Adjustment) Acts	DAFF		Review completed in 1997. Review report made a number of recommendations for future government programs to address rural adjustment.	The review recommendations were addressed in the Government's package 'Agriculture — Advancing Australia' announced on 14 September 1997. Consistent with the recommendations of the review, a range of other support schemes replaced the Rural Adjustment Scheme.
Safety, Rehabilitation and Compensation Act 1988*	C	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review completed in 1997. Review recommended introducing competition to Comcare.	No reforms introduced.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Shipping Registration Act 1981	DTRS	Registration of ships and ship mortgages in Australia.	Review completed in 1997. Review recommended amendments to improve the efficiency of the legislation and reduce compliance costs.	The Government accepted the review recommendations. The shipping industry, however, raised concerns about implications on finance for shipping, particularly mortgage arrangements. The proposed amendments to the legislation did not proceed. The Government has informed the Council that it is considering the review recommendations in the context of broader shipping policy issues. The Government advised in July 2003 that a review of significant shipping issues is under way.
Spectrum Management Agency (SMA) - review of SMA's market-based reforms and activities.*	ACA		Review by the PC completed.	
Superannuation Act 1976 Superannuation Act 1990 Superannuation Guarantee (Administration) Act 1992	T	Limits on choice of funds.	Review completed in 1997.	Following the 1997 review, the Government introduced legislation to Parliament to allow choice of fund for Australian Government employees. Amending legislation was defeated in the Senate in 2001. Legislation requiring employers to offer choice of funds was reintroduced to Parliament on 27 June 2002. The legislation passed the House of Representatives on 4 December 2003 and is awaiting debate in the Senate. Further legislation would be required to allow all Australian Government employees to be offered choice of funds.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Superannuation Industry (Supervision) Act 1993</p> <p>Superannuation (Resolution of Complaints) Act 1993</p> <p>Superannuation (Financial Assistance Funding) Levy Act 1993</p> <p>Superannuation (Self Managed Superannuation Funds) Taxation Act 1987</p> <p>Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act 1991</p> <p>Occupational Superannuation Standards Regulations Applications Act 1992</p>	T	Provision for prudential supervision of the superannuation industry and the imposition of certain levies on superannuation funds and approved deposit funds.	An NCP review of the Acts by the PC completed on 10 December 2001. Review report made various recommendations relating to the prudential supervision and regulation of the superannuation industry.	Interim response to PC review was released by the Assistant Treasurer on 17 April 2002. The Government agreed to various recommendations, including one relating to simplifying compliance requirements and enhancing capital adequacy requirements. The Government subsequently released its response to another report of the Superannuation Working Group chaired by Mr Don Mercer. This paved the way for the Government to issue its final response to the PC report on 20 June 2003. The Government introduced the Superannuation Safety Amendment Bill 2003 to implement recommendations that all superannuation fund trustees be licensed and required to submit a risk management plan to APRA. It also agreed to implement most of the PC's other recommendations (or take action that is largely consistent with those recommendations).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Therapeutic Goods Act 1989		<p>Scheduling restrictions on the labelling, packaging and advertising of listed substances, and to whom a product may be sold and under what conditions.</p> <p>Licensing restrictions on the handling, storage and reporting requirements of controlled substances for wholesalers and retailers.</p>	<p>The Galbally Review of Drugs, Poisons and Controlled Substances issued a final report in January 2001 which concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. The report found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>The final report was presented to the Australian Health Ministers Conference (AHMC) in early 2001. An Australian Health Ministers Advisory Committee (AHMAC) working party examined the report and (with input from the Primary Industries Ministerial Council) provided to AHMAC a draft response to the Galbally national review. AHMAC endorsed the draft response and sent it to the AHMC in July 2003. The response was endorsed by AHMC out-of-session in October 2003 and was forwarded to CoAG.</p>	<p>Since the release of the Report of the Galbally review, the Australian and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products. Australia's Therapeutic Goods Administration (TGA) and the New Zealand Medicines and Medical Devices Safety Authority (Medsafe) will be replaced by a single agency accountable to both the NZ and Australian governments. These new arrangements will probably commence on 1 July 2005.</p> <p>Australian and NZ officials are developing the regulatory framework and the legislation to regulate therapeutic products in both countries. Rather than reviewing and reforming the Therapeutic Goods legislation, which is likely to be repealed in 2005, the Government response therefore proposes that the Galbally review recommendations which require Commonwealth legislative change, be implemented as part of the new trans-Tasman legislation.</p> <p>The TGA is working with relevant health officials in the Australian States and Territories and NZ to co-ordinate changes required to State / Territory legislation to implement relevant Galbally recommendations and the development of the new trans-Tasman legislation.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Torres Strait Fisheries Act 1984	DAFF	Licensing of community and commercial fishers. Wide Ministerial powers to prohibit taking of certain species; prohibit taking fish under certain sizes; and impose a variety of input controls. Collection of a research and development levy.	Review completed in 1999 by Australian Government and Queensland officials. The review recommended: <ul style="list-style-type: none"> • a new statement of objectives for the Act; • maintaining the distinction between community and commercial fishing; • retaining licensing of fishing; and • retaining wide Ministerial powers to regulate fishing. 	No reform required.
Trade Practices (Consumer Product Information Standards) (Care for clothing and other textile products labelling) Regulations	T		Review completed in 1997.	The Government introduced a less prescriptive consumer product information standard.
Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations	T		Review completed in 1998.	Regulations replaced by the Trade Practices (Consumer Product Information Standards) Amendment Regulations, requiring a list of ingredients and a nomenclature used by the United States and the European Union.
Trade Practices Act 1974 — 2D exemptions (local government activities)	T	Exempts the licensing decisions and internal transactions of local government bodies from Part IV of the TPA, which regulates restrictive trade practices.	Review by the PC commenced in late September 2001. Draft report released on 16 May 2002 and is available at www.pc.gov.au . Final report released on 12 December 2002.	The Australian Government released its response in December 2003, accepting the recommendations. It has commenced its work on drafting the Bill to give effect to these recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Practices Act 1974 — fees charged	T	Fees charged under the Act attempt to offset some of the costs of meeting the objectives of the Act through user charges.	Review completed. Review included in the twelve month PC inquiry "Cost Recovery by Regulatory, Administrative and Information Agencies - including Fees charged under the Trade Practices Act", which commenced in August 2000. The PC released the final report on 22 March 2002. The PC found that current TPA charges (by the ACCC) appear to have little if any impact on competition and economic efficiency and hence are not inconsistent with the competition tests under the CPA.	The Treasurer and Minister for Finance joint press release of 14 March 2002 noted that this completes this review commitment under the LRP. The press release is available at http://www.treasurer.gov.au .
Trade Practices Act 1974 (including exemptions) — Part IIIA (access regime)	T	Provides a regime for third party access to services provided by significant infrastructure facilities.	Review, by the PC, completed. Issues paper released on 11 October 2000 and a position paper released in March 2001. The final report was provided to the Government on 3 October 2001.	The Government tabled the report on 17 September 2002. The Government released its final response to the report on 20 February 2004. The Treasurer's press release and the Government's response to the report are available at http://www.treasurer.gov.au .

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Practices Act 1974 (s 51(2) and s 51(3) exemption provisions)	T	Legislation provides for exemptions for a number of activities relating to intellectual property rights, employment regulations, export arrangements, and approved standards from many of the competition laws contained within Part IV of the TPA.	Review completed in 1999. The subject of a further review by the Intellectual Property and Competition Review Committee (the Ergas Committee), which forwarded its final report to the Australian Government in September 2000.	<p>The Government is considering its response to the review of section 51(2) of the TPA.</p> <p>On 28 August 2001, the Government announced changes to section 51(3) of the Act in its response to the report of the Intellectual Property and Competition Review Committee (the Ergas Committee) of December 2000, which also examined section 51(3) (see page X).</p> <p>The Government will amend the TPA by applying modified competitive conduct rules in Part IV (Restrictive Trade Practices) to intellectual property licensing transactions, and to exempt the Plant Breeders' Rights Act 1994 (Cth) from the modified competitive conduct rules. Passage of the Bill is expected in 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Practices Act 1974 Part X (shipping lines)	DTRS	Part X administered by Australian Government as an industry specific legislated industry code which exempts shipping conferences from section 45 and 47 of TPA (with exception of third line forcing provisions). Conferences allow liner shipping companies to coordinate their services, set joint freight rates, pool earnings and costs, establish loyalty agreements with customers, rationalise capacity and restrict new entrants to the conference agreements. Australia's trading partners also exempt conferences from competition law.	PC review of Part X released by the Australian Government in September 1999. The PC concluded that restrictions in Part X are in the public interest because they result in Australian shippers obtaining quality services at the best possible prices and because there are no more efficient ways of achieving these results. The PC recommended various improvements to Part X to clarify the scope of the exemptions from the TPA with regard to land-based activities. These would extend the range of sanctions available to the Minister in the event of a breach of an undertaking by a conference.	The Government enacted the Trade Practices Amendment (International Liner Cargo Shipping) Act 2000 in October 2000, which generally picks up the review recommendations. Act limits the exemption relating to rate setting by more clearly defining the service to which the exemption applies. Exemption covers terminal to terminal services solely for ocean transport and cargo handling at the terminal. Definition of terminal was widened to include terminals away from ports where exports/imports are made/distributed. Exemptions do not apply to inland haulage rates. Act changes arrangements for stevedoring conferences. There are exemptions to endorse current stevedoring practices. Generally importers are given similar countervailing protection from TPA. Act grants additional powers to the Minister and the ACCC to review agreements that may result in an unreasonable reduction in shipping services and/or an unreasonable increase in liner shipping freight prices. Act also repeals section that prohibited price discrimination.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tradesmen's Rights Regulation Act 1946	DEWR	National recognition of metal and electrical trade skills developed informally.	Review completed in November 1998. Review recommendations included repealing the Act. Also recommended that the Australian Government vacate the domestic skills recognition field (and that Registered Training Organisations established under the Australian Recognition Framework undertake skill recognition on a free competition basis) and that detailed consideration be given to the implementation arrangements.	The Government accepted the review recommendations. A Bill to repeal the legislation introduced into Parliament. The Government is continuing consultations with industry about the new arrangements for domestic skills recognition and migration skills assessment.
Veterans' Entitlement Act 1986 - Treatment Principles (s90) and Repatriation Private Patient Principles (s90A)	DVA		Review had not commenced by early March 2004.	

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Wheat Marketing Act 1989	DAFF	Prohibits the export of wheat except with the consent of the Wheat Export Authority (WEA) or by AWB International Limited (AWBI).	<p>Review completed in 2000 by an independent committee (Irving Review),. It found that introducing competition was more likely to deliver net benefits than continuing the export controls. However, it also found it would be premature to repeal the Act before a relatively short evaluation of new commercial arrangements. Review recommended:</p> <ul style="list-style-type: none"> • retaining the export single desk until the 2004 review; • incorporating NCP principles into the 2004 review; • developing performance indicators for the 2004 review; • moving from export consents to export licensing; • removing for a three-year trial the requirement that the WEA consult AWBI on applications to export of bagged and containerised wheat; and • removing for a three-year trial the requirement that the WEA obtain written approval from AWBI for the export of durum wheat. 	<p>In April 2001, the Australian Government announced its acceptance of recommendations, except that it:</p> <ul style="list-style-type: none"> • declined to incorporate NCP principles in the 2004 review; • retained the requirement for consultation with AWBI on consents for export of bagged and containerised wheat; and • retained the requirement for written approval of AWBI for export of durum wheat. <p>The Act was amended in July 2003. Changes included an objective for the WEA in undertaking its export control functions that gives effect to the position expressed by the government in its response to the NCP review.</p> <p>The 2004 review will now be conducted by an independent panel. While not addressing whether the single desk should continue, it will address the performance indicators developed as part of the Government's response to the NCP review.</p> <p>Another review of the legislation governing the single desk arrangements is required to be conducted before 2010.</p>

3 New South Wales

Agency abbreviations

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

A	Arts
Ag	Agriculture
AG	Attorney General
C	Commerce
Env	Environment
EU	Energy and Utilities
FT	Fair Trading
GR	Gaming and Racing
H	Health
IP	Infrastructure and Planning
IR	Industrial Relations/WorkCover
LG	Local Government
MR	Mineral Resources
Po	Police
R	Roads
RD	Regional Development
SB	Small Business
SD	State Development
Tr	Treasury

TS	Transport Services
TSR	Tourism, Sport and Recreation

Legislation review: New South Wales

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<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural Tenancies Act 1990	Ag	Regulates the rights of agricultural landowners, tenants, share-farmers and other tenant related issues where the farmers have not made their own agreements; and provides for determination of disputes by compulsory arbitration.	Review completed in 1999. Review recommended: <ul style="list-style-type: none"> rewriting the objectives of the Act to protect the environment, achieving certainty in tenancy agreements, and dispute resolution; providing for referral of the parties to mediation before starting an arbitration; and providing for referral of disputes to courts of competent jurisdiction and for appeals to the Administrative Decisions Tribunal. 	The NSW Parliament passed the recommended changes in April 2001 with the Agricultural Tenancies Amendment Act 2001.
Agriculture and Veterinary Chemicals (New South Wales) Act 1994	Ag	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	New South Wales will implement legislative changes that are agreed by all jurisdictions following the national review, which has been completed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Air Transport Act 1964	TS	Prohibits, in certain circumstances, the carriage by aircraft of passengers or goods from one place to another within NSW except if a licence is granted by the Minister. Amends certain Acts.	Review completed in 1999.	<p>In August 1999, the Government announced that it would pursue deregulation via administrative means. From 26 March 2000, restrictions on the number of airlines that operate on routes to and from Sydney Airport, with annual air patronage exceeding 20,000, were removed. These 17 routes account for 86 per cent of all intrastate passenger journeys.</p> <p>In October 2002, in response to the continuing severe downturn in the NSW intrastate air market, the threshold for restrictions on routes to and from Sydney Airport was raised from 20,000 to 50,000 passengers annually.</p> <p>These decisions were a considered response to instability in the intrastate aviation sector. The services at or above the 50,000 passengers per annum level represent 10 routes and 76 per cent of all intrastate passenger journeys. No operators were removed as a result of the changed threshold, as all services affected were already operating as single operator routes. The 1999 review report is publicly available and subsequent decisions were publicly announced.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Animal Research Act 1985	Ag	Regulates the carrying out of animal research and the supply of animals for research. Requires that authorisations may only be granted for recognised research purposes involving research, teaching, testing and the production of biological products.	Review completed in July 2002 and final report submitted to the Minister for Agriculture.	The National Competition Policy (NCP) review recommended retention of the Act based on net public benefit grounds.
Apiaries Act 1985	Ag	Requires beekeepers to register, with fees. Prohibits the sale of disposal of diseased bees or appliances, or importing of bees likely to spread diseases. Bees must be kept in identified hives. Beekeeping on premises can be prohibited or restricted. Inspectors can enter and inspect premises.	Review completed in July 2002 (part of a generic review of all plant and animal disease legislation).	Review recommended retention of the Acts, based on net public benefit grounds.
Architects Act 1921	C	Restriction on registration, entry requirements, reservation of title, disciplinary processes, and business restrictions.	National review completed by the Productivity Commission (PC) in August 2000. NSW is leading the national process. A States and Territories Working Group has developed a national response to the PC review. The Working Group response has received broad acceptance from all jurisdictions, with a delay in formal endorsement by the ACT and Northern Territory.	On 21 May 2003 it introduced the Architects Bill 2003, which provides for the repeal of the Architects Act 1921 and the implementation of the nationally agreed framework. The Bill received assent on 10 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian Jockey Club Act 1873	GR	Extends the period for which the trustees of the Randwick Racecourse are enabled to grant leases and to enable members of the Australian Jockey Club to sue and be sued in the name of the Chairman.	Review, in conjunction with the Sydney Turf Club Act 1943, completed in 1999. Current arrangements found to be in the public interest and retained.	Act retained without reform. The Government accepted the review recommendation that the lease arrangements in respect of Crown land be reviewed again in the course of the 10-year NCP review cycle.
Banana Industry Act 1987	Ag	Empowers the Banana Industry Committee (BIC) to regulate the quality of bananas produced in NSW and their subsequent transport to major intrastate markets, and impose compulsory charges on growers to fund industry service functions.	Review completed in 1998. Review recommended removing the BIC's power to regulate the marketing and transport of bananas.	NSW Parliament passed amendments to the Act in 2000. See the Banana Industry Amendment Act 2000. The Government's response: <ul style="list-style-type: none"> • allowed the retention of the BIC's power to provide industry service functions and impose compulsory charges on banana growers to fund these service functions; • removed some obsolete and unexercised powers of the BIC; and • removed the BIC's transport direction power.
Biological Control Act 1985	Ag	Makes provision for the biological control of pests in NSW. Complementary to Australian Government legislation.	Deleted from legislation review program (LRP) as the Council of Australia Governments (CoAG) Committee on Regulatory Reform (CRR) determined that the legislation has no anticompetitive impacts.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bookmakers Taxation Act 1917	GR	Bookmakers are subject to scrutiny by the Bookmakers Revision Committee (BRC) for probity and financial competence. A bookmaker may not operate without a current tax receipt issued by the BRC.	See the Racing Administration Act 1998 - omnibus review of racing and betting legislation.	Act repealed with effect from 1 July 2001. The taxation matters were transferred to the Betting Tax Act 2001 and the non-taxation matters – mainly dealing with BRC procedures – were transferred to the Racing Administration Act 1998.
Boxing and Wrestling Control Act 1986	TSR	Conduct of professional boxing, provision for the Boxing Authority of NSW and definition of its functions, conduct of wrestling and amateur boxing contests.	Review completed in February 2002. The review's final report was submitted to the Minister for Sport and Recreation for consideration.	The Government considers that there is an inherent and broad public benefit in regulating participation in dangerous combat sports.
Bread Act 1969	IR	Restricts times for the baking and delivery of bread. Licensing of bread manufacturers. Certification of operative bakers. Standard bread size. Constitutes a Bread Industry Advisory Council.	Review completed.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Services Corporation Act 1989	FT	Licensing, registration, entry requirements (qualifications or pass exams, experience, age, character), the reservation of practice (building work, electrical wiring work, plumbing and drainage work, roof plumbing work, refrigeration work, air-conditioning work), business conduct (including insurance for building work over \$5000 from approved private insurer), and business licensing.	See the Home Building Act 1989.	Changed name to the Home Building Act 1989.
Business Franchise Licence (Petroleum Products) Act 1987	Tr	Provides for the licensing of people carrying on the business of selling certain petroleum products.	Review completed in 1997.	Act repealed.
Business Franchise Licence (Tobacco) Act 1987	Tr	Provides for the licensing of people carrying on the business of selling tobacco.	Review completed in 1997.	Act repealed.
Business Licences Act 1990	FT	Relates to business licences.	Review completed in 2001. Review recommended the Act be repealed.	Act repealed by the Business Licences Repeal and Miscellaneous Amendments Act 2001.
Business Names Act 1962	FT	Regulates and controls the registration and use of business names. There are restrictions on names that can be registered, as well as restrictions relating to certain words or phrases.	Review completed in March 2002. The review recommended that the Act be retained with amendments to reduce some regulatory requirements on e-business to register names, and on other businesses to display their business names at premises.	The Government approved the review recommendations in March 2002. The Business Names Act 2002 was assented to on 29 November 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Casino Control Act 1992	GR	Establishes the Casino Control Authority and issues exclusive licence for Sydney casino.	Review completed in 1998. Review recommended that the current exclusive casino licence arrangements be maintained. The Government supported, in principle, the review's recommendations but referred the report to NSW Treasury for updating. The revised review reached broadly similar conclusions, citing compensation costs if the licence was terminated.	
Cattle Compensation Act 1951	Ag	Provides for the levy of a rate by Rural Lands Protection Boards with the proceeds of the levy being payable to the Cattle Compensation Fund and provides for payment of compensation to owners of cattle and carcasses of cattle destroyed because of disease.	Review not required.	Act repealed in April 2001 by the Cattle Compensation Repeal Act 2001.
Charitable Fundraising Act 1991	GR	Regulates who may conduct or participate in charitable fundraising activities and the manner in which such activities are carried out.	See the Lotteries and Art Unions Act 1901.	No change to the legislation recommended, but the Government agreed with the review recommendation to continue discussions between jurisdictions to explore opportunities for greater uniformity.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Children (Care and Protection) Act 1987		Licensing.	In accordance with the requirements of the Subordinate Legislation Act 1989, a regulatory impact statement (RIS) was prepared to assess the potential benefits and costs of the proposed regulatory model, as well as any options that may be capable of meeting the legislative objectives. The RIS indicates that the restrictions on competition (primarily licensing and standards setting) are in the public interest. The RIS preferred the proposed regulations to alternative licensing schemes, because the net benefits outweighed the costs. Wide public consultation has been undertaken on the draft Regulation and the RIS. Issues raised during this consultation are now under consideration.	NSW is planning to replace the Children (Care and Protection) Act 1987, and the Centre Based and Mobile Child Care Services Regulation (No. 2) 1996 and the Family Day Care and Home Based Child Care Regulation 1996 made under the Act. regulate commercial child care services. NSW is planning to replace these with the Children and Young Persons (Care and Protection) Act 1998 and a new Regulation made under it. This new Regulation is being finalised
Children and Young Persons (Care and Protection Act) 1998		Licensing.	Review not required - new legislation.	See the Children (Care and Protection) Act 1987.
Chiropractors Act 2001	H	Entry, registration, title, practice, and discipline.	Report into preceding legislation released in January 2000. Recommends separation of Acts, removal of minimum age criteria, reserved practice provisions to be moved to the Public Health Act, changes to administration and disciplinary processes and removal of most restrictions on advertising.	New Act in line with recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropractors and Osteopaths Act 1991	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in January 2000. Recommended separation of Acts, removal of minimum age criteria, reserved practice provisions to be moved to the Public Health Act, changes to administration and disciplinary processes and removal of most restrictions on advertising.	New Chiropractors Act and Osteopaths Act passed in April 2001.
Classification (Publications Films and Computer Games) Enforcement Act 1995	AG	Provides for a classification scheme for publications, films and computer games. Complementary to Australian Government legislation.	Review not required.	This is a national scheme. A revised censorship regime with the support of all Australian jurisdictions came into operation on 1 January 1996.
Coal Ownership (Restitution) Act 1990 (1) Coal Acquisition Act 1981 (2)	MR	(1) Provides for the restitution of certain coal acquired by the Crown as a result of the Coal Acquisition Act 1981. (2) Vests all coal in the Crown.	Review not required. Acts assessed as not restricting competition.	Acts superseded by the Coal Acquisition Amendment Act 1997 and to be repealed when the Coal Compensation Board is abolished.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commercial Agents and Private Inquiry Agents Act 1963	Po	Licensing (commercial agents, private inquiry agents and their subagents), registration, entry requirements (qualifications, experience, good fame and character, fit and proper person, aged at least 18 years, not convicted of an offence punishable on indictment within past 10 years), the reservation of practice, disciplinary processes, and business conduct (advertising must specify agent's name and place of business, maintain records, trust account, fidelity bonds).	<p>Review, by a working party, commenced in 1997. Review recommended the Act be repealed and replaced by new legislation. Review recommended new legislation should involve business licensing (rather than occupational licensing) and should remove licensing for repossession agents and process servers.</p> <p>New NCP review commenced late 2001. The review's final report was submitted to the Minister for Police for consideration in April 2002. The review found that the Act provides a net public benefit by reducing costs to clients and reducing the risk of criminal activity or harm to the public. It found that regulatory objectives can only be achieved through a licensing system. It also recommended removing those restrictions that could not be justified in the public interest: the requirements for licensees to be in charge of a business; the distinctions between commercial agent and private inquiry agent licences; and certain compliance requirements for licence holders.</p>	The Government anticipates that any legislative reforms arising from the NCP review will be addressed during 2004.
Commercial Vessels Act 1979	TS	Regulates the use of certain vessels and of certain motors for propelling vessels; provides for marking of load lines and the carriage of certain equipment by vessels.	Review not required.	Act repealed and replaced by the Marine Safety Act 1998.

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Construction Safety Act 1912	IR	Provides for the regulation and inspection of construction work and consolidates the Acts controlling scaffolding and lifts.	Review completed as part of the RIS for the Occupational Health and Safety Regulation 2001. RIS publicly available.	Act repealed and replaced by the new consolidated Occupational Health and Safety Regulation 2001. The new Regulation commenced on 1 September 2001. A range of prescriptive regulatory controls have been replaced by a performance-based, risk management approach.
Consumer Credit (NSW) Act 1995	FT	Regulates the provision of consumer credit.	National review completed. Review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. Review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs (MCCA) endorsed the final report in 2002 and referred it to the Uniform Credit Code Management Committee which is facilitating the resolution of some issues.	The Uniform Credit Code Management Committee is working on implementation of the review's recommendation (to review a number of definitions). The first stage will be the release of a consultation paper for public discussion.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Conveyancers Licensing Act 1995	FT	Licensing, registration, entry requirements (age, qualifications, training, experience), the reservation of practice (lawyers also able to provide these services), disciplinary processes, and business conduct (record keeping, trust monies, receipts, professional indemnity insurance).	Departmental review completed in October 2001. Review report released publicly in August 2002. Review concluded that there is a continuing need to regulate the conveyancing industry in order to protect consumers, and that occupational licensing is the regulatory model that best achieves this objective. Review recommended retaining the current boundaries for conveyancing work, but proposed a number of other reforms including: introducing competency standards and mandatory continuing education requirements; removing restrictions on multidisciplinary partnerships; and incorporation of conveyancing practices (but retaining restrictions on partnerships and sharing of staff with real estate agents) and considering changes to the disciplinary system if problems with the current system are not resolved through the NSW Law Reform Commission's review of Part 10 of the Legal Profession Act.	The Government accepted the majority of the review recommendations, but after considering the proposal to defer modification of the disciplinary scheme, decided that it was more appropriate to undertake any changes as part of the Conveyancers Act 1991 review. The Government implemented the review recommendations in the Conveyancers Licensing Act 2003, which repealed the Conveyancers Licensing Act 1995.
Cooperatives Act 1992 (1) Cooperation Act 1923 (2)	FT	(1) Conduct. (2) Registration and conduct.	Review completed in 2001. Review recommended that section 43 of the Act be repealed to prevent third line forcing.	NSW Parliament passed legislation in November 2001 to give effect to the review recommendation. Treasurer's circular issued in September 2000 requiring Ministers to include analysis of wider public interest issues in applications for government guarantees under any Act authorising their issue.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Council of Law Reporting Act 1969	AG	Constitutes a Council of Law Reporting to NSW and defines its powers, authorities, duties and functions.	Review completed. Review recommended Act be retained, but administrative changes to introduce competitive tendering for licence to publish reports. Publication of on-line reports open to any one for a fee.	The Government implemented the review recommendations administratively.
Country Industries (Payroll Tax Rebates) Act 1977	RD	Allows rebates of payroll tax in respect of certain country manufacturing or processing industries.	Review not required. Taxation legislation is generally exempt from NCP review.	
Credit (Finance Brokers) Act 1984	FT	Relates to the conduct of business of finance brokers.	Review completed in June 2001. Report is publicly available. Review recommended the repeal of the Act and the insertion of a new Part into the Consumer Credit Administration Act 1995 to regulate the conduct of finance brokers. Review also recommended a number of amendments to improve the effectiveness of consumer protection.	In February 2002, the Government accepted the review recommendations, in principle, and approved the preparation of an exposure Bill for further public consultation during 2002. The Consumer Credit Administration Amendment (Finance Brokers) Bill 2002 was introduced to Parliament on 24 September 2002 and received royal assent on 30 June 2003.
Dairy Industry Act 1979	Ag	Vesting of milk in the Dairy Corporation. Farmgate price-setting for market milk. Market milk quotas. Licensing of farmers and processors.	Review completed in November 1997. Chair and industry members recommended retention of restrictions, subject to review again in 2003. Other government members recommended removal of restrictions within three to five years if national reform did not occur.	The Government initially accepted the recommendation to retain restrictions until 2003. In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, NSW passed the Dairy Industry Act 2000 on 29 June 2000, deregulating the industry from 1 July 2000. Food safety regulation has been integrated under the Food Production (Safety) Act 1998.

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Dangerous Goods Act 1975	IR	Restrictions on transport, storage and handling of explosives and other dangerous substances.	Review completed as part of the development of a new National Standard for the regulation of dangerous goods.	<p>Legislative amendments involving the transport of dangerous goods commenced 20 April 1998 to give effect to the first module of reforms to national road transport law developed through the National Road Transport Commission. The National Standard for the Storage and Handling of Dangerous Goods was gazetted in March 2001.</p> <p>The Occupational Health and Safety Act 2003 was passed in July 2003. It will allow the Government to make regulations implementing the national standard. Regulations are expected in 2004. .</p>
Dental Practice Act 2001	H	Restrictions on the employment of dentists by nondentists.		This Act repeals the Dentists Act 1989 and makes minor amendments to the Dental Technicians Registration Act 1975.
Dental Technicians Registration Act 1975	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Reviewed together with the Dentists Act 1989. Final report completed in March 2001.	Minor amendments made by the Dentists Act 2001.

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Dentists Act 1989	H	Restrictions on entry, registration, title, practice, advertising, ownership and disciplinary provisions.	Review completed in March 2001. Review recommended retaining title restrictions, replacing current 'total practice' restrictions with reserved core practices, removing restrictions on the employment of dentists and ownership of dental practices, retaining capacity to regulate advertising, and providing for the Minister to approve codes of professional conduct.	<p>The Government accepted review recommendations with the exception of the recommendation to remove ownership controls.</p> <p>The Dental Practice Bill was introduced into Parliament in September 2001, and received assent on 11 October 2001. It repeals the Dentists Act 1989. The new Act retains some restrictions on the employment of dentists.</p>
Door to Door Sales Act 1967	FT	Controls and regulates certain agreements relating to the sale or bailment of goods and the provision of services on credit.	<p>Review, in conjunction with the Fair Trading Act 1987, completed in March 2002. Review found that the legislation was procompetitive and that the regulatory arrangements for consumer protection have net public benefits. It recommended legislative amendments, however, to remove or reduce the effect of restrictions where these were not justified on public benefit grounds, including the removal of mandatory codes of practice for traders.</p> <p>The review also recommended repealing the Door to Door Sales Act, and amending the Fair Trading Act to streamline the existing disciplinary scheme, add consumer protections in relation to direct selling practices and change the existing consumer protection provisions to mirror those of the TPA.</p>	<p>The Government accepted the review recommendations in August 2002 and released the review report in September 2002. The Fair Trading Amendment Bill 2003, which repeals the Door to Door Sales Act, was assented on 22 July 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dried Fruits Act 1939	Ag	Regulated the dried fruits industry. Constitutes the NSW Dried Fruits Board.	Review not required as, on 1 July 1997, the Board resolved to advise the Minister for Agriculture that its affairs should be wound up.	Transitional arrangements made for the prune industry involve the making of a Prune Industry Marketing Order (expired 31/12/99) under the Marketing of Primary Products Act. Remaining sections of the Act repealed as of 1 July 2000.
Driving Instructors Act 1992	R	Licensing, entry requirements (completed course, aged at least 21 years, may require test, medical exam, character), the reservation of practice (teach for monetary or other reward), and business conduct (maintenance of records, regulations may make provisions for displaying identification and advertising).	Final report completed in September 2001.	The Driving Instructors Amendment Bill introduced into Parliament in October 2002 and enacted in December 2002. The Act inserts a requirement for driving instructors' vehicles to be comprehensively insured, provides for the suspension of licences pending the outcomes of investigations of alleged improper instructor behaviour, clarifies that the licensing regime applies to people providing training off-street or at private venues, removes restrictions on advertising and removes requirements for post-licence trainers (such as instructors providing advanced, defensive and recreational driving courses) to hold driving instructors' licences.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Drugs Misuse and Trafficking Act 1985		<p>Scheduling restrictions on the labelling, packaging and advertising of listed substances, and to whom a product may be sold and under what conditions.</p> <p>Licensing restrictions on the handling, storage and reporting requirements of controlled substances for wholesalers and retailers.</p>	<p>The Galbally Review of Drugs, Poisons and Controlled Substances issued a final report in January 2001, which concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. The report found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>The final report was presented to the Australian Health Ministers Conference (AHMC) in early 2001. An Australian Health Ministers Advisory Committee (AHMAC) working party is examining the report and (with input from the Primary Industries Ministerial Council) providing recommendations to CoAG.</p>	
Education Act 1990		<p>Sets conditions for the registration of non-government schools.</p> <p>Prescribes accreditation procedures for registered non-government schools wishing to present candidates for education certificates.</p>	<p>Review not commenced as this legislation was not included in the original LRP.</p> <p>NSW advised the Council that the legislation was the subject of two reviews in 1995 and that a review of the funding, regulation and accountability arrangements for non-government schooling is under way.</p>	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity (Pacific Power) Act 1950	EU	Provides for the constitution of Pacific Power and to define its principal objectives, powers, authorities, duties and functions. Amends and repeals certain other Acts.	Review not required. Government announced the established of a new state-owned corporation from Pacific Power's generation business in May 2000. The new corporation, Eraring Energy, commenced operations in August 2000.	The Act was repealed by the Pacific Power (Dissolution) Act which commenced on 1 July 2003.
Electricity Safety Act 1945	FT	Provides for the development of electricity supply; confers certain powers, authorities, duties and functions on the Energy Corporation of NSW; provides for the regulation of the sale and hiring of electrical apparatus and amends certain Acts.	Review completed in March 2002. Review recommended: that the legislation be retained; that government intervention regarding consumer electrical articles and installations is warranted and should be retained; and that the provisions applying to the safety of second-hand consumer electrical articles be retained.	The Government approved the review recommendations in May 2002. There are no NCP related changes to the legislation.
Electricity Supply Act 1995	EU	Regulates the supply of electricity in the wholesale and retail markets; and sets out the functions of persons engaged in the conveyance and supply of electricity.	Review to be undertaken after trends in the fully contestable retail market become clear. The Act does not contain anticompetitive provisions.	Extensive amendments were made to the Act in late 2000 to facilitate the introduction of full retail contestability for all electricity customers in NSW from 1 January 2002.
Electricity Transmission Authority Act 1994	EU	Establishes the NSW Electricity Transmission Authority and defines its functions.	Review not required.	Act repealed by s5 of the Energy Services Corporations Amendment (TransGrid Corporatisation) Act 1998 on 14 December 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Employment Agents Act 1996	FT	Licensing, entry requirements (fit and proper person, aged at least 18 years, suitable premises, no previous cancellation), the reservation of practice, and business conduct (separate licence for each premises, registered person in charge, no charge to jobseekers, maintenance of records, no misleading advertising).	Review completed. Final report completed in February 2001. Review recommended that the requirement to be licensed as an employment agent be abolished. It also recommended the repeal of the Act and the amendment of the Fair Trading Act 1987 to include specific consumer protection mechanisms in relation to the use of employment agents.	The Fair Trading Amendment (Employment Placement Services) Act 2002 repeals the Employment Agents Act 1996 and inserts specific consumer protection provisions relating to employment placement services into the Fair Trading Act.
Energy Administration Act 1987	EU	Establishes the Ministry of Energy and the Energy Corporation of NSW, and defines its functions.	Review not required.	Licence and approval requirements repealed by Electricity Supply Act 1995. Sections 35A and 35B dealt with as part of the structural reform of the gas industry.
Entertainment Industry Act 1989	IR	Licensing for entertainment industry agents, managers and venue consultants, and maximum fees for entertainment industry agent.	Review completed in 2003 and recommended retention of existing arrangements.	The Government endorsed the review recommendations in 2003.
Environmental Planning and Assessment Act 1979	Env	Controls the uses to which land may be put. Sets procedures for the issue of planning permits and approval.	The Government advised the Council in December 2002 that it had not listed this Act for review under the Competition Principles Agreement (CPA) and therefore did not intend to report on this legislation. It stated that it would continue to provide information on 30 planning and land use reform projects to the Council.	The Government has initiated a number of reviews to streamline, simplify and enhance planning functions across State, regional and local domains. These reviews will provide an opportunity to complete reforms of the planning and land use framework.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Environmentally Hazardous Chemicals Act 1985	Env	Provides for the control of the effect on the environment of chemicals and chemical waste. Constitutes the Hazardous Chemicals Advisory Committee.	Review completed in 1997. Dealt with under the Licence Reduction Program.	Act partially replaced by the Contaminated Land Management Act 1997.
Exhibited Animals Protection Act 1986	Ag	Requirements for licences and permits, with fees. Restricts breeding and trading of some animals. Imposes best practice welfare standards. Imposes requirements for educational components.	Review completed and final report submitted to the Minister for Agriculture in August 2002. The Act was reviewed in conjunction with the Non Indigenous Animals Act 1987.	Review recommended retention of regulation on net public benefit grounds.
Exotic Diseases of Animals Act 1991	Ag	Compulsory reporting of disease outbreaks. Prohibits or restricts the movement of animals, animal products and vehicles. Provides compensation for animals destroyed for disease-control. Bans introduction into the State of certain animals. Allows for destruction orders. Empowers inspectors to enter and search premises, and test and disinfect animals.	Review completed in July 2002 (part of a generic review of all plant and animal disease legislation).	Review recommended the retention of the Acts, based on net public benefit grounds.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1987	FT	Regulates the supply, advertising and distribution of goods and services and, in certain respects, the disposal of interests in land.	<p>Review, in conjunction with the Door to Door Sales Act 1967, completed in March 2002. Review found that the legislation was pro-competitive and that the regulatory arrangements for consumer protection have net public benefits. It recommended legislative amendments, however, to remove or reduce the effect of restrictions where these were not justified on public benefit grounds, including the removal of mandatory codes of practice for traders.</p> <p>The review also recommended repealing the Door to Door Sales Act, and amending the Fair Trading Act to streamline the existing disciplinary scheme, add consumer protections in relation to direct selling practices and change the existing consumer protection provisions to mirror those of the TPA.</p>	The Government accepted the review's recommendations in August 2002 and released the review report in September 2002. The Fair Trading Amendment Bill 2003 was introduced into Parliament on 21 May 2003 to effect these changes. The Bill was passed by Parliament on 3 July 2003 and assented on 22 July 2003.
Farm Debt Mediation Act 1994	Ag	The Act requires creditors to undertake mediation if a farmer chooses to exercise this statutory right, and requires that the mediator must be accredited.	<p>Review completed in December 2000. The review recommended the retention of mandatory requirements for mediation on farm debt, and also that:</p> <ul style="list-style-type: none"> • lenders be prohibited from enforcing mortgages for twelve months where found not to have participated in mandatory mediation in good faith; and • decisions of the Rural Assistance Authority in relation to mandatory farm debt mediation be subject to review by the Administrative Decisions Tribunal. 	The Government endorsed the review recommendations in November 2001. The Farm Debt Mediation Amendment Act 2002 was passed by the NSW Parliament in October 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Farm Produce Act 1983	Ag	Makes provision for the registration and regulation of farm produce merchants and farm produce agents.	Review completed. Review recommended the Act be repealed.	Act repealed by the Farm Produce (Repeal) Act 1996.
Fertilisers Act 1985	Ag	Requires registration of brand names for soil improving agents, composition standards and labelling.	Review, with other agvet legislation, completed in 1998. Review recommended: <ul style="list-style-type: none"> removing brand name registration; removing minimum content requirements; and retaining and strengthening of provisions relating to food safety, overseas market access requirements and environment protection. Examples include maximum composition standards for heavy metals and labelling requirements. 	Act amended in November 1999 as recommended.
Fisheries Management Act 1994	Ag	Licensing of fishers. Access to share managed fisheries by owning shares. Input controls on boats, gear, crew levels and fishing methods. Output controls such as total allowable catches, bag limits, size limits and prohibitions on taking certain species.	Review completed in 2001. The final report found that many of the Act's provisions restrict competition, but collectively their benefits exceed their costs, and fishery management objectives can only be achieved by restricting competition. However it also found that the benefits of two restrictions — fish receiver registration fees and licensing for recreational charter fishing boats — may not exceed their costs, and recommended that they be evaluated further. It also recommended that the objects of the Act be amended to include the recognition of socio-economic benefits to the wider community.	The objects of the Act were changed by the Fisheries Management Amendment Act 2001. The Government endorsed the review report in April 2002. The review did not reach firm conclusions on the benefits and costs of fish receiver registration fees, and licensing for recreational charter fishing boats. Therefore the Government is considering these matters further.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Food Act 1989	H	Provides for various food safety offences. Allows for the making of orders prohibiting or requiring conduct.	National review completed in 2000. It produced the model food Bill - a uniform regulatory framework for States and Territories. The Bill's core provisions adopt the Food Standards Code and set out various offences. Its noncore provisions include: <ul style="list-style-type: none"> • registration of all food businesses; • approval of food premises; and • contestable provision of audit and laboratory services subject to approval of providers. 	All States and Territories agreed in November 2000 to adopt core provisions of the model food bill by November 2001. NSW introduced amendments in 2003 — the Food Bill 2003 was assented in September 2003.
Forestry Act 1916		Licensing of timber harvesting. Licensing of sawmills. Permits for grazing, hunting or occupying State forest.	Not scheduled for NCP review but included in program of forest regulatory review.	Review led to new Forestry and National Park Estate Act 1998 and Plantations and Reafforestation Act 1999.
Friendly Societies Act 1989	Tr	Provides for the formation, registration, management and regulation of friendly societies.	Review not required.	Act repealed. In 1999, NSW reached agreement with the Australian Government regarding the transfer of prudential regulatory responsibilities for credit unions, building societies and friendly societies to the Australian Government. The Friendly Societies Reform (NSW) Act 1999 gives effect to this transfer.
Friendly Societies Dispensaries Enabling Act 1945	H	Enables Friendly Societies to operate pharmacies.	Review completed in 1997.	Act repealed and relevant provisions incorporated into the Pharmacy Act 1964 (reviewed as part of the national review of pharmacy legislation).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Funeral Funds Act 1979	FT	Controls and regulates contributory and pre-arranged funeral funds.	<p>Review completed in November 2001. Review found that the impact of the legislation on competition was not significant. Review established a net public benefit case for retaining key consumer protections such as ensuring industry participants are of fit character and clarifying consumer rights in pre-paid contracts. Proposed new legislation would remove restrictions on funeral directors where these are not justified on public benefit grounds. These restrictions cover:</p> <ul style="list-style-type: none"> • the minimum and maximum numbers of fund directors and trustees; • the nomenclature of funeral funds; and • a cap on management fees and benefits paid. 	A Bill to remove the restrictions on funeral directors which were identified in the NCP review as not justified on public benefit grounds was assented on 6 November 2003.
Funeral Services Industry (Days of Operation) Act 1990	IR	Regulates the days of operation of businesses providing funeral, burial or cremation services.	Review not required.	Act repealed and replaced by the Funeral Services Industry (Days of Operation) Act 2000.
Gambling (Two-up) Act 1998	GR	Act prescribes the rules of Two-up, and the circumstances under which it may be played. Two-up is permitted to be played on Anzac Day, in Broken Hill and at the Sydney casino.	Review completed. Retention of restrictions justified as being in the public benefit.	Reform not required.
Gambling Legislation Amendment (Responsible Gambling) Act 2000	GR	Conduct, operations, and code of conduct.		New legislation. Harm minimisation reforms for gaming, casinos, TAB and lotteries.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming and Betting Act 1912	GR	Consolidates Acts relating to games, wagers and betting houses, the restriction of race meetings and the licensing of racecourses.		Act repealed and remade in three parts to be separately reviewed: <ul style="list-style-type: none"> • the Racing Administration Act 1998; • the Gambling (Two-up) Act 1998; and • the Unlawful Gambling Act 1998. Review of the Racing Administration Act and Gambling (Two-up) Act completed. Review of the Unlawful Gambling Act is not required, as it is a criminal Act not subject to NCP. See separate entries.
Gaming Machine Act 2001	GR	Harm minimisation measures, exclusive gaming machine investment licence granted to the NSW TAB.	Review by the Department of Gaming and Racing completed and publicly released in June 2003. It found a net public benefit from the Act's harm minimisation measures. Review recommended the continuation of a Statewide cap and venue caps, differential caps for clubs and hotels.	
Gas Industry Restructuring Act 1986	EU	Makes provision with respect to the structure of AGL.	Review not required.	Act repealed by the Gas Supply Act 1996, which corporatised AGL.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Supply Act 1996	EU		Act subjected to a far-reaching review to ensure that the regulatory framework would support a fully contestable retail market.	Major amendments were made to the Act in 2001 to enhance consumer protection for small retail customers; to regulate the effective operation of the competitive gas retail market; and to promote convergence between the gas and electricity markets. NSW was the first state to implement full retail competition for all gas customers, in January 2002.
Government Guarantees Act 1934	Tr	Validates certain guarantees given to certain banks, authorises the Treasurer to execute certain guarantees.	NCP review completed in 2000. Review concluded that, while there are no provisions which explicitly impose a restriction on competition, it is possible that the Act could be applied in such a way to potentially confer anticompetitive outcomes. The main means by which competition can be restricted is when guarantees are provided on behalf of a business that is operating in a competitive or contestable market. The guarantee, which would effectively lower borrowing costs, could confer an advantage to that particular business over its competitors.	Review considered and endorsed by the Government. A Treasury Circular was issued (see Treasury Circular 00/22 issued on 29 September 2000) in line with the findings of the review, that advice submitted to a Minister advising the Treasurer or the Treasurer, recommending whether to execute a Government guarantee within the terms of the Act, must address the wider public interest including any impacts on competition. The Circular includes all of the matters to be taken into account in assessing the net public benefits as set out in Clause 3 of the CPA.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Grain Marketing Act 1991	Ag	Establishes the NSW Grains Board, vests ownership of all barley, sorghum, oats, canola, safflower, sunflower linseed and soybeans grown in the State in the Grains Board, and confers upon it monopoly marketing rights.	<p>NCP review by government/industry panel completed in July 1999. It recommended that restrictions on:</p> <ul style="list-style-type: none"> • all domestic sales be removed, by no later than 31 August 2001 for malting barley and by no later than 31 August 2000 for all other grains; • export sales of feed and malting barley remain for only overseas markets where market power or access premiums can be demonstrated, to be reviewed again by 31 August 2004; and • export sales of all other grains be removed by 31 August 2001 for canola and by 31 August 2000 for sorghum, oats, safflowers, linseed and soybeans. 	<p>In October 2000 the Government announced that it would retain restrictions until October 2005 on:</p> <ul style="list-style-type: none"> • domestic sales of malting barley; • all export sales of feed and malting barley; and • all export sales of sorghum and canola. <p>The Grain Marketing Amendment Act 2001 gives effect to the Government's decision. The Board's wide-ranging powers over all other commodities were deregulated.</p>
Greyhound Racing Authority Act 1985	GR	Establishes the controlling body for this code. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so.	<p>Review completed in 2001. Part of omnibus review of racing and betting legislation. See the Racing Administration Act 1998.</p>	<p>See the Racing Administration Act 1998.</p> <p>In March 2002, the Government also approved a restructure of the Greyhound Racing Authority and Harness Racing in NSW, which will separate the regulatory and commercial functions and phase in the integration of regulatory functions of both codes into a single body.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Harness Racing Act 1977	GR	Establishes the controlling body for this code. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so.	Review completed in 2001. Part of omnibus review of racing and betting legislation. See the Racing Administration Act 1998.	See the Racing Administration Act 1998. In March 2002, the Government also approved a restructure of the Greyhound Racing Authority and Harness Racing in NSW, which will separate the regulatory and commercial functions and phase in the integration of regulatory functions of both codes into a single body.
Hawkers Act 1974	FT	Licensing, and business conduct.	Review completed.	Act repealed by the Pawnbrokers and Second Hand Dealers Act 1996.
Higher Education Act 1988		Provides for the approval of courses of study as advanced education courses.	Act not included in LRP. NSW advised the Council that the Act has been amended following a review that involved extensive consultations with external stakeholders, including private providers and the university sector.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Home Building Act 1989 (Previously called the Building Services Corporation Act 1989)		Licensing, registration, entry requirements (qualifications or pass exams, experience, age, character), the reservation of practice (building work, electrical wiring work, plumbing and drainage work, roof plumbing work, refrigeration work, air-conditioning work), business conduct (including insurance for building work over \$5000 from approved private insurer), and business licensing.	<p>Review completed in March 1998. Review recommended reforms to remove unnecessary components of the licensing system, subject to an assessment of the expected impact on the home warranty insurance scheme. Consultations concluded that some licensing requirements were needed to underpin the insurance system.</p> <p>The Government released a White Paper in February 2001 proposing: a tighter licensing system; faster disciplinary process; increased penalties for noncompliance; changes to insurance scheme; an early intervention dispute resolution system; and strategies to raise consumer awareness of available remedies when things go wrong.</p> <p>A further independent review of the home warranty insurance scheme was undertaken in 2003 (the Gullman report) and released in October 2003. It recommended improved consumer protection by tightening builders licensing, reforming insurance regulation and establishing a scheme board and advisory council.</p>	<p>NSW passed the Home Building Legislation Amendment Act 2001 in July 2001. Most of the provisions in the Act have now commenced. On 12 March 2002, the NSW and Victorian governments announced the harmonisation of the two States' home warranty insurance schemes, with reforms that will provide ongoing protection for home owners. Further changes to home warranty insurance (agreed with Victoria) were implemented in the Home Building Amendment (Insurance) Act 2002, which commenced on 1 July 2002.</p> <p>The Government has announced that it accepts the 2003 Home Warranty Insurance Inquiry report. Implementation is expected in 2004.</p>
Homing Pigeons Protection Act 1909	Ag	Provides for the protection of homing pigeons during flights.	Review completed in 1996.	Act repealed.
Horticultural Stock and Nurseries Act 1969	Ag	Registration of certain nurserymen and resellers of horticultural stock. Regulates the sale or propagation of certain horticultural stock.	Review completed in 2000.	Act repealed in December 2000 by the Horticultural Legislation Amendment Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Human Tissue Act 1983	H	Restrictions relate to blood donation and the supply of blood products. Restricts the supply of blood to 'exempt suppliers', and requires the consent of donors and the completion of a donor's declaration form, and restricts the premises at which blood can be collected.	Review of blood donation and the supply of blood and blood products completed in 2001. Review recommended the retention of restrictions on the collection of homologous blood in the interests of public health. It also recommended the removal of restrictions on autologous blood.	The Government agreed in February 2002 to remove restrictions on autologous blood. A Bill giving effect to the blood amendments is being drafted.
Industrial Relations Act 1991	IR	Restates and reforms the law concerning industrial relations.	Review completed in 1996.	Act repealed and replaced by the Industrial Relations Act 1996. Regulation of employment agents was separated from the Industrial Relations Act into the Employment Agents Act 1996. The Employment Agents Act was repealed in 2002.
Innkeepers Act 1968	GR	Make provisions with respect to certain rights and liabilities of innkeepers and persons having dealings with innkeepers. The Act makes a distinction between "inns" and other accommodation providers. It gives innkeepers limited liability with respect to guests' property.	Review completed in 2000. Review recommended that the current Act should be retained, as it is procompetitive. However, if there were to be a new Act, it should be written in conjunction with other Australian jurisdictions.	The NSW Government accepted the review recommendation that the Act be retained. In addition, in February 2001, NSW forwarded the review's final report to the Tourism Ministers' Council. In July 2001, the Council established an Inter-Departmental Committee to develop recommendations to attain consistent liability for innkeepers across Australia. There are no outstanding NCP issues for NSW to address.
Land Development Contribution Act 1970	IP	Levies a contribution in relation to certain land within the Sydney region.	Review not required. The Act was introduced to collect contributions from developers who benefit from rezoning. The Act has not been used to collect contributions for several years.	The subordinate legislation, which provided the power to collect contributions, has been repealed. The Government has also agreed to repeal the Act.

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Legal Profession Act 1987	AG	Licensing, registration, reservation of title and practice, disciplinary processes, and business conduct (including professional indemnity insurance monopoly, advertising (must not be false, misleading or deceptive) and mandatory continuing legal education).	Review completed in 1998. Review recommendations included allowing incorporation of legal practice and allowing competition in professional indemnity insurance.	Reforms have been completed except for issues related to the national model laws project and professional indemnity insurance. Restrictions on incorporation and multidisciplinary practices have been removed. Legislation providing for voluntary membership of professional associations, accreditation of training schemes and automatic recognition of interstate lawyers has been implemented. New regulations prohibit advertising for all personal injury legal services.
Library Act 1939 (Library Regulation 1995)	A	Makes further provisions for the establishment, maintenance and management of libraries, library services and information services and creates certification scheme for librarians.	Review completed.	Certification scheme abolished.
Liquefied Petroleum Gas Act 1961 Liquefied Petroleum Gas (Grants) Act 1980	EU	Regulates the supply of liquid petroleum gas (LPG).	Review completed in 1996.	Act repealed by the Gas Supply Act 1996.

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Liquor Act 1982 Part 1 of 2, Gambling	GR	Regulates the use and supply of gaming machines.	Preliminary review, in conjunction with the Registered Clubs Act 1976, completed. This work was then overtaken by the Government's Gaming Reform Package, announced on 26 July 2001. NCP principles were addressed as part of the policy development process. Public benefit issues were addressed in a report that is currently being considered by the Government.	The Gaming Reform Package is given effect by the Gaming Machines Act 2001. This Act simplifies and streamlines the regulatory structure for the control and management of gaming machines in NSW. The primary objective of the Gaming Reform Package is harm minimisation. The package, however, also incorporates a market-based approach designed to give registered clubs and hotels greater flexibility.
Liquor Act 1982 Part 2 of 2, Liquor Licensing	GR	Regulates the sale and supply of liquor and regulates the use of premises at which liquor is sold. Needs test is contained in s 45 which allows objection to the grant of a licence on the grounds that needs of the public can be met by existing facilities.	Combined review of liquor and club management provisions completed. See also the Registered Clubs Act 1976. Preliminary report completed. On 22 April 2002, the Government approved the release of a discussion paper outlining a range of possible reform options.	The Government introduced legislation in February 2004 to replace the needs test with a social impact assessment.
Local Government (Theatre and Public Halls) Amendment Act 1989	LG	Amends the Local Government Act to make provision for approval and regulation of places of public entertainment and certain structures.	Review completed.	Dealt with under the Licence Reduction Program. Licence retained as issues of public safety outweigh costs.

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Local Government Act 1993	LG	Act has some restrictions such as: <ul style="list-style-type: none"> • approval to operate businesses such as a mortuary or an undertakers business; • the ability of councils to provide goods, services, and other facilities pursuant to section 24 of the Act. 	Review completed in 2001. Review recommended the removal of a number of anticompetitive restrictions on both council businesses and other bodies. For example, the review recommended that the Act be amended to: <ul style="list-style-type: none"> • allow Councils to vary fees for businesses and contestable regulatory activities in accordance with a predetermined costing methodology; and • lift restrictions on the use of revenue from community land. 	In February 2002, the Government approved amendments to the Act in line with the review's recommendations. Amending legislation was passed by Parliament in May 2003 and assented on 2 June 2003.
Lord Howe Island Act 1953 and Lord Howe Island Regulation 1994	Env	Section 23 gives preference to Islanders who can buy property at valuation by Valuer General.	Final report completed in May 2000.	The Government has established an Inter-Departmental Committee to develop a response to the review recommendations, including socio-economic impact assessment. The Government introduced amendments to Parliament on 29 October 2003.
Lotteries and Art Unions Act 1901	GR	The Act imposes general restrictions that limit the opportunity to profit from the conduct of community gaming to charities and other non-profit organisations.	Review, in conjunction with the Charitable Fundraising Act 1991, completed.	Minor reform, including in principle agreement to allowing 'foreign' lotteries by community-based organisations to be conducted in NSW, removing the restriction on cash prizes for trade lotteries and negative licensing be considered for games of chance conducted by licensed clubs. The Lotteries and Arts Unions Amendment Act 2003 was passed in Parliament in June 2003 and assented in July 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lotto Act 1979	GR	Regulates the conduct of lotto in NSW.	Review not required. Refer to the Public Lotteries Act 1996.	Act repealed.
Marine (Boating Safety - Alcohol & Drugs) Act 1991	TS		Review not required. Act assessed as not restricting competition.	Act repealed and replaced by the Marine Safety Act 1998.
Marine Pilotage Licensing Act 1971	TS	Provides for licensing of pilots.	Review not required.	Dealt with under licence reduction program. Ten licences and permits abolished from 2 February 1997. Legislation subsequently repealed and replaced by the Marine Safety Act 1998.
Marine Safety Act 1998	TS	Regulates the use of vessels, motors, marking of load lines and the carriage of certain equipment. Provides for licensing of pilots and navigation requirements. The Act repeals and consolidates the following legislation: the Commercial Vessels Act 1979; the Maritime Services Act 1935; the Marine Pilotage Licensing Act 1971; the Marine (Boating Safety - Alcohol and Drugs) Act 1991; and the Navigation Act 1901.	The Act remains uncommenced because the Government has not finalised the related Regulation on marine safety. The Australian Government is yet to provide NSW with advice on a review of the Uniform Shipping Laws Code, which provides common national safety standards for commercial vessels. An NCP review of the Act has commenced and is expected in early 2004.	The Government anticipates that some amendments to the Act (for example, making provisions relating to alcohol that are consistent with those applying to road users, will be introduced to Parliament in 2004. If these are passed, all those provisions of the Act not dependent on finalisation of the Uniform Shipping Laws Code will be commenced. This represents the bulk of the Act.
Maritime Services Act 1935	TS	Provides for the constitution of the Maritime Services Board of NSW and its powers.	Review not required.	Act repealed and replaced by the Marine Safety Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marketing of Primary Products Act 1983	Ag	Relates to the marketing of certain primary products and provides for the establishment of marketing boards in relation to certain of those products, and to enable the making of marketing orders.	Review not required because the three marketing authorities constituted by the Act are under separate reviews.	The Act will be repealed if and when the marketing authorities terminate or are reconstituted under other legislation.
Meat Industry Act 1987	Ag	Licences farmers and meat processors.	Review completed in 1998.	Licensing and inspection provisions were replaced by the Food Production (Meat Food Safety Scheme) Regulation 2000.
Medical Practice Act 1992	H	Entry, registration, title, practice, and disciplinary provisions.	Review completed in December 1998. Review recommendations include insertion of an objectives clause, greater clarity for entry requirements and the disciplinary system. Recommended removal of business and practice restrictions.	The Medical Practice Amendment Act 2000 passed in July 2000 in line with review recommendations.
MIA Citrus Fruit Promotion Marketing Committee (established under the Marketing of Primary Products Act 1983)	Ag	The Act imposes a compulsory charge on producers of citrus in the Murrumbidgee Irrigation Area (MIA) to fund a range of industry service functions, such as pest control, research and promotion (i.e. it has no vesting powers).	Review completed. The NCP review found that the charge arrangements were justified and recommended retention of the Committee. The Government decided that the Committee should continue its role of providing various services to growers subject to limiting its role in representing the industry.	In March 1998, a grower poll supported the proposed arrangements and the Committee was re-established for a further four-year term. In March 2002, the Committee was re-constituted under the Agricultural Industry Services Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
MIA Wine Grapes Marketing Board (established under the Marketing of Primary Products Act 1983)	Ag	Constitutes the MIA Wine Grapes Marketing Board — a statutory marketing authority responsible for the marketing of MIA wine grapes and representing the interests of growers. The main restrictions were vesting and price setting powers.	<p>First NCP review completed in 1996. Review recommended that the Board's vesting power not be continued beyond 30 November 1996 and that the Board become an industry service organisation, using existing powers under the Marketing of Primary Products Act 1983.</p> <p>In 2000, the Board proposed new powers and functions. This proposal was assessed in a second NCP review, completed in November 2001. It recommended that the Board have the power to set and enforce terms and conditions of payment to growers. The Board would also carry out industry service functions, funded through compulsory levies from growers. Its powers would not be extended beyond June 2007 without a further review.</p>	Following the second NCP review, the Government decided to enact stand-alone legislation to give the Board the power to set terms and conditions of payment. The Wine Grapes (Reconstitution) Bill was assented in December 2003. The Bill provides the Board with sunsetted powers to set terms and conditions of payment until 31 December 2007, in accordance with the recommendations of the NCP review.
Mines Inspection Act 1901 (1) Coal Mines Regulation Act 1982 (2)	MR	<p>(1) Makes provision for the regulation and inspection of mines, other than coal and shale mines, and regulates the treatment of the products of such mines.</p> <p>(2) Regulates coal mines (and oil shale and kerosene shale mines) and certain related places.</p>	Review under way as part of a general review of mine safety regulation, expected to be completed shortly.	The Coal Mining Regulation Act repealed and replaced by the Coal Mine Health and Safety Act 2002. NSW proposes to introduce legislation in 2004 to repeal and replace the Mines Inspection Act.
Mining Act 1992	MR	Licensing of mineral exploration and extraction.	Licensing requirements dealt with under the Licence Reduction Program. Other restrictions considered in mine safety review.	Act amended following the enactment of the Coal Mine Health and Safety Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Monopolies Act 1923	AG	Amends the law in relation to monopolies and restraint of trade.	Review completed.	Act repealed.
Motor Accidents Act 1988 and Motor Vehicles (Third Party Insurance) Act 1942	C	Mandatory insurance, licensing of insurers, and file and write premium settings.	Review, in conjunction with the Motor Vehicles (Third Party Insurance) Act 1942, completed in 1997. Review recommended scheme design changes and insurers filing premiums with the Motor Accidents Authority.	Legislation passed in line with recommendations.
Motor Dealers Act 1974 No 52 and Motor Vehicles Repair Act 1980	FT	Licensing (motor dealer, wrecker, wholesaler, motor vehicle parts reconstruction, car market operator, motor vehicle consultant), entry requirements (fit and proper person, sufficient financial resources, dealer qualifications and expertise or experience), the reservation of practice, disciplinary processes, and business conduct (record keeping, motor dealers compensation fund).	Review completed. Review recommendations included: allowing licensees to operate from more than one place of business; and keeping registers of stock and parts only at one place of business where multiple locations are operated by one licensee.	The Government accepted the review recommendations, with amendments made by the Motor Trades Legislation Amendment Act 2001. This Act has now commenced.
Motor Vehicle Sports (Public Safety) Act 1985	TSR	Makes provision for the control and regulation of meetings for motor vehicle racing.	Review completed.	It is anticipated that the Government will make a decision on the review recommendations in 2004.

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Murray Valley Citrus Marketing Act 1989	Ag	<p>Constitutes a joint NSW-Victorian Murray Valley Citrus Marketing Board.</p> <p>Imposes a compulsory charge on citrus producers in the Murray Valley.</p> <p>Power (unused) to set minimum quality standards and minimum prices.</p>	<p>Joint review with Victoria completed in August 1999. Report recommended that:</p> <ul style="list-style-type: none"> • legislation should continue to underpin the operations of the Board; • core functions which provide benefits of a 'public good' nature continue to be funded by a compulsory levy where growers vote this to be beneficial; and • any future legislation should clearly reflect the purpose of the Board in facilitating marketing and enhancing technological innovation. 	<p>The Victorian and NSW Governments agreed in principle to reconstitute the Board through an extra-territorial agreement. The new Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002 establishes the necessary legislative structure.</p>
Murray Valley Wines Grapes Industry Development Committee and the Murray Valley Wine Grapes Industry Negotiation Committee (under the Marketing of Primary Products Act 1983)	Ag	<p>Collective bargaining to establish recommended contract prices and terms.</p>	<p>Joint review with Victoria completed in 1999.</p>	<p>The Murray Valley Wine Grapes Industry Negotiation Committee, whose term of office expired in November 1998, was not renewed. The Murray Valley Wine Grapes Industry Development Committee was re-constituted as an Industry Service Committee under the Agricultural Industry Services Act 1998.</p>
National Parks and Wildlife Act 1974	Env	<p>Consolidates and amends the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas, as well as the protection of certain fauna, native plants and Aboriginal relics.</p>	<p>Licensing under the Act reviewed under the Licence Reduction Program. Review recommended retaining the licensing without modification.</p>	<p>Licensing under this Act will be included in the NSW Government's 2004 OnLine Licence Program which will result in a major compliance cost reduction.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
National Rail Corporation (Agreement) Act 1991	TS	Approves and gives effect to an agreement between NSW, the Australian Government and other States relating to the National Rail Corporation Ltd.	National Rail privatised in February 2002. During the pre-sale process, shareholders agreed to remove the restriction in s.7 of the Act which prevented the corporation from carrying intrastate freight. Further review not required.	Section 7 repealed in August 2000.
Navigation Act 1901	TS	Provides for navigation signalling and mooring requirements for vessels in NSW, and safety requirements including seaworthiness.	Review not required.	Act repealed and provisions incorporated into the Marine Safety Act 1998.
Non-Indigenous Animals Act 1987	Ag	The Act restricts competition by requiring licences and permits, and payment of fees. There are also restrictions on trading of higher-risk exotic animals and security standards.	Review, in conjunction with the Exhibited Animals Protection Act 1986, completed and final report submitted to the Minister for Agriculture in August 2002.	The NCP review recommended retention of the Act on net public benefit grounds.
Noxious Weeds Act 1993	Ag	Requires control of declared noxious weeds. Restricts the sale of declared noxious weeds. Restricts movement of material containing notifiable noxious weeds. Requires cleaning and inspection of agricultural machinery at the Queensland border. Regulates the supply of materials, equipment and services by local control authorities.	Review completed in October 1998.	The Government has been considering a range of options. It is anticipated that the Government will make a decision on the review's final report during 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
NSW Lotteries Act 1990	GR	Regulates the conduct of lotteries in NSW.	Review not required.	Act repealed and replaced by the NSW Lotteries Corporatisation Act 1996 and the Public Lotteries Act 1996.
NSW Lotteries Corporatisation Act 1996	GR	Establishes the NSW Lotteries Corporation as a statutory State-owned corporation to develop, promote, conduct and otherwise participate in any lawful forms of gambling and gambling-related activities.	The Act not listed for NCP review as part of the Government's 1996 LRP. Statutory review incorporating an assessment of NCP issues completed in December 2002. The reviews considered that there would be a net public cost in repealing the exclusive licence provisions before their expiry date. To reduce the period might undermine the licensee's financial viability. Also, lifting the restrictions in the absence of a national market would pose a significant competitive disadvantage to NSW and result in a transfer of lottery gaming activity and revenue to other States.	Government endorsed the review recommendations.
Nurses Act 1991	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed. Review recommended that nurses and midwives continue to be regulated. However, it also recommended the relaxation of practice restrictions in the area of midwifery. A separate review of nurse practitioner provisions completed in 2000.	The Government approved the review recommendations. Amending legislation giving effect to the recommendations was introduced to Parliament in May 2003, passed in June 2003 and assented in September 2003. NSW has also enacted legislation allowing for advanced nurse practitioners to have limited prescribing and referring rights.
Nursing Homes Act 1988	H	Provides for the licensing and control of nursing homes.	Review completed in March 2003.	It is anticipated that the Government will consider the review recommendations during 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Occupational Health and Safety Act 1983	IR	To secure the health, safety and welfare of persons at work and to amend certain other Acts.	Review completed as part of the RIS for the Occupational Health and Safety Regulations 2001. RIS publicly available.	Replaced by the Occupational Health and Safety Act 2000 and the new consolidated Occupational Health and Safety Regulation 2001 enacted on 1 September 2001. A range of prescriptive regulatory controls have been replaced by a performance-based, risk management approach.
Optical Dispensers Act 1963	H	Restriction on registration, entry, title, and disciplinary provisions.	Review not required.	Consideration of competition policy issues by the Australian Government-State review of partially regulated occupations.
Optometrists Act 1930	H	Restrictions on entry, registration, title, practice, ownership, and disciplinary provisions.	Review completed in December 1999 and released in April 2001. Recommendations included removing ownership restrictions, limiting reserved practice and extending prescribing rights.	Bill introduced into NSW Parliament 23 October 2001, and then lapsed with the proroguing of Parliament on 23 February 2002. Amended Bill introduced in May 2002 and was enacted as the Optometrists Act 2002. This Act implements most of the review recommendations, but retains restrictions on ownership of optometry businesses (contrary to the review recommendations).
Osteopaths Act 2001	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Report into preceding legislation completed in January 2000. Recommended separation of Acts, removal of minimum age criteria, reserved practice provisions to be moved to the Public Health Act, changes to administration and disciplinary processes and removal of most restrictions on advertising.	New Act passed in April 2001 in line with recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Ozone Protection Act 1989 (renamed the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989)	Env	Empowers the regulation and prohibition of the manufacture, sale, distribution, use, emission, recycle, storing and disposal of stratospheric ozone depleting substances and articles, which contain those substances.	Review completed. Dealt with under the Licence Reduction Program.	Licensing under the Ozone Protection Act 1989 retained. This licensing supports international environmental protection obligations. Australia became a signatory to the Montreal Protocol on Substances that Deplete the Ozone Layer on 8 June 1988.
Parking Space Levy Act 1992	TS	To discourage car use in business districts by imposing a levy on off-street parking and using the revenue to develop infrastructure and encourage the use of public transport.	Review completed.	Act retained on the basis that competition restrictions were notional only.
Partnerships Act 1892	AG	Regulates partnerships.	The Act largely restates common law on partnerships. An initial issues paper found a full review was not required. Tasmanian review of similar legislation confirmed current arrangements.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Passenger Transport Act 1990	TS	Regulates public transport services - buses, taxis and hire cars, and ferries. Limits the number of taxi and hire car licences.	<p>Buses: In July 2003, the Minister for Transport Services appointed The Hon Barrie Unsworth to review bus services in NSW. The review's Interim Report was released on 17 November 2003. It proposed a number of strategies for Government consideration concerning bus network and service planning, contracting and funding arrangements, fares, ticketing and concessions. Mr Unsworth's Final Report is expected to be released in February 2004. A Government response to the Report's recommendations will be issued at the same time.</p> <p>Ferries: The Minister of Transport has established an interagency working party to ensure that issues of competitive neutrality in the charter and Harbour tourism industry are adequately addressed in the operations of the newly established Sydney Ferries Corporation.</p> <p>Taxis/hire cars: Review by IPART completed in 1999, recommending deregulation of the hire car industry. IPART identified net benefits from deregulating taxis, but favoured a long transitional period. Hence it recommended issue of 5 per cent of new licences annually from 2000-2005, and a further review in 2003. The Ministry of Transport is currently undertaking a review of the taxi licensing system to identify ways to make the industry more flexible and attractive to new entrants. The Government expects the review to be completed by early 2004.</p>	<p>Buses: If the Government accepts the major recommendations of the Unsworth Report, extensive changes to the Passenger Transport Act will probably be required.</p> <p>Ferries: The operations of Sydney Ferries have been separated from the State Transit Authority, which operates Sydney Buses, and passed to a state owned corporation, Sydney Ferries Corporation. This will allow for greater transparency in government funding support for Sydney ferry services and a more commercial approach to the provision of those services. The Corporation will formally commence operation in July 2004.</p> <p>Taxis/hire cars: The Government has asked the Taxi Advisory Committee to consider reforms to Sydney taxi services. Annual hire car licence fees have been significantly reduced and non-safety critical vehicle criteria have been removed.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pathology Laboratories Accreditation Act 1981	H	Licensing.	Review completed.	Act repealed.
Pawnbrokers and Second Hand Dealers Act 1996	FT	Licensing (pawnbrokers, second-hand dealers for prescribed goods), registration, entry requirements (aged over 18 years, not mentally incapacitated, not undischarged bankrupt, no conviction of dishonesty offence in past 10 years), the reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, computer records, public auction of unredeemed goods over \$50, minimum redemption period of three months, operation from fixed premises; second-hand dealers: prescribed records, computer records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Final report completed in 2001, and released for public consultation in May 2002. Recommendations included updating the list of prescribed goods covered by the Act, requiring licensees to be 'fit and proper', clarifying record-keeping requirements and specifying the information that licensees must provide to pawners. It also recommended that the Department of Fair Trading continue to monitor the prescribed goods list (to ensure it covers high risk goods) as well as exemptions (to ensure it does not cover low risk goods).	Recommendations were implemented by the Pawnbrokers and Second-hand Dealers Amendment Act 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Payroll Tax Act 1971	Tr	Imposes a tax upon employers in respect of certain wages and provides for the assessment and collection of the tax.	The registration requirement of the Act reviewed under the Licence Reduction Program. The review found that the registration satisfies a legal requirement on employers to advise the Chief Commissioner when liability for pay-roll tax first occurs. The registration also enables checking for unpaid tax liability. The review found that a reduction in the already small amount of information sought from employers would affect the Office of State Revenue's ability to administer the Act, and would affect its capacity to detect avoidance. The review also found that there is a need to retain the requirement for employers to register to maintain uniformity with other states.	The NSW Government therefore retained the registration requirement.
Pesticides Act 1978 (part 7)	Env	Controls the sale, supply, use and possession of pesticides, the aerial application of pesticides and residue in foodstuffs.	Review with other agvet legislation completed in 1988. Review recommended expanding certain powers to provide for consistent controls on chemical-affected plants and animals.	Act repealed and replaced by the Pesticides Act 1999, in line with the recommendations.
Petroleum (Onshore) Act 1991	MR	Regulates the search for, and mining of, petroleum.	Review completed. Dealt with under the Licence Reduction Program.	Authority for exploration retained. Business compliance costs minimised.
Petroleum (Submerged Lands) Act 1982	MR	Relates to the exploration for, and exploitation of, undersea petroleum resources. This legislation forms part of a national scheme.	Some parts dealt with under the Licence Reduction Program. National review completed in 1999-2000. Endorsed by Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	The Government is awaiting the introduction of amendments by the Australian Government in 2004 before amending its own legislation.

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Petroleum Products Subsidy Act 1965	Tr	Implements an Australian Government scheme for the subsidisation of fuel transport costs in rural areas.	Review not required. The Act only enables NSW to provide administrative arrangements for the payment of Australian Government subsidies to distributors of petroleum. It does not involve the imposition of any restrictions on competition by the NSW Government.	
Pharmacy Act 1964	H	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, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions. CoAG referred the national review to a senior officials working group, which recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies).	A Bill to implement the review recommendations is currently being drafted.
Physiotherapists Act 2001	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.		Act replaced the Physiotherapists Registration Act 1945.

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Physiotherapists Registration Act 1945	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in March 2001. Review made 28 recommendations, including that an objectives clause be inserted, that title be restricted, that spinal manipulation and electrotherapeutic treatments be reserved, that the minimum age requirement be repealed, that advertising restrictions be reduced, and changes to the board and disciplinary structures.	Act replaced by the Physiotherapists Act 2001 which received Governor's assent in October 2001.
Pipelines Act 1967	EU	Relates to the construction, operation and maintenance of pipelines.	Review completed. Review report concluded that the legislation does not contain any significant anticompetitive provisions.	Act retained without reform.
Plant Diseases Act 1924	Ag	Permits declaration of quarantine areas and establishment of quarantine stations for plants. Allows control of the storage and movement of some items. Inspectors have powers to enter and search premises, and seize and destroy plants.	Review completed July 2002 (part of a generic review of all plant and animal disease legislation).	Review recommended the retention of the Acts, based on net public benefit grounds.
Podiatrists Act 1989	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review commenced in 1999. Draft final report completed and the Government consulted with stakeholders. Final report completed in March 2003. The main reform proposed is to replace the current whole-of-practice restrictions on podiatry with three core practice restrictions, which would allow podiatrists, nurses and medical practitioners to carry out certain foot treatments.	The Government introduced an exposure draft of the Podiatrists Bill 2003 into the Legislative Assembly on 1 July 2003. The Bill will repeal and replace the Podiatrists Act 1989. The Bill was passed by Parliament on 12 November 2003 and assented in November 2003.

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Poisons and Therapeutic Goods Act 1966	H	Regulates, controls and prohibits the sale and use of poisons, restricted substances, drugs of addiction and certain dangerous drugs.	National review under way. Draft review report completed on 11 September 2000. Final review report given to the AHMC in early 2001 and under consideration by the AHMAC. The report found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.	AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council and AHMAC sent it to the AHMC in July 2003. The AHMC will forward it to CoAG.
Ports Corporatisation and Waterways Management Act 1995	TS	Establishes statutory State-owned corporations to manage the State's major port facilities; transfers waterways management and other marine safety functions to the Minister; establishes the Waterways Authority and provides for port charges, pilotage and other marine matters.	Statutory and NCP reviews completed in December 2001. Reviews found public benefits from the Act.	The Government does not propose any changes to the legislation.
Poultry Meat Industry Act 1986	Ag	Prohibits supply of chickens unless under an agreement approved by the Poultry Meat Industry Committee.	First review completed in mid-2000. Second review completed in November 2001. The second review concluded that the Act involves a net public cost, however the benefits to individual consumers from deregulation would be marginal.	In November 2001, the Government announced it would not be changing the regulations under which poultry growing prices are determined. The Poultry Meat Industry Amendment (Price Determination) Act 2002 authorises contract growing agreements entered into by poultry meat growers and processors for the purposes of the Act. These agreements are protected from challenge under the Trade Practices Act.

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Poultry Processing Act 1969	Ag	Registration of plants in which poultry is processed for sale. Minimum standards in the slaughtering and processing of poultry.	Review completed in conjunction with the Meat Industry Act 1987.	Act repealed on 1 July 1999 when the Meat Industry Amendment Act 1998 commenced. Food safety regulation of the NSW poultry industry is now provided through the Food Production (Safety) Act 1998 and the Food Production (Meat Food Safety Scheme) Regulation 2000.
Prevention of Cruelty to Animals Act 1979	Ag	Controls or prohibits certain activities associated with animal breeding, animal husbandry, entertainment, veterinary services, animal derived production and processing and transportation. Imposes compliance costs. Authorises a range of direct interventions by regulatory officials and courts.	Review completed and the final report submitted to the Minister for Agriculture.	The review recommended retention of the key restrictions of the Act based on net public benefit grounds.
Prices Regulation Act 1948	FT	Makes provision for the regulation of prices and rates of certain goods and services.	Review completed in 1996.	The Prices Commission was abolished and prices regulation powers transferred to IPART. The requisite amendment giving effect to the proposed transfer of powers was enacted in mid-2000.
Prickly Pear Act 1987	Ag	Provides for the control and destruction of Prickly Pear.	Review completed.	Act repealed and replaced by provisions under the Noxious Weeds Act 1993.

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Private Hospitals and Day Procedures Centres Act 1988	H	Licensing and conduct.	<p>The Interim Report of the review released in May 2002 and is publicly available. The Interim Report included a number of recommendations to remove regulatory restrictions on private hospitals and day procedure centres. Those recommendations are:</p> <ul style="list-style-type: none"> • that the current restriction on private hospital bed capacity be removed; • that the Act no longer regulate general building design and standards. However, the Act will continue to regulate building design and standards in clinical areas; and • that access to health records kept in private hospitals and day procedure centres be regulated by the Australian Government's Privacy Act 1988 and the Health Records Information Privacy Act rather than the Private Hospitals and Day Procedure Centres Act. <p>Final review report being drafted and is expected to be completed by October 2003.</p>	The Government anticipates making a decision on the review recommendations during 2004.

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Professional Standards Act 1994	AG	Provides for the limitation of liability of members of occupational associations in certain circumstances and to facilitate the improvement of the standards of services provided by those members.	<p>Review under way. Draft report released in October 2001. The review incorporated the statutory review required under section 55 of the Act to determine whether the policy objectives of the Act remain valid. The draft report of the joint review found that the Act was generally operating well and that no legislative change is required based on NCP review criteria. Some minor amendments were suggested as a result of the statutory review.</p> <p>Finalisation of the review had been postponed to consider the impact of tort law reform and national developments on professional standards.</p>	<p>The Professional Standards Amendment Act 1999 passed, instituting an 'opt-out' clause for professional indemnity insurance schemes run by associations.</p> <p>It is anticipated that the Government will consider the recommendations of National Implementation Working Party review during 2004.</p>
Property, Stock and Business Agents Act 1941	FT	Licensing (real estate, stock and station, business and managing agents), registration, entry requirements (qualifications, sufficient experience, fit and proper person), the reservation of practice, disciplinary processes, and business conduct (auctions, trust accounts).	Review completed. Review recommendations included competency standards as a component of entry requirements, compulsory professional indemnity insurance, annual licence renewal, and a single licence regime to replace the current multi-licensing system.	<p>The Government accepted the majority of the report recommendations, in principle, but decided not to adopt the review's proposal to adopt a single licensing system which could decrease the competency of agents and erode consumer protection. The Government released an exposure draft Bill for consultation in 2001. The new Property, Stock and Business Agents Act 2002 (assented 10 July 2002) gives effect to the Government's decision.</p>

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Psychologists Act 1989	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed. Review report completed in December 1999. Review recommended the retention of registration, but the removal of restrictions on advertising and premises. A number of recommendations provide clarity and accountability.	Act replaced by the Psychologists Act 2001 in October 2001.
Psychologists Act 2001	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.		Act repealed and replaced the Psychologists Act 1989.
Public Finance and Audit Act 1983 (1) and Public Authorities (Financial Arrangements) Regulations 1997 (2)	Tr	<p>Potential restrictions examined were:</p> <ul style="list-style-type: none"> • retention of a requirement that all authorities conduct all their borrowing activities through the Treasury Corporation; • the process of appointing funds managers; and • the arrangements whereby the Auditor-General has the discretion to decide to what extent there should be private sector involvement in the auditing of agency financial accounts. 	Review completed in 2000, as part of a consultation program concerning a proposal to merge five Acts into a new single statute. Review of the restrictions revealed that there were net public benefits supporting their retention.	No legislative amendments are required with respect to the three potential competitive restrictions examined.
Public Health Act 1991	H	Regulates the funeral industry, skin penetration, microbial control and other matters.	Final report completed in June 2003.	It is anticipated that the Government will make a decision on the review recommendations and any amending legislation during 2004.

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Public Lotteries Act 1996	GR	Amends and consolidates the law relating to the conduct of public lotteries. Repeals the Soccer Football Pools Act 1975, the Lotto Act 1979 and the NSW Lotteries Act 1990 and regulations made under those Acts.	The Act was not listed for NCP review as part of the Government's 1996 LRP. Statutory review incorporating an assessment of NCP issues was completed in December 2002. The review considered that there would be a net public cost in repealing the exclusive licence provisions before their expiry date. To reduce the period might undermine the licensee's financial viability. Also, lifting the restrictions in the absence of a national market would pose a significant competitive disadvantage to NSW and result in a transfer of lottery gaming activity and revenue to other jurisdictions.	The Government has endorsed the review recommendations.
Public Notaries Act 1985	AG	Provides for appointment, enrolment and disciplinary procedures for Public Notaries.	Review completed.	Act repealed and replaced by the Public Notaries Act 1997.
Public Sector Management (Goods and Services) Regulation 1995	C	Establishes the State Contracts Control Board, which arranges for the supply of goods and services and disposal of goods for the Public Service. The restriction on competition is that certain government agencies are prevented from independently negotiating contracts for the supply of goods or services other than through the Board.	Review completed in 2000. A RIS was released for public consultation in April 2000. The review found that the benefits to the State from centralised procurement outweigh any costs associated with restrictions on choices available to government agencies. It therefore recommended that the Regulation be re-made with existing coverage and application.	The Government re-made the regulation in 2000 as recommended by the review.

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Public Trustee Act 1913	AG	Constitutes a Public Trustee and prescribes the powers and duties of the Public Trustee.	Review completed.	The NSW Parliament has twice rejected amending legislation. Alternative means to implement the review recommendations are not considered viable. At this time NSW does not intend to present the legislation to Parliament for a third time.
Racing Administration Act 1998	GR	Regulates racing and betting activities in NSW. The Act bans proprietary racing; bans racing for betting other than thoroughbred, greyhound and harness racing; bans advertising the availability of bookmaker or totalisator services from another jurisdiction; sets a minimum for phone bets; and bans provision of betting services other than for the NSW Totalizator Agency Board (TAB) and provision of information on alternative sources by way of internet, subscription TV or other on-line communications.	Omnibus review, in conjunction with the Bookmakers Taxation Act 1917, the Greyhound Racing Control Board Act 1985, the Harness Racing Act 1977 and the Thoroughbred Racing Board Act 1996, completed in August 2001. Review recommended that existing legislative restrictions on the conduct of racing and betting be retained on the public interest grounds of harm minimisation, and ensuring probity, with the exception of a relaxation in arrangements regarding corporate bookmakers.	The Government accepted the review recommendations on 3 December 2001.
Radiation Control Act 1990 Radiation Control Regulation 1993	Env	Makes provision for the regulation and control of the sale, use, keeping and disposal of radioactive substances and radiation apparatus.	Initially dealt with under the Licence Reduction Program. The legislation has also been considered in the context of the national NCP review of radiation control legislation.	In March 2002, the Government approved amendments to the Act to implement the recommendations of the national NCP review. The Radiation Control (Amendment) Act 2002 commenced in August 2002. The Radiation Control Regulation was remade in 2003.

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Rail Safety Act 1993	TS	Potential for restraint on competition in pursuit of safe construction, operation and maintenance of railways.	Glenbrook Inquiry completed in April 2001. First report of Waterfall Inquiry completed in January 2004.	In the wake of the Waterfall rail accident in January 2003, the Government instigated two major reforms to enhance rail safety, reliability and efficiency: <ul style="list-style-type: none"> • The Independent Transport Safety and Reliability Regulator commenced operations on 1 January 2004. This separates rail safety regulation and enforcement from provider of rail services and is independent of Government control. • The track maintenance and infrastructure responsibilities of the Rail Infrastructure Corporation and the train service provision of the State Rail Authority were combined under a new state owned corporation, the NSW Rail Corporation (RailCorp). It commenced operations on 1 January 2004.
Recreation Vehicles Act 1983	Env	Regulates the off-road use of motor vehicles.	Review not required.	Vehicle registrations can no longer be made under this Act, as the relevant Regulation expired in 1999 and will not be re-made. Management of recreational vehicles will in future rely on existing NCP-compliant powers located within road transport legislation.
Registered Clubs Act 1976	GR	Makes provisions with respect to the registration of clubs and their rules and management.	See the Liquor Act 1982 (Part 1 of 2).	See the Liquor Act 1982 (Part 1 of 2).

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Residential Tenancies Act 1987 (1) Landlord and Tenant (Rental Bonds) Act 1977 (2)	FT	(1) Relates to the rights and obligations of landlords and tenants under residential tenancy agreements; makes provision with respect to excessive rent increases and rents; confers functions onto the Residential Tenancies Tribunal of NSW with respect to landlords and tenants. (2) Constitutes a Rental Bond Board; confers and imposes certain powers, authorities, duties and functions on the Board; requires lessors of residential premises to deposit rental bonds with the Board; and provides for the paying out of rental bonds and enabled the investment of rental bonds and the investment and expenditure of rental bonds.	Review completed. Final report completed in June 2000. The review found that the current legislative framework for the regulation of residential tenancies produced the greatest net public benefit for the community. Accordingly, no legislative amendments were proposed. The review noted there were two areas where further assessment should occur to determine whether there are better, more flexible and therefore less restrictive options to deal with certain matters. These were: <ul style="list-style-type: none"> • the provisions exempting some landlords from provisions of the Act; and • the provisions imposing standard terms in residential tenancy agreements. A further issues paper will be prepared on the two identified areas as a basis for further consultation with stakeholders.	The report of the review of the Residential Tenancies Act endorsed by the Government in June 2003.
Restraints of Trade Act 1976	AG	Provides for Supreme Court action based on applications against activities, which create restraints of trade. Act strengthens public interest test found in the common law.	Review completed.	Act retained with amendment to indicate that it is subject to the TPA and the Competition Policy Reform (NSW) Act 1995.
Retail Leases Act 1994	SB	Makes provision with respect to the leasing of certain retail shops and the rights and obligations of lessors and lessees of those shops.	Review under way. A report is expected to be finalised in early 2004.	It is anticipated that the Government will make a decision on the review recommendations during 2004.

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Retirement Villages Act 1989	FT	Relates to the termination of occupation rights of residents in retirement villages and confers jurisdiction over certain matters relating to retirement villages, on the Residential Tenancies Tribunal.	Review completed in December 1998. Review recommended measures to address industry practices identified as unfair and inequitable.	Act replaced by the Retirement Villages Act 1999. New legislation is consistent with the review recommendations.
Rice Marketing Board (established under the Marketing of Primary Products Act 1983)	Ag	Confers a monopoly over the domestic and export marketing of rice grown in NSW on the Rice Marketing Board (RMB). The RMB, under an exclusive licensing arrangement, delegates its marketing functions to the Ricegrowers' Co-operative Limited (RCL).	Review completed in December 1995. Review demonstrated that while the current regulated regime generated a net public cost in domestic markets, this was outweighed by the net public benefit in the regulation of exported product. Review recommended removing the RMB's monopoly over domestic marketing, but retaining the export monopoly. It proposed this be achieved by repealing the State-based arrangements whereby the entire NSW crop 'vests' with the RMB and establishing an export monopoly under Australian Government jurisdiction.	NSW delayed reform pending the Australian Government's decision in relation to proposed national rice export legislation. The Australian Government advised NSW on 8 December 2003 that it would not create a national rice export desk. As a result, NSW will undertake a review of its rice marketing arrangements.
Roads Act 1993	R	Makes provision with respect to the roads of NSW. Regulates the carrying out of certain activities on public roads.	Review completed in August 2001. Review concluded that the Act is consistent with NCP principles. The Act does not need to be amended in relation to NCP.	The NSW Government approved the review recommendations in February 2003.

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Rural Assistance Act 1989	Ag	Constitutes the NSW Rural Assistance Authority. The Review Group considered the Protection Orders provision to be a potentially significant competition restriction.	Review completed in February 1999. Review recommended: <ul style="list-style-type: none"> public benefit provisions should be included in the Act to apply to existing and new programs; programs to include objectives that clearly target defined market failure(s); and provisions relating to the Protection Orders be repealed. 	Minor amendments to the Act, including the repeal of Protection Orders, were made by the Rural Assistance Amendment Act 2000 as recommended by the NCP review.
Rural Lands Protection Act 1989	Ag	Establishes Rural Lands Protection Districts and associated boards that levy and collect rates, provide animal health services and control of noxious weeds and animals.	Review not required.	Act repealed and replaced by the Rural Lands Protection Act 1998, which commenced in September 2001.
Rural Lands Protection Act 1998		Establishes Rural Lands Protection Districts and associated boards that levy and collect rates, provide animal health services and control of noxious weeds and animals.	Initial work on the NCP review commenced during April 2002. The review has been deferred, owing to the exceptional drought experienced by farmers. However, it will be re-commenced before the end of 2003, and will involve a broad ranging consultation process with farmers and other rural landholders, Rural Lands Protection Boards, and other community groups. The eight-member Review Group comprises representatives of relevant government agencies, Rural Lands Protection Boards, the NSW Farmers' Association, and farmers. An Issues Paper will be released shortly after the review re-commences, and a state-wide series of public forums and stakeholder meetings will be held.	Review re-commenced in late 2003.

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Rural Workers Accommodation Act 1969	IR	Provides for the accommodation of rural workers and constitutes the Rural Workers Accommodation Advisory Council. Creates certificate of compliance for accommodation.	<p>A number of concurrent review processes have been undertaken that impact upon rural worker accommodation issues. Firstly, a RIS was prepared for the Occupational Health and Safety Regulation 2001, which contains workplace accommodation and amenities provisions. Secondly, Health and Safety at Work - Shearing Guide 2002 - was developed and distributed in the rural industry. The Guide covers accommodation and amenity issues for shearers, which are the major group of workers covered by the Rural Workers Accommodation Act. Finally, a Draft Code of Practice for Rural Workers Accommodation has been prepared and was issued for public consultation in 2001-2002.</p> <p>A minor review of the Rural Workers Accommodation Act is now under way.</p>	The Government expects to make a decision on the review recommendations during 2004.
Security (Protection) Industry Act 1985	Po	Licensing (providers of security or protection for persons or property) and regulation.	Review completed.	Act repealed and replaced by the Security Industry Act 1997.
Security Industry Act 1997		Licensing, registration, entry requirements (qualifications, experience, competency, fit and proper person, age, not convicted of relevant offence), reservation of practice, disciplinary processes, and business conduct (advertising must contain license number).	Act assessed under new legislation gatekeeper process.	

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Seeds Act 1982	Ag	Imposes labelling requirements on seed parcel sales. Sets standards and conditions which limit participation in seed varietal verification schemes.	Review undertaken as part of a national process. The final report on the review of the NSW Act is expected to be submitted to the Minister for Agriculture in April 2003.	As the review is a national Australian Government/State process, proposals for new regulatory developments are being progressively developed through the Primary Industries Ministerial Council, and will be introduced as and when national agreement is reached.
Shops and Industries Act 1962 - Part 4	IR	Part 4 restricts trading hours. General Stores (those that are not classified as "scheduled" or "small" shops) are not permitted to open on Sundays or public holidays. The legislation allows for exemptions which are determined by the Department of Industrial Relations.	Review completed.	Trading hours in NSW largely deregulated. There are no restrictions on Monday-to-Saturday trading hours. Part 4 restricts, in principle, the ability of general shops to trade on Sundays and public holidays. However, exemptions to this restriction are granted to achieve, in practice, an unrestricted trading hours environment. Exemptions are readily obtained resulting in substantial deregulation.
Shops and Industries Act 1962 - Part 6	IR	Licensing for hairdressers, entry requirements (training and exams or otherwise qualified), reservation of practice (act as a hairdresser for fee, gain or reward), and disciplinary processes.	Issues paper released in June 2000. Further discussions and negotiations with a range of stakeholders have taken place, and the final report was prepared.	Amending legislation to implement the recommendations of the NCP review was assented on 6 November 2003.
Small Business Loans Guarantee Act 1977	SB	Authorises the execution of guarantees for the repayment of loans made to certain small businesses.	Review, in conjunction with the State Development and Industries Assistance Act 1966, completed.	Act repealed in line with review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Soccer Football Pools Act 1975	GR	Regulates the conduct of soccer football pools in NSW.	Review not required. Refer to the Public Lotteries Act 1996.	
Standard Time Act 1987	AG	Relates to standard time and daylight saving in NSW.	Review not required. Act deleted from the NSW LRP. The Act does not contain any anticompetitive issues.	
State Development and Industries Assistance Act 1966	SD	Constitutes the Minister administering the Act as a corporation sole and confers certain powers on that sole relating to the establishment, expansion and development of certain industries and to the acquisition of land.	NCP review completed. Review found that the Act contained no anticompetitive provisions and any anticompetitive outcomes potentially created through administration of the Act were avoided by the application of a rigorous assessment framework. Consequently, no NCP amendments were recommended.	The Government endorsed the review findings in 2003.
Stock (Artificial Breeding) Act 1985	Ag	Restricts who may carry out or supervise an artificial breeding procedure. Requires licensing of artificial breeding premises. Imposes mandatory standards on licensed premises.	Review, in conjunction with the Veterinary Surgeons Act 1986, completed in December 1998. The review recommended that the Stock (Artificial Breeding) Act be repealed.	The Government decided in September 2002 that the Act will be repealed as recommended. Legislation to repeal the Act is expected to be introduced to Parliament during 2004.
Stock (Chemical Residues) Act 1975	Ag	Imposes restrictions on chemically affected stock (for example on sale, movement and destruction).	Review with other agvet legislation completed in 1999. Review recommended retaining all existing restrictions that relate to detecting and controlling chemical-affected stock and controlling affected stock fodder and land.	No NCP reform required (this Act and the Fertilisers Act 1985 and Stock Foods Act 1940 are to be replaced by new legislation).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stock Diseases Act 1982	Ag	Restricting or prohibiting imports of stock or other items from a disease affected area. Declaration of quarantine areas. Testing and treatment of stock. Closing of roads and building of fences and gates. Declaring quarantine lines and setting conditions for crossing such lines. Ordering destruction of stock.	Review completed in July 2002 as part of a generic review of all plant and animal disease legislation.	Review recommended the retention of the Acts, based on net public benefit grounds.
Stock Foods Act 1940	Ag	Sets composition (eg. limits on foreign ingredients) and labelling standards for manufactured stock food products.	Review with other agvet legislation completed in 1999. Review recommended retaining content labelling and foreign ingredient content limits.	No NCP reform required (this Act and the Fertilisers Act 1985 and Stock (Chemical Residues) Act 1975 are to be replaced by new legislation).
Stock Medicines Act 1989	Ag	Prohibits unregistered chemicals from being held or used on food-producing stock unless prescribed by a veterinary surgeon. Requires minimum qualifications and experience for analysts. Restricts advertising.	Review as part of a generic review of chemical residue legislation completed in 1999.	The Government is considering a proposal to amalgamate chemical residues legislation including the Stock Medicines Act 1989. The proposed revised legislation would contain no provision for advertising restrictions and the effect of this new legislation would be to remove the current advertising restrictions in the Act. Completion of reform delayed pending development of agreed national controls. It is anticipated that the Government will make decisions on review recommendations during 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Strata Schemes Management Act 1996	FT	Provides for the management of strata schemes and the resolution of disputes in connection with strata schemes.	Review completed in March 2002. Review concluded that: <ul style="list-style-type: none"> the benefits of the act outweigh the costs: and without legislation, strata schemes would be far less effective, maintenance of strata scheme buildings would deteriorate, and financial resources of owners' corporations would be less adequate. 	The Government approved the review's recommendations in July 2002. The first round of NCP-related reforms was contained in the Strata Schemes Management Amendment Act 2002 (commenced 10 February 2003). A further set of NCP-related reforms are contained in the Strata Schemes Management Amendment Bill 2003 which was introduced to Parliament on 4 December 2003 and passed by the Lower House on 25 February 2004.
Strata Titles (Leasehold Development) Act 1986	C	Provides for the registration of strata plans.	Review not required.	Strata management provisions of the Act replaced by Strata Schemes Management Act 1996, which provides for the management of strata schemes and the resolution of disputes in connection with strata schemes.
Strata Titles Act 1973	FT	Provides for the management of strata schemes and the resolution of disputes in connection with strata schemes.	Review not required.	Act repealed and replaced by the Strata Schemes Management Act 1996, which provides for the management of strata schemes and the resolution of disputes in connection with strata schemes.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Superannuation Administration Act 1996	Tr	Provides for trustees for State public sector superannuation schemes and the provision of investment and administration services for such schemes.	Review not required.	Legislation to corporatise the Superannuation Administration Authority was introduced into Parliament in May 1999. The legislation provided for fixed superannuation contracts to be put in place for three to five years, following which competitive tendering will apply. No residual anticompetitive provisions will remain following the expiry of these transitional contracts.
Surveyors Act 1929	C	Licensing, registration, entry requirements (qualification, exam, two years experience, aged at least 21 years, good fame and character), the reservation of title and practice, disciplinary processes, and business conduct (regulating the making of surveys and advertising).	Review completed in August 2001. Review made 11 NCP-related recommendations, including the retention of a system of registration of surveyors, as justified by a net public benefit. Review also recommended the objectives of the Act be rewritten and consideration be given to deregulating restrictions on the naming and ownership of surveying firms and advertising.	The Surveyors Act 2002, assented to on 29 October 2002, repealed the 1929 Act and removed the restrictions on the naming and ownership of surveying companies and on advertising. The Act retained the system of registration of surveyors, as recommended by the review. The review found a net public benefit from maintaining this system to ensure the integrity of the State cadastre (register of land boundaries).
Swine Compensation Act 1928	Ag	Provides for the establishment of a Swine Compensation Fund and for payment of compensation to owners of pigs and carcasses of pigs destroyed as suffering from disease.	These Acts were concurrently reviewed as part of the NCP Agricultural Health Review.	The review recommended the retention of the Acts, based on net public benefit grounds.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sydney Market Authority Act 1968	Ag	Constitutes the Sydney Market Authority and to define its powers, authorities, duties and functions and to vest certain property in the Authority.	Review not required.	Act repealed.
Sydney Turf Club Act 1943	GR	Constitutes and incorporates the Sydney Turf Club and declares its objects, functions and powers and provides for associated matters.	Review, in conjunction with the Australian Jockey Club Act 1873, completed in 1999. Current arrangements found to be in the public interest.	Act retained without reform.
Theatres and Public Halls Act 1908	AG	Provides for the licensing and regulation of theatres and public halls and of places used for public entertainment or public meetings, and the licensing and regulation of the holding of public entertainment and public meetings in temporary structures.	Review not required.	Act repealed.
Therapeutic Goods and Cosmetics 1972	H	Regulates the manufacture, distribution and advertising of certain therapeutic goods and imposes standards in relation to certain therapeutic goods and cosmetics.	Review completed.	Act repealed. Provisions relating to cosmetics not re-enacted. Licences for wholesalers of therapeutic goods eliminated. Remaining provisions incorporated into Poisons Act 1966 and Therapeutic Goods Act 1972.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Thoroughbred Racing Board Act 1996	GR	Establishes the controlling body for thoroughbred racing. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so.	See the Racing Administration Act 1998 - omnibus review of racing and betting legislation.	
Threatened Species Conservation Act 1995		Licensing of conduct that harms threatened species, populations or ecological communities.	See the Forestry Act 1916 (NSW).	See the Forestry Act 1916 (NSW).
Tobacco Advertising Prohibition Act 1991	H	Prohibits the advertising of tobacco and tobacco products, trade marks, brand names and logos.	Review completed.	Act repealed. Advertising restrictions were minimised and incorporated into the Public Health Act 1991.
Tobacco Leaf Stabilisation Act 1976	Ag	Makes provisions with respect to the stabilisation of the tobacco leaf industry.	Review completed.	Act repealed.
Totalizator Act 1916	GR	Amends and consolidates the law as it relates to the conduct of totalizators and the regulation of totalizator betting.	Review not required.	Act repealed and replaced by the Totalizator Act 1997, privatising the TAB.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Totalizator (Off-Course Betting) Act 1964	GR	Makes provision with respect to off-course betting by means of the totalizator system; provides for the conduct of sweepstakes in respect of certain events; and establishes a TAB and defines its powers, authorities, duties and functions.	Review not required.	Act repealed and replaced by the Totalizator Act 1997, privatising the TAB.
Totalizator Act 1997	GR	Privatises the TAB. Makes provision for an exclusive licence for the NSW TAB to conduct totalizator betting both on and off course. Establishes the rules and codes of conduct for totalizator betting. Grants an exclusive licence to the NSW TAB for linked jackpots on gaming machines in NSW and also for the NSW TAB to provide a centralised monitoring system for gaming machines in NSW clubs and hotels. Later amendments grants NSW TAB an exclusive investment licence to provide gaming machines to hotels and clubs.	Review completed by Centre for International Economics (CIE) at the request of the National Competition Council (NCC). The review concluded that there is a net public benefit from some of the TAB's exclusive licensing arrangements (not all licences reviewed).	The Government considers that the cost of breaking the exclusive licence agreement (which does not expire until 2012) would more than outweigh any benefits. It has indicated that it may consider introducing multiple wagering licences once the exclusive licence expires and that it will continue to work with other jurisdictions to minimise any adverse cross-border impacts.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tow Truck Act 1989	TS	Provides for a licensing and certification scheme for tow truck drivers and operators, regulates other matters and constitutes the Tow Truck Industry Council.	Review not required.	Act repealed and replaced by the Tow Truck Industry Act 1998. The Tow Truck Industry Act 1998 gives effect to a series of fundamental regulatory reforms in the tow truck industry. The reforms have been developed in response to an independent review of the industry, which identified corruption and criminal practices within some segments of the industry. The review recommended a fundamental restructure of policy, enforcement and organisational elements governing tow truck regulation.
Tow Truck Industry Act 1998	TS	Licensing, job allocation scheme, and pricing controls.	The NSW Government gave the NCC an undertaking that a review of the Act will be initiated six months after the new Job Allocation Scheme commenced (20 January 2003). The statutory review of the Act has commenced which will consider the competition impacts of the Act.	
Trade Measurement Act 1989 and Trade Measurements Administration Act 1989	FT	Relates to trade measurement in NSW as part of the scheme for uniform trade measurement legislation throughout Australia.	National review of the Trade Measurement Act completed. The review committee's final report has been circulated to all jurisdictions for comment. NSW supports the recommendations of the report. The report will be presented to the MCCA for consideration in late 2003 or early 2004.	Review and reform contingent upon the outcome of the national NCP review. A draft public benefit test report has been released for consultation. The final report is anticipated in early 2004 and will be presented to the MCCA for endorsement. The NCP review will be finalised once this report is publicly released.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Traffic Act 1909	R	Provides for the regulation of vehicles and of vehicular and pedestrian traffic.	Review completed.	Act repealed.
Travel Agents Act 1986	FT	Licensing, compulsory consumer compensation fund, and business restrictions.	Part of national review of travel agent legislation, coordinated by WA. A final review report by CIE released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option.	In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but advised reviewing contribution arrangements to establish a risk-based premium structure and make prudential reporting arrangements more equitable. It recommended that each participating jurisdiction review and amend its entry qualifications to ensure uniformity, so as to address problems identified by the review. NSW anticipates that legislative reforms will be completed in 12004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Companies Act 1964	AG	Restrictions, liabilities, privileges and powers of trustee companies.	<p>National review under way. Standing Committee of Attorneys General (SCAG) released issues paper and draft Bill in June 2001. SCAG was ready to endorse the NCP review's report at its meeting in March 2002. However, Australian Government officers asked for more time to consider the licensing and supervisory arrangements before the report is released. The Bill can be finalised once the NCP report is released and stakeholder comment is received.</p> <p>Finalisation of the review has awaited advice from the Australian Government as to whether it would provide for the regulation of trustee companies on a national basis via APRA services being provided to the States and Territories. The Australian Government declined to do so in early 2003. However, at the SCAG meeting in November 2003, the Australian Government Minister agreed to reconsider this issue.</p>	NSW has led the development of uniform trustee legislation. The model legislation cannot be progressed until the prudential supervision issue is resolved by the Australian Government and SCAG thereafter endorses the review and model legislation.
Unhealthy Building Act 1990	Env	Provides for the declaration of certain land as unhealthy building land and for the effect of such a declaration.	Review completed. Dealt with under the Licence Reduction Program.	Act repealed.
Unlawful Gambling Act 1998	GR		Review not required. Act is exempt from review.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Valuers Registration Act 1975	FT	For real estate valuers: licensing, registration, entry requirements (education, supervised training, good character), disciplinary processes, and the reservation of practice. It also confers functions on the Property Services Council.	<p>Departmental review completed in 2000. Review recommended a 'negative licensing' scheme to replace the current system. The scheme would involve core legislation with entry requirements (qualifications, practice requirements and good character). Continuing professional development and professional indemnity insurance would not be a compulsory pre-condition to carry on business as a valuer.</p> <p>The consultation process found that introducing a negative licensing scheme would not offset these risks. As a result, the Government decided in May 2002 to retain positive licensing as the regulatory option providing the greatest net public benefit. The Government also approved reforms to improve the efficiency of the existing scheme and to reduce the regulatory burden on valuers.</p>	The Valuers Bill 2003 was introduced to Parliament on 29 April 2003, passed without alteration on 20 May 2003 and assented to on 28 May 2003. The Valuers Act 2003 repealed the Valuers Registration Act 1975.
Veterinary Surgeons Act 1986	Ag	Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, and controls on business names.	Review, in conjunction with the Stock (Artificial Breeding) Act 1985, completed in 1998 by a panel of officials, veterinarians, consumers and animal welfare interests. Recommended reforms included loosening restrictions on entry to the profession and ownership of veterinary hospitals, and opening up less serious animal treatment procedures to non-vets.	The Veterinary Practice Bill 2003, which gives effect to the reforms, was introduced into the Parliament in October 2003 and received assent in December 2003.
Vocational Education and Training Accreditation Act 1990		Registration of training providers and accreditation of training courses.	Act not included in LRP. NSW advised the Council that the Act has been recently amended following a review that involved extensive consultations with external stakeholders, including private providers and the university sector.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Waste Disposal Act 1970	Env	Provides for the constitution of a corporation to be called the 'Metropolitan Waste Disposal Authority'; and confers and imposes on the corporation responsibilities, powers, authorities, duties and functions with respect to the transport, collection, reception, treatment, storage and disposal of waste within the Metropolitan Waste Disposal Region.	Review not required.	Act repealed and replaced by the Waste Minimisation and Management Act 1995.
Waste Minimisation and Management Act 1995	Env	<p>The Act relates to the management, regulation and reduction of waste. Potential restrictions on competition include:</p> <ul style="list-style-type: none"> • the powers of regional waste boards to direct councils' charging policies; • requirements for industry waste reduction plans; • licensees that are not public authorities cannot hold licences for facilities that receive putrescible waste, unless a separate supervisory licence is granted to a public authority; • environmental protection licensing; and • the waste levy. 	Review completed in 2001. Review recommended legislative amendments to replace regional waste boards with a single State agency; and a package of measures to improve the performance of the waste levy as an economic incentive for finding alternatives to waste disposal.	In June 2001, the Government agreed to modify the NSW waste policy settings in line with the outcomes of the NCP review (and statutory review). The NSW Parliament subsequently passed the Waste Avoidance and Resource Recovery Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wheat Marketing Act 1989	Ag	Imports Australian Government Act into State jurisdiction.	Review not required.	Act repealed under the State Law Revision Program.
White Phosphorous Matches Prohibition Act 1915	IR	Prohibits the use of white phosphorus in the manufacture of matches and prohibits the sale of matches made with white phosphorous.	Review not required.	Act repealed.
Wool, Hides and Skins Dealers Act 1935	Po	Restrictions on the buying and selling of wool, hides and skins.	The issues paper in 1998 recommended repeal of the Act. The Pastoral and Agricultural Crime Working Party recommended retention of the Act and its licensing regime as a deterrent to rural crime. The working party recommended retaining the licensing regime as the most effective means of tracking and investigating trade, but modifying it based on the pawnbroker licensing provisions. The final review report supported this view.	The Government anticipates introducing amending legislation in 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workers Compensation Act 1987	IR	Mandatory insurance, monopoly insurer, and centralised premium.	The Grellman review completed in 1998. Review recommended removing the monopoly insurer in favour of competitive underwriting. The Government legislated for private underwriting to commence in October 1999, but subsequently deferred implementation of the legislation until an unspecified date. In 2001, it repealed provisions that provided for competitive underwriting. The Government commissioned a further review by McKinsey & Co; this review report was released in September 2003. The McKinsey report's recommendations included the following: there should be no private underwriting of workers compensation insurance until the NSW scheme is fully funded and financially stable; and the Government should introduce greater contestability through tenders for each of the core functions of the scheme.	<p>The Government legislated for private underwriting to commence in October 1999. The Government subsequently deferred implementation of the legislation until an unspecified date. In 2001, it repealed provisions that provided for competitive underwriting pending a further review (by McKinsey & Co.) of scheme design. Some scheme design changes were introduced in 2001. The McKinsey report was released in September 2003.</p> <p>The Workers Compensation (Insurance Reform) Bill was assented in November 2003. The Bill gives effect to the McKinsey review recommendations, including opening up the scheme to enable businesses other than insurance companies to participate as scheme agents and replacing the open-ended licensing system with fixed-term contract arrangements.</p>

4 Victoria

Agency abbreviations

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

DET	Department of Education and Training
DHS	Department of Human Services
DI	Department of Infrastructure
DJ	Department of Justice
DPI	Department of Primary Industries
DSE	Department of Sustainability and Environment
DVC	Department of Victorian Communities
P&C	Department of Premier and Cabinet
T&F	Department of Treasury and Finance

Legislation review: Victoria

Updated to February 2004

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Accident Compensation (WorkCover Insurance) Act 1993	T&F	Mandatory insurance, monopoly insurer, centralised premium setting.	Review completed in 1997-98. Review recommended retention of compulsory insurance and removal of the monopoly. Another review, by PricewaterhouseCoopers and Minter Ellison, was completed in 2000. This review recommended retention of compulsory insurance, retention of the monopoly and charges remaining to be set by the Victorian WorkCover Authority. The report recommended third party review of proposed premiums. The report also recommended retention of occupational rehabilitation service provider licensing and increasing the ability to self insure.	The Government rejected the recommendation of the first review with respect to removal of monopoly insurer arrangements, which gave rise to issues concerning National Competition Policy (NCP) compliance in June 1999. Minor changes to restrictions were accepted. Restrictions remain on: public underwriting, premium setting and funds management; approval conditions for insurers and occupational rehabilitation providers; and types of firms permitted to self-insure. Government provisionally accepted the PricewaterhouseCoopers recommendations. It is considering the scope for market testing (outsourcing) and Essential Services Commission reviews of premiums.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Accident Compensation Act 1985	T&F	Mandatory insurance, monopoly insurer, centralised premium setting.	Review completed in 1997-98. Review recommended retention of compulsory insurance and removal of the monopoly. Another review, by PricewaterhouseCoopers and Minter Ellison, was completed in 2000. This review recommended retention of compulsory insurance and retention of the monopoly provision of workers compensation insurance. The report recommended the consideration of market testing some functions and a third party review of premiums. The report also recommended retention of occupational rehabilitation service provider licensing and increasing the ability to self insure.	The Government rejected the first review's recommendation to remove the monopoly in underwriting of workers compensation insurance. Minor changes to restrictions were accepted. Restrictions remained on: public underwriting, premium setting and funds management; approval conditions for insurers and occupational rehabilitation providers; and types of firms permitted to self-insure. The Government accepted the recommendations of the second review. It is considering the scope for market testing (outsourcing), and reviews of premiums by the Essential Services Commission.
Adoption Act 1984	DHS		Review completed in 1998. Review recommended retention of restrictions in order to protect the interests of children and meet international obligations.	The Adoption (Amendment) Act 2000 passed to deal with bilateral issues.
Adult, Community and Further Education Act 1991 (Ministerial direction on fees and charges)	DET		The Tertiary Education and Training Review completed in 1997. Retention of restrictions, relating to accreditation, registration of private providers and Ministerial setting of fees, justified as being in the public benefit.	Reforms to legislation were passed by Parliament in the Spring sittings in 1997.
Adult, Community and Further Education Act 1991 (to establish Adult Community Further Education Board, Regional Councils and make provision with respect to Adult, Community and Further Education)	DET	Sets accreditation procedures for courses and registration requirements for community education providers. Allows Minister to direct on fees and charges.	Review completed in 1997 as part of the Tertiary Education and Training Review. Review recommended restrictions on fee setting and accreditation procedures be retained in the public interest and reform of the registration system.	The Government accepted review recommendations. Reforms to legislation were passed by Parliament in the Spring sittings 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural Industry Development Act 1990 (including orders related to the Murray Valley winegrapes industry)	DPI	<p>Allows for establishment of industry development bodies which may:</p> <ul style="list-style-type: none"> act as purchasing agents; provide resources to grower representative bodies; and undertake research and development. <p>Also allows for establishment of negotiating committees which may recommend industry-wide prices and payment terms and conditions.</p>	<p>Review with NSW, by independent consultants KPMG, completed by in 1999. Review recommended:</p> <ul style="list-style-type: none"> not renewing the Murray Valley winegrapes marketing order; removing powers of industry development bodies to provide resources to grower representative bodies and to act as purchasing agents; improving accountability of industry development bodies for application of funds raised from compulsory levies; and removing provisions relating to price recommendation and payment terms and conditions functions of negotiating committees. 	<p>Act amended by the Agricultural Industry Development (Amendment) Act 2000 as recommended.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agriculture and Veterinary Chemicals (Control of Use) Act 1992	DPI	Allows off-label use of chemicals subject to conditions which vary markedly between jurisdictions. Exempts veterinary surgeons from various controls. Licenses spray contractors.	<p>National review of agvet chemicals completed in 1999. Report, which was released by Standing Committee of Agriculture and Resources (SCARM)/Agriculture and Resources Management Council of Australia and New Zealand (ARMCANZ) in March 1999, recommended, in relation to control-of-use legislation:</p> <ul style="list-style-type: none"> • developing a nationally consistent approach to off-label use; • retaining the veterinary surgeon exemption, but not for agricultural chemicals; • licensing of spraying businesses subject to maintenance of records, employing licensed persons and provision of necessary infrastructure; • licensing of persons spraying for fee or reward subject to accreditation of competency and working only for a licensed business; and • exempting persons spraying on own land from licensing. 	<p>Intergovernmental response completed in 2000. Ministers established a taskforce to develop a nationally consistent approach to 'control of use' regulation. The taskforce is still considering 'off-label' use. A working party is harmonising aerial sprayer licensing. Other reforms are being implemented by States and Territories. In 2001 Victoria:</p> <ul style="list-style-type: none"> • removed the veterinarian exemption for agricultural chemicals; • amended its sprayer licensing regulation but retained mandatory insurance; and • recognised interstate licences.
Agriculture and Veterinary Chemicals (Victoria) Act 1994	DPI	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	See the Australian Government Agricultural and Veterinary Chemicals Code Act 1994.
Alpine Resorts Act 1983	DSE			Act replaced by the Alpine Resorts (Management) Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Ambulance Services Act 1986	DHS		Review completed in November 1999, recommending that competition be introduced in the provision of emergency services in the Metropolitan area.	The Government rejected the recommendation to introduce competition into the provision of emergency ambulance services, due to concerns that it would be impossible to develop contractual arrangements to ensure access to appropriate levels and standards of service for all Victorians.
Architects Act 1991	DI	Restrictions on registration, entry requirements, reservation of title, disciplinary processes, and business restrictions (ownership provisions that at least two thirds of directors of the company must be registered architects).	<p>Review completed in February 1999. Review recommended retention of title restriction and registration requirements, and reduced business restrictions (including reducing ownership provisions to at least one director or partner is a registered architect).</p> <p>National review (except Victoria) conducted by the Productivity Commission (PC) completed in August 2000 (publicly released November 2000) (Previously completed Victorian review put on hold). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act.</p> <p>A States and Territories working group was established to develop a national response to the PC review. The working group recommended amendments to existing legislation to remove elements deemed to be anticompetitive and not in the public interest. All jurisdictions have accepted the approach of the working group.</p>	Victoria advised that legislative amendments are planned for the 2003 spring session of Parliament, with related Regulation changes to follow.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Associations Incorporation Act 1981	DJ		Review completed in 1998.	Minor restriction removed with the Associations Incorporation (Amendment) Act 1997.
Auction Sales Act 1958	DJ	Licensing, entry requirements (resident in State, character), the reservation of practice (auctioneers of goods, including livestock), and business conduct (suitable premises, no music, no disorderly conduct, maintenance of register for cattle and sheep skins, no collusion).	Review by Victoria University completed in November 1999. Review recommended that licensing be discontinued, but that a minimal registration scheme be introduced for livestock auctioneers, in the interests of livestock disease control.	The Government accepted recommendation to discontinue licensing, but rejected the registration proposal as unnecessary. Act repealed by Auction Sales (Repeal) Act 2001, with effect from 1 January 2003.
Audit Act 1994 Parts 1,2 an 6 (Part 7 is repealed) (the Act is otherwise administered by the Minister for Finance)	P&C		Review completed in 1997.	Act repealed and replaced by the Audit Act 1997.
Australian Grand Prix Act 1994			Review completed. Act assessed as not restricting competition.	
Barley Marketing Act 1993	DPI	Vests ownership of all barley grown in Victoria solely in Australian Barley Board.	NCP review by Centre for International Economics (CIE) completed in 1998 jointly with South Australia, recommending that Victoria: <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'; and • restructure the Australian Barley Board as a private grower-owned company. 	Act amended in 1999 to remove monopoly on domestic barley 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. The Act sunsetted on 1 July 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Benefit Associations Act 1958	DJ		The Benefits Association Act 1958 was removed from the list of Acts to be reviewed at the end of 1999 as the legislation did not contain restrictions on competition.	The Act was superseded by newer regulatory schemes. The Act was subsequently repealed on 30 May 2001.
Biological Control Act 1986	DPI	Makes provision for the biological control of pests in Victoria. Complementary to Australian Government legislation. Act does not restrict competition. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.	Deleted from review schedule because the Council of Australian Governments (CoAG) Committee on Regulatory Reform (CRR) determined that the legislation has no anticompetitive impacts.	
Border Railways Act 1922	DI		Review completed. 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>
Borrowing and Investment Powers Act 1987	T&F	Restriction on government business enterprises (GBEs) and regulated authorities, excluding them from dealing directly with financial markets for borrowings. Only the Treasury Corporation of Victoria (TCV) may transact in these markets.	Inhouse review completed in July 1997. The Department steering committee endorsed the final report. The review recommended that the Government reviews internal prudential requirements for selected GBEs and statutory bodies, with the aim of making them a subset of global corporate planning approvals and monitoring, and selected GBEs and regulated authorities are no longer required to use the TCV to access debt markets.	<p>The Government accepted the first recommendation, and has undertaken to monitor administrative arrangements applying to GBEs and regulated authorities to ensure all borrowing and investment approvals are consistent with corporate planning approvals and monitoring, and where possible this administrative process is streamlined.</p> <p>The second recommendation was rejected. If this restriction was removed the Department is of the view that significant additional costs would be imposed on Victorian taxpayers and thus should be retained in the public interest. The savings to taxpayers as a result of TCV being the State's single interface to financial markets are: TCV is able to derive economies of scale in issuing securities, thereby lowering the State's debt costs; GBEs and other statutory authorities no longer need to each have a fully resourced treasury dealing operation; and moral hazard arising from GBEs and other statutory bodies entering into inappropriate financial markets transactions is reduced.</p>
Bourke Street Mall Act 1982	DI		Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Broiler Chicken Industry Act 1978	DPI	Prohibits supply of chickens unless under an agreement consistent with terms determined by the Industry Negotiation Committee.	Independent review by KPMG completed in 1999. Review recommended that producers seek Australian Competition and Consumer Commission (ACCC) authorisation for collective bargaining, and that the Government repeal the Act.	The Government accepted the recommendations in principle, disbanding the industry committee, but retaining the legislation to cover remaining contract terms. The Trade Practices Act prevents operation of potentially anti-competitive provisions of the Act.
Building (Plumbing) Act 1998	DI	Licensing and registration for refrigeration mechanics.	New legislation assessed under Victoria's legislation gatekeeping arrangements. Public interest justification: previously the work of refrigeration mechanics did not have the usual 10 year warranty arising from the issue of compliance certifications under Part 12A. There were no standards applying to such installations. This was anomalous as some licensed plumbers perform this work in conjunction with plumbing work which is regulated under Part 12A, while refrigeration mechanics who carry out refrigeration work alone were not regulated. The public was not given the usual protection afforded in Part 12A and it was difficult for some consumers to identify which service providers are covered.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Act 1993	DI	Licensing (engineers, quantity surveyors, building surveyors, building practitioners, plumbers, drainers, gasfitters), the reservation of title and practice (plumbing: mechanical services, residential and domestic fire sprinklers, roofing (stormwater), sanitary, water supply, draining, gasfitting), registration requirements, permit requirements, and business conduct (insurance).	Review completed in 1998. Recommendations included: integrating Act with Architects Act; making companies and partnerships subject to registration requirements; retaining Minister's power to issue compulsory insurance orders; increasing the use of audits of building surveyors to ensure standards are maintained; repealing exemptions to public sector employees, public authorities and the Crown retain those that exempt certain high security Crown buildings from requirement to lodge permit documents with relevant council; and basing the building permit levy should on a formula that is cost-reflective and includes incentives for cost-effective administration of legislation. The Government considered the review in conjunction with its assessment of the Architects Act 1991, partly to consider opportunities to integrate Victoria's building and architects legislation.	Victoria is considering its response to the review of architects legislation, focusing on the Victorian review but also accounting for the Inter-Governmental Working Party's response to the Productivity Commission inquiry into Architects Acts and the government and industry working group initiated by the Australian Procurement and Construction Ministerial Council. Legislative amendments are planned for the 2003 spring session of Parliament, with related Regulation changes to follow.
Building Control (Plumbers Gasfitters and Drainers) Act 1981 No. 9720	DI			Act repealed and replaced by the Building Act 1993.
Building Societies Act 1986	DJ			Act repealed. Jurisdiction has passed to Australian Government under financial sector reforms.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Franchise (Tobacco) Act 1974	T&F			<p>This Act contains provisions which relate to the administration of the Business Franchises (Petroleum Products) Act and are required for the on-going administration of the Act.</p> <p>Although parts of this Act have been repealed, there is also some outstanding litigation in relation to tobacco matters that requires retention of the Act.</p>
Business Investigations Act 1958	DJ			Act repealed.
Business Names Act 1962	DJ	Scoping study has shown that the legislation does not restrict competition.	Review not required.	
Caravan Parks and Moveable Dwellings Act 1988	DHS		Review completed in 1997 and retention of overall restrictions justified as being in the public benefit.	Act repealed and replaced by the Residential Tenancies Act 1997.
Casino (Management Agreement) Act 1993	T&F	Licences, exclusive licence.	Deleted from the LRP due to lack of scope for amendment without varying contractual arrangements with the existing casino operator and requiring payment of compensation.	
Casino Control Act 1991 - Part 5A	T&F	Restricts sports betting to the casino.	Public review by CIE completed in 1998.	The Government is retaining the restriction as it is in line with the decision not to expand the sports betting licensing regime on the grounds of problem gambling and regulatory efficiency.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Casino Control Act 1991 (excluding sections 128H to 128L which are administered by the Minister for Major Projects, excepting section 128K(2), which is administered by the Minister for Finance)	T&F		Deleted from the LRP due to lack of scope for amendment without varying contractual arrangements with the existing casino operator and requiring payment of compensation.	
Casino Control Act 1991	T&F	Market conduct, and operations.		<p>New restrictions introduced by the Gambling Legislation (Miscellaneous Amendments) Act 2000, which changes the Casino Control Act to allow increased accountability of the gaming industry. It allows for full reporting and enhanced probity checks, allows the Victorian Casino and Gaming Authority to conduct open hearings and gives the community the right to know details of applications.</p> <p>The Gambling Legislation (Responsible Gambling) Act 2000 changes the Casino Control Act to provide for players of gaming machines to be given information relevant to gaming on those machines.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cemeteries Act 1958	DHS		Review completed in December 2000. Review made 19 recommendations, including: retaining the restriction that prevents funeral directors and others in the death care industry operating cemeteries and crematoria; retaining cemeteries and those crematoria that have memorial sites for interred ashes in the public sector; transferring restrictions on the location of crematoria to planning legislation; retaining requirements for burial permits; and repealing the limitation on fees that can be charged by cemeteries but requiring cemeteries and crematoria to report their fees to the Department of Human Services.	<p>The Government accepted the majority of the review recommendations. The Government rejected the recommendation to remove restrictions on fees. Instead, it proposes to reform fee regulation. It will place greater emphasis on disclosure of terms, conditions and fees, whilst retaining some residual control over fees by requiring cemeteries and crematoria to justify and seek approval for fee increases greater than CPI and through a power to investigate and overturn excessive fees. The Government considers that fee regulation is in the public interest due to the presence of cemeteries and crematoria on Crown land and hence the Government's interest in the efficient use of that land. In addition, fee regulation protects community access to burial sites.</p> <p>Some legislative changes were introduced in spring 2003 — the Cemeteries and Crematoria Act 2003 was passed in October 2003 and assented in November 2003.</p>
Chattel Securities Act 1987 - Part 3 (Registrable Goods)	DI	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>
Children's Services Act 1996	DHS	Licensing.	The Act screened under Victoria's gatekeeper arrangements for new legislation when introduced into Parliament. Victoria considers that there is a clear public benefit in restricting the market through licensing, which safeguards the care and protection of preschool children. It also considers that the provisions stimulate, rather than limit, competition.	
Chinese Medicine Registration Act 2000	DHS	Restrictions on entry, registration, title, advertising, insurance, and disciplinary provisions.	Review completed in 2000. Victoria led Australian Health Ministers Advisory Council (AHMAC) investigation of the need for registration. Decision made to register.	New licensing legislation passed May 2000. The Health Practitioner Acts (Further Amendment) Act 2002 included changes to the advertising guideline provisions to require Ministerial approval of advertising guidelines.
Chiropodists Act 1968	DHS	Restrictions on entry, registration, title, practice, advertising, business licensing, and disciplinary provisions.	Review completed in 1997.	Legislation replaced with the Podiatrists Registration Act 1997 in line with recommendations. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropractors and Osteopaths Act 1978	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1996.	Act repealed and replaced by the Chiropractors Registration Act 1996 and the Osteopaths Registration Act 1996. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained in the new Acts.
Chiropractors Registration Act 1996	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.		Legislation replaced the Chiropractors and Osteopaths Act 1978 in line with recommendations. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained in the new Act.
City of Greater Geelong 1993 (excluding Part 5).	DI		Review not required.	Act (excluding Part 5) repealed.
City of Melbourne Act 1993	DI		Review not required.	Act repealed.
Civil Aviation (Carriers' Liability) Act 1961	DI	Act assessed as not restricting competition.	Review not required.	
Club Keno Act 1993	T&F	Sets out provisions for allowing the playing of Club Keno and the rules for participants.	Review completed in 1997. Reforms recommended in conjunction with broader review of electronic gambling scheduled to occur by 2006.	The Government will consider the review recommendations as part of its 2006 review of Victoria's electronic gaming machine industry.
Conservation Forests and Lands Act 1987	DSE	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>
Construction Industry Long Service Leave Act 1983 (to transfer to the Industry Science and Technology portfolio from 1 January 1999)	T&F			Act repealed and replaced by the Construction Industry Long Service Leave Act 1997.
Consumer Credit (Finance Brokers) Act 1998	DJ	Licensing.	Review completed in 1998. Review concluded some restrictions, relating to licensing and fee structures, are justified as being in the public benefit.	Act replaced the Finance Brokers Act 1969.
Consumer Credit (Victoria) Act 1995	DJ		National review completed. The review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. The review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs endorsed the final report in 2002 and referred it to the Uniform Consumer Credit Code Management Committee which is facilitating the resolution of some issues.	The Code will be amended through the Queensland Parliament and the amendments will automatically apply in Victoria.
Control of Weapons Act 1990	DJ		Review not required. Deleted from the LRP due to overriding public safety considerations.	
Co-operation Act 1981	DJ			Act replaced by the Co-operatives Act 1996.
Co-operatives Act 1996	DJ			Act repealed and replaced the Co-operation Act 1981.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Corrections Act 1986	DJ	There are no competition restrictions in the legislation which creates a framework for the multi-provider (i.e. public and private sector) corrections system in Victoria.	Review not required.	
Council of Law Reporting in Victoria Act 1967	DJ	Single series of authorised law reports.	<p>Review completed on 20 October 2000, in consultation with the High Court and Federal Court of Australia; all Victorian Courts; Supreme Court library; Council of Law Reporting; all Victorian universities; publishers of law books; electronic law services; legal professional bodies and associations and Legal Aid.</p> <p>Review concluded the restriction: ensures continuation of a single series in a small market not large enough to sustain more than one publisher; ensures that the costs of law reports are kept as low as possible; ensures that only relevant and important cases are reported and reduces the likelihood of confusion that would be caused by a multiplicity of law reports; and there is no alternative means of achieving the objectives of the Act.</p> <p>Review recommended no legislative changes.</p>	The Government accepted the review recommendations.
Country Fire Authority Act 1958	DJ		Review not required.	Function has been divested.
Credit (Administration) Act 1984	DJ	Scoping study has shown that the legislation does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Crown Lands (Reserves) Act 1978 and related Acts (e.g. Kew and Heidelberg Lands Act 1933, Melbourne Cricket Ground Act 1933, Royal Botanic Gardens Act 1991, Shrine of Remembrance Act 1978, Zoological Parks and Gardens Act 1967)	DSE	Leases and licensing may result in anti-competitive outcomes.	Major public review by external consultants completed. The NCP review of Victoria's Crown land management legislation and the response to this review will be released in 2003.	
Cultural and Recreational Lands Act 1963	DI	Act assessed as not restricting competition.	Review not required.	
Dairy Industry Act 1992	DPI	Vests milk in Victorian Dairy Industry Authority. Sets farmgate price for market milk and pools market milk returns. Licenses farmers, processors, distributors and carriers.	Review, by independent consultant, completed in 1999. It recommended the removal of all restrictions except those that safeguard public health. It further recommended third party auditing of dairy food safety subject to acceptance of importing countries.	In December 1999, the Victorian Government conducted a plebiscite of all Victorian dairy producers on whether to reform the State's market milk arrangements. Victorian producers overwhelmingly supported reform in conjunction with the Australian Government's proposed industry adjustment package. In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Victoria passed the Dairy Act 2000 on 1 June 2000, deregulating the industry from 1 July 2000. The new Act also establishes Dairy Food Safety Victoria to regulate dairy food safety.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dangerous Goods Act 1985 Regulations 2000 (Explosive), (Storage and Handling) and (Major Hazards)	T&F	Licenses required to manufacture, store, transport, use, import and otherwise handle explosives.	Review completed in 1999.	New legislation. The regulations require a licence to manufacture, store, sell, transport, drive and import explosives or to use them for blasting at minesites and quarries. A licence is also required to discharge fireworks or to be a pyrotechnician. Shipping berths are to be approved for the transfer and handling of explosives. Major hazard facilities are required to be registered and licensed. These requirements may create barriers to entry into industries which undertake these activities. The restrictions are primarily aimed at safety and are justified on this basis.
Defence Reserves Re- employment Act 1995	DJ	Scoping study has shown that the legislation does not restrict competition.	Review not required.	
Dental Practice Act 1999	DHS	Restrictions on entry, registration, title, practice and advertising, and disciplinary provisions.	New legislation enacted following the review of the Dental Technicians Act 1972 and the Dentists Act 1972.	The Health Practitioner Acts (Amendment) Act 2000 added professional indemnity insurance requirement and an ability for the dental board to issue guidelines on advertising. The Health Practitioner Acts (Further Amendment) Bill 2002 amended the advertising guideline provisions of the Dental Practice Act to require Ministerial approval of advertising guidelines.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Technicians Act 1972 Dentists Act 1972	DHS	Restrictions on entry, registration, title, practice, discipline, advertising and ownership.	Review completed in July 1998. Review recommended retention of restrictions on use of title, types of work, and a requirement for fair and accurate advertising. Recommendations also included the removal of ownership restrictions, removal of the restriction on 'disparaging remarks' in advertising, and allowing dental therapists to work in the private sector. The Victorian Law Reform Commission recommended compulsory professional indemnity insurance in 1999.	The Dental Practice Act 1999 replaced the Dental Technicians Act 1972 and the Dentists Act 1972.
Discharged Servicemen's Preference Act 1943	DJ	Scoping study has shown that the legislation does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Domestic (Feral and Nuisance) Animals Act 1994	DPI	Registration of domestic animal suppliers. Code of practice for domestic animal suppliers. Prohibition on the supply of animals from other than premises. Exemptions and concessions for specific associations.	<p>Review by independent consultants KPMG completed in November 1998. Review recommended:</p> <ul style="list-style-type: none"> • retaining registrations and code of practice for domestic animal suppliers; • retaining prohibition on supply of animal from other than premises; • narrowing exemption to breeders with no more than 2-3 animals; • allowing all recognised animal associations access to exemptions and concessions; • removing 'for profit' distinction between domestic animal suppliers; • repealing provisions relating to obedience training establishments; • regularly reviewing the code of practice; • retaining provisions relating boarding kennels and catteries until self-regulation is shown to be effective; and • improving consistency of enforcement by local councils. 	The Government accepted most recommendations and the Act was amended in 2000.
Dried Fruits Act 1958	DPI		Review not required as the industry decided to wind up the Dried Fruits Board. See also the Dried Fruit Act 1939 (NSW).	Act repealed by the Dried Fruits (Repeal) Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Drugs, Poisons and Controlled Substances Act 1981	DHS	Licensing, storage, distribution and dispensing restrictions.	Part of Galbally Review. Draft Review Report completed on 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.	CoAG referred the Report through the Australian Health Ministers Conference and the Australian Health Ministers Advisory Council to an AHMAC Working Party, comprised of representatives from the Australian Government, NSW and Western Australia. AHMAC endorsed the draft response prepared by the working party. CoAG is expected to receive the final response from the AHMC in spring 2003.
Education Act 1958	DET	Requires the registration of private schools and endorsement of schools as suitable for overseas students and governs setting of fees for overseas students. Also provides for teacher licensing, registration and entry requirements (qualifications/teacher training, good character — including not convicted or guilty of a sexual offence), reservation of practice (all subjects except instrumental music, choral music, voice production and religion), and disciplinary processes.	Review completed in May 2000. Victoria's review proposed less restrictive criteria than those in the existing legislation. The review recommended that schools satisfy three criteria (relating to suitable curriculum, suitable teachers, and suitable premises) but that a fourth criterion (concerning minimum student numbers) be dropped. Review recommended the existing system of teacher registration for teachers in non-government schools should be retained.	The Government opted to retain the fourth registration criterion, arguing that it ensures a school can offer a sufficient range of subject options and that it has a direct bearing on the financial viability of the school. Victoria's review committee also considered a proposal for a differential fee structure for overseas students attending government schools. The Government decided to retain the present restriction because the government school system is marketed as a whole and thus discontinuation of the present system would have a negative impact on broader marketing strategies across all education sectors. The Government accepted review recommendations on teacher registration.
Electric Light and Power Act 1958	T&F			Act repealed and replaced by the Electricity Safety Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Industry Act 1993	DI	The Act is one of the mechanisms by which the Government has affected competition reform of the Electricity Industry.		Act repealed and replaced by the Electricity Industry Act 2000. The Electricity Industry (Residual Provisions) Act 1993 now contains the remaining provisions from the 1993 Act that are relevant for historical purposes, including the privatisation provisions.
Electricity Industry Act 2000	DI	The Act is one of the mechanisms by which the Government has affected competition reform of the Electricity Industry.		The Electricity Industry Act 2000 replaced the Electricity Industry Act 1993. It substantially re-enacted various provisions of the 1993 Act relevant to the regulation of the electricity industry. The Act was assessed against NCP principles at introduction. This assessment found the Act's provisions to be consistent with NCP principles, that is they do not restrict competition, but rather underpin existing competition and facilitate its introduction for domestic and small business customers.
Electricity Safety (Equipment) Regulations 1999	DI	All electrical equipment supplied in Victoria is required to comply with Australian and New Zealand Standard AS/NZS:1998 unless a certificate of acceptance has been issued by the Office of the Chief Electrical Inspector. Also, certain prescribed electrical equipment must be approved by the Office of the Chief Electrical Inspector or a prescribed authority.	Regulations assessed against NCP principles at introduction. The assessment found the restrictions justified in the public interest on public safety and consumer protection grounds. The regulations address consumers' inability to detect hazardous products.	Restrictive provisions retained.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Safety (Installations) Regulations 1999	DI	Licensing (electrical workers and inspectors), registration (electrical contractors), entry requirements (qualifications, also training course for person responsible for business management and administration), business conduct (insurance), prescribed methods for carrying out installation work, and standards for the quality of materials, fittings and apparatus.		New legislation to address information asymmetries. Government considers regulations are justified because unskilled workers, contractors or inspectors or the use of inappropriate methods or substandard materials can result in loss of life, injury, industry downtime and property damage.
Electricity Safety Act 1998	T&F	Licensing for electrical workers and persons contracting with customers to carry out electrical wiring work. Office of Chief Electrical Inspector may introduce provisions enabling identification of specific areas of work for specialist licensing, and may set minimum standards for all electrical equipment for hire.	Act assessed against NCP principles at introduction. The assessment found the restrictions justified in the public interest on public safety and consumer protection grounds. The Act addresses consumers' inability to detect hazardous products and assess the competency of tradespeople.	Act replaced the Electric Light and Power Act 1958. Restrictive provisions retained.
Employment Agents Act 1983	RD		Review not required.	Act never brought into operation. Act repealed by the Training and Further Education Acts (Amendment) Act 2000.
Energy Consumption Levy Act 1982	T&F			Act repealed and replaced by section 19, Gas Industry (Amendment) Act 1997.
Environment Effects Act 1978	DI	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>
<p>Environment Protection Act 1970</p>	<p>DSE</p>	<p>The requirement for works approval restricts the undertaking of works subject to the conditions set by EPA.</p> <p>Licensing of premises where operations pose a potentially significant risk to the environment.</p> <p>The requirement for financial assurance imposes a cost on companies due to the cost of funds.</p> <p>The requirement for a permit is a restriction on competition as it restricts who can transport waste.</p> <p>Some provisions of the Act, such as those that prohibit placing advertising leaflets on motor vehicles, may also be seen to be placing competitive restrictions on smaller operators who cannot afford major electronic advertising campaigns.</p>	<p>Review completed in August 2000. Review recommendations included:</p> <ul style="list-style-type: none"> • that the requirement for Works Approval be retained as the competition restriction is outweighed by the benefits of certainty to industry and the community; • the Act should be amended to include provision for the appointment of auditors and set out general criteria for such an appointment consistent with competition policy principles. More specific criteria should continue to be published in the guidelines; • the impact of new regulations on the overall regulatory burden should be assessed, where appropriate, under EPA's Protocol for the Development of Regulations and the Preparation of Regulatory Impact Statements (RIS); and • the Act should be amended to include the Litter Act to make the Litter Act a more forceful piece of legislation. The new provisions should be subject to a competition policy test and allow EPA to employ economic measures to limit litter in Victoria. 	<p>Reform ongoing. The remaining restrictions in the Act are justified under the public benefit.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Estate Agents Act 1980	DJ	Licensing (real estate agents not their representatives who are negatively licensed), registration, entry requirements (agents: licensed in past five years or qualifications and experience, over 18, fit and proper person (not insolvent, not convicted of prescribed offence or disqualified under Act); agent's representative: similar but no experience and lower level training), the reservation of practice (includes auctions of real estate or property), disciplinary processes, business conduct (ownership, name of business and address in advertising, agents' representatives only one employer, no commission sharing, professional conduct, trust accounts, Estate Agents Guarantee Fund (funded from interest on trust accounts) to pay for administration and defalcation), and business licensing.	Review completed in 2000. Recommended: retaining full licensing for residential property sales, but making experience and education requirements less restrictive; applying a less restrictive form of licensing to agents selling commercial property and business and managing property; and retaining regulation to protect against defalcation.	The Government introduced the Estate Agents and Sale of Lands Act (Amendment) Bill in spring 2002. The Bill lapsed when Parliament was prorogued for the State election, but was reintroduced in April 2003 and passed without amendment. The amended Act implements the majority of the review recommendations except the recommendation to apply a less restrictive licensing approach to agents who are not involved in residential real estate sales.
Extractive Industries Development Act 1995	DPI	Searching for quarry stone prohibited without a permit. Quarrying prohibited without a work authority from the Minister.	Review completed and released in October 2001. Review recommended removal of work authority.	The Government considered its response and introduced amendments in the Extractive Industries Development (Amendment) Act 2003 that was passed by Parliament on 6 November 2003 and assented on 11 November 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1999	DJ	Requirements imposed on 'Off-Business Premises Sales' in Part 4 entail some restriction on competition.	Act assessed against NCP principles at introduction. The assessment recommended retention of restrictions on the grounds that they are the least restrictive means of achieving the Act's objectives, and so are in the public interest.	Restrictive provisions retained.
Finance Brokers Act 1969	DJ	Licensing.	Review completed and retention of some restrictions, relating to licensing and fee structures, justified as being in the public benefit.	Act repealed and replaced by the Consumer Credit (Finance Brokers) Act 1998.
Financial Institutions (Victoria) Act 1992	DJ			Act repealed by the Financial Sector Reform (Victoria) Act 1999. Jurisdiction has passed to the Australian Government under financial sector reforms.
Firearms Act 1958	DJ			Act repealed and replaced by the Firearms Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fisheries Acts 1968 and 1995	DPI	Licensing of commercial and recreational fishers. Input controls on boat size, gear and fishing methods. Output controls such as total allowable catches, individual transferable quota, bag and size limits.	<p>Review by independent economic advisers ACIL Consulting completed in 1999. It recommended that the Government:</p> <ul style="list-style-type: none"> • review alternatives to nontransferable fishing licences; • grant access licences for longer than one year; • introduce full recovery of fishery management costs and consider introducing royalties or rent taxes; • move from input controls to output controls (quota) in the rock lobster fishery; and • remove minimum and maximum quota holding restrictions in the abalone fishery. 	<p>The Government accepted all general recommendations except longer term access licences with automatic renewal. The recommended replacement of input controls with output controls in the lobster fishery was implemented in 2001. Restrictions on abalone quota holdings and transfers are to be removed in 2003. Other reforms to be implemented are:</p> <ul style="list-style-type: none"> • introducing full cost recovery of fishery management costs; • removing employee limits on quota-managed fisheries other than abalone; and • removing pot limits in the rock lobster fishery.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Flora and Fauna Guarantee Act 1988</p>	<p>DSE</p>		<p>Review, by consultant KPMG, completed in February 1999. Consultation involved issues paper and call for submissions, targeted interviews. Review recommended no changes to:</p> <ul style="list-style-type: none"> • the listing process for species; • the provisions outlining management processes; • the provisions detailing Interim Conservation Orders; • the current permit provisions for native flora collection. However, there are effects on competition created by the division of the permit system by land ownership (public or private) and the pricing of these permits. Charging for permits should reflect full costs, including opportunity costs of alternative land uses. Decision guidelines for issuing of permits should facilitate transparency and reflect awareness of competition issues; and • the processes used in the operation of the Act. Consideration should be given to taking a broader legislative approach to environmental regulation. <p>The regulations created under the Act do not restrict competition. The review also recommended that decision guidelines should be developed for the issuing of permits on public and private land in order to facilitate transparency and reflect awareness of competition issues.</p>	<p>The DSE will continue development of a new instrument for funded management agreements.</p> <p>The Government is finalising a management program for the commercial harvesting of tree fern; a further management program for flowers and foliage will then be prepared.</p> <p>The Department will finalise management programs for the wild harvesting of tree ferns, flowers and foliage for submission to Environment Australia and will then update the guidelines for making protected flora permit decisions and to better reflect competition issues. It will also prepare explanatory material for distribution to stakeholders.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Food Act 1984	DHS	Provides for various food safety offences. Imposes standards on food products. Requires registration of food premises and vehicles and operation of food safety programs. Requires approval of food safety auditors.	National review completed in 2000 (see the NSW Food Act 1989).	All States and Territories agreed in November 2000 to adopt core provisions of the model food bill by November 2001. Act amended accordingly by the Food (Amendment) Act 2001.
Forest agreement Acts (primarily for softwoods) including: Victree Forests Agreement; Australian Newsprint Mill Limited; Bowater-Scott Agreement; Laminex Industries Agreement; Pulpwood Agreement; and Wood Pulp Agreement.	DSE	Acts import into statute long term agreements between the Government and wood processors to supply softwood timber.	The Acts are not for review as they cannot be amended without renegotiating the agreements and paying compensation.	Following the sale of the Victorian Plantations Corporation, the Victree Forests Agreement and Bowater-Scott Agreement Acts have been repealed. The other Acts remain and the associated agreements are performed by the new owner of the plantations.
Forest agreement Acts relating to hardwoods, eg Forests (Masonite Agreement) Act 1956	DSE		Forest Agreements Acts are legislated agreements between Government and producers of paper and other wood products. They are binding legal contracts (put into legislation) and consequently were not scheduled for NCP review. The Forests (Wood Pulp Agreement) Act 1996 relates to hardwood. This agreement between the Government and AMCOR does not expire until 2030.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Forests Act 1958	DSE	15 year non-transferable timber harvesting licences. Permits and leases for grazing and other uses of State forest. Administrative discretion over how licences and produce are allocated and priced. Logs harvested to equal sustainable yield.	Reviewed by independent economic advisers completed in 1998. Review recommended: <ul style="list-style-type: none"> • allowing purchaser/provider structure for management of State forests; • removing requirement for minimum level of logging; • developing market-based processes for log allocation and pricing; and • separating policy, regulatory and commercial forestry functions of the department. 	In February 2002, Victoria released a major policy statement. The Government intends to establish a new commercial entity VicForests and to make pricing and allocation of forest produce more competitive and transparent. An industry/department task force is advising on implementation.
Friendly Societies (Victoria) Act 1996	DJ			Act replaced the Friendly Societies Act 1986 and repealed by the Financial Sector Reform (Victoria) Bill 1999.
Friendly Societies Act 1986	DJ			Act repealed and replaced by the Friendly Societies (Victoria) Act 1996.
Fuel Emergency Act 1977			Review completed. Act assessed as not restricting competition.	
Fuel Prices Regulation Act 1981	DJ	Scoping study has shown that the legislation does not restrict competition.	Review not required.	
Fundraising Appeals Act 1984	DJ			Act repealed and replaced.
Funerals (Pre-Paid Money) Act 1993	DJ	Scoping study has shown that the legislation does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gambling Legislation (Miscellaneous Amendments) Act 2000		Caps, regional caps, advertising restrictions, and conduct.	Gatekeeper provisions apply.	New legislation accepted. These amendment Acts introduced responsible gambling initiatives and key restrictions such as regional caps and advertising controls in all gambling-related legislation in Victoria.
Gambling Legislation (Responsible Gambling) Act 2000		Caps, regional caps, advertising restrictions, and conduct.	Gatekeeper provisions apply.	New legislation accepted. These amendment Acts introduced responsible gambling initiatives and key restrictions such as regional caps and advertising controls in all gambling-related legislation in Victoria.
Gaming and Betting Act 1994 - Part 1 of 2 (as it relates to gaming machines)	T&F	Provides for the licensing of a gaming machine operator in conjunction with a wagering licence. The Act also provides for the racing industry to be a major beneficiary of the licence and future licences.	See the Gaming Machine Control Act 1991, Part 1.	See the Gaming Machine Control Act 1991, Part 1.
Gaming and Betting Act 1994 - Part 2 of 2 (as it relates to racing and betting)	T&F	Allows for the issuing of a wagering and gaming licence to TABCORP Holdings Ltd providing that the company has entered into an unincorporated joint venture with the racing industry. Establishes the Victorian Casino and Gaming Authority as the regulator of the gaming and wagering licence. Generally regulates the operation of totalizator and fixed odds betting by TABCORP. Prescribes the taxation regime for totalizator and fixed odds betting by TABCORP.	Review of racing and betting legislation in Victoria completed in November 1998. Review included the Racing Act 1958, Gaming and Betting Act 1994, the Lotteries Gaming and Betting Act and the Casino Control Act 1991 (as it relates to betting). Concluded that the need for adequate totalisator pools justified the single licence arrangements. It also identified a public benefit in the arrangements for funding the Victorian racing industry.	The Government did not accept the review recommendations for an expansion of the sports betting licences, arguing that there was a public benefit in restricting the number of licences and the venues where such betting could be conducted (this was for reasons of monitoring and supervision).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming Machine Control Act 1991 - Part 1 of 2	DJ	Generally regulates the gaming machine industry in which the racing industry and TABCORP are participants.	<p>Review completed in November 2000. Review recommendations included:</p> <ul style="list-style-type: none"> • that the current licences should end as soon as practicable; • that the on-going support of the racing industry be renegotiated to accommodate the licence restructure; • removal of the requirement that monitoring and control be a requirement of the operator's licence; • removal of the minimum 20 per cent allocation of gaming machines to non-metropolitan Victoria; • the club/hotel 50:50 split be retained; • a package of reforms of the club sector; and • that restrictions on matters such as machine numbers per venue, 24-hour gaming, licensing, ministerial discretion and probity should be retained. 	The Government accepted most of the review recommendations. It noted in principle support for changes to the licence structure and consequential changes to the support for the racing industry.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming Machine Control Act 1991 - Part 2 of 2 CI5(5) applies	DJ	Caps on machine numbers, regional caps on machine numbers, advertising restrictions, and conduct restrictions.		<p>New restrictions introduced in the Gambling Legislation (Miscellaneous Amendments) Act 2000, which changes the Gaming Machine Control Act to allow increased accountability of the gaming industry. It allows for full reporting and enhanced probity checks, allows the Victorian Casino and Gaming Authority to conduct open hearings and gives the community the right to know details of applications.</p> <p>The Gambling Legislation (Responsible Gambling) Act 2000 changes the Gaming Machine Control Act to provide for players of gaming machines to be given information relevant to gaming on those machines. The local community is now considered in the locations of new venues through Councils having the opportunity to comment on proposals. Regional gaming machine caps have been put into place in areas where gaming is likely to cause harm. No 24-hour venues are permitted in regional and rural Victoria.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming No 2 Act 1997	T&F	Restrictions on minor gambling such as bingo.		<p>New restrictions introduced in the Gaming No 2 (Community Benefit) Act 2000, which revises the Gaming No 2 Act by guaranteeing a portion of bingo revenues returns to charity and community groups to counter the growing market power of the bingo venues. It also allows community organisations to use trade promotions so that they can broaden their revenue raising opportunities.</p> <p>The amendments also ban the offer of cash or cash redeemable prizes in amusement centres, so as to reduce the inducements to gamble in areas children frequent.</p>
Gaming No. 2 (Community Benefit) Act 2000		Operations, and conduct.	Gatekeeper provisions apply.	Act revised the Gaming No. 2 Act 1997. New legislation protects minors and reduces the market power of bingo venues, to enhance charitable and community organisations' fundraising abilities.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Industry Act 1994 and Amendment Acts	T&F	<p>Act provided for:</p> <ul style="list-style-type: none"> • licensing regime administered by Office of Regulator-General; • market and system operation rules for Victorian gas market; • cross-ownership restrictions to prevent re-aggregation of Victorian gas industry; and • prohibitions on significant producers (the Bass Strait producers) engaging in anti-competitive conduct. 	<p>Full retail contestability amendments to facilitate orderly introduction of full retail contestability via:</p> <ul style="list-style-type: none"> • a safety net for domestic customers, including interim reserve price regulation power to be reviewed in August 2004; and • a requirement for retailers to enter community service agreements. 	<p>Act replaced by the Gas Industry Act 2001 and the Gas Industry (Residual Provisions) Act 1994 on 1 September 2001. New Acts are designed to further facilitate orderly introduction of full retail contestability. New Acts are to be as consistent as possible with reforms in the electricity industry.</p> <p>The Gas Industry Act 2001 and the Gas Industry (Residual Provisions) Act 1994 were introduced on 1 September 2001. These amendments are consistent with NCP principles and are essentially similar to those operating in the electricity context. The 'safety net' provisions will be reviewed before their scheduled expiry on 31 August 2004.</p> <p>However provisions were introduced to enable the deferral of FRC. Further amendments were also made in 2001, primarily designed to facilitate the orderly introduction of FRC.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Safety Act 1997 and Regulations	DI			<p>New restrictive regulations introduced in relation to Gas Appeals Board, gas installations, gas quality and safety case. Aim of new regulations is to ensure safety. Uniform gas quality specifications aim to ensure gas in distribution pipelines is safe for end use.</p> <p>Efforts made to minimise compliance costs by restricting the scope of restrictions to minimum functional requirements and avoiding prescription of style or format.</p> <p>No further reforms planned.</p>
Health Act 1958 (Part V, Division 2AA) Health (Radiation Safety) Regulations 1994	DHS		National review completed in December 2000.	
Health Services Act 1988	DHS		Review completed in March 2000. Review recommendations include removal of bed caps, consideration of clinical performance indicators and consumer access to health records.	Bed caps for private hospitals and day procedure centres removed July 2000. The Health Records Act 2001 provides for consumer access to health records.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Heritage Act 1995	DI	Monopolistic administrative powers granted to Executive Director of Heritage Victoria and heritage protection constraints on the real estate market.	Review completed in April 1999. Review undertaken by Freehill, Hollingdale and Page. Consultation involved public notification, targeted consultation, and consideration of submissions by interested parties. Review concluded legislation procures net benefit to the community and no preferred alternative. Recommended some changes to administrative processes and develop and report key performance indicators to observe and encourage compliance with the practice notes.	The Government accepted all recommendations. The Heritage Council prepared draft practice notes, legislation has included changes to further improve legislative clarity and transparency, and from 2001, the Heritage Council has reported annually on its compliance with the practice notes.
Hire Purchase (Amendment) Act 1997	DJ	Retains the principal Act's special consumer protection measures for new hire-purchase agreements for farm machinery for two years (while removing all other new hire-purchase agreements from coverage).	Victoria considers there is benefit in continuing to use the Act to address rural sector difficulties in relation to hire purchase to allow time to ensure that the unconscionable conduct provisions of the Australian Government TPA would prove adequate to protect farmers.	
Hire Purchase (Amendment) Act 2000	DJ	Retains the principal Act's special consumer protection measures for new hire-purchase agreements for farm machinery for a further three years.	Victoria considers there is benefit in continuing to use the Act to address rural sector difficulties in relation to hire purchase to allow time to ensure that the unconscionable conduct provisions of the Australian Government TPA would prove adequate to protect farmers.	
Housing Act 1983	DHS	Act assessed as not restricting competition.	Review not required. Reassessment of this Act demonstrated that there are no restrictions on competition contained in this Act. Its removal from the timetable of review has been accepted.	

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Housing Act 1983 (Part VI)	DJ			Part VI of the Act (relating to rental housing co-operatives) repealed and replaced by the Co-operatives Act 1996. The Housing (Rental Housing Co-operative) Regulations 1994 are redundant and will be revoked.
Impounding of Livestock Act 1994	DPI	Act assessed as not restricting competition.	Review not required.	
Industrial and Provident Societies Act 1958	DJ			There is only one society still registered under the Act. That society is in liquidation, however finalisation of the liquidation has been delayed due to some Supreme Court proceedings. As soon as these proceedings have been resolved the liquidation will be completed and the registration of the society will be cancelled. The Act will then be repealed.
Interactive Gaming (Player Protection) Act 1999	T&F	The Act makes provisions for the protection of consumers participating in interactive games by regulating the provision of interactive gaming services.		New legislation. The Act introduces various restrictions that will help ensure that consumers who use interactive gambling services are adequately protected. Players will be protected by measures that: ban the use of credit betting; restrict access to minors; involve strict player registration guidelines; have self-exclusion; detail operator licensing procedures; set betting limits; and ensure there is a minimum seven day cooling off period before increasing the betting limit.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Introduction Agents Act 1997	DJ	Negative licensing, business conduct (disclosure requirements, cooling-off period, restriction on advance payments to 30 per cent of the total contract price).	New legislation examined under Victoria's legislation gatekeeping arrangements. Public interest justification: regulation only introduced after other forms of intervention had demonstrably failed to correct problems in the market for introduction services: large advance payments were frequently being extracted for services which did not meet the expectations created in clients; consumer complaints were not being heeded; and civil action by aggrieved consumers was not deterring further malpractice. The benefit of better informed consumers and reduced consumer loss due to poor service delivery following advance payments outweigh the compliance costs imposed. Less restrictive alternatives would not achieve the objective of deterring dishonest operators and promoting effective competition in the industry.	
Labour and Industry Act 1958		Act assessed as not restricting competition.	Review not required.	
Land (Goonawarra Golf Course) Act No. 6/1988	DI	Act assessed as not restricting competition.	Review not required.	
Land Act 1958	DSE	Leases and licensing.	The NCP review of Victoria's Crown land management legislation and the response to this review will be released in 2003.	
Landlord and Tenant Act 1958	DJ	Scoping study has shown that the legislation does not restrict competition.	Review not required.	

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Legal Aid Act 1978 (as amended 1995)	DJ		NCP review completed in 1998. The report of the review is expected to be released in 2003. Review involved targeted consultation with key stakeholders.	
Legal Practice (Amendment) Act 1998	DJ	Statutory mutual fund monopoly on supply of compulsory professional indemnity insurance for solicitors.		New legislation. The benefits of lower and more stable premiums outweigh the costs flowing from reduced incentives for product innovation and tailoring to different solicitors' needs (and those of their clientele). In addition the objectives of comprehensive cover for consumers of legal services and access to the services of sole and small firm practices, cannot be met without restricting competition.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practice Act 1996	DJ	Licensing, registration, entry requirements, reservation of title and practice, disciplinary processes, business conduct (including professional indemnity insurance monopoly).	<p>Review of legal practice legislation completed in 1996, leading to a range of reforms being implemented in the Legal Practice Act 1996.</p> <p>Victoria has also undertaken two reviews into professional indemnity insurance, by KPMG (recommending removing the monopoly provision of professional indemnity insurance) and the Legal Practice Board (recommending maintaining the monopoly). The latter report (and a draft response) was released for public comment in November 2000, and Supplementary Report on Professional Indemnity Insurance for solicitors in Victoria was subsequently provided to the National Competition Council (NCC) in June 2001. The response concluded that any insurance scheme for solicitors in Victoria must deliver affordable insurance to all solicitors licensed to practise, provide comprehensive run-off cover, and facilitate risk management. It concluded that, to achieve these objectives, it is necessary to require all solicitors to obtain legal professional indemnity insurance through the Legal Practice Liability Committee.</p>	<p>Victoria implemented the Legal Practice Act 1996, which removed the distinction between solicitors and barristers, allowed clients direct access to barristers, allowed incorporation of legal practices, removed binding fee scales, abolished compulsory membership of professional associations, permitted nonlawyer property conveyancing, but retained restrictions on preparing documents that create, vary, transfer or extinguish an interest in land, or to giving legal advice.</p> <p>The Government decided to retain the Legal Practice Liability Committee's monopoly over the provision of professional indemnity insurance for solicitors, but will review this decision in light of any national scheme developed by the Standing Committee of Attorneys General.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Control Act 1987	DJ	Contained a needs test, 8 per cent rule and multiple licence categories.	Review completed in 1998 and recommended significant procompetitive reform including abolition of needs criteria, simplification of licensing arrangements and removal of the 8 per cent rule.	Some restrictions (relating to sale of liquor, trading hours, licensing etc) retained as in the public interest based on review recommendations. Retained 8 per cent rule contrary to review recommendation. Amendments to Act, and repeal of Regulations, implemented through Liquor Control Reform Act 1998. 8 percent rule subsequently removed following further review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Litter Act 1987	DSE	<p>The requirement for works approval restricts the undertaking of works subject to the conditions set by EPA.</p> <p>Licensing of premises where operations pose a potentially significant risk to the environment.</p> <p>The requirement for financial assurance imposes a cost on companies due to the cost of funds.</p> <p>The requirement for a permit is a restriction on competition as it restricts who can transport waste.</p> <p>Some provisions of the Act, such as those that prohibit placing advertising leaflets on motor vehicles, may also be seen to be placing competitive restrictions on smaller operators who cannot afford major electronic advertising campaigns.</p>	<p>Review, in conjunction with the Environment Protection Act 1970, completed in August 2000. Review recommended the Environment Act should be amended to include the Litter Act to make the Litter Act a more forceful piece of legislation. The new provisions should be subject to a competition policy test and allow EPA to employ economic measures to limit litter in Victoria.</p> <p>See the Environment Protection Act 1970.</p>	See the Environment Protection Act 1970.
Livestock Disease Control Act 1994	DPI		<p>Review by independent consultants, PricewaterhouseCoopers, completed in January 2002. Review jointly with the Stock (Seller Liability and Declarations) Act 1993. Review recommended that the Government retain existing disease control measures and various associated licensing provisions.</p>	

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Local Government Act 1989	DI	Act assessed as not restricting competition.	Review not required.	
Long Service Leave Act 1992		Formerly Employee Relations Act 1992. Act assessed as not restricting competition.	Review not required.	
Lotteries Gaming and Betting Act 1966 (all except Parts I, IA, II, III, IV and V which are jointly administered with the Office of Racing) (Gaming restrictions)	T&F	Prohibits 'unlawful gambling'. Two-up can only be played on Anzac Day.		Legislation relating to minor gaming amended in 1997. The amendments were essentially in the form of enabling legislation to set up a framework under which various forms of minor gaming are regulated. This replaced the previous enforcement-based approach.
Lotteries Gaming and Betting Act 1966 (as it relates to racing and betting)	T&F	Contains enforcement provisions against illegal betting (eg SP bookmaking). Regulates the advertising and communication of betting related information.	review of racing and betting legislation, by CIE, completed in November 1998. Review included the Racing Act 1958, the Gaming and Betting Act 1994, the Lotteries Gaming and Betting Act 1966 and the Casino Control Act 1991 (as it relates to betting). Recommended that betting operators continue to be regulated as this provided a net public benefit.	The Government accepted the review recommendations to remove restrictions on cross-border advertising by betting operators, subject to the development of national uniformity. It accepted the recommendation to deregulate tipping services.

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Marine Act 1988 (and Notices made under Section 15)	DI	Provides for pilotage, licensing of pilots and harbour masters, and vessel registration.	<p>Review completed in 1998. Review made several recommendations aimed at ensuring the Act meets its objectives as effectively as possible, including:</p> <ul style="list-style-type: none"> • retaining but amending licensing of ship pilots; • consideration of legislation aimed at increasing competition for ship pilotage services; • establishing performance based standards for ship crewing; • management of local ports for local authorities; and • no change to provisions for recreational vessel. 	<p>The Government incorporated some review recommendations in the Marine Act. These include: rules, standards and determinations issued by the Marine Board have been reviewed and amended to ensure they are consistent with NCP principles; licensing standards for Harbour Masters in commercial ports reviewed and amended as have the licensing standard for pilots. Monopoly provision of pilotage services sunsetted but legislation amended to ensure competition does not adversely affect safety standard. Registration of vessels retained as fees contribute to safety and provision of facilities. Survey services can be undertaken by the private sector.</p>
Meat Industry Act 1993	DPI	Licenses processing facilities and vehicles. Requires certain meat processing facilities to operate quality assurance programs. Requires inspectors to hold minimum qualifications. Requires auditors to hold minimum experience and qualifications.	<p>Review by consultant completed in March 2001. Review recommended:</p> <ul style="list-style-type: none"> • retaining licensing of processing facilities and vehicles; • retaining minimum qualifications for inspectors, and minimum experience and qualifications for auditors; • improved accountability of the Meat Industry Authority; and • prohibiting discriminatory exercise of Ministerial powers. 	<p>The Government accepted all but the recommendation to circumscribe the Minister's power to direct the Meat Industry Authority. Instead, the Government agreed to the disclosure of such directions. Act was amended accordingly in 2001.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Practice Act 1994	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in March 2001. Further Discussion Paper covering Medical Practice Act and Nursing Act Issues (corporate ownership, performance assessment, nursing practice, nurse prescribing rights, appeals) released August 2001.	<p>The Health Practitioner Acts (Amendment) Act 2000 passed with amended advertising provisions, including the ability of the board to impose additional restrictions.</p> <p>Health Practitioner Acts (Further Amendment) Act 2002:</p> <ul style="list-style-type: none"> • creates a negative licensing scheme for the purpose of regulating corporate owners of medical practice who direct or incite medical practitioners to engage in unprofessional conduct; • establishes powers for the Medical Practitioners Board to manage poorly performing medical practitioners; and • amends the advertising guideline provisions, to require Ministerial approval of advertising guidelines.
Melbourne Market Authority Act 1977	DPI		Review not required as the only restrictions were those identified in the competitive neutrality review of the Authority.	
Mental Health Act 1986	DHS		Review completed in 1998, recommending removing funding and registration provisions, and retaining electro convulsive therapy licensing and regulation provisions.	Review recommendations implemented through amending legislation in 1999.
Metropolitan Fire Brigades Act 1958	DJ		Review not required.	Function has been divested.

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Mineral Resources Development Act 1990	DSE	Licensees must be 'fit and proper' and intend to do work. Licence conditions including employment levels. Maximum term of licences and restrictions on renewal. Work prohibited without approved work plan. Certification of mine managers.	Review by independent consultant completed in 1997, recommending removal of subjective licence criteria, employment conditions and mine manager certification. Government accepted most recommendations at least in part.	Act amended in Spring 2000. Guidelines prepared on interpretation of licence criteria.
Mines Act 1958	DPI	Act largely repealed. The few remaining provisions relate to occupational health and safety.	Review not required. Occupational health and safety provisions to be reviewed in consultation with the WorkCover Authority with a view to consolidating them with occupational health and safety legislation.	
Ministerial Direction No.1, Tendering Provisions	DI		Review completed and retention of restrictions justified as being in the public benefit.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Car Traders Act 1986	DJ	Licensing, registration, entry requirements (age at least 18 years, financial resources, fit and proper person – that is, person who is not insolvent, person who is 'likely to carry on such a business honestly and fairly', and person (and spouse and business partner) who was not convicted of serious offence in past 10 years), the reservation of practice, disciplinary processes, business conduct (statutory warranties, requirement for authority to conduct public auction, maintenance of records, no tampering with odometers, cooling-off period, fees and penalties paid into Motor Car Traders' Guarantee Fund for losses from licensed traders not complying with Act, no consignment selling, suitable premises, advertising).	Internal departmental review completed in 1998. Review recommended: replacing the eligibility criterion of 'suitable premises' by a criterion that a trader have all relevant planning approvals for any premises at which the trader conducts business, or proposed to carry on business, as a motor car trader; removing the eligibility criterion for a trader conducting a business 'efficiently'; and reducing the potential for unwarranted claims on the Motor Car Traders' Guarantee Fund.	The Government accepted review recommendations, with amendments made by the Tribunals and Licensing Authorities (Miscellaneous Amendment) Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Murray Valley Citrus Marketing Act 1989	DPI	Joint NSW–Victorian scheme that establishes the Murray Valley Citrus Marketing Board that provides information services to growers and allows it to be engaged in the marketing and processing of citrus fruit.	<p>Joint review with NSW by independent consultants, CIE, completed in July 1999. Review recommended:</p> <ul style="list-style-type: none"> • removing powers of the Murray Valley Citrus Marketing Board to be engaged in marketing or processing of citrus fruit; • improving accountability of the Board to growers; • introducing user charging for services with private benefits; and • repealing the Act and reconstituting the Board under the Agricultural Industry Development Act. 	The Government has accepted all recommendations. Act to be repealed in 2002 and board reconstituted by regulation under the Agricultural Industry Development Act 1990 in accordance with the recommendations of the review.
Museums Act 1983	P&C		A review of alleged anticompetitive provisions in the Museums Act 1983 was conducted in 1997 by an independent person, Professor Glenn Withers. In August 1998, Arts Victoria considered Professor Withers' report and recommended that the review of the Museums Act 1983 found that there was no 'Restriction on competition in the Act to remove'. Hence there was no legislative reform/amendments.	
National Parks Act 1975	DSE	Restricts commercial activities in national parks.	Review by independent consultants, the Allen Consulting Group, completed. This review also considering Part IV of the Water Industry Act 1994. The release of the report will be provided concurrently with the release of the Government response, which will be completed in 2003.	It is proposed that any legislative reforms required will be implemented during 2004.

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National Rail Corporation (Victoria) Act 1991	DI	Gives effect to an agreement between some States and the Australian Government relating to the conduct of the National Rail Corporation Ltd.	Scoping study concluded legislation did not restrict competition and the legislation was removed from the review timetable.	
Nurses Act 1993	DHS	Restrictions on entry, registration, title, and disciplinary provisions.	Review completed in 2000. Discussion paper released in October 1998, but final report not released. Separate Nurse Practitioner Report released June 2000.	<p>Amending legislation passed November 2000, also amends Drugs, Poisons and Controlled Substances Act.</p> <p>New legislation includes nurse practitioner and prescribing provisions, a requirement for professional indemnity insurance, disciplinary changes, and introduces advertising restrictions.</p> <p>The Health Practitioner Acts (Further Amendment) Bill 2002 included changes to the advertising guideline provisions to require Ministerial approval of advertising guidelines, and established a form of negative licensing to allow regulation of those nurses' agents who pressure nurses to engage in unprofessional conduct and thus place the health and safety of the public at risk.</p>
Optometrists Registration Act 1958	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1996. Review justified retention of restrictions relating to the use of title and fair and accurate advertising in the net public benefit.	Act repealed and replaced by the Optometrists Registration Act 1996. New legislation assessed under clause 5(5). Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Optometrists Registration Act 1996	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	New legislation assessed under clause 5(5).	Act repealed and replaced the Optometrists Registration Act 1958. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.
Order - authorises the Alpine Resorts Commission to act as a gas undertaking solely within the Mount Buller Alpine Resort	DSE	Order made under Gas and Fuel Corporation Act which is administered by the Department of Treasury and Finance.		Amendments made by an order under the Gas Industry Act make this order redundant.
Osteopaths Registration Act 1996	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.		Act replaced the Chiropractors and Osteopaths Act 1978 in line with recommendations. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained in the new Acts.
Parliamentary Salaries and Superannuation Act 1968	P&C	Act assessed as not restricting competition.	Review not required.	
Partnership Act 1958	DJ	Scoping study has shown that the Act does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pathology Services Accreditation Act 1984	DHS	Licensing.	Review completed. The review was conducted by an independent panel chaired by Mr Don Nardella MP. The matters considered by the review panel were not strictly limited to restrictions on competition, reflecting the fact that boundaries between competition and other regulatory issues are often indistinct. A discussion paper was released in May 2001. The final report has been submitted to the Minister for Health, and a government response is being prepared. It is anticipated that the release of the final report and the government response will coincide.	Cabinet is considering a range of proposals to amend this Act over the next 12 months. Further advice may be provided following advice on Cabinet's decisions.
Petroleum (Submerged Lands) Act 1982	DPI	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	The Government is awaiting the introduction of amendments by the Australian Government before amending its own legislation.
Petroleum Act 1958	DPI	Provides for Crown ownership of petroleum resources and a permit system for exploration and production.	Review completed. Review recommended changes to remove obstacles to the exploration and production of petroleum and to improve administrative efficiency.	Act repealed and replaced by the Petroleum Act 1998. New Act retains Crown ownership of petroleum resources and permits lease system, and removes obstacles to exploration, production, and administrative efficiency.
Petroleum Retail Selling Sites Act 1981	DJ	Scoping study has shown that the legislation does not restrict competition.	Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacists Act 1974	DHS	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing, and disciplinary provisions.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.</p> <p>In anticipation of the CoAG response to the national review, a Victorian review of the Pharmacists Act commenced in August 2001, for the purpose of implementing those national review recommendations endorsed by CoAG, assessing outstanding restrictions on competition not considered by the national review, updating the Act to establish consistency with other Victorian health practitioner registration Acts, and examining additional issues raised by key stakeholders. A discussion paper was released for consultation in August 2002.</p>	CoAG established a Senior Official's Working Group to advise on the Reports recommendations. The working group's response was released in August 2002. It recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies). The Minister for Health is considering the recommendations arising from responses to the Victorian discussion paper.
Physiotherapists Act 1978	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1997.	Act repealed and replaced by the Physiotherapists Registration Act 1998. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Registration Act 1998	DHS	Restrictions on entry, registration, title, advertising, and disciplinary provisions.		Act repealed and replaced the Physiotherapists Act 1978. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.
Pipelines Act 1967	DPI	Regulates construction and operation of pipelines.	<p>Review completed. Review recommendations included:</p> <ul style="list-style-type: none"> • introduction of a nationally consistent regulatory regime; • formalised time limits for Government assessment of pipeline projects; • some relaxation of restrictions on tradability of pipelines, permits, and licences; • introduction of appeals to the Victorian Civil and Administrative Tribunal against regulatory alteration of permits or licences; • removal of open access provisions; • development of safety guidelines by Department of Treasury and Finance; and • changes to compensation provisions to extend possible liability. 	The Government response is planned for 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Planning and Environment Act 1987	DI	Controls the uses to which land may be put. Sets procedures for the issue of planning permits and approval.	Review by Deacons Lawyers completed in 2001. The review found that Victoria's planning legislation achieved its objective in an effective and efficient manner, and that the competition restrictions identified were in the public interest. The review recommendations aimed to improve the manner in which the Act is administered, to enhance planning effectiveness and efficiency.	The Victorian Government is considering its response to the review's recommendations. The majority of the recommendations will be implemented by way of amendments to planning schemes and administrative arrangements; only minor legislative amendments are required, which will be included in the next amendment to the Act anticipated for the 2003 spring session of Parliament. Since the legislative restrictions
Planning Authorities Repeal Act 1994 No. 118/1994	DI		Review not required.	Act repealed and replaced by Part 3(8) of the Planning and Environment Act.
Plant Health and Plant Products Act 1995	DPI		Review by independent consultants, PricewaterhouseCoopers, completed in March 2002. It recommended that the Government retain existing disease control powers but consider repeal of s 38.	S. 38 repealed in 2002.
Podiatrists Registration Act 1997	DHS	Entry, registration, title, discipline, advertising.	Legislation replaced the Chiropodists Act 1968, in line with the recommendations of the review of the Chiropodists Act. Most restrictions on commercial practice and reservation of practice restrictions removed from the new Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.	
Police Regulation Act 1958	DJ	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>
Port Services Act 1995	DI	Provides port arrangements (relating to structures, objectives, functions and powers), channels access, charges, regulation and governance.	Russell review completed in 2001. One of the review's key recommendations was to reintegrate the land and water management of commercial trading ports to enable them to better compete with interstate ports.	Major legislative amendments resulting from the Russell review were scheduled for the sessions of Parliament in autumn and spring 2003. The Port Services (Port of Melbourne Reform) Bill, passed on 13 May 2003, establishes a new integrated corporation to manage the port of Melbourne from 1 July 2003. A second Bill —the Port Services (Port Management Reform) Bill — was introduced in spring 2003 and addresses remaining issues arising from the review, including arrangements for the establishment of commercial and local ports, port safety, security and environmental obligations, governance arrangements for the port of Hastings, the management of channels serving the port of Geelong and the holding and licensing of channels generally. This second Bill was passed by Parliament on 5 November 2003 and assented on 11 November 2003.
Prevention of Cruelty to Animals Act 1986	DPI	Requires presence of registered veterinarian at rodeos. Sets various minimum housing and transport standards for certain animal farming activities.	Review completed. It recommended replacing industry accreditation of rodeo stock suppliers with a code of practice. Most other restrictions retained on animal welfare grounds.	Regulations to be amended in 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Private Agents Act 1966	DJ	Security guards, crowd controllers, security firms, inquiry agents (private detectives), commercial agents (debt collectors), and commercial sub-agents. Licensing, registration, entry requirements (all good character, others vary), the reservation of practice, disciplinary processes, and business conduct (no misleading or deceptive conduct, financial sureties for commercial agents).	Review by Freehills Regulatory Group of currently regulated activities completed in October 1999. Recommended: retaining occupational licensing; reviewing exemptions of certain groups, and making efforts to develop a national regulatory model for the industry; for commercial agents, removing licensing requirements and replacing them with a 'light-handed' registration requirement (with greater use of general trade practices/fair trading legislation to deal with problem operators); reforming the financial surety scheme; and considering establishing an appropriate compensation fund or minimum insurance requirement. Another broader review has been completed. Discussion paper released in 2000, but not the final report.	A public discussion paper was released in July 2000 and targeted consultation completed. It is intended to seek Cabinet approval to introduce legislative reform in the autumn 2004 Parliamentary Sittings.
Professional Boxing and Martial Arts Act 1985	DVC	Registration (professional contestants, promoters, trainers, match-makers, referees and judges), and business conduct.	Departmental review completed in August 1999. Consultation involved release of discussion paper, receipt of submissions and further targeted consultation. Review recommendations were to: streamline contestant registration system so the Act refers to competition in a professional contest (rather than a boxing or martial arts contest); examine scope for replacing detailed rules and conditions with less prescriptive national or international standards; amend the provision that exempts the Victorian Amateur Boxing Association from Act's requirements so other suitable qualified amateur boxing association can be exempted.	The Government accepted all recommendations except to examine scope for replacing detailed rules and conditions. Government rejected this because the industry is fragmented into different bodies that follow various rules, so it is not possible for it to adopt one set of rules. Parliament passed amending legislation in 2001 (Bill changed the name of legislation to Professional Boxing and Combat Sports Act).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Project Development and Construction Management Act 1994 No. 101/199	DI	Act assessed as not restricting competition.	Review not required.	
Property Law Act 1958	DJ	The legislation contains a small number of minor restrictions that are necessary to the achievement of the objectives of the legislation. The restrictions are mainly in the form of compliance costs which are contained in the subordinate legislation made under the Act and subject to RIS requirements.	Act removed from the review schedule in 2001.	
Prostitution Control Act 1994	DJ		Review not required. No scope for change due to overriding social policy objectives.	
Psychologists Act 1978		Restrictions on entry, registration, title, practice, advertising, business, and disciplinary provisions.	Review completed in 1998. It recommended removing most commercial practice restrictions and the reservation of practice, but retaining reserved title and the investigation of advertising (to ensure it is fair and accurate).	Act repealed and replaced by the Psychologists Registration Act 2000. The new Act was amended in 2002 to require Ministerial endorsement of any advertising restrictions proposed by the board.
Psychologists Registration Act 1987	DHS	Restrictions on entry, registration, title, practice, advertising, business, and disciplinary provisions.	Review completed in 1998, with most restrictions on commercial practice and reservation of practice restrictions recommended for removal from the Act.	The Psychologists Registration Act 2000 was enacted as replacement legislation. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.
Psychologists Registration Act 2000	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.		Replaced Psychologists Registration Act 1987. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained. Advertising provisions include the ability of the board to impose additional restrictions.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Authorities Marks Act 1958	DI		Review not required.	Act repealed.
Public Lotteries Act 2000	T&F	Exclusive licence.	Review completed in 1997.	Public Lotteries Act 2000 repealed this Act. New Act allows for multiple suppliers, but Victoria has extended the exclusive Tattersalls licence until 2007.
Public Safety Preservation Act 1958	P&C	Act assessed as not restricting competition.	Review not required.	
Public Transport Competition Act 1995	DI	Provisions relating to large commercial passenger vehicles — buses. The main purpose of this Act is to improve the operation of road-based public transport by providing for the accreditation of operators and implementing a system of service contracts for certain types of transport service.	<p>NCP review completed late in 1999. The review was carried out by an independent Review Panel in accordance with the 'semi-public' model contained in the Guidelines for the Review of Legislative Restrictions, and the review process included a call for public submissions and a direct approach to key industry representatives seeking comments on a Discussion Paper published by the Panel.</p> <p>Review report made key findings and recommendations relating to:</p> <ul style="list-style-type: none"> • the objectives of the legislation; • quality regulation (Bus Operators Accreditation and Transport Management Course); • economic regulation (Licensing and Bus Contracts); and • occupational licensing (Driver Certificate/Authority). 	The Minister for Transport wrote to the Treasurer in January 2000, advising that the Minister accepted the Review's recommendations, with a single exception. That exception was that the Minister did not think it was necessary for the legislation to unequivocally state that bus contracts be competitively tendered. The existing legislation already provided for competitive tendering of bus services, and the Minister was of the opinion that in some circumstances competitive tendering may not be practicable or appropriate. In September 2000, the Treasurer wrote back to the Minister for Transport approving the Government response to the review, and all recommendations have been successfully implemented.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing Act 1958, including Rules of the Harness Racing Board and Rules of the Greyhound Racing Control Board	DJ	Regulates the conduct of race meetings and governs the licensing of racecourses and racing clubs. (Only the three established codes are granted 'as right' to conduct race meetings). Regulates the races in which jockeys can participate. Other restrictions on alternative codes establishing themselves. Proprietary racing is prohibited. Controlling bodies can make rules for the licensing of bookmakers.	Review of racing and betting legislation in Victoria by CIE completed in November 1998. Review included the Racing Act 1958, the Gaming and Betting Act 1994, the Lotteries Gaming and Betting Act 1966 and the Casino Control Act 1991 (as it relates to betting).	The Government accepted most of the review recommendations, including measures to allow other codes of racing, maintenance of the prohibition on proprietary racing until proponents can provide detailed, costed recommendations for their regulation (submission from Teletrak under way), and abolition of the minimum telephone bets for bookmakers (staged reduction). In addition, subject to consultations and proposals from bookmakers, the Government has accepted the recommendations on 24 hour bookmaking and internet betting by bookmakers. Victoria will abolish the restrictions on advertising subject to a uniform national approach.
Railways (Standardisation Agreement) Act 1958	DI	Potential to restrain competition through application of standards.	Review not required.	Act repealed.
Registration of Births, Deaths and Marriages Act 1959	DJ			Act repealed and replaced by the Births, Deaths and Marriages Registration Act 1996.
Residential Tenancies Act 1980	DHS		Review completed in 1997 and retention of overall restrictions justified as being in the public benefit.	Act repealed and replaced by the Residential Tenancies Act 1997.
Retirement Villages Act 1986	DHS	Scoping study has shown that the legislation does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Road Safety (Driving Instructors) Act 1998	DI	Licensing, entry requirements (mandatory minimum standards including requirement to pass a training course, fit and proper person, held licence for at least three years, criminal and driving record checks), the reservation of practice (teaching someone without a licence on a highway for financial gain), business conduct (display photograph, instructor to have zero blood alcohol level).	Review not required.	New legislation examined under Victoria's legislation gatekeeping arrangements. Public interest justification: introduction of the registration scheme with mandatory minimum standards will restrict competition by imposing additional costs on entry to the market for the provision of driving instruction for hire or reward and by excluding potential entrants who do not meet the standards. The costs relate to the requirements to attain minimum competency standards and to undergo criminal and driving record checks and to the administration of the scheme by a government agency.
Road Safety Act 1986	DI		Review completed in 1997. Act assessed as not restricting competition. Minor restrictions relating to drink driving program providers and blood alcohol testing equipment justified as being in the public benefit.	
Road Transport (Dangerous Goods) Act 1995	T&F		Review not required.	Part of the road transport reform program. Based on the Australian Government Road Transport Reform (Dangerous Goods) Act, which was used as template legislation for national reform. Replaces licences and other restrictions with a code of conduct.
Rooming House Act 1990	DHS			Act repealed and replaced by the Residential Tenancies Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rules of the Council of Legal Education 1993 201/1993	DJ		NCP review and RIS completed during 1999-2000.	Made under the Legal Profession Practice Act 1959 which has been replaced by the Legal Practice Act 1996. The Rules are to be replaced by proposed new Rules subject to an RIS review.
Second-hand Dealers and Pawnbrokers Act 1989	DJ	Licensing (pawnbrokers, second-hand dealers for not exempt goods), registration, entry requirements (not convicted disqualifying offence in past five years, not insolvent), the reservation of practice, disciplinary processes, business conduct (pawnbrokers: prescribed records, auction of unredeemed goods over \$40; second-hand dealers: prescribed records, hold goods for prescribed period, requirement that seller provide identification, interest rates, cooperation with police).	Departmental review completed in 1996. Recommended: replacing 'fit and proper' with 'no serious offences'; removing obligation to retain metals for seven days after acquisition (with some exceptions); removing requirement for dealers to conduct certain transactions at registered business premises or a market (instead requiring dealers to register any place habitually used); and removing interest rate restrictions.	The Government accepted all review recommendations. Amendments made by the Law and Justice Legislation Amendment Act 1997.
Shop Trading Act 1987 and Capital City (Shop Trading) Act 1992		Contained restrictions on opening hours based on shop type or employee numbers.	Review completed in 1996.	Acts repealed and replaced by the Shop Trading Reform Act 1996.
Snowy Mountains Hydro-Electric Agreements Act 1958	T&F		Review not required.	Act repealed.
South Australian and Victorian Border Railways Act 1930	DI		Review not required.	Act repealed.
State Electricity Commission Act 1958	DSE	Scoping study has shown that the legislation does not restrict competition.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
State Superannuation Act 1988	T&F	Limits on choice of funds.	Review completed in 1999.	Government employees have had a choice of superannuation fund since 1994 — they can use VicSuper or a private superannuation fund.
State Trustees (State Owned Company) Act 1994	T&F		Review completed in 1998.	Minor restriction addressed in incidental amendments made by the State Trustees (Amendment) Act 1998. Removal of many exclusive rights and legislative preference towards State trustees. Retention of reciprocal arrangements between public trustees in other jurisdictions, in keeping with private company practices to do same.
Stock (Seller Liability and Declarations) Act 1993	DPI		Review by independent consultants, PricewaterhouseCoopers, completed in January 2002. Review jointly with the Livestock Disease Control Act 1994. Review recommended that the Government retain existing disease control measures and various associated licensing provisions, but limit the Secretary's power in relation to declarations (maximum term for suspensions and introduce appeal process).	
Subdivision Act 1988 No. 53/1988	DI	Act assessed as not restricting competition.	Review not required.	
Superannuation (Public Sector) Act 1992	P&C	Limits on choice of funds. Act assessed as not restricting competition.	Review not required.	

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Surveyors Act 1978	DSE	Licensing, registration, entry requirements (education, experience, integrity criteria), the reservation of title and practice, disciplinary processes, and business conduct (ownership restrictions, fees).	Review completed in 1997. Review recommendations included: retaining restrictions on entry; making integrity criteria specific; reducing some commercial restrictions, such as the requirement for surveyors or related professions to form a majority of members/directors of a firm engaging in cadastral survey work and removing the power of the regulatory body to set fees for surveying services; and reducing barriers to the interstate mobility of surveyors.	The Government substantially accepted the recommendations of the review. It advised the Council that the Land Surveying Bill 2001 was introduced to Parliament in May 2001 to effect the recommendations. The Bill lapsed in November 2002 following the calling of an election and the consequent proroguing of Parliament. The Government reported that re-introduction of the Bill is part of its legislative priorities and program. Victoria also reported that the Surveyors Board implemented the recommendation that surveyors be allowed to gain practical training through course work as an alternative to training under a supervising surveyor. In relation to the recommendations to reduce barriers to the interstate mobility of surveyors, Victoria reported that the Surveyors Board is investigating costless interstate licensing through the Reciprocal Surveyors Boards of Australia and New Zealand.
Tattersall Consultations Act 1958	T&F	Licence for conducting Tattslotto, Super 66, Instant Lotteries and so on.	Review completed in 1998. Recommended that the legislative monopoly to Tattersall's should be removed at the end of current licence; the Government should reserve the right to issue one or more licence; and the tax should be converted from turnover to player loss basis.	Public Lotteries Act 2000 repealed this Act. New Act allows for multiple suppliers, but Victoria has extended the exclusive Tattersalls licence until 2007.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tertiary Education Act 1993	DET	Requires accreditation, registration of private providers and Ministerial setting of fees.	Review, as part of the Tertiary Education and Training Review completed in 1997. Recommended restrictions on fee setting and accreditation procedures be retained in the public interest and reform of the registration system.	The Government accepted review recommendations. Reforms to legislation were passed by Parliament in 1997.
Therapeutic Goods (Victoria) Act 1994	DHS	Licensing, scheduling and labelling of goods.	Review completed in June 1999.	Any amendments will be incorporated into possible amendments to the Drugs Poisons and Controlled Substances Act 1984 to give effect to the outcomes of the national review of that Act.
Tobacco Act 1987	DHS	Various restrictions on the sale and advertising of tobacco products.	Review by officials completed in February 2000. Review recommended retaining all restrictions as they are necessary to meet the objectives of the Act.	Act retained without reform.
Trade Measurement (Administration) Act 1995	DJ			

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Measurement Act 1995	DJ		<p>National review has been conducted. Scoping Paper completed and assessed August 2001 broadly considered that restrictions on the method of sale (relating to meat, beer and spirits, and pre packaged goods) appear to have little if any adverse impact on competition but provide benefits to consumers. The paper's concerns regarding the costs of restrictions on the sale of non-prepacked meat are being examined through a separate public benefit test. The scoping paper and PBT were circulated for public consultation in mid-2003 prior to the full report being finally considered by the CoAG CRR and subsequently the Ministerial Council on Consumer Affairs (MCCA).</p> <p>Other restrictions on competition are considered to be sound, imposing few costs while potentially generating widespread and significant benefits.</p>	<p>As a result of extended public consultation on the scoping paper and the public benefit test, the review of the scheme for uniform trade measurement legislation is unlikely to be completed until late 2003 or early 2004 because it is being considered in a national context. Victoria is now the lead state for the review, taking over from Queensland in late 2003. Victoria has been meeting its requirements for the review and is currently awaiting the national response before it can implement any reforms.</p>
Transfer of Land Act 1958	DSE	<p>The legislation contains a small number of minor restrictions that are necessary to the achievement of the objectives of the legislation and the restrictions are mainly in the form of compliance costs which are contained in the subordinate legislation made under the Act and subject to RIS requirements.</p>		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Accident Act 1986	T&F	Mandatory insurance, monopoly insurer, centralised premium setting.	First review completed in 1998, recommending retention of compulsory insurance and removal of the monopoly. Second review, by PricewaterhouseCoopers and Minter Ellison, completed in 2000. This review recommended retention of compulsory insurance, and retention of the monopoly and charges set by government. The report recommended the consideration of market testing some functions and introducing third party review of the TAC's proposed premiums.	The Government rejected the recommendation of the 1998 report regarding removal of the monopoly and accepted the recommendations of the 2000 report. The Government is considering the scope for market testing and the Essential Services Commission reviewed the Transport Accident Commission's proposed premium for 2003-04.
Transport Act 1983 - Part 1 of 13 - (Traffic Regulation, Registration and Licensing) Part 6: Division 1 (General Provisions)	DI	Legislation assessed as not restricting competition.	Review not required. (Review originally scheduled for December 1998, delayed to accommodate the transport reform process).	
Transport Act 1983 - Part 2 of 13 - Commercial Passenger Vehicles - Part 6: Division 5	DI	Restriction on taxi and hire car licence numbers.	Review completed in October 2000. Review recommended: <ul style="list-style-type: none"> • removal of entry restrictions for taxis and hire cars; • buy-back of existing licences, to be funded by annual fees on operators; • continuing fare regulation pending development of a competitive market; and • improvement in the quality of fare regulation via transfer of responsibility to an independent economic regulator. 	The Government announced reforms in May 2002, including annual issue of 100 new 'peak period' licences for 12 years, additional licences in years 7-12 via conversion of peak licences to full licences and a reduction in restrictions on hire car numbers, subject to an entry fee of \$60 000.
Transport Act 1983 - Part 3 of 13 - Private Omnibuses - Part 6: Division 6	DI			Repealed by the Transport Acts (Amendment) Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Act 1983 - Part 4 of 13 - Hire and Drive Omnibuses - Part 6: Division 7	DI			Repealed by the Transport Acts (Amendment) Act 1997.
Transport Act 1983 - Part 5 of 13 -Tow Trucks - Part 6: Division 8	DI	Restrictions on conduct and operations of tow trucks, licensing.	Review completed in 1999 and report available for public consultation. Review recommended removal of entry restrictions for the heavy vehicle towing market, the development of an industry code of practice, a more pro-active role by insurers in educating their customers, retention of the allocation system and the introduction of a franchise scheme for the Melbourne Metropolitan area.	The Government rejected several recommendations, arguing that 'need' restrictions on licences and location are necessary to prevent distress to accident victims, facilitate the allocation system and ensure regions are adequately serviced.
Transport Act 1983 - Part 6 of 13 - Commercial Goods Vehicles - Part 6: Division 9	DI			Repealed by the Transport Acts (Amendment) Act 1997.
Transport Act 1983 - Part 7 of 13 - Powers of the Corporations - Part 3	DI	Legislation assessed as not restricting competition.	Review not required. (Review originally scheduled for December 1998, delayed to accommodate the transport reform process).	
Transport Act 1983 - Part 8 of 13 - Financial - Part 4	DI	Legislation assessed as not restricting competition.	Review not required. (Review originally scheduled for December 1998, delayed to accommodate the transport reform process).	
Transport Act 1983 - Part 9 of 13 - Further Particular Powers of the Roads Corporation - Schedule 4	DI	Legislation assessed as not restricting competition.	Review not required. (Review originally scheduled for December 1998, delayed to accommodate the transport reform process).	
Transport Act 1983 - Part 10 of 13 - Provisions with Respect to Roads - Schedule 6	DI	Legislation assessed as not restricting competition.	Review not required. (Review originally scheduled for December 1998, delayed to accommodate the transport reform process).	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Act 1983 - Part 11 of 13 - Covenants to be Included in Deed of Assignment - Schedule 7	DI		Review, in conjunction with Transport Act 1983 - Part 2 of 13 - Commercial Passenger Vehicles - Part 6: Division 5, completed in December 2000. Report publicly available.	See the Transport Act 1983 - Part 2 of 13 - Commercial Passenger Vehicles - Part 6: Division 5.
Transport Act 1983 - Part 12 of 13 - Classes, Kinds or Descriptions of Goods - Schedule 8	DI			Repealed by the Transport Acts (Amendment) Act 1998.
Transport Act 1983 - Part 13 of 13 - Part 6: Division 10 (Passenger Ferry Services)	DI	Provides for ferry operation	Review completed.	Repealed in 1999.
Travel Agents Act 1986	DJ	Licensing, compulsory consumer compensation fund, and business restrictions.	Part of national review of travel agent legislation, 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 that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. Final report has been released for further consultation.	A report was submitted to the MCCA in 2000 and subsequently released for stakeholder comment. In November 2002, MCCA agreed on a response to the national review, prepared with advice from the CoAG Committee on Regulatory Reform. MCCA decided to maintain the Travel Compensation Fund monopoly, but consider establishing a risk-based premium structure and making prudential reporting arrangements more equitable. It recommended that each participating jurisdiction review and amend its entry qualifications to ensure uniformity. Victoria has indicated it may introduce amending legislation in spring 2003.
Trustee Act 1958	DJ		Scoping study suggests that the legislation does not restrict competition but further research required. Review completed December 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Companies Act 1984	DJ			Act is to be repealed and replaced by uniform national legislation currently under development.
Urban Land Authority Act 1979 No. 9320	DI		Review not required.	Act replaced by the Urban Land Corporation Act 1997.
Veterinary Practice Act 1997 (replaced the Veterinary Surgeons Act 1958)	DPI	Licensing of veterinary surgeons, reservation of practices, reservation of title, and advertising restrictions.	Act followed a pre-NCP review of earlier legislation. Victoria considers remaining restrictions are in the public interest.	New legislation. Act repealed and replaced the Veterinary Surgeons Act 1958. Compared with the old Act it removed restrictions on the advertising and the ownership of veterinary practices, and narrowed reservations on professional practice.
Veterinary Surgeons Act 1958	DPI	Established the Veterinary Practitioners Board of Victoria, professional registration, disciplinary procedures, reservation of professional practice, and restrictions on advertising and practice ownership.	Review not required.	Act repealed and replaced by the Veterinary Practice Act 1997.
Victorian Plantations Corporation Act 1993	DPI	Establishes the Victorian Plantations Corporation, the state-owned operator of softwood plantations.	Review not required (listed on original review schedule).	Act largely repealed in December 1998 following the sale of the corporation's plantation assets. Remaining provisions relate to the Crown's residual interests in the land, licences and legislated supply agreements.
Victorian Prison Industries Commission Act 1983	DJ			Act repealed and replaced by the Corrections (Amendment) Act 1996.
Vital State Industries (Works and Services) Act 1992	P&C	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>
Vital State Projects Act 1976 {excluding Sections 5 to 16 (these provisions are administered by the Attorney General)}	P&C	Act assessed as not restricting competition.	Review not required.	
Vocation Education and Training Act 1990	DET	Provides for registration of training providers, accreditation of training courses, sets guidelines for provision of services to overseas students, allows Minister to set fees and charges.	Review as part of the Tertiary Education and Training Review completed in 1997. Recommended restrictions on fee setting and accreditation procedures be retained in the public interest and reform of the registration system.	The Government accepted review recommendations. Reforms to legislation were passed by Parliament in 1997.
Wheat Marketing Act 1989	DPI	Imports Australian Government Act into State jurisdiction.	Legislation is redundant and the Government intends to repeal it at the first available opportunity.	Act to be repealed.
Wildlife Act 1975	DSE	Provides for licensing and permit arrangements for various activities related to wildlife (such as kangaroo harvesting, dolphin tourism and duck shooting).	Review by independent consultants, KPMG, completed in September 1998. It found few significant restrictions on competition but recommended: auctioning of dolphin interaction permits once maximum sustainable access to this resource is reached; and that fees for waterfowl hunting licences should reflect the opportunity cost of wetlands. The Government is considering the review recommendations.	
Workers' Compensation Act 1958 (Division 8 of Part 1)	T&F	Act assessed as not restricting competition. Compensation payments are no longer awarded under this Act.	Review not required.	

5 Queensland

Agency abbreviations

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

DC	Department of Communities
DCS	Department of Corrective Services
DE&A	Department of Education and the Arts
DES	Department of Emergency Services
DET	Department Employment and Training
DH	Department of Housing
DIR	Department of Industrial Relations
DJAG	Department of Justice and Attorney-General
DLGPS&R	Department of Local Government, Planning, Sport and Recreation
DMR	Department of Main Roads
DNRM&E	Department of Natural Resources, Mines and Energy
DP&C	Department of Premier and Cabinet
DPI&F	Department of Primary Industries and Fisheries
DPW	Department of Public Works
DSD&I	Department of State Development and Innovation
DTFT&WID	Department of Tourism, Fair Trading and Wine Industry Development
EPA	Environmental Protection Agency
H	Queensland Health

T Queensland Transport

TR Queensland Treasury

Legislation review: Queensland

Updated to February 2004

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural and Veterinary Chemicals (Queensland) Act 1994	DPI&F	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	See the Australian Government Agricultural and Veterinary Chemicals Code Act 1994.
Agricultural Chemicals Distribution Control Act 1966 and Regulations 1970	DPI&F	Licenses chemical spray contractors.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). Results of national review were included in more general State review of legislation.	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). Queensland intends to amend the Act in 2003.
Ambulance Service Act 1991	DES	Restricts use of the words 'Ambulance Service' and 'Ambulance', 'collections of money' and 'first aid training'.	National Competition Policy (NCP) review completed. Review made 16 recommendations. A copy of the review report is available at www.emergency.qld.gov.au/QASPBT Report.	Amendments to implement those recommendations supported by the Government were included in the Community Ambulance Cover Act 2003 which introduced the Community Ambulance Cover (CAC) scheme. The CAC implements a fundamental change to the way community ambulance services are delivered and funded in Queensland.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1985 and Regulation	DPW	Restrictions on registration, entry requirements reservation of title, disciplinary processes, business restrictions, and business licensing.	National review undertaken by the Productivity Commission (PC). Final report released November 2000. Working Group of States and Territories formed to recommend a response to the Commission.	<p>Queensland advised the National Competition Council (NCC) that it implemented the national working party's recommendations in the Architects Act 2002, which commenced on 1 January 2003. The context in Queensland is now as follows:</p> <ul style="list-style-type: none"> • the inclusion of broad building industry and consumer representation on the Board of Architects of Queensland; • no substantive restrictions on the practice of architecture; • provisions for only registered architects to use the title 'architect' or 'registered architect', although no longer any general restriction on the use of derivatives; • no longer a requirement for company registration for architects responsible for services provided by the company; • independent and transparent disciplinary processes, conducted via the Commercial and Consumer Tribunal; and • encouragement of architects boards to identify means of broadening current certification channels.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Art Unions and Public Amusements Act 1992	TR			Act repealed and replaced by the Charitable and Non-profit Gaming Act 1999.
Auctioneers and Agents Act 1971 and Regulation 1986	DTFT&WID	Licensing (real estate agents, motor vehicle dealers, commercial agents, auctioneers and pastoral house corporations), entry requirements, the reservation of practice, disciplinary processes, and business conduct (maximum fees).	Review completed in 2000. Targeted Public model, undertaken by PricewaterhouseCoopers. Public consultation involved circulation of issues paper, and submissions, consultations. Review recommendations included: reducing some requirements for licensing; expanding licensing requirements to some property developers; introducing a time limit for exclusive real estate agent arrangements; and removing maximum commissions subject to monitoring and transitional arrangements including a public education campaign.	Act repealed and replaced with the Property Agents and Motor Dealers Act 2000. Legislation incorporates most of review recommendations, recommendation to remove maximum commissions subject to monitoring and transitional arrangements including a public education campaign. Amendments to Property Agents and Motor Dealers Regulation 2001 to give effect to de-regulation of motor dealing and auctioneering commissions and buyers' premiums were approved by Governor-in-Council on 20 November 2003 and gazetted on 21 November 2003.
Beach Protection Act 1968 Coastal Management Control Districts Regulation 1984	EPA	Legislation provides for the regulation and provision of advice in respect to activities affecting the coast, and functions to minimise the damage to property from erosion and encroachment of tidal water.	Reduced NCP review completed in November 1998. Review supported retention of provisions which do not materially restrict competition and are in the public interest. Review report made available to the public. No issues raised in response. NCC provided with report in February 1999.	Provisions subjected to NCP review retained without reform. The Beach Protection Act and the Canals Act were repealed on 20 October 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Act 1975 Standard Building Regulation 1993 Building Regulation 1991	DLGPS&R	Sets building regulations and specifies building approval procedures and accreditation of building certifiers.	Review, in conjunction with the Sewerage and Water Supply Act 1949, completed in 2003. Review undertaken by independent consultants under the supervision of an interdepartmental committee.	The Government accepted all but one of the review recommendations (relating to the ability of local governments to recover auditing costs where a private certifier approves development). The Plumbing and Drainage Act 2002 assented to on 13 December 2002, implemented the recommendations.
Business Names Act 1962 and Regulation 1986	DTFT&WID	The requirement that a person cannot carry on business in Queensland under a business name unless it is registered under this Act could restrict interstate or overseas participants. Other provisions may be seen as restrictions on business conduct although legislation applies a common set of requirements.	Review completed in March 2002. The Government accepted the recommendations of the review which found the identified restrictions to be in the public interest, although it did recommend a number of minor amendments to streamline the operation of the Act.	Minor amendments to streamline the operation of the Act proposed in NCP review were enacted in the Tourism, Racing and Fair Trading (National Competition Policy) Amendment Act 2002.
Casino Agreement Acts - Jupiters Casino Agreement Act 1983, Breakwater Island Casino Agreement Act 1984, Brisbane Casino Agreement Act 1992 and Cairns Casino Agreement Act 1993.	TR	Licences, restrictions on conduct and operations.	These 'Agreement Acts' are effectively contractual arrangements between the State and the respective licensees. These were not previously listed for review. Due to the confidential and contractual nature of the agreements, an internal review was conducted.	Provisions retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Casino Control Act 1982 and Regulation 1984	TR	Legislation provides for the granting of casino licences by the Queensland Government subject to prescribed probity, structural, financial and other qualifications and prescribes subsequent restrictions on the conduct of licensees and casino operations. Under the Act, the conduct of gaming, which would otherwise be illegal, is made lawful within a licensed casino.	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained as they are in the public interest. The Government endorsed that recommendation.	Act retained without reform.
Charitable and Non-profit Gaming Act 1999	TR	Current legislation provides for a range of licence, permit and approval requirements in regard to the conduct of art unions and games such as bingo. Public amusements, which were also regulated under the Art Unions and Public Amusements Regulation 1992, were completely deregulated in June 1997.	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained as they are in the public interest. The Government endorsed that recommendation.	Act replaced the Art Unions and Public Amusements Act 1992. Act retained without reform.
Chemical Usage (Agricultural and Veterinary) Control Act 1988 and Regulation 1989	DPI&F	Allows off-label use of chemicals subject to conditions which vary markedly between jurisdictions. Exempts veterinary surgeons from various controls.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). Results of national review were included in a more general State review of legislation.	The Act was amended in 2003 to give effect to the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chicken Meat Industry Committee 1976	DPI&F	Prohibits supply of chickens unless under an agreement approved by the Industry Committee.	Review completed in 1997. Review recommended the Industry Committee convene groups of producers to negotiate with processors, but not intervene in negotiations on initial growing fees. It also recommended that individual growers be able to negotiate directly with a processor.	Amending legislation, including authorisation for the Trade Practices Act 1974 of collective bargaining by growers with each processor, passed in September 1999.
Child Care Act 1991 Child Care (Child Care Centres) Regulation 1991 Child Care (Family Day Care) Regulation 1991	DC	Provides for the licensing of childcare services (e.g. kindergartens and limited hours care centres) and family day care centres. Prescribes matters such as: qualifications of child care personnel; building and physical environment standards; minimum staffing levels; maximum capacity; food and safety standards for child care facilities; and required content for child care programs. Operation of child care facilities is prohibited in certain locations (such as premises adjacent to a place where flammable materials or dangerous chemicals are manufactured or stored).	A major review of Queensland's child care legislation and its NCP implications began in 1999 and was completed in May 2002. Review examined the impact of licensing fees and the costs of meeting licensing requirements. These costs arise from the requirements to employ qualified staff and meet building and facility standards. The review also examined the impact of regulating different service types within the child care sector that have not been previously regulated.	The Government endorsed the review in June 2002. The review recommended the adoption of the regulatory tiering framework proposed for the regulation of child care in Queensland. As a result, the Child Care Act 2002 (which repealed the Child Care Act 1991), and the Child Care Regulation 2003 (which repealed the Child Care (Child Care Centres) Regulation 1991 and the Child Care (Family Day Care) Regulation 1991), both commenced on 1 September 2003.
Chiropractors and Osteopaths Act 1979	H	Restrictions on entry, registration, title, practice, advertising, and business ownership.	Queensland completed its health professions review in 1999. Its NCP review of core practice restrictions was completed in 2001. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.	Act repealed and replaced by the Chiropractors Registration Act 2001. The new Act preserved practice restrictions pending the outcome of the core practices review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropractors Registration Act 2001	H	Restrictions on entry, title and practice.	Review of core practice reservations completed in January 2001, and public benefit test report released for public consultation in August 2001.	Act replaced Chiropractors and Osteopaths Act 1979 following health professions review. The Government introduced the Health Legislation Amendment Bill into Parliament in June 2003 to implement core practice reforms, and this Bill was passed in October 2003.
City of Brisbane Market Act 1960 and Regulation (formerly By-laws) 1982	DPI&F	Legislation provides for the establishment and operation of the central wholesale fruit and vegetable market, and provides for the exclusive operation of such a market within the Brisbane metropolitan area by the Brisbane Market Authority (BMA). Broadly similar arrangements for capital city wholesale markets previously existed under NSW and Victorian legislation, and still exist in WA.	Full public review completed in May 1998. Joint review covering ownership, competitive neutrality and legislation review.	The Government removed BMA's statutory monopoly status as a wholesale market in the Brisbane area, effective from 31 August 1999. The sale of the Brisbane Market Corporation was finalised in 2002.
Coal Industry (Control) Act 1948 and Orders	DNRM&E	Compulsory acquisition of coal. Price regulation. Approval required for opening, closing and abandonment of coal mines. Port coal mining operations.		Act repealed.
Coal Mining Act 1925	DNRM&E	Regulates the operation of coal mines, particularly health and safety issues.	Review not required.	Act repealed and replaced by the Coal Mining Safety and Health Act 1999 and Regulations which were subject to a gatekeeper review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Coastal Protection and Management Act 1995	EPA	Legislation provides for the conservation, rehabilitation and management of the coast. This can impact on coastal commercial development through coastal plans and the declaration of control districts that can restrict or prohibit certain developments or mandate certain requirements.	Reduced NCP review completed in November 1998. Review supported retention of provisions which do not materially restrict competition and are in the public interest. Review report made available to the public. No issues raised in response. NCC provided with report in February 1999.	Provisions subjected to NCP review retained without reform.
Competition Policy Reform (Queensland) Public Passenger Service Authorisations Regulation 2000	T	<p>The regulation excludes various passenger transport arrangements (such as those governing Airtrain) from the provisions of the TPA.</p> <p>It also provides a statutory authorisation for certain activities that may breach prohibitions against anti-competitive behaviour in Part IV of the TPA. These activities were necessary for the coordination and integration of public transport and the introduction of integrated ticketing in south east Queensland. For example, agreements between different entities would need to be made regarding fares and ticketing equipment.</p>	Public benefit test supports exclusion of integrated ticketing in southeast Queensland from the Trade Practices Act 1974 (TPA). The Australian Competition and Consumer Commission (ACCC) advised as required under NCP agreements.	<p>An initial authorisation was made in the Competition Policy Reform (Queensland) Public Passenger Service Authorisations Regulation 2000. The TPA restricts the effect of an authorisation made by regulation to two years. Accordingly this regulation expired on 20 July 2002.</p> <p>Subsequent to the making of the above-mentioned regulation, the Transport Operations (Passenger Transport) Act 1994 was amended in 2000 to provide the same authorisations. These provisions are contained in the Act's chapter 12, part 2, 'Authorisations for Competition Legislation'.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit (Queensland) Act 1994 Consumer Credit Regulation 1995 Consumer Credit Code	DTFT&WID		National review completed. Review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. The review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs (MCCA) endorsed the final report in 2002 and referred it to the Uniform Credit Code Management Committee which is facilitating the resolution of some issues.	A Working Party of the Uniform Consumer Code Management Committee formed to progress implementation. Implementation of the recommendation to amend the definitions is progressing.
Contaminated Land Act 1991 and Regulation	EPA	Legislation categorises land according to the risk of contamination and restricts certain land uses on certain sites.	Targeted public review completed in August 2000.	Act repealed and relevant provisions transferred to the Environmental Protection Act 1994 in 1997 without any increase in restrictions on competition.
Co-operative and Other Societies Act 1967 Primary Producers Co-operative Associations Act 1923	DTFT&WID	Limits formation, registration and operation of co-operative societies. Pricing provisions only relate to prescribing maximum dividends payable on members' shares.	Joint jurisdictional review completed in April 1997. A formal review was not undertaken in Queensland.	A new Act, the Co-operatives Act 1997, based on work and NCP justification undertaken by Victoria as a national scheme of regulation enacted. The new Act replaces the existing Cooperatives and Other Societies Act 1976 and Primary Producers Co-operative Associations Act 1923.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Co-operatives Act 1997	DTFT&WID			Act replaced the Co-operative and Other Societies Act 1967 and Regulation 1968, and the Primary Producers Co-operative Associations Act 1923 and Regulation 1987. The Act is the outcome of a national scheme of regulation based on a joint-jurisdictional review undertaken by Victoria in 1997.
Corrective Services Act 1988 and Corrective Services (Administration) Act 1988	DCS	Legislation arguably gives the Queensland Corrective Services Commission (QCSC) monopoly powers in respect to the provision of prisons and community correction centres. However, the legislation authorises the QCSC to engage other parties to conduct any part of its operations (which underpins contract management arrangements for a number of correctional facilities).	Review not required.	Act reformed without review. The Corrective Services Act 2000 gives the department responsibility for corrective services in Queensland. Where the Government opts for service delivery by private contractor, there will be a competitive tendering process. This legislation replaces the Corrective Services Act 1988 and the Corrective Services Administration Act 1988. The legislation is not likely to restrict competition and, as a result, a formal review was not undertaken.
Credit (Rural Finance) Act 1996	DTFT&WID	Restrictions on the enforcement of mortgages over essential farm equipment	Review completed. Review report released in March 2002. It concluded that the provisions related to default notices were minor restrictions and in the public interest.	Act retained without reform. Certain protections for farmers transferred from the Hire Purchase Act 1959 by the Tourism, Racing and Fair Trading (National Competition Policy) Amendment Act 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Credit Act 1987 Credit Regulations 1988	DTFT&WID	The Credit Act was established to regulate the provision of personal loans up to \$40 000. It was replaced by the Consumer Credit Code in November 1999 and now only regulates a few remaining personal loans up to \$40 000 entered into prior to November 1996.	Review was carried out at the same time as the national review of the Consumer Credit Code but under a separate process.	Queensland since advised that it cannot repeal the Act until litigation in a small number of existing cases is finalised. The litigation still before the courts stemmed from lenders who breached their obligations under the Act and had to apply to the Supreme Court for reinstatement of their legal right to charge interest under the loan contracts affected by the breaches. The possible outcomes of that litigation are the reimbursement of interest to affected consumers and/or fines payable by the lender to the Office of Fair Trading. Queensland advised the Council that one matter has been completed, but that the completion date for the second matter is uncertain. Given the introduction of the Consumer Credit Code, the Act regulates only the few outstanding personal loans up to A\$40 000 entered into before 1 November 1996.
Cremation Act 1913	H	Prohibition on cremation at places other than established crematoria.		Act reformed without review. Certain restrictions removed in December 1993 (e.g. repeal of licensing and establishment provisions for crematoria). Decision taken by the department to repeal the remaining restrictive provisions without review. Anticompetitive provisions repealed late 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dairy Industry Act 1993 and Regulation and Standards, and Dairy Industry (Market Milk Prices) Order 1995	DPI&F	Vests milk in Queensland Dairy Industry Authority. Sets farmgate price for market milk. Limits production of market milk via quotas. Licenses farmers and processors.	<p>Review by a joint government–industry panel completed in 1998. Review recommended:</p> <ul style="list-style-type: none"> • retention of farmgate price regulation for five years to December 2003, but reviewed again before 1 January 2001; and • extension of quota arrangements from South into Central and North Queensland for five years. 	<p>The Government initially accepted recommendations.</p> <p>In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Queensland passed the Dairy Industry (Implementation of National Adjustment Arrangements) Amendment Act 2000 on 22 June 2000, deregulating the industry from 1 July 2000.</p> <p>Licensing and inspection provisions replaced from 1 July 2002 by the Dairy Food Safety Scheme under the Food Production (Safety) Act 2000.</p>
Dangerous Goods Safety Management Act 2001	T	Safety obligations.		The Government enacted legislation consistent with the national standard for the handling and storage of dangerous goods.
Dental Act 1971	H	Restrictions on entry, title, practice and advertising.	<p>Review of health practitioner Acts completed in 1999. NCP issues considered and documented at that time. Queensland's NCP review of core practice restrictions was completed in 2001. Recommendations included retaining title protection and entry restrictions, but removing other anticompetitive restrictions.</p>	<p>Act repealed and replaced by the Dental Practitioners Registration Act passed in May 2001, retaining title and entry restrictions but removing most business restrictions. Practice restrictions were preserved pending outcome of a separate review of those restrictions.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Practitioners Registration Act 2001	H	Restrictions on entry, title, practice and advertising.	New legislation, which retained practice restrictions subject to a separate review. The review on the restrictions on the practice of dentistry was completed in 2000, and released for public consultation in June 2001. The review recommended relaxing a number of restrictions.	Amendments to the Act implementing the final policy approach to practice restrictions were made under the Health Legislation Amendment Act 2003 that was passed in October 2003. The amendments will commence on 1 July 2004.
Dental Technicians and Dental Prosthetists Act 1991	H	Restrictions on entry, registration, title, practice, advertising and business ownership.	Review of health practitioner Acts completed in 1999. Brief summary appears in the 2001 NCP annual report. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.	The Act was repealed and replaced by the Dental Technicians and Dental Prosthetists Registration Act 2001 passed in May 2001, retaining title and entry restrictions but removing most business restrictions. Practice restrictions were preserved pending outcome of a separate review of those restrictions.
Dental Technicians and Dental Prosthetists Registration Act 2001	H	Restrictions on entry, title and practice.	New legislation, which retained practice restrictions subject to a further review. Review on the restrictions on the practice of dentistry was completed in 2000, and released for public consultation in June 2001. The review recommended relaxing a number of restrictions.	Amendments to the Act implementing the final policy approach to practice restrictions were made under the Health Legislation Amendment Act 2003 that was passed in October 2003. The amendments will commence on 1 July 2004.
Education (Capital Assistance) Act 1993	DE&A	Limits the provision of certain funding assistance to schools affiliated with two nominated Capital Assistance Authorities (CAA). It also includes limitations regarding the type of financial institutions that can receive deposits/investment of CAA capital assistance funds.	A formal review was not undertaken.	The restriction related to affiliation was resolved through amendment to legislation which requires schools to be listed (but not affiliated) with a group. The remaining issue of the type of financial institution that can receive deposits/investments was subjected to further analysis and was determined not to be restrictive. Legislation amended accordingly.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Education (General Provisions) Act 1989 and Regulation	DE&A	Covers a range of matters including: approval of school curricula; restrictions on the commercial use of State educational facilities; and specifying the powers and proceedings of Parents and Citizens Associations (including comparatively minor restrictions such as regulating the items permitted to be sold in a school canteen or tuckshop).	<p>Review completed. Review recommended:</p> <ul style="list-style-type: none"> changing the provision dealing with entry into the market for supplying education in overseas curriculum. The recommended changes included the preparation of guidelines for the criteria on which to base the approval of the Governor in Council; and retaining the power of the Director-General to prohibit the sale of an item or class of items in State school tuckshops. <p>Review indicated that a separate review of restrictions on entry to the market for non-State school education - restrictions embodied in s. 2(2) of the Act - would be undertaken. The separate review would be part of the proposed new legislative arrangements for the approval and accreditation processes for the non-State school sector. The new legislation to regulate the accreditation of non-State schools, the Education (Accreditation of Non-State Schools) Act 2001, commenced in January 2001. This Act was reviewed under Queensland's gatekeeping arrangements.</p>	The Government accepted the review recommendations, which were given effect by legislative amendments included in the Education (Miscellaneous Amendments) Act 2002, which commenced on 13 December 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Education (Overseas Students) Act 1996	DE&A	Provides for the registration of education service providers in respect to training courses for overseas students and for the registration of education and training courses for overseas students. Gives effect to a decision of the Australian Education Council in regard to the marketing of Australian education and training courses.	Reduced NCP review completed in January 2000. NCP justification provided for 1999 amendments and this provided input to review the Act. Final report submitted to Treasury in April 2000.	The Treasurer endorsed the review recommendations in June 2000. Existing regulatory regime retained in the public interest.
Education (Teacher Registration) Act 1988 and Regulation 1989, and Board of Teacher Registration By-laws 1989	DE&A	Licensing, registration (primary and secondary school teaching staff, including private schools), entry requirements (qualifications, experience, good character), reservation of practice, and disciplinary processes.	Departmental review completed in May 2000. Review recommended existing legislation be retained (including qualification requirements, registration fees and processes in the election of registered teachers to positions on the Board of Teacher Registration).	The Government endorsed review recommendations in October 2000. Teacher registration requirements retained in the public interest.
Egg Industry (Restructuring) Act 1993	DPI&F	Licenses producers. Limits production via quotas. Vests ownership of eggs in egg industry board.	Review not required.	Act allowed to sunset on 31 December 1998 thereby removing all anticompetitive legislative provisions.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Act 1994 and Regulation (non safety)	DNRM&E	Legislation contains extensive provisions relating to the conduct of the industry including the issuing of authorities for generation, transmission and supply entities; powers (including 'reserve Ministerial powers') about electricity pricing and restrictions on the trading activities of transmission and generation authorities and supply entities. Regulation provides for the licensing of electrical workers (such as electricians) and electrical contractors.	<p>Review of non-safety provisions completed in April 2002. Review made nine recommendations.</p> <p>Review of safety aspects of the Act completed in January 2002 (see Electrical Safety Act and Regulation 2002).</p>	<p>The Government accepted all recommendations with legislative amendments to be implemented in regard to six of the recommendations, departmental reviews for a further two and ongoing implementation of existing processes in regard to the remaining recommendation.</p> <p>Legislative amendments to give effect to recommendations relating to non-safety provisions were assented to in May 2003 in the Electricity and Other Legislation Amendment Act 2003.</p>
Electricity Safety Act and Regulation 2002	DIR	Licensing (electrical workers, electrical contractors), registration, entry requirements (qualifications and experience, also financial requirements for electrical contractor), disciplinary processes, and business conduct. Also technical requirements for electrical equipment and installations, and work processes.	The legislation implemented the recommendations of a NCP public benefit test (PBT) of the safety and licensing provisions of the Electricity Act and Regulations 1994. The PBT largely found the provisions appropriate and in the community interest.	Timeframes for the introduction of the Electrical Safety Act 2002 did not allow sufficient time for the consideration and resolution of three remaining PBT recommendations, which were referred to an Industry Working Group (IWG). As a result of the IWG's recommendations, regulatory amendments were made (commenced 28 February 2003) to reduce ownership restrictions and broaden the options for a business seeking to meet the business and technical skills requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Environmental Protection Act 1994 and Interim Regulation 1995, Regulation 1998 and Interim Waste Regulation 1996	EPA	Legislation is designed to protect Queensland's environment while allowing for ecologically sustainable development. Licensing and approval requirements (which could be issued subject to compliance conditions, for example, prescribing allowable levels of discharge for certain substances) apply for certain specified environmentally relevant business activities.	Targeted public review completed in August 2000. Review incorporated Environmental Protection Policies and Regulations passed under gatekeeping arrangements in 1997-98, as well as contaminated land provisions which were subsumed within this Act.	Report endorsed by the Treasurer. Provisions subjected to NCP review retained without reform.
Explosives Act 1952 and Regulation 1955	DNRM&E	Legislation provides for the issue of licences for various activities in the importation and exportation, manufacture, carriage, storage, sale and use of explosives. Certain explosives that are considered dangerous to the public are prohibited.	Review not required. NCC supported removal of legislation from review timetable on the basis that the provisions are in the public interest and are not for the purpose of restricting competition.	Act and Regulation replaced by the Explosives Act 1999 and Explosives Regulation 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1989 Fair Trading Regulation 1989	DTFT&WID	Legislation intended to provide for a statutory minimum standard of conduct engaged in by persons offering goods and services, in the interests of consumer protection. Similar legislation exists in the other jurisdictions. State and Territory fair trading legislation in part mirrors Part IV of the TPA and, in this sense, forms part of a national uniform scheme.	Targeted public review completed in August 2002. Review found that a number of the Act's restrictive provisions were in the public interest and recommended their retention. These provisions included: <ul style="list-style-type: none"> • the prohibition on the conduct of mock auctions; • the prohibition on the use of obscene material in relation to unsolicited goods; • the regulation of door-to-door trading; • requirements relating to information and safety standards; • the empowerment of the Minister to restrict or prohibit the sale of unsafe goods; and • specific standards for folding laundry trolleys, leather goods, shoes, furniture, fibre content and projectile toys. 	The Government accepted the review recommendations, implementing the required minor amendments via the Fair Trading and Another Act Amendment Act 2002 in December 2002. The amendments involved: <ul style="list-style-type: none"> • increasing the threshold at which the door-to-door provisions apply to contracts from \$A50 to \$A75 (with the amount to be subject to a regular review); and • reducing coverage of contracts for emergency repairs that satisfy the requirements of a door-to-door contract and are not regulated by the Domestic Building Contracts Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Farm Produce Marketing Act 1964 and Regulation 1984	DPI&F	Legislation regulates commercial arrangements for the sale of fruit and vegetables between producers and wholesalers (agents and merchants), provides for the licensing of agents and merchants and business conduct requirements. Conditions to qualify for licences (eg posting of fidelity bonds) and restrictions on the business practices of licence holders (eg regulation of maximum rates of commission) would be the principal areas for review.	Review completed in June 1999. It found that the Act was largely ineffective as most transactions occur outside its scope and therefore that there is no public benefit in retaining the legislation.	Act sunsetted on 31 July 2000. A voluntary code of conduct is to replace it.
Financial Intermediaries Act 1996	TR	Prudentially-based supervisory system with respect to cooperative housing societies, terminating building societies and other similar entities.	The legislation was not subjected to detailed scrutiny for restrictions because it had been expected that the supervision of all such institutions would be transferred to the Australian Prudential Regulatory Authority (APRA). However, some of the cooperative housing societies do not meet the requirements for transfer. A closer examination of the legislation indicates it contains normal prudential supervision arrangements and does not contain restrictions on competition as such.	The Act is likely to be repealed but is being retained in the meantime pending a long term policy solution for the administration of co-operative housing societies.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fire Services Act 1990	DES	Various restrictions restrict potential competition in the fire services market. For example, by conferring extensive powers relating to the protection of persons and property from fire on 'authorised fire officers' of metropolitan and rural fire brigades which are not available to private operators and which could expose them to claims relating to property damage in the course of fighting a fire.	Reduced NCP review completed in August 2000. Restrictions were identified in relation to the powers of officers which are not available to other providers under the legislation and the imposition of compulsory fire levies. The report was made available to the public in July 2001.	Final report recommending retention of status quo was endorsed by the Treasurer in September 2000. Provisions subjected to NCP review retained without reform.
Fisheries Act 1994 and Regulation 1995	DPI&F	Licensing of fishers and crew. Input controls on boat and gear. Output controls such as total allowable catches, individual transferable quotas, bag and size limits.	Review completed in June 2001, recommending that the Government: <ul style="list-style-type: none"> include ESD principles in Act's objectives; simplify commercial licensing; allow temporary transfers of licences and quota; implement full management cost recovery; embed NCP principles in ongoing process of fisheries management; use measures other than 'two-for-one' boat replacement to reduce fishing effort in East Coast trawl fishery; and remove various pot and quota holding and transfer restrictions in the spanner crab fishery. 	Reform implementation is well underway. In 2001, effort management in the East Coast trawl fishery was reformed. In 2002, further reviews of licensing and cost recovery were initiated (the outcomes are expected to be implemented in 2004), and temporary quota transfers were allowed. Various RISs and draft management plans have been released for comment.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Food Act 1981 Food Hygiene Regulation 1989 Food Standards Regulation 1994	H	Imposes various food safety offences. Sets standards for food products. Requires registration of food premises (under associated regulations).	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. Queensland amended the Act accordingly in 2001.
Forestry Act 1959 and Forestry Regulation 1987	DPI&F	Licensing of timber collection and of taking of other resources. Administrative discretion over how licences and produce are allocated and priced. Logs harvested not to exceed sustainable yield. Levy to fund timber research. Levy to fund timber research.	Reviewed by officials completed in 1999. Review recommended: <ul style="list-style-type: none"> retaining the native forest sawlog allocation system because, while pro-competitive reform would bring economic gains, it avoided imposing significant social costs on several rural communities; and. retaining the timber research levy. A subsequent review of agricultural levies recommended removal of the timber research levy.	Act amended in November 1998 to extend exemption from the Trade Practices Act for the native forest sawlog allocation system until 2009. Timber research levy removed in 2000.
Fruit Marketing Organisation Act 1923	DPI&F	Contains statutory marketing provisions for fruit and vegetables.	Industry agreed to the repeal of the Act.	Act sunsetted on 21 January 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Funeral Benefit Business Act 1982 Funeral Benefit Business Regulation 1989	DTFT&WID	Regulates schemes providing for the prepayment of funeral expenses. Potential restrictions include scheme registration, business conduct requirements, record keeping, regular actuarial valuations, advertising controls, benefit limits and approval for the sale or deregistration of schemes.	<p>Targeted public review completed in October 2000. Review recommended against changing the rights and responsibilities of parties under existing contracts. For any new contracts entered into, or new business conducted, however, the review recommendations included the following:</p> <ul style="list-style-type: none"> • the introduction of a cooling-off period for all new contracts; • the provision of a short 'client care' statement in plain English on parties' rights and responsibilities when entering into the contract; • the provision of choice for consumers to deposit pre-payment monies with either a funeral director or an authorised investment manager; • the removal of the restriction that only companies may operate funeral benefit businesses; • the extension of the Act to apply to any person who sells a funeral benefit to a consumer in Queensland; • the removal of the cap on the value of funeral benefits; and • the removal of the requirement that the public officer/company secretary reside, or the registered office be located, in Queensland. 	<p>The Government responded to the review in April 2003, and accepted all recommendations. It advised the Council that the Second-Hand Dealers and Pawnbrokers Bill 2003, which incorporates the amendments to the Funeral Benefit Business Act to give effect to the recommendations, was released for consultation on 19 May 2003, with submissions closing on 6 June 2003. The Bill was introduced to Parliament on 19 August 2003 and enacted later on 22 October 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming Machine Act 1991 and Regulation	TR	Possession and playing of gaming machines, which would otherwise be illegal, is made lawful at a licensed site.	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained because they are in the public interest. The Government endorsed that recommendation.	Certain reforms were implemented prior to the 2003 review as a result of a general review of the legislation. Reforms to date include the removal of the Government's exclusivity over the purchase of gaming machines, instead requiring that manufacturers and suppliers of gaming machines be licensed to ensure that the probity and integrity of the industry is maintained. Act retained without reform.
Gas Act 1965 and Regulations 1989	DNRM&E	Provisions of the Act relating to granting gas franchises (effectively an exclusive right to lay pipes in an area and thus to supply gas to that area) and requirements for Government approval for large gas contracts establishes a virtual statutory monopoly situation. Legislation also enables quantitative restrictions to be placed on the supply of gas in certain (emergency) situations while the Gas Tribunal has the power to recommend price restrictions. Other jurisdictions have legislation pertaining to the particular circumstances of their gas industry. A common provision, as per Queensland Gas Regulations, is the licensing of persons engaged in gas installation and servicing which is considered essential for public safety.	Review of the Act and Regulations completed and incorporated in the Gas Supply Act 2003 which commenced in July 2003. Review completed of those parts of Gas Act and Petroleum Act not the subject of the national review of petroleum (submerged lands) Acts.	The new legislation implemented the franchising and licensing principles outlined in the CoAG Natural Gas Pipeline Access Agreement.

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Gas Suppliers (Shareholdings) Act 1972	DNRM&E	Prohibition relates to a statutory limitation on the level of ownership of shares in a nominated gas supplier (i.e. to prevent a corporate takeover) and hence restricts the ownership of a gas utility although it only relates to one company at present. A similar restriction is understood to apply in regard to the same company in NSW.		Act repealed in October 2000.
Grain Industry (Restructuring) Act 1993	DPI&F	Vests ownership of: <ul style="list-style-type: none"> • all barley grown in Queensland; • all sorghum grown in Central Queensland; and • (in reserve under s10(3)) all wheat grown in Queensland; and • in Grainco. 	NCP review by government/industry panel completed in 1997. Review recommended that Queensland remove the domestic monopoly; and extend the export monopoly to at least mid-2002. The Government undertook an internal review of the export monopoly again in 2001.	The Government accepted the recommendations and, via the Primary Industries Legislation Amendment Act 1999, exempted from vesting grain sold for consumption in the domestic market (see section 20 of the principal Act) and extended the export monopoly to sunset on 30 June 2002. This sunset has now occurred.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Grammar Schools Act 1975	DE&A	Imposes a Government approval mechanism for the establishment of a grammar school and provides for various Government intervention measures (such as the capacity to withhold or grant assistance funds) and controls/limitations on activities of grammar schools (e.g. borrowing and investment practices). These may restrict the ability of such schools to compete in the overall market for secondary education.	Review completed in September 1997. Second review completed in June 2002. It recommended removing the minimum financial requirement for the establishment of a grammar school. A third, and wider, review of the Act, to consider the impact of other legislation for the accreditation of non-State schools and the financial administration of grammar schools, was completed in March 2003.	Legislation has been amended in accordance with review recommendations by the Grammar Schools and Other Legislation Amendment Bill 2003.
Harbours (Reclamation of Land) Regulation 1979 and Marine Land (Dredging) By-Laws under the Harbours Act 1955 (sections 91-93)	EPA	Legislative provisions set out certain external approval requirements for activities in tidal waters (such as land reclamation and harbour works).	The regulation was to be removed by 30 December 2000 but was extended until end 2002.	Regulations extended pending incorporation of approvals provisions in the Integrated Development Approval System and coastal legislation. Coastal Protection and Other Legislation Amendment Act 2001 passed 5 December 2001. Act repeals remaining provisions of Harbour Act 1955, under which Harbour (Reclamation of Land) Regulation 1979 was made.
Hawkers Act 1984 and Regulation 1994	DTFT&WID	Licensing, entry requirements (age, no mental disease, fit and proper person), and business conduct (no business between 6 p.m. and 7 a.m.). Act does not apply to certain businesses (for example, charity or sale by maker of goods).	Reduced NCP review completed.	Regulations repealed by the Tourism and Fair Trading (Miscellaneous Provisions) Act 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1937 — Health (Drugs and Poisons) Regulation 1996	H	Licensing, storage, handling and dispensing of goods.	Part of Galbally Review. Draft review report completed on 11 September 2000. Final review report given to the Australian Health Ministers Conference (AHMC) in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.	The AHMC referred the review report to the Australian Health Ministers Advisory Council (AHMAC), asking it to develop a draft response in consultation with the Primary Industries Ministerial Council. The AHMC endorsed an AHMAC Working Party's response in 2003. Legislative amendments to implement the Working Party's recommendations will be made by 30 June 2004.
Health Act 1937 — Health Regulation 1996 Parts 5 (Hairdressers) and 15 (Skin Penetration)	H	Licensing, and codes of practice.	Review completed in December 1999. Review recommended negative licensing for medium/low risk activities and licensed premises for high risk activities.	The Public Health (Infection Control for Personal Appearance Services) Act 2003 was passed in October 2003 and will commence on 1 July 2004. Under the new legislation, higher risk businesses (eg body piercing and tattooing) will be licensed but not lower risk businesses such as hairdressing.
Health Act 1937 — Health Regulation 1996 Parts 10 (Pest Control Operators) and 12 (Poisons (Fumigation)) under Health Act 1937 Part 4 Division 7	H	Provides for the licensing of both fumigators and pest control operators. Similar regulations exist in the other States.	Targeted public review completed in October 1999. Review examined licensing of fumigators and pest control operators. Report on the framework for scoping and conducting the review completed late in 1999. Review recommended that licensing be retained but licensing criteria include new training requirements based on National Competency Standards to minimise the health risks to the public from pesticides and fumigants.	Pest management provisions of Health Act replaced by Pest Management Act 2001 which was passed in December 2001. A Regulatory Impact Statement for proposals for subordinate legislation was released for public comment in November 2002. The Act and subordinate legislation commenced in September 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1937 — Health Regulation 1996, Part 6 (Hyperbaric Chamber Therapy)	H	Restricts possession and use of a compression chamber.	Review completed in March 2001. Final report recommended the repeal of restrictive provisions of the Act.	The report was endorsed by the Treasurer in March 2001. The restrictive provisions of the legislation were repealed in June 2001.
Health Act 1937 — Health (Nursing Homes) Regulation 1982	H	Negative licensing of residential care facilities.	Departmental review completed in 1997. Queensland Health examined the Australian Government's Aged Care Act 1997 to determine its impact on the Regulation. Policy proposals were subsequently developed to allow the Regulation to lapse on 1 July 1998, to repeal Part 3 Division 5 of the Health Act 1937, and to replace it with a negative licensing framework in respect of residential care facilities.	Restrictive provisions dealing with nursing homes expired on 1 July 1998.
Health Act 1937 — Health (Private Hospitals) Regulation 1978 and Health Act 1937 Part 3 Division 4	H	Licensing and monitoring of private hospitals, building standards.	Review completed in February 1999. Review recommended retention of a licensing regime for private hospitals and day facilities performing higher risk procedures and rejected the formal adoption of planning controls.	The Private Health Facilities Act 1999, which replaces the legislation scheduled for review, was passed in November 1999 and commenced in late 2000.
Health Act 1937 — Health Regulation 1996 Part 16 (Therapeutic Goods and Other Drugs)	H	Restricts the advertising, including publication and labelling, of therapeutic goods and drugs (including cigarettes).	No formal NCP review undertaken. Trans-Tasman Treaty signed in December 2003 for establishment of a joint scheme to regulate Therapeutic Goods (including a trans-Tasman therapeutic goods agency). Australian Government legislation is scheduled to be introduced in 2004 and commence on 1 July 2005.	Because the new Australian Government legislation will regulate all sectors of the therapeutic goods industry (including sole traders), the Queensland legislation will be able to be repealed once the Australian Government legislation commences.
Health Services Act 1991 — Health Services Regulation 1992 (Public Hospitals Fees and Charges)	H			Legislation reformed without review. Anticompetitive provisions repealed in 1997.

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Health Services Regulation 1992	H	Limits the ability of a Health Authority to provide private ancillary services (e.g. physiotherapy, speech pathology, etc) to circumstances where there is no private practitioner.	Review not required.	Regulation reformed without review. Anticompetitive provisions repealed in 1997.
Higher Education (General Provisions) Act 1993	DE&A	Provides for accreditation and monitoring procedures to address standards and modes of delivery in regard to higher education (tertiary) degree courses.	Review completed. Review was expanded in recognition of the accreditation provisions being nationally uniform.	The Treasurer endorsed the review recommendations in August 2001. Existing regulatory regime retained in the public interest.
Hire Purchase Act 1959	DTFT&WID	Legislation provides for the rights and responsibilities of owners and hirers under hire purchase (HP) agreements and conduct requirements in regard to HP agreements. One type of transaction is prohibited (i.e. entering into an agreement for the bailment of goods, which includes an option to purchase them, so as to constitute a HP agreement).	Review completed. Final report recommended repeal of the Act.	Final report endorsed by Treasurer in December 2001. The Queensland Government subsequently amended the Credit (Rural Finance) Act to transfer certain protections for farmers. Legislative amendments to limit the Hire Purchase Act to existing contracts and insert a sunset clause became effective in January 2003.
Industrial Development Act 1963	DSD&I	Only identified restrictions relates to acquisition and use of land for industrial purposes only (i.e. in industrial estates) thereby precluding other uses (but only in a defined area).	Review not required.	Act reformed without review. Definition in the Act was amended in 1998 to remove the sole restriction that limited Act to development for industrial purposes.

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Indy Car Grand Prix Act 1990 and Regulations	DLGPS&R	The Act provides for a nominated promoter as the sole participant in the business activity of promoting the Indy Grand Prix (GP) with certain other exclusive rights attached (i.e. sale of film and television rights, sale of goods with the GP insignia and sale of other goods in a declared area during a declared period (i.e. the race days)).	Reduced NCP review completed in October 1998. Short-form justification, that included Regulatory Impact Statement (RIS) process, supported retention of all legislative provisions under review. Legislation gives effect to conditions for staging the race, including sole promoter role, that are contained in agreements with international owner of the rights to stage the race worldwide. All services and products associated with the Gold Coast event (eg catering) are competitively tendered.	Provisions subjected to review retained without reform.
Integrated Planning Act 1997	DLGPS&R	Establishes a planning framework and is not considered to restrict competition itself.	Review completed in October 1997. The legislation scheduled for review was the Local Government (Planning and Environment) Act 1990. NCP-related issues were examined during the preparation and introduction of the Integrated Planning Act 1997 (IPA) which replaced this Act. The examination of the proposed IPA established that it does not restrict competition and that it merely sets up a planning framework.	Act retained without reform.
Interactive Gambling (Player Protection) Act 1998	TR	Licenses the conduct of interactive gambling.	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained because they are in the public interest. The Government endorsed that recommendation.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Invasion of Privacy Act 1971 Invasion of Privacy Regulation 1986	DJAG	Legislation requires the licensing of credit reporting agents and prohibits the advertising and exhibiting of listening devices that has the intention of promoting their sale and use. Other jurisdictions may have legislation dealing with some aspects of credit reporting e.g. advertising of listening devices.	Reduced NCP review completed in February 2002. The Act regulates credit reporting agents, entry to dwellings and the use and supply of listening devices. Restrictions relate to the operation of credit reporting agents and include licensing, payment of fees, a suitable person test, and business conduct standards for information collection, storage and disclosure. Final framework for scoping and conducting the review Report recommending repeal of the credit reporting provisions endorsed by Cabinet in February 2002.	Reforms implemented in April 2002 by the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002.
Keno Act 1996	TR	Permits the holder of a keno licence to have the right to conduct the game of keno on a State-wide basis through approved outlets for a defined period (the playing of keno would otherwise be illegal under the gaming laws).	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained as they are in the public interest. The Government endorsed that recommendation.	Act retained without reform.
Land Act 1994	DNRM&E	Legislation provides for the administration and management of non-freehold lands and the legal creation of freehold land.	Targeted public review completed in May 1999. Review examined two restrictions: prohibiting corporations from holding perpetual leases for grazing or agricultural purposes; and limiting the number of living units that non-freehold land owners may aggregate. The Government directed further consultation with targeted groups in 2001 but is yet to formally consider the options.	The Government is considering the review recommendations.

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Land Sale Act 1984 and Regulation 1989	DTFT&WID	<p>Legislation contains various provisions relating to the process of sale of land via a registrable instrument of transfer and rights and responsibilities of vendors and purchasers. Queensland is currently the only State that prohibits the sale of unregistered land before survey plans are approved under the seal of the relevant local authority.</p> <p>Restrictions include requirements for local government development approval, payments to be held in trust accounts, deposit limits, exemptions for small subdivisions, lot descriptions and information disclosure requirements.</p>	The Act regulates the sale of lots in land development schemes. Final PBT report was endorsed by the Treasurer in November 2001. No reform recommended.	

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Legal Practitioners Act 1995	DJAG	Licensing, registration, entry requirements, reservation of practice (including conveyancing), disciplinary processes, and business conduct (including the process for determining maximum prices). (Also see the Queensland Law Society Act 1952.)	Queensland completed a general review of legal practitioner regulation, and announced proposed reforms in December 2000. Subsequently, it commenced an NCP review in the fourth quarter of 2001, releasing an issues paper in November 2001. Review completed, but the report not released publicly.	Queensland implemented the Personal Injuries Proceedings Act 2002, which places some restrictions on lawyers in relation to advertising personal injury services. The Legal Profession Act 2003 (yet to be proclaimed) provides for the first part of Queensland's reforms emanating from its NCP and other legal profession reviews and its participation in the national model laws project. Queensland expects to implement the remaining reforms during 2004.
Liquid Fuel Supply Act 1984	DNRM&E	The purpose of the Act is to regulate the distribution of liquid fuels (petrol, diesel and LPG) in times of shortage/emergency but, to date, has never been activated. Similar legislation exists in the other States. At present the Queensland legislation does not have any practical impact on commercial business activities.	NCC supported removal of Act from the legislation review program (LRP) on the grounds that the legislation is in place to serve the public interest in terms of controlling liquid fuel usage in times of shortage or emergencies. Provisions have never been used.	Restrictions retained in the public interest.

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Liquor Act 1992 and Regulation	DTFT&WID	Defines licence categories, contains a proof of need test, restricts the sale of packaged liquor to the public to general (hotel) licences, requires hotel bottle shops to be detached, restricts the number any one hotel can establish and the distance from the hotel and sets maximum size limits on bottle shops.	Review completed in February 2000. Review recommended retention of major restrictions relating to the public needs test and general licence (hotel) requirement for sales of packaged liquor to the public and changes to the regulations governing bottle shop distance from main outlet (extended from 5km to 10km) and to maximum bottle shop size (100 sq. m. to 150 sq. m.).	The Government accepted significant review recommendations with modifications: public needs test changed to a public benefit test. General licence requirement for sales of packaged liquor retained although volume restrictions on sales by clubs to members lifted and licensed restaurants may sell small quantities to diners for consumption off premises.
Loan Fund Companies Act 1982	DTFT&WID	Conduct and licensing. No loan fund companies operate under the Act.	Reduced NCP review completed in February 2002. The Act provides for the licensing and the regulation of business conduct of 'loan fund companies' (LFC) which seek to apply pyramid selling principles to the provision of home loans. There are no existing LFCs. The Act effectively prohibits the formation of new LFCs, but at least one scheme with similar characteristics is currently under examination. Cabinet endorsed the PBT report in February 2002 recommending repeal of the Act and the incorporation of the outright prohibition on LFCs in the Fair Trading Act.	Act repealed and prohibition on loan fund companies incorporated into Fair Trading Act 1989 in April 2002 by Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002.
Local Government (Harbour Town Zoning) Act 1990	DLGPS&R	Legislation specific to one location but could be seen to confer a competitive advantage on the owners of the site through the possible application of the Act to bypass normal approval processes.	Review not required.	Legislation was allowed to expire on 7 December 2000.
Local Government (Planning and Environment) Act 1990	DLGPS&R		See the Integrated Planning Act 1997.	

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<p>Local Government Act 1993 City of Brisbane Act 1924 Local Government Finance Standard 1994</p>	DLGPS&R	<p>The legislation establishes the framework for the constitution, planning and operation of local government (i.e. essentially it is enabling legislation). Only two current provisions in the Act appear to be anti-competitive, namely the exclusive right for a local government to operate a river ferry service and a prohibition on a local government operating its own superannuation scheme outside of a statutory scheme for all local governments.</p>	<p>Major review of provisions restricting the operation of certain types of ferries to local governments was undertaken by an independent Consultant - Review Report recommended retaining restrictions.</p> <p>Another minor review was undertaken on other aspects of the legislation and recommended retaining restrictions in relation to superannuation provisions and the Esk, Gatton, Laidley Water Supply Board in their current form. In relation to the Caloundra-Maroochy Water Board, the review report recommended the Board's jurisdiction be extended to enable it to sell its spare yield to non-urban water customers in its area and to non-urban bulk water customers in adjoining local government areas. Review considered by the Government in July 2002.</p>	<p>No amendments required to primary legislation. The necessary amendments to Local Government (Areas) Regulation 1995 were made in October 2002.</p>
<p>Local Government Local Laws (formerly By-laws) made under the Local Government Act 1993</p>	DLGPS&R	<p>Establishes a program for review of local government laws.</p>	<p>Departmental review completed in 1997.</p>	<p>The Local Government Amendment Act 1997 applies NCP legislation review requirements to local government. Individual local governments reviewed their own anti-competitive local laws and local law policies with oversight by the responsible department.</p>

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Lotteries Act 1994	TR	Exclusive licence to operate a lottery.	Review completed. Certain outstanding competition policy matters were identified and a draft report prepared. This exercise was deferred subject to the outcome of the PC inquiry into gambling in Australia, which released its report December 1999.	Act repealed and replaced by the Lotteries Act 1997. The statutory monopoly of the Golden Casket Corporation was replaced with a limited duration exclusive licence. This was to enable the Golden Casket Corporation time to mature in a commercial environment following its corporatisation.
Lotteries Act 1997 and Regulation	TR	Assigns a limited duration exclusive licence on the Golden Casket Corporation to offer lottery products.	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained because they are in the public interest. The Government endorsed that recommendation.	Act replaced the Lotteries Act 1994. Act retained without reform.
Meat Industry Act 1993	DPI&F	Imposes various food safety offences. Requires meat safety officers to hold minimum qualifications. Requires accreditation of processing facilities. Allows for the making of standards.	Review completed in 1999. Review recommended development of new food safety standards, especially for high-risk foods.	Act repealed and provisions for meat safety standards included in the Food Production (Safety) Act 2000.
Medical Act 1939	H	Restrictions on entry, registration, title, practice, advertising, business, and disciplinary provisions.	Review of health professions completed in 1999. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.	Framework legislation passed in 1999. Act repealed and replaced by the Medical Practitioners Registration Act 2001 passed in May 2001. The new Act implemented the review recommendations.
Medical Practitioners Registration Act 2001	H	Restrictions on entry and title.	Replacement legislation, implemented in May 2001, following review of health professions.	

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Medical Radiation Technologists Act 2001	H	Restrictions on entry and title.	Review completed in 1999. Review recommended registering radiation therapists, medical imaging technologists/radiographers and nuclear imaging technologists.	The new Medical Radiation Technologists Act 2001 passed in May 2001. The Act implemented the review recommendations.
Mental Health Act 1974	H	Conferral on the Public Trust Office of sole responsibility for the management of estates of specified patients.	Review not required.	Act reformed without review. The anticompetitive provisions were repealed as an amendment under the Guardianship and Administration Act 2000. The Mental Health Act 2000 was passed in May 2000 and replaced the Mental Health Act 1974.
Mental Health Act 2000	H			The Mental Health Act 2000 replaced the Mental Health Act 1974.
Mercantile Act 1867	DTFT&WID	Restricts the duration of partnerships and prohibits partnerships in banking and insurance businesses.	Review not required.	Act reformed without review. Provisions previously identified as restrictions on competition have been repealed or contained within the Partnership (Limited Liability) Act which is also on the review timetable. Completion of review requirements confirmed on 10 December 1998 by Treasury letter to the then Department of Equity and Fair Trading. No further action required.
Mineral Resources Act 1989	DNRM&E	Various permits, licences and leases.	NCP review not required. Act not considered unnecessarily restrictive. An extensive general review of the Act is scheduled to commence in 2004.	

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Mobile Homes Act 1989 and Regulation 1994	DTFT&WID	Contains particular requirements relating to agreements between owners and occupiers of mobile home sites. Regulations provide for maximum fees for services in regard to sale of a mobile home.	<p>Departmental review completed in March 2003. The legislation covers agreements between mobile home park owners and owners and occupiers of mobile homes. As part of an extensive general policy review of the mobile homes legislation, the Government decided to repeal the existing Mobile Homes Act and replace it with a new Act. NCP-related issues identified in the proposed new Act are relatively minor and are being addressed as part of the preparation of the new legislation.</p> <p>Draft PBT will form part of consultation package with new Bill which is expected to be introduced into Parliament in May 2003.</p>	Mobile homes legislation to be repealed. NCP issues to be considered in the context of new legislation. It is intended that the Act will be repealed on commencement of the Manufactured Homes (Residential Parks) Bill 2003. The Government introduced this Bill to Parliament in August 2003, and it was enacted later in 2003. The proposed commencement date is 1 March 2004. A review of the new Manufactured Homes (Residential Parks) Bill was undertaken as part of 'gatekeeping' arrangements. Copies of the Bill and PBT Report can be found on the Office of Fair Trading website at www.fairtrading.qld.gov.au
Motor Accident Insurance Act 1994	TR	Mandatory insurance, licensing of insurers, file within bands set by the regulator.	Full public review completed in November 1999. Review recommended retaining fundamental compulsory third party (CTP) scheme aspects, including mandatory insurance requirement, licensing of insurers, community rating and Nominal Defendant. Also recommended removing specific entry barriers (in terms of minimum market share and re-entry requirements) and premium setting by the Government to be replaced by its setting a premium range within which private insurers can determine their own premiums subject to approval by the Government.	New legislation (the Motor Accident Insurance Amendment Act 2000) enacted in line with recommendations. Majority of the changes commenced in October 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicle Driving Instruction School Act 1969	T			Act repealed and replaced with a driving instructor accreditation scheme under the Transport Operations (Road Use Management) Act 1995.
Nature Conservation Act 1992 and Regulation 1994, and specific flora and fauna Conservation Plans	EPA	Legislation contains extensive provisions for the conservation of wildlife (flora and fauna) related to ecological sustainability. Licensing and permit arrangements apply for a range of commercial and recreational activities involving wildlife (including, for example, licensing of pet shops selling commercial birds, nurseries selling certain restricted plants, the harvesting of macropods and protected plants and permits for commercial activities involving wildlife, such as filming, etc). Prior to any NCP review commencing, further consideration is required to identify whether there are any restrictions in the various species' Conservation Plans in place that go beyond what is required for legitimate natural resource management purposes.	Reduced NCP review completed in July 1999. Review supported retention of provisions which are considered to be for natural resource management purposes. Targeted consultation and review report made public January 1999.	Provisions subjected to NCP review retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nursing Act 1992	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review commenced in October 1999. Discussion paper released in November 2001. Final public benefit test report released in August 2003. It recommended retention of refined title and practice restrictions with some modifications.	Anticompetitive provision in the Nursing By-Law repealed in 1999. The Government is expected to introduce amendments to the Act to implement the recommendations of the public benefit test report in 2004.
Occupational Therapists Act 1979	H	Restrictions on entry and title.	Queensland completed its health professions review in 1999. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.	Act repealed and replaced by the Occupational Therapists Registration Act, which passed in May 2001. This Act fully implemented the review recommendations.
Occupational Therapists Registration Act 2001	H	Restrictions on title and entry.	New legislation considered by the gatekeeper process, following omnibus review of health practitioner registration Acts.	Act replaced the Occupational Therapists Act 1979.
Optometrists Act 1974	H	Restrictions on business ownership restrictions, entry, title, practice and advertising.	Omnibus review of health practitioner registration legislation completed in 1999. The recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.. A second review, limited to examination of ownership and related restrictions was completed in 1999, recommending removal of ownership restrictions.	Act repealed by the Optometrists Registration Act 2001 which was passed in May 2001, removing ownership restrictions. The new Act preserved practice restrictions pending outcome of the core practices review.
Optometrists Registration Act 2001	H	Restrictions on entry, title, practice, business, and advertising.	New legislation considered by the gatekeeper process. Core practice restrictions were reviewed. Public benefit test report released for public consultation in August 2001.	Act replaced the Optometrists Act 1974. Legislative amendments to implement the final policy approach on core practice restrictions were contained in the Health Legislation Amendment Act 2003, which was passed in October 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Osteopaths Registration Act 2001	H	Restrictions on entry and title.	Queensland completed its health professions review in 1999. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions. Review of core practices was completed in 2001.	This Act and the Chiropractors Registration Act 2001 replaced the Chiropractors and Osteopaths Act 1979 following the health professions review. Framework legislation in place. New Osteopaths Registration Act 2001 passed in May 2001. This Act does not contain practice restrictions. The Health Legislation Amendment Bill 2003, introduced to Parliament in June 2003, would restrict the practice of thrust manipulation of the spine. This legislation was enacted later in 2003.
Partnership (Limited Liability) Act 1988	DTFT&WID	Restrictions include registration, information disclosure requirements and a prohibition on limited partners participating in the management of the firm.	Reduced NCP review, in conjunction with the Partnership Act 1891, completed in October 2001. Final report recommends retaining the restrictions but with minor changes to clarify the definition of taking part in the management of the firm.	Reforms implemented in April 2002 by the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002.
Partnership Act 1891	DTFT&WID	Restrictions on the activities of partners by providing that they must account to the firm for private profits from transactions concerning the firm and not compete directly with the firm.	Reduced NCP review, in conjunction with the Partnership (Limited Liability) Act 1988, completed in October 2001. Final report recommends no changes to the Partnership Act. Cabinet endorsed the PBT report in October 2001.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers Act 1984	DTFT&WID	Licensing, entry (aged at least 18 years old, no mental incapacity, fit and proper person, not a collector, no conviction of fraud or dishonesty offence in past five years), practice reservation, disciplinary processes, and business conduct.	Review, in conjunction with the Second-hand Dealers and Collectors Act 1984, completed in June 2002. Review recommended introducing a single licence type to apply to dealers and a multisite licence to replace the requirement for a separate licence for each site. It also recommended reforming the 'fit and proper' test and streamlining business conduct restrictions.	The Government accepted the review recommendations but delayed implementation to allow time to simplify the legislation by consolidating this Act and the Second-hand Dealers and Collectors Act 1984. The consolidating legislation (the Second-hand Dealers and Pawnbrokers Bill 2003) was introduced to Parliament in August 2003 and enacted on 22 October 2003.
Petroleum (Submerged Lands) Act 1982	DNRM&E	Regulates exploration for, and development of, undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000 and endorsed by Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	Amendments made by the Australian Government are to be reflected in State and Territory legislation. Queensland will prepare amending legislation once reform of the Australian Government legislation finalised.
Petroleum Act 1923	DNRM&E		The Petroleum and Gas (Production and Safety) Bill (P&G Bill) will significantly amend the Petroleum Act 1923 and replace the remaining provisions of the Gas Act 1965. During 2003, the P&G Bill underwent an extensive review and is currently being finalised.	The P&G Bill is scheduled for introduction to Parliament in May 2004. For practical purposes, some elements of the Petroleum Act 1923 will remain in force.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacists Registration Act 2001	H	Restrictions on entry, registration, title, practice, business ownership and advertising.	<p>Ownership restrictions preserved from the Pharmacy Act 1976 were examined by the National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review did not examine other Queensland restrictions because these had been addressed in the health practitioner review process. The review recommended retaining some ownership restrictions but removing others.</p> <p>Practice restrictions were examined in the core practices review which recommended the removal of the restrictions.</p>	<p>CoAG referred the Wilkinson Review to a senior officials' working party. The working party response was released in August 2002. The working group recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies). The working party also recommended practice restrictions be retained on an interim basis and revisited at the same time as other retained legislation.</p> <p>Queensland is monitoring developments in interstate jurisdictions with a view to achieving a nationally consistent approach to pharmacy ownership when developing its response to the review.</p> <p>Implementation of the core practices review recommendation will be considered in the context of the ownership reforms and the reforms relating to drugs and poisons.</p>
Pharmacy Act 1976	H	Restrictions on entry, registration, title, practice, advertising, business ownership, and disciplinary provisions.	<p>Considered as part of the health practitioner review process in Queensland. Review recommended retaining title and entry restrictions but removing unnecessary anticompetitive restrictions. It also recommended that practice and ownership restrictions be preserved pending separate review.</p>	<p>Queensland passed the Pharmacists Registration Act 2001 in May 2001 to replace the Pharmacy Act 1976. The new Act implemented the review recommendations.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Act 1964	H	Restrictions on entry, title, practice and advertising.	Review of health professions completed in 1999. The NCP review of core practice restrictions was completed in 2001. Recommendations included retaining title protection and entry restrictions, but removing unnecessary anticompetitive restrictions.	Act repealed and replaced by the Physiotherapists Registration Act 2001 passed in May 2001. Practice restrictions were preserved pending outcome of core practices review.
Physiotherapists Registration Act 2001	H	Restrictions on entry, title and practice.	New legislation. The NCP review of core practice restrictions was completed in 2001. It recommended that thrust manipulation of the spine be restricted to physiotherapists, chiropractors, osteopaths and medical practitioners.	Act replaced the Physiotherapists Act 1964. Amendments to core practice restrictions were contained in the Health Legislation Amendment Act passed in October 2003.
Podiatrists Act 1969	H	Restrictions on entry, title, practice and advertising.	Queensland completed its health professions review in 1999. Recommendations included retaining title protection and entry restrictions, but removing unnecessary anticompetitive restrictions.	Act repealed and replaced by the Podiatrists Registration Act 2001 in May 2001. Practice restrictions were preserved pending the outcomes of the core practices review.
Podiatrists Registration Act 2001	H	Restrictions on entry, title and practice.	The NCP review of core practice restrictions completed in 2001.	Act replaced the Podiatrists Act 1969 following health professions review. Amendments to core practice restrictions were contained in the Health Legislation Amendment Act passed in October 2003.
Primary Producers Co-operative Associations Act 1923	DTFT&WID		Review not required.	The new Cooperatives Act 1997, providing for a national scheme of regulation, has been enacted.

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Primary Producers Organisation and Marketing Act 1926	DPI&F	Allows for the constitution, powers, and functions of statutory commodity marketing boards and statutory producer representative bodies. Provisions relating to the latter are not considered to restrict competition.	Review not required.	Act repealed by the Primary Industry Bodies Reform Act 1999 as of 21 January 2000.
Private Employment Agencies Act 1983 and Regulation 1989	DIR	Licensing, entry requirements (resident in Queensland, fit and proper person, suitable premises), the reservation of practice, and business conduct (no charge to jobseekers except performers and models, maintenance of records, no misleading advertising).	Departmental review completed. Review report finalised, canvassing the repeal of the Act over a two year period, implementation of a simplified licensing regime until the Act expires, and the incorporation of fee-charging restrictions into the Industrial Relations Act 1999.	Amending legislation passed 2002, in line with review recommendations. The expiry of the Act has now been extended to 26 April 2005. A tripartite committee is formulating a Code of Practice which will replace the current licensing regime after the expiry.
Private Health Facilities Act 1999	H	Licensing.	NCP review completed in 1999. Review recommended retention of a licensing regime for private hospitals and day facilities (performing higher risk procedures) in the interests of patient wellbeing.	Act replaced the Health Act 1937 - Health (Private Hospitals) Regulation 1978 and Health Act 1937 Part 3 Division 4. The Act is consistent with the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Professional Engineers Act 1988 and Regulation 1992	DPW	Licensing, registration (for professional engineers - in various divisions of the profession, i.e. civil, mechanical, metallurgical, etc, professional engineering companies and professional engineering units within a company), entry restrictions (qualifications and 5 years experience), reservation of title and of practice, disciplinary processes, commercial restrictions, and business licensing.	Review by an independent consultant, conducted under the auspices of a steering committee of department officers, a consumer representative and a professional engineer, completed. Review recommended the continued regulation of the profession but removing anticompetitive legislative elements that could not be justified on public interest grounds. Review identified co-regulation as the preferred approach to the continued regulation of professional engineers — that is, joint administration by the engineering profession and a statutory governing body. Under the proposed approach, the profession would take responsibility for assessing applicants for registration and the Government would administer the legislation, including accrediting professional bodies and taking disciplinary action where misconduct is identified. The existing business licensing of units and associated professional indemnity insurance requirements would remain.	The Government accepted the review in its entirety. The legislative amendments required to meet the recommendations were extensive in nature, so the Queensland Government decided to incorporate the amendments in a new Act, the Professional Engineers Act 2002, which repealed the 1988 Act. The Professional Engineers Act 2002 commenced operation on 1 January 2003. As in the Architects Act 2002, only individual engineers are required to be licensed and business licensing of units is no longer required.
Profiteering Prevention Act 1948	DTFT&WID	Quality/technical standards, pricing restrictions, business conduct, measures that confer a benefit.	Reduced NCP review completed. Review recommended repeal of the legislation because the Act lacked contemporary relevance (and the last order under the Act was issued in 1967).	The Act was subsequently repealed by the Tourism, Racing and Fair Trading (National Competition Policy) Amendment Act 2002, which received assent on 24 September 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Property Agents and Motor Dealers Act 2000	DTFT&WID	Licensing (real estate agents, managers, salespersons), entry requirements, reservation of practice, disciplinary processes, and business conduct.	<p>On the recommendation of the Auctioneers and Agents Act 1971 Review Committee, the Government retained regulation of residential real property commissions, whilst it conducted an education and community information campaign to remove or diminish the existing culture of agents refusing to negotiate fees.</p> <p>The campaign commenced on the commencement of the Act, and is ongoing. A review committee is being established to undertake a Review of Commissions in response to the original Review Committee's recommendations. The review commenced in April 2002.</p>	<p>Act replaced the Auctioneers and Agents Act 1971.</p> <p>Amendments to Property Agents and Motor Dealers Regulation 2001 to give effect to de-regulation of motor dealing and auctioneering commissions and buyers' premiums were approved by the Governor-in-Council on 20 November 2003 and gazetted on 21 November 2003.</p>
Psychologists Act 1977	H	Restrictions on entry, title and advertising.	Reviewed as part of Queensland's health professions review process, which recommended retaining title protection and entry restrictions but removing other unnecessary anticompetitive restrictions.	Act repealed and replaced by the Psychologists Registration Act 2001 in May 2001. The Act fully implemented the review recommendations.
Psychologists Registration Act 2001	H	Restrictions on entry and title.	New legislation, assessed through 'gatekeeper' process, following omnibus review of health practitioner Acts.	

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Queensland Building Services Authority (QBSA) Act 1991 and Regulations 1992 and Policy 1995	DH	Licensing, registration, entry requirements (qualifications and experience, fit and proper, financial requirements), the reservation of practice, disciplinary processes, business conduct (ownership; advertising and sign at building site - whereby workers must state whether licensed, name licensed under and identifying numbers; written contract; compulsory insurance administered by the QBSA; warranty).	Review commenced in October 2001 with targeted stakeholder consultation in October – December 2001. Independent consultant's findings were delivered in late December 2001. Review released August 2002.	The Residential Tenancies and Other Legislation Amendment Act 2003 ,which amended (in addition to other Acts) the Queensland Building Services Authority Act 1991, received assent on 2 June 2003. The relevant amendments gave effect to the recommendations of the NCP review relating to reinforcing the independence of the statutory insurance fund and enabling prudential requirements to be prescribed by regulation.
Queensland Heritage Act 1992 and Regulation	EPA	Legislation provides for the conservation of Queensland's cultural heritage. Currently, Heritage Council approval is required before any development is allowed on heritage-registered properties.	Reduced NCP review completed in December 1998. Review justified retention of provisions on public interest grounds. Review report made available to the public. No issues raised in response. NCC provided with report in February 1999.	Provisions subjected to NCP review retained without reform.
Queensland Law Society Act 1952 and Rules 1987, Queensland Law Society(Indemnity) Rule 1987 and Continuing Legal Education Rule	DJAG	Annual practising certificates can only be issued by the Queensland Law Society (QLS), business conduct (various educational programs and practice courses, indemnity insurance – with law society master policy or an insurer approved by law society).	Being reviewed by State with broad review of legal profession in Queensland. Refer entry under the Legal Practitioners Act for further details.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Betting Act 1980 and Regulations as they relate to the Totalisator Agency Board (TAB)	TR	Statutory monopoly provisions in Queensland legislation relate to the establishment of the TAB to control totalisator betting and control bodies for horse racing (Queensland Principal Club), harness racing (Harness Racing Board) and greyhound racing (Greyhound Authority). Registration requirements apply for race, trotting and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as the recording of bets and the conduct of betting, drug sampling and analysis, advertising and the standard of facilities at race clubs are also prescribed. A price control provision relates to maximum bets at greyhound meetings. An outright prohibition exists in respect of betting and bookmaking outside of the coverage of the Act.	Racing Industry Taskforce examined statutory monopoly of Queensland TAB, This was addressed in developing the Wagering Act 1998.	New legislation (the Wagering Act 1998) replaces the statutory monopoly applying to the TAB with an exclusive licence of limited duration.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Betting Act 1980 and Regulations as they relate to racing and the conduct of bookmakers	TR	Statutory monopoly provisions in Queensland legislation relate to the establishment of the TAB to control totalisator betting and control bodies for horse racing (Queensland Principal Club), harness racing (Harness Racing Board) and greyhound racing (Greyhound Authority). Registration requirements apply for race, trotting and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as the recording of bets and the conduct of betting, drug sampling and analysis, advertising and the standard of facilities at race clubs are also prescribed. A price control provision relates to maximum bets at greyhound meetings. An outright prohibition exists in respect of betting and bookmaking outside of the coverage of the Act.	Review of provisions of the Act relating to bookmakers, conduct of race meetings and other related restrictions concerning the operation of race events completed in 2000. Review recommended that regulations that maintain and enhance probity, integrity and public confidence in the industry (eg licensing) be retained, and the prohibitions on entry of new codes of racing, conduct of proprietary racing and racing bookmakers' advertising be removed.	New legislation (the Racing Act 2002) enacted the review recommendations, including removing the majority of nonprobity-based restrictions on bookmakers (particularly those relating to advertising, minimum phone betting, betting type and recording of betting) and removing prohibition on the entry of new codes of racing and on the conduct of proprietary racing.
Racing Venues Development Act 1982	DH	The Act prescribes terms that apply to leases granted by trustees of racing venues and is not considered to impose any significant restrictions on competition.	The Act applies only to Parklands Gold Coast. On close examination, it became apparent that the Act does not contain any provisions that restrict competition. In particular, it was determined that the provisions that specify the terms of a lease by trustees of a racing venue are not anticompetitive.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Radiation Safety Act 1999	H		National review completed under gatekeeping arrangements, finding restrictions justified in the public interest.	
Residential Tenancies Act 1994 and Regulation 1995	DH	The Residential Tenancies Authority is the sole body authorised to manage rental bonds.	Public benefit test completed in March 1998 and supported retention of authority's statutory monopoly over administration of rental bonds.	Cabinet agreed to the recommendations. Current arrangements preserved in legislation.
Retail Shop Leases Act 1994 and Regulation	DSD&I	Provides protection to lessees of premises in retail shopping centres, as defined. Some services operated in such premises may not have the same protection if situated outside of a retail shopping centre.	Departmental review completed in November 1999. The statutory review undertaken in 1998-99 included consideration of NCP-related issues. The review recommended retention of existing restrictions to ensure that fair and equitable lease arrangements exist for small lease holders in shopping centres. The review also justified amendments requiring prospective lessees to obtain a pre-lease certificate relating to the nature of, and consequences of entering, a lease agreement.	The Act was amended, including amendments to provide for the introduction of pre-lease certificates as recommended by the NCP review. The Retail Shop Leases Amendment Act 2000 was assented to in June 2000 and commenced on 1 July 2000. Sections dealing with unconscionable conduct commenced on 24 June 2001.

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Retirement Villages Act 1988 and Regulation 1989	DTFT&WID	Provides the registration procedure for retirement village schemes with applicants required to meet prescribed requirements. Provision for exemption from some requirements for religious or charitable organisations that may confer a competitive benefit. The Act also provides for a statutory charge and encumbrances over village land for the benefit of residents but which may impede business conduct. Price controls relate to service charges payable by residents. Other potential restrictions on business conduct also exist.	Reduced NCP review completed in July 1999.	A draft Bill was released for public comment and anticompetitive provisions were subject to a Public Benefit Test prior to introduction. The new Bill was assessed against NCP obligations and passed in 1999, retaining some restrictions on competition. These include: retention of entry requirements for village operators; business conduct requirements more stringent but provide greater clarity for operators and residents; and statutory charge requirements less stringent than current legislation.
Sale of Goods Act 1896 Sale of Goods (Vienna Convention) Act 1986	DTFT&WID	Legislation contains certain stipulations relating to the sale or purchase of goods that affect rights and remedies of buyers and sellers.	Short form report completed indicating legislation did not contain anticompetitive provisions.	Act retained without reform.
Sawmills Licensing Act 1936 and Sawmills Licensing Regulation 1965	DPI&F	Licensing of sawmills at absolute discretion of the State's forestry corporation. Licences specify maximum productive capacity of mills.	Review completed in 2000.	Act to be repealed (without replacement legislation) in early 2004. The Government argues it does not in practice restrict competition.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sea Carriage of Goods (Queensland) Act 1930	T	Requires that before a voyage the shipping carrier must exercise due diligence to: make the ship seaworthy; properly crew, equip, and supply the ship; and make holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for reception, carriage and preservation of goods.		Act repealed by the Transport Legislation Amendment Act 2000.
Second-hand Dealers and Collectors Act 1984 and Regulation 1994	DTFT&WID	Licensing (second-hand dealers for not exempt goods), registration, entry requirements (aged over 18 years, not mentally incapacitated, fit and proper person, not convicted of fraud or dishonesty offence in past five years), the reservation of practice, disciplinary processes, business conduct (prescribed records, holding goods for prescribed period, requirement that seller provide identification, cooperation with police).	Combined minor departmental review of pawnbrokers and second-hand dealers legislation under way. Review made one recommendation specific to second-hand dealers: to repeal provisions requiring collectors to be licensed.	The Government accepted the review recommendations but delayed implementation to allow time to simplify the legislation by consolidating the two Acts. The consolidating legislation (the Second-hand Dealers and Pawnbrokers Bill 2003) was introduced to Parliament in August 2003 and received assent on 22 October 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Security Providers Act 1992 and Regulation 1995	DTFT&WID	Licensing (security officers, private investigators, crowd controllers where services are for reward (not in-house security officers)), entry requirements, and the reservation of practice.	Minor departmental review completed, and final public benefit test report released in August 2002. The public benefit test recommended retaining occupational licensing for security providers. In addition, it recommended that the Office of Fair Trading assess whether the current disqualifying offences remain current; investigate the impacts of requiring disclosure of criminal offences irrespective of whether a conviction was recorded; give further consideration to adopting national competency-based training standards; inquire into the costs and benefits of removing insurance agents' exemption from the licensing requirement; consider amending the definition of crowd controller, consider expanding the licensing requirements to cover alarm installers, lock smiths, security consultants, security trainers, CCTV monitoring staff and 'cash-in-transit' officers.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
South Bank Corporation Act 1989, and Regulation and By-laws 1992, South Bank Corporation Amendment Regulation 1992	DP&C	The primary purpose of the legislation is the development and provision of public parkland and facilities within the declared South Bank area. Various provisions in the Act modify or exclude the operation of certain other statutes (e.g. the South Bank Corporation is exempt from local government rates). Other provisions could be used to grant special privileges to lessees in the declared area (e.g. the exclusive right to deal in particular products). Arguably, the legislation could confer commercial advantages on businesses located within the South Bank compared to competitors outside the declared area.	<p>Departmental review completed in February 2000. Review considered several provisions, including a public benefit assessment of the exemption provided in the legislation from the application of the Residential Tenancies Act 1994 and the Retail Shop Leases Act 1994. Review report formally signed off by the Premier and was provided to the Treasurer for endorsement in January 2000.</p> <p>The Review Committee recommended that the provisions exempting the South Bank Corporation from stamp duty on land transfers within the Corporation area, interim exemption from the Integrated Planning Act 1997; exemption from the Dividing Fences Act 1953; and giving the Act priority over other legislation if there is a conflict, were in the public interest and should be retained.</p>	<p>The Committee did recommend that it be made clear the exemption under section 39D of the Act relating to consumer/tenant protection legislation such as the Residential Tenancies Act 1994 and the Retail Shop Leases Act 1994 only apply to the perpetual leases between the Corporation and the perpetual lessees. Legislative amendments to clarifying this issue and various issues of unrelated substantive reform were proclaimed on 27 June 2003.</p> <p>To ensure that businesses within the Corporation precinct are not advantaged or disadvantaged compared to their competitors outside the precinct, these Acts will continue to apply to normal commercial leases between the perpetual lessees as landlords and their commercial and residential tenants.</p>
Speech Pathologists Act 1979	H	Restrictions on entry, title and advertising.	Part of Queensland health professions review process, which recommended retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.	Act replaced by the Speech Pathologists Registration Act 2001.
Speech Pathologists Registration Act 2001	H	Restrictions on title and entry.	New legislation, considered by the gatekeeper process.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
State Housing Act 1945 and Regulation 1986, State Housing (Freeholding of Land) Act 1957, and Interest Rate Orders under these Acts	DH	Legislation contains various provisions that confer advantages or privileges on the Queensland Housing Commission that are not available to other housing providers (e.g. Commission land is not rateable, securities executed under the Acts are not subject to stamp duty etc). Pricing Orders relate to maximum interest rates on advances and purchase prices under contracts entered into in terms of various schemes under the Housing Act and for purchase price of certain land under the Housing (Freeholding of Land) Act.	Review completed in November 2001. PBT Plan approved by Treasury in December 1999. Review advertised and submissions called, closed 31 January 2000. Targeted stakeholder consultation occurred in February-March 2000. The review was considered in conjunction with a wider review of the Act and review findings endorsed in December 2001. The Review concluded that the exemption from payment of rates by Queensland Housing Commission should be removed where persons purchase an interest in residential property under instalment contracts and where the Commission remains owner.	Amending legislation implementing recommendation commenced on 1 July 2002. New Housing Act 2003 commenced on 1 January 2004, and retained similar provisions concerning exemption from rates by Department (replacing the Commission) and payment of rates by persons with instalment contracts.
State Transport (People-movers) Act 1989	T	Provides for licensing and agreements for the installation of people movers and also contains provisions which can override local government planning schemes.	Queensland Transport undertook a public benefit test in early 2003 that found that the two people mover licences in place do not restrict competition for the carriage of people because alternative means of transport are available.	The Government is retaining the Act to preserve the legal rights of the two existing licensees. Amendments were introduced by the Transport Operations (Road Use Management) and Another Act Amendment Act 2003, and ensure ecological compliance and do not entail any restrictions on competition. The amendments commenced on 22 October 2003.
State Transport Act 1960 and Regulation 1987	T	Restrictions in regard to the carriage of goods by road.	Review completed in 1998.	Act repealed by the Transport Operations (Road Use Management) Act. Any future legislative control of restricted goods will be via regulation and subject to public benefit test requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sugar Industry Act 1991, Sugar Industry Regulation 1991 and Sugar Industry (Assignment Grant) Guideline 1995	DPI&F	Vests ownership in the Queensland Sugar Corporation of all sugar produced in the State. Local boards control cane production areas and allocation of cane to mills.	<p>A joint Australian Government, Queensland Government and industry review (the Sugar Industry Review Working Party) of this Act and the Sugar Milling Rationalisation Act 1991, completed in 1996. Review recommended:</p> <ul style="list-style-type: none"> • retaining the domestic and export monopolies subject to export parity pricing of domestic sales; • permitting growers to negotiate individually with mills once collective agreements expire; and • removal of the Australian Government's sugar tariff. 	<p>The Australian Government removed the tariff on sugar imports from mid-1997. The Queensland Government set the price of domestic raw sugar sales by the Queensland Sugar Corporation on the basis of export parity pricing.</p> <p>Act repealed and replaced by the Sugar Industry Act 1999, which brought in a range of other reforms including:</p> <ul style="list-style-type: none"> • some which allow more scope for growers to negotiate individually with mills; and • structural reforms of the corporation and bulk sugar terminals.
Sugar Milling Rationalisation Act 1991	DPI&F	The Act is intended to provide a framework for rationalisation of milling operations but may in fact give rise to unintended restrictions on development of new mills.	Review, in conjunction with the Sugar Industry Act 1991, completed in November 1996.	Act repealed and replaced by the Sugar Industry Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Superannuation (Government and Other Employees) Act 1988</p> <p>Superannuation (State Public Sector) Act 1990</p> <p>State Service Superannuation Act 1972</p> <p>Parliamentary Contributory Superannuation Act 1970</p> <p>Police Superannuation Acts 1968 and 1974</p>	TR	Limits on choice of funds. All Queensland public servants must be members of QSuper. QSuper can use multiple managers, but to date has chosen to use only the one manager — the Queensland Investment Corporation (QIC), which outsources some of its funds management.	Following a review in 2000, a second review completed in 2003 argued that current arrangements are superior to alternatives in maximising benefits for public sector members.	The Government has not changed QSuper's position as a sole provider of superannuation to public servants.
<p>Surveyors Act 1977 and Regulations 1992</p>	DNRM&E	Licensing, registration, entry requirements (education, experience, good fame and character), the reservation of title and practice, disciplinary processes, and business conduct (including business name approval, fee setting, professional indemnity insurance, ownership restrictions).	<p>Review completed in November 1997. Recommendations included retaining registration, removing business name approval and fee setting by the Surveyors Board of Queensland, and removing requirement that directors of bodies corporate have qualifications. The Government accepted these recommendations.</p> <p>An exposure draft of a Bill was released in August 2002. Written responses were received from surveying industry groups and individual surveyors.</p>	<p>The draft Bill was modified to address issues raised during the consultation process. The Surveyors Bill 2003 was introduced to Parliament on 27 May 2003 and was passed by Parliament and assented to in October 2003.</p> <p>The new Act retains the current model for regulating surveyors based on competency rather than qualifications, and makes other reforms based on the outcomes of the review and consultation. Regulations to give effect to the amendments are expected to be introduced by end-June 2004 with the Act commencing at that time.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tobacco Products (Licensing) Act 1988	TR	Legislation provides for the licensing of tobacco wholesalers and retailers and requires premises used for these purposes to be specified by licensees. It also requires the keeping of sales records (ie for the purposes of calculating the quantum of fees payable by a licensee).	Review not required as the High Court decision (Ha & Lim v NSW) removes anticompetitive effect of the Act. Only transitional provisions remain which have no NCP implications.	
Tow Truck Act 1973 and Regulation 1988	T		Reduced NCP review completed in 1999. Review found a public benefit justification for consumer protection and industry regulation provisions in the Act.	Legislative amendments introduced in 1999 strengthen consumer protection provisions and retain industry regulatory provisions. New legislation commenced 1 July 1999.
Trade Measurement (Administration) Act 1990	DTFT&WID		Review completed. Restrictions found to be in the public interest.	Final report endorsed by the Treasurer in February 2002. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Measurement Act 1990	DTFT&WID		<p>National review by inter-jurisdictional committee with Queensland as the lead agency. The review is being undertaken in two stages.</p> <p>Stage 1, which was carried out by an independent consultant, completed. The consultant concluded that most restrictions were justified, but that further investigation was warranted on the restriction on the sale of non-prepacked meat.</p> <p>A working party report on the meat issue was presented to the Standing Committee of Officials on Consumer Affairs in November 2003. SCOCA is expected to report to the Ministerial Council on Consumer Affairs (MCCA) out of session.</p> <p>The final public benefit test report has recommended that Trade Measurement Victoria (TMV) undertake within 12 months a review of the definition of meat to:</p> <ul style="list-style-type: none"> • determine whether the definition of meat should expressly include seafood and poultry; and • clarify when specialised meat products cease to be meat for the purposes of the restriction. 	<p>Following MCCA's endorsement of the public benefit test report and approval of its public release and the finalisation of the TMV's review of the definition of meat, States and Territories are expected to make uniform legislative changes.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trading (Allowable Hours) Act 1990 and Regulation 1994	DIR	Restrictions on Monday-to-Saturday trading hours for 'nonexempt' shops (that is, shops not predominantly selling nominated goods and services). Sunday trading by nonexempt shops prohibited outside major city areas and some tourist areas. Exempt shops and independent shops (shops engaging 20 or less persons at one location or less than 60 or less statewide) have unrestricted trading. Hardware shops may trade within prescribed hours on Sundays.	<p>Review not required. The Queensland Industrial Relations Commission (QIRC) will determine applications for extended trading hours.</p> <p>The QIRC can extend hours having regard to a list of factors prescribed in section 26 of the Act (locality, needs of small, medium or large business, tourism and population, the public interest, alleviation of traffic congestion, any other matters). The Queensland Government made submissions to the QIRC to alert it to the public interest factors in the CPA and the Government's support for them in relation to trading hours.</p>	The Government also introduced amendments to the Act providing uniform Sunday trading hours for nonexempt stores in the south east Queensland area to take effect on 1 August 2002. In addition, the QIRC process exists to determine further applications for extended hours.
Transport Infrastructure (Rail) Regulations 1996 under the Transport Infrastructure Act 1994	T	Legislation not initially scheduled for review. Includes rail safety regulations that could restrict competition.	Queensland Transport's review report completed in March 2003 following consultation with the rail industry and relevant government agencies. The report accounted for the recommendations of the NSW inquiry into the Glenbrook rail accident. The report concluded that net benefits for the community arise from the safety accreditation that applies to railway managers and operators.	Amendments to the Act's safety provisions were introduced to Parliament in June 2003 in the Transport Infrastructure and Another Act Amendment Bill 2003. This legislation was passed on 8 September 2003, assented on 18 September 2003 and commenced on 1 December 2003.
Transport Infrastructure Act 1994 - Transport Infrastructure (Ports) Regulations 1994	T	Harbour towage restrictions.	Public Benefit Test report finalised. Review concludes allowing individual ports flexibility and discretion for exclusive towage licensing if local conditions warrant.	The Government accepted all recommendations. Amending legislation passed in November 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Infrastructure Act 1994 - Transport Infrastructure (Ports) Regulations 1994	T	Restrictions on port activities outside prescribed port limits.	Review completed. Review argued there is a public benefit justification for retaining the current regulatory regime. Therefore, no legislative amendments are proposed. Public notification of findings occurred in December 2001. Review of the provisions is proposed in 10 years.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Infrastructure Act 1994, Transport Infrastructure (State Controlled Roads) Regulation 1994, Transport Infrastructure (Railways) Regulation 1994	DMR	Legislation deals with the development and management of transport infrastructure strategies and programs in regard to road transport, rail transport and ports. Identified restrictions (actual and potential) on competition include: the continuation of Queensland Rail's (QR) monopoly on haulage of export coal (i.e. effectively a statutory monopoly for 5 years before access provisions apply consistent with provisions of Part IIIA of the TPA), the accreditation requirement for the management and/or operation of a railway (with automatic interim accreditation provided for QR and other existing rail operators/managers), the requirement for tug operators in certain ports to obtain approval from the relevant Port Authority and a power for the Queensland Government to impose restrictions on the development of port infrastructures outside of designated existing Queensland ports.	<p>Review not required. An examination of the relevant sections of the legislation and associated departmental policies did not identify any legislative restrictions requiring review, but did identify three policies requiring further consideration. These policy issues include limitations on services able to be provided at access points to limited-access roads, road-side advertising and delivery of Main Roads work by local government.</p> <p>As policy issues, these matters fall outside of the NCP legislation review requirements. Nevertheless, Main Roads reviewed these policies internally, in consultation with Queensland Treasury.</p> <p>In addition, the Department conducted a complete review of the operational aspects of the advertising policy, which included a TPA assessment.</p>	<p>In relation to the Services Centres Policy, Main Roads has reviewed and amended the Policy, which included consideration of various Trade Practices Act issues. Main Roads is finalising the policy, and is expected to completed this work by the end of March 2003.</p> <p>Main Roads is currently finalising the reviews of the advertising policy and the delivery of Main Roads' work by local government.</p> <p>Also in relation to the delivery of Main Roads' work by local government the department, together with the Local Government Association of Queensland, has developed and is in the process of implementing an arrangement called the Main Roads and Local Government Road Management and Investment Alliance. The Alliance involves a shift by Main Roads and local government away from an ownership model to one where they jointly manage the district/local road network for the benefit of road users, the more efficient use of resources, and joint management of employment issues.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Operations (Marine Safety) Act 1994 and Regulation 1995	T	Legislation provides for a regime of marine safety that is consistent with the Uniform Shipping Laws Code and which, as a general rule, only applies to matters outside the reach of the Australian Government Navigation Act (notably pilotage in Queensland waters which is compulsory in a declared pilotage area). The only identified restriction on competition beyond the uniform standards relates to the holding of licences for piloting a ship.	Review completed in May 1999. Review recommended some procompetitive legislative changes to take effect at the end of a three year transition period for transfer of responsibility for pilotage services from the Department of Transport to port authorities. Recommendations included retaining licensing of marine pilots by the Queensland Government (for safety and environmental reasons), each port authority to determine service delivery arrangements for its ports (including "in-house" provision and competitive tendering) and removal of price controls (with prices determined by each port authority subject to Queensland Competition Authority oversight arrangements).	Legislative amendments, giving each port authority the power to determine service delivery arrangements and pilotage fees within its port, took effect on 1 July 2001. Further amendments in October 2002 provided for the Queensland Government to resume the role of providing pilotage services for all Queensland ports except Brisbane, to ensure continuity of service and training. The Queensland Competition Authority and the Australian Competition and Consumer Commission were consulted on the transition.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Operations (Passenger Transport) Act 1994 and Regulation	T	Licensing arrangements for taxis, limousine services, inland air services, scheduled urban bus services and school transport. Market entry restrictions apply in respect of various public passenger services, for example giving exclusive rights to operators to provide a specific kind of public passenger service in a specific area. Quantitative restrictions (number of licences) apply in respect of taxi service areas. Regulation also provides for price control over taxi fares (ie maximum fares) and other service requirements.	Review by a steering committee comprising senior officers from Queensland Transport, Queensland Treasury and Department of Premier and Cabinet completed and report published September 2000. Concluded that service contracts and the existing system of market entry restrictions for taxis, buses and air services are largely justified, but there are some areas where improvements could be made. The report recommended that market entry restrictions be retained for those areas of the limousine industry that compete directly with the taxi industry, but that the remainder of the limousine industry be deregulated. Policy positions being developed following community consultation of findings.	Reforms to regulation of the taxi and limousine sector were approved by the State Government in August 2003, and implementation is under way. The Government has approved that high luxury limousines and specialty, veteran and classic vehicles will be able to operate without a licence.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1988	DTFT&WID	Licensing and compulsory consumer compensation fund.	Part of national review of travel agent legislation, coordinated by WA. A final review report by Centre for International Economics (CIE) was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Consultant recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. Supplementary consultation under way.	The Western Australian Department of Consumer and Employment Protection prepared a proposed response to the national review and liaising with the CoAG Committee on Regulatory Reform (CRR). In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but consider establishing a risk-based premium structure and making prudential reporting arrangements more equitable. It recommended that each jurisdiction review and amend its entry qualifications to ensure uniformity, so as to address problems identified by the review.
Trustee Companies Act 1968	DJAG	Restricts the provision of certain services in relation to deceased estates and the maintenance of minors and other legally incapable persons, to certain statutory trustee companies (i.e. those cited in a schedule to the Act) and also prescribes a maximum commission chargeable against the estate.	Combined review being undertaken by all jurisdictions in conjunction with the development of new uniform trustee company legislation. Discussion paper released in May 2001. This review is being co-ordinated by NSW. A draft Trustee Corporations Bill and NCP report was prepared on the basis that the Australian Government, through the APRA will undertake prudential supervision of trustee companies in accordance with a previous agreement between the States and the Australian Government. The Australian Government declined to do so in early 2003. Some States and Territories have asked the Australian Government to reconsider this decision.	Timing of legislative changes is subject to endorsement by Standing Committee of Attorneys General (SCAG).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>University of Southern Queensland Act 1989</p> <p>University of Southern Queensland (Investment) Statute 1993 and similar legislation regarding Central Queensland University, Queensland University of Technology, James Cook University of Northern Queensland, University of Queensland, Griffith University, and Sunshine Coast University College</p>	DE&A	<p>Legislation provides for the constitution, powers and operations of each university. Legislation contains certain restrictions on the University's activities, notably in respect of application of revenue (regardless of source) to specific university purposes, external approval requirements (i.e. from Government) for borrowing and variation of terms of trusts and gifts, and limitation of investment activities. These could be construed as restricting the university from taking commercial advantage of opportunities for investment or other revenue raising business incidental to university functions.</p>	<p>Departmental review completed. Separate and similar Acts modelled on James Cook University of North Queensland Act 1997 passed under gatekeeping arrangements in 1997-98 for each university. All of the Acts have been rewritten and passed by the Queensland Legislative Assembly early in 1998. All Acts were assented to by 12 March 1998 and are to commence on various dates to be fixed by proclamation.</p>	<p>The Treasurer endorsed the review recommendations in August 2001. Existing regulatory regime retained in the public interest.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Valuers Registration Act 1992 and Regulation	DNRM&E	<p>Licensing, registration, entry requirements (education, five years practical experience and exam or certificate of competence, good name and character, fit and proper), the reservation of title and practice, disciplinary processes, business conduct (including advertising).</p> <p>The Act provides for the registration of valuers and for a Code of Professional Conduct.</p>	<p>Departmental review completed in October 1999. Review found deregulation in medium to long term is likely to deliver net public benefit, but in short term is a risk to infrequent users of valuers. Review recommended retaining registration (with further review in three years) and removing other geographic and price control restrictions.</p>	<p>Queensland advised that proclamation and implementation of changes to the Act and Regulations were completed by 1 May 2002. The amending legislation provided for:</p> <ul style="list-style-type: none"> • broadening the membership of the Valuers Registration Board to include two business and community representatives in addition to three registered valuers; • the introducing of competency-based renewal for the registration of valuers and the listing of specialist retail valuers in addition to the existing requirements for first-time registration (suitable academic or demonstrated adequate experience for registration as a valuer, or demonstrated experience for listing as a specialist retail valuer); and • removing the anticompetitive restriction on trading that the board might have placed on a specialist retail valuer.
Veterinary Surgeons Act 1936 and Regulation 1991, and various Orders in Council	DPI&F	<p>Registration of veterinary surgeons, reservation of practice, advertising restrictions, ownership restrictions, and controls on business names.</p>	<p>Review completed in 1999. Review recommended:</p> <ul style="list-style-type: none"> • retaining registration, practice reservation and approval of premises; and • removing of restrictions on ownership, advertising and business names. 	<p>Act amended accordingly in October 2001.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Vocational Education, Training and Employment Act 1991 and Regulation	DET	Creates a statutory monopoly of the State Training Council in regard to the administration of apprenticeship and traineeship schemes and to the Accreditation Council in regard to certain courses and training programs.	<p>Minor review carried out on the then proposed new Bills (VET Bill and TAFE Institutes Bill) to replace this Act with a view to undertaking full review after 18 months. These Bills were never introduced. A reduced NCP review was undertaken of the proposed new Training and Employment Act 2000 which replaced the legislation referred to above. The review concluded that the restrictions in the new Act were minimal and justifiable. The review was completed in April 2000.</p> <p>In 2001, a review of the Training and Employment Act 2000 was undertaken and the legislation was renamed the Vocational Education and Training Act 2000. The review identified operational abnormalities that required minor legislative change.</p>	<p>The Training and Employment Act operated from June 2000. Providers are required to be registered only when they wish to deliver nationally recognised training. The volume of course accreditation has diminished as providers use more national training packages. The Act also delivers increased flexibility and ensures specific requirements can be properly negotiated between employers, apprentices and registered training bodies.</p> <p>The objectives of the legislative changes incorporated into the Vocational Education and Training Act 2000 were to:</p> <ul style="list-style-type: none"> • emphasise the importance of vocational education in the training system, • give effect to the decision made by the Ministerial council associated with the Australian National Training Authority to bring about greater consistency across Australia's vocational education and training system; and • increase retention of young people in education or training.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wagering Act 1998	TR	TAB licence.	<p>The Racing Industry Taskforce examined statutory monopoly of Queensland TAB and this was addressed in developing the Wagering Act.</p> <p>A review of the Queensland gambling legislation was completed in December 2003. The review recommended that the current restrictions on competition be retained because they are in the public interest. The Government endorsed that recommendation.</p>	Act retained without reform.
Wine Industry Act 1994 and Regulation 1995	DTFT&WID	The Act contains licensing provisions for wine producers and other restrictions on such things as blending.	<p>Departmental review completed in July 1999. Review recommended:</p> <ul style="list-style-type: none"> • the single 'producer' licence be replaced with two-tier licensing system that provides for licensing of both 'producers' and 'merchants'; and • removal of restrictions on blending as the Australian Government sets standards in this area. 	The Wine Industry Amendment Bill 2000, implementing the review recommendations, was introduced into Parliament in August 2000. This Bill lapsed in January 2001, but was reintroduced on 22 March 2001, assented to on 7 June 2001, and commenced by proclamation on 1 July 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
WorkCover (Queensland) Act 1996 and Regulation 1997 (replacing the Workers' Compensation Act 1990 and Regulation 1992)	DIR	Mandatory insurance, monopoly insurer, centralised premium setting.	NCP review completed in December 2000. Main findings of the review were that WorkCover remain publicly underwritten; Q-COMP and WorkCover become completely separate entities; self-insurance criteria be maintained for another three years; cost-capping for private hospital, medical and rehabilitation costs be maintained; and Q-COMP review the conditions that can be imposed on the use of allied health professional and rehabilitation service providers including the matter of mandatory referral by a medical practitioner. The Government endorsed the review findings in May 2001.	<p>The Government legislated the Workers' Compensation and Rehabilitation Act 2003, replacing the WorkCover (Queensland) Act 1996 and Regulation 1997 to establish Q-COMP as a separate entity from 1 July 2003.</p> <p>The matters of the outsourcing of claims management by WorkCover and the review of the criteria for self-insurance licensing were identified in the NCP review process as matters for further consideration. The Government at that time deferred these reviews for three years in order that the impact of the successive changes then only recently introduced to the scheme could be assessed. The review of these competition elements of the Queensland workers' compensation scheme will now proceed for completion in the 2004-05 financial year.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workplace Health and Safety Act 1995 and Regulation 1997	DIR	Licensing/registration, and business conduct.	The only part of this legislation identified as anticompetitive in the endorsed PBT Plan is Part 3 - Prescribed Occupations. Review examines the requirements for a person to hold a certificate or be a trainee in order to perform a prescribed occupation. There are three categories of prescribed occupations - certificates under the National Certification standard, Certificates under the National Certification Guidelines and Prescribed occupations unique to Queensland. Final review report forwarded to Queensland Treasury for consideration.	<p>The review report outlines that the continuation of regulatory requirements for certificates issued under the National Certification Standard is justified and that no further reform will be pursued. Regulatory requirements in relation to certificates for demolition and asbestos removal have been reformed - no further reform is considered necessary.</p> <p>A National Transition Steering Group established to oversee the progress of work-related licensing issues across Australia (Stairway to licensing and beyond). Reforms associated with certificates issued under the National Guidelines are under way and being implemented through the work of the Steering Group.</p>

6 Western Australia

Agency abbreviations

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

A	Department of Agriculture
BAG	Board of the Art Gallery of Western Australia
CALM	Department of Conservation and Land Management
CD	Department for Community Development
CEP	Department of Consumer and Employment Protection
CHA	Country Housing Authority
CSB	Coal Industry Superannuation Board
DET	Department of Education and Training
DH	Department of Health
DOIR	Department of Industry and Resources
DRGL	Department of Racing, Gaming and Liquor
DT	Department of Training
EP	Department of Environmental Protection
EPRA	East Perth Redevelopment Authority
ES	Department of Education Services
F	Department of Fisheries
FESA	Fire and Emergency Services Authority
GC	Gold Corporation
GESB	Government Employee Superannuation Board

HW	Department of Housing and Works
IA	Department of Indigenous Affairs
IC	Insurance Commission
J	Department of Justice
LGRD	Department of Local Government and Regional Development
LI	Department of Land Information
OE	Office of Energy
OWP	Office of Water Policy
P	Police Service
PC	Department of the Premier and Cabinet
PI	Department of Planning and Infrastructure
PTT	Perth Theatre Trust
RGL	Office of Racing, Gaming and Liquor
RIA	Rottnest Island Authority
SBDC	Small Business Development Corporation
SR	Department of Sport and Recreation
SRT	Swan River Trust
TF	Department of Treasury and Finance
WALA	Western Australian Land Authority
WCRC	Workers Compensation and Rehabilitation Commission

Legislation review: Western Australia

Updated to February 2004

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal Affairs Planning Authority Act 1972 and Regulations	IA	Access to Aboriginal lands is restricted. Provision of finance for Aboriginal enterprises which enables finance to be provided to Aboriginal enterprises through the Aboriginal trading fund, which may have competitive advantages over private sector lenders.	Review completed in 1997. Review concluded that both restrictions protect the residents of Aboriginal Lands and enable support for Aboriginal enterprises that could reduce reliance on welfare and other transfer payments. The costs are estimated to be minimal, but achieve significant public benefits. Recommended retaining the restrictions.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal Communities Act 1979 and By-laws	IA	<p>Section 7(1) empowers a community to which the act applies to make by-laws relating to the community lands of that community for or with respect to:</p> <ul style="list-style-type: none"> the prohibition or regulation of the admission of persons, vehicles and animals to the community lands or a part of the community lands; and the prohibition, restriction or regulation of the possession, use or supply of alcoholic liquor or deleterious substances. 	<p>Review completed in 1997. Review concluded that effects on the general economy are not significant. Nonlegislative alternatives were considered, but it is considered that the provision of powers to Aboriginal communities to regulate access to community lands is necessary and that no less restrictive means are available to fulfil the purpose of the Act and maintain the level of public benefit. Recommended retaining the powers of the communities to regulate access and the availability of deleterious substances on the grounds of public health and cultural preservation.</p>	<p>The Government endorsed the review recommendations. Act retained without reform.</p>
Aboriginal Heritage Act and Regulations 1974	IA	<p>Access to Aboriginal lands containing protected sites is restricted.</p>	<p>Review completed in 1997. Review concluded the restriction protects the cultural heritage of the State and ensures that sites of historical and cultural significance are not damaged or destroyed. Noted the restrictions on competition contained in the legislation are in the public interest and should be retained.</p>	<p>The Government endorsed the review recommendations. Act retained without reform.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Administration Act 1903 and Regulations	J	The Act treats natural persons differently from other classes of administrators of intestate estates as regards a requirement to obtain surety.	<p>Review completed in 1997. The restriction has no costs, but provides benefits by placing natural person administrators on a level playing field with other classes of administrators. It does so because other administrators are already subject to similar safeguards to protect deceased estates, by other means. Recommended retaining the restriction as it was found to be in the public interest.</p> <p>Review also recommended: broadening the range of financial institutions covered by a provision that grants them protection to pay funds from a deceased estate, up to a maximum amount, for funeral or other authorised purposes prior to administration of the estate; and making this maximum amount consistent with corresponding provisions of the Financial Institutions Code (WA).</p>	Amendments made under the Acts Amendment and Repeal (Financial Sector Reform) Act 1999 removed the restrictions that were to be addressed through the recommendations of the National Competition Policy (NCP) review of this Act.
Aerial Spraying Control Act 1966	A	Licenses aerial spray contractors.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). The Government will replace the Act with regulations under the Agriculture Management Bill, currently being drafted.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural Produce (Chemical Residues) Act 1983 and Regulations	A	Restricts sale, movement and destruction of chemically affected produce. Requires analysts to have minimum qualifications.	Not on WA's legislation review program (LRP) but reviewed as part of the national review of agvet chemicals. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). Act is to be replaced by the Agricultural Management Bill being drafted. Reform complete. However, the Government will replace the Act with regulations under the Agriculture Management Bill, currently being drafted.
Agricultural Products Act 1929 and Regulations	A	Regulates the packing and sale of agricultural products.	Review by officials completed. Review recommended repealing all codes and replacing these with regulations on labelling.	Codes have been repealed. The legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.
Agricultural Protection Board Act 1950	A		Review by officials, in conjunction with review of other agricultural protection Acts, completed. Review found the Act did not restrict competition.	Act retained without reform.
Agriculture Act 1988	A		Review by officials, in conjunction with review of other agricultural protection Acts, completed. Review found the Act did not restrict 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>
Agriculture and Related Resources Protection Act 1976 and Regulations	A	Restricts importation of some plants or animals. Requires landholders to control pests and diseases. Spraying regulations. Raises rates on pastoral land. Restricts the storage of agricultural chemicals.	Review by officials, in conjunction with review of other agricultural protection Acts, completed. Review found the Act did not restrict competition, but nevertheless recommended: <ul style="list-style-type: none"> repealing the spraying regulations (as when amendments are made to Health (Pesticides) Regulations 1956) and rewriting so that aerial operators are subject to the same licensing regimes as other pesticide operators; but retaining powers to control use and other restrictions. 	Review recommendations are being implemented through the Agricultural Management Bill, which is currently being drafted.
Agriculture and Veterinary Chemicals (Western Australia) Act 1995 and Regulations	A	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	Reform incomplete, due to national processes. The State's Act imports Federal legislation, so any changes must first be made at the national level. (See the Australian Government Agricultural and Veterinary Chemicals Code Act 1994.)
Albany Port Authority Act 1926 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Albany Woollen Mills Agreement Act 1976	PI	Differential treatment.	Review not required.	Act repealed.
Anatomy Act 1930	DH	Licensing.	Review completed in 2000. Review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Anglo-Persian Oil Company Limited (Private) Act 1919	HW	The Acts define the relationships, rights and duties of oil companies, local government authorities and the Minister for Works in relation to the construction, operation and maintenance of pipelines on public lands. These duties and powers of the State and local governments constitute restrictions on the commercial activities of the oil companies.	<p>Review completed in 1998. Review identifies public benefits of restrictions identified as: minor cost savings in management of municipal infrastructure arising from coordination in planning, construction and maintenance of municipal infrastructure and oil facilities; minimisation of public inconvenience during construction and maintenance activities on public land; and ensuring proper restoration of municipal infrastructure where this has been disturbed as a result of construction or maintenance activities by the oil companies.</p> <p>Review concluded that the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact.</p>	The Government endorsed the review recommendations. Act retained without reform.
Animal Resources Authority Act 1981	DH		Review by officials completed. Review found the Act contains no restrictions on 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>
Architects Act 1921 and Regulations	HW	Restrictions on registration, entry requirements, reservation of title, disciplinary processes, business conduct (including require Architects Board approval for advertising), and business licensing.	<p>National review conducted by the Productivity Commission (PC) completed in August 2000 (publicly released November 2000). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act. The State review and its recommendations were endorsed by Cabinet on 17 December 2001. The State review found the Act should be amended as follows:</p> <ul style="list-style-type: none"> • composition of the Architects Board will be broadened with consumer and educational representatives; • removal of the restrictions on ownership or control of corporations or firms; and • removal of restrictions on age, advertising, and use of derivatives of the word architect where such use is not false or misleading. <p>A States and Territories working group developed a national response to the PC review.</p>	<p>WA endorsed the review of the Act in December 2001. Cabinet approved the drafting of amendments to the Act in March 2002 in response to the review. The public consultation period for the Architects Bill 2003 closed on 4 April 2003. The major change arising from the public consultation period is the composition of the Architect's Board will half consist of registered architects to provide the necessary architectural understanding for the board to carry out its functions. The Government introduced the Bill into Parliament on 26 November 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Art Gallery Act 1959	BAG	<p>The Act provides that works of art shall not be sold or exposed for sale in the Art Gallery or in any other places under the sole management and control of the Board. This imposes a discriminatory restriction on competition by not allowing private owners to sell works of art from the Gallery whilst allowing the Board to exempt governments or other art galleries from this provision.</p> <p>Regulations specifying the conditions and restrictions under which the public may be allowed to examine works of art in the Art Gallery and other places under the management and control of the Board.</p>	<p>Review completed. Review concluded that the intended effect of the restriction on the sale of artworks is to maintain the Gallery's status as the premier visual art collection and display institution and ensure that the Gallery is not diverted to overtly commercial operations.</p> <p>Review recommended amending the Act to give the Board discretionary powers in the sale of artworks in the Art Gallery or in any other place under the management and control of the Board. The proposed amendment would allow the Gallery some flexibility to sell artworks from its premises should the need or desire arise.</p> <p>Restrictions on the sale of art works have minimal impact on those wishing to sell their artwork as the Art Gallery typically refers queries regarding the purchase of art works to the relevant owner.</p>	<p>Act retained without reform. In May 2002, the Government endorsed the Minister's decision not to support the review's recommendation to amend the Act to give the Board of the Art Gallery discretionary powers in the sale of art works in the Art Gallery or in any other place under the management and control of the Board.</p>
Artificial Breeding of Stock Act 1965	A	<p>Restricts premises for supplying semen and other reproductive material.</p> <p>Licenses artificial breeders.</p> <p>Restricts importation of reproductive material.</p>	<p>Review by officials, in conjunction with review of a range of other agricultural protection Acts, completed. Review recommended:</p> <ul style="list-style-type: none"> • repealing all restrictions; • introducing new less restrictive regulations on control of diseases; and • voluntary licensing of artificial breeders. 	<p>This legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Auction Sales Act 1973 and Regulations	CEP	Licensing of auctioneers, entry requirements (fit and proper person, requires two years experience on restricted licence before general licence), the reservation of practice, and business conduct (maintenance of records in relation to livestock and vendor accounts).	<p>Review completed. Discussion paper released in September 2000 inviting submissions. The review has now been endorsed by the Government. It recommended that: the licensing system be retained until a full legislative review of the Act is completed within the next 12 months; unless justified by new reasons arising from that review, the licensing system be repealed; and if licensing, or some other form of occupational regulation, is justified after completion of a full legislative review, then the administration of such a system be the responsibility of a single Government organisation.</p> <p>A general review of the Act is presently being conducted by the Department of Consumer and Employment Protection following completion of the NCP review. I</p>	
Australian Soccer Pools Bloc: Rules for Subscriber Participation	DRGL	Licensing.		Act repealed and replaced by the Lotteries Commission (Soccer Pools) Rules 1996.
Beekeepers Act 1963	A	Requires registration of all beekeepers and branding of hives. Restricts importation, antibiotic use and testing. Imposes standards on honey.	Review by officials, in conjunction with review of a range of other agricultural protection Acts, completed. Review recommended retaining all restrictions except to reconsider those relating to honey standards and nuisance provisions.	This legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Betting Control Act 1954 and Regulations	DRGL	Licensing.	<p>Review in conjunction with the Totalisator Agency Board Betting Act 1960, completed in 1998. Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> relaxing restrictions on the operation of totalisators other than by the Totalisator Agency Board; relaxing restrictions on bookmakers and their operations; removing limits on bets in the regulations, leaving the racing clubs to set limits as they see fit; and relaxing some restrictions on the operations of the Totalisator Agency Board. <p>The legislative provisions giving rise to the remaining restrictions were assessed as being in the public interest and recommended for retention.</p>	<p>The Government endorsed some of the review recommendations.</p> <p>The Betting Legislation Amendment Act 2002 implemented some of the review recommendations. The Act provided for the establishment of corporate licensing structures and the removal of the restriction on bookmakers fielding only during race meetings. The Act also amended the Totalisator Agency Board Betting Act 1960 to ensure that no claim may be made against the TAB in relation to a bet that has been made with, or accepted by, the TAB.</p> <p>Recommendations not endorsed include the removal of bookmakers' betting limits and the removal of the prohibition on the licensing of additional off course totalisators. The Government has not provided a public benefit argument for their retention.</p>
Biological Control Act 1986	A	Makes provision for the biological control of pests in WA. Complementary to Australian Government legislation. Act does not restrict competition. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.	Deleted from the LRP as the Council of Australian Governments (CoAG) Committee on Regulatory Reform (CRR) determined that the legislation has no anticompetitive impacts.	Reform complete.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Boxing Control Act 1987 and Regulations	SR	Registration (boxers, trainers, promoters and judges).	Departmental review completed in 1997. Consultation involved submissions. Review found that the restrictions were in the public interest.	The Government endorsed the review recommendations. Legislation retained without reform.
Bread Act 1982	CEP	Restrictions on market entry. Restrictions on delivery time for bread. Requirements for marking vehicles delivering bread.	Review by officials completed. Review recommended repeal of the Act.	Repeal of this Act was incorporated into the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed the Bill on 14 November 2003 and it was passed to the Legislative Assembly with amendments. The Bill was given royal assent on 15 December 2003.
British Imperial Oil Company (Private) Act 1925	DOIR	Licensing.		Act retained without reform.
Builders Registration Act 1939 and Regulations	CEP	Licensing, registration, entry requirements (training and seven years practical experience, age, good character, 'sufficient material and financial resources'), the reservation of practice, business licensing.	Review, in conjunction with the Home Building Contracts Act 1991, completed in 2002. Proposed recommendations included reducing restrictions on owner builders, expanding the scope of conditional licences, and expanding the coverage of the Act to the whole State.	In May 2002, the Government endorsed the review recommendations that the following restrictions on competition in the Act be amended: <ul style="list-style-type: none"> prohibition of unregistered builders to be amended to allow a limited number of builder categories consistent with the Building Code of Australia; conditional licence: will be amended to allow all potential builders rather than just those who have practised in non-covered regional areas to obtain conditional registration; and journeyman builders: will be removed as a special case of conditional licences because it is redundant.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bulk Handling Act 1967 and Regulations	A	Co-operative Bulk Handling Limited (CBHL) granted sole right to receive and deliver grain until 31 December 2000 subject to obligation to charge uniform prices and to receive all grain tendered.	Departmental review completed in 2002. Review recommended repeal of all remaining restrictions on competition except the requirement that CBHL accept all grain tendered to it. It also recommended retention of the requirement that CBHL allow anyone to use its port facilities on payment of prescribed charges, and that the Government continue to monitor the need to establish an access regime for these facilities.	The Bulk Handling Amendment Act 2002 repealed the major remaining restrictions on competition. Reform complete.
Bunbury Port Authority Act 1909 and Regulations	PI	Restrictions on market entry and conduct.	Review not required.	Act repealed and replaced by the generic Port Authorities Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bush Fires Act 1954 and Regulations	FESA	<p>Restriction on the lighting of fires and the requirement to maintain fire breaks. This restriction regulates the lighting of fires and requires the maintenance of fire breaks.</p> <p>Requirement on local governments to provide firefighting equipment and insure voluntary firefighters.</p>	<p>Review completed in 1997. Review concluded the restriction on the lighting of fires and the requirement to maintain fire breaks is a very minor restriction on competition. This restriction is clearly in the public interest as it reduces the likelihood of fires. Recommended retaining the restriction.</p> <p>Review also noted that firefighting equipment is essential in combating bush fires and protecting the community. The extremely high potential cost of fire damage means local governments must be prepared. Volunteer firefighters are also essential in protecting communities from bush fires and therefore it is in the public interest for government to provide insurance to those who voluntarily risk their lives to protect the community. Recommended retaining the restriction.</p> <p>Review also recommended that Government businesses be subject to the same fire control requirements as other businesses.</p>	The Government endorsed the review recommendations. Amendments to this Act have been incorporated into the Acts Amendment and Repeal (Competition Policy) Act 2003, which gained assent on 15 December 2003.
Business Franchise (Tobacco) Act 1975	DH	A licence is required by any person wholesaling tobacco or purchasing tobacco for retailing from someone who is not a licensed wholesaler, unless purchase is exempt.	Review completed in 1997. Review concluded that although this licensing regime restricts competition in the tobacco wholesaling industry and by doing so keeps prices artificially inflated, it thereby reduces consumption, and was found to be in the public interest on public health grounds. Recommended retaining the restriction.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Camballin Farms (AIL Holdings Pty Ltd) Agreement Act 1985	PI	Differential treatment	Review not required.	The Act has been repealed by the Statutes (Repeals and Minor Amendments) Bill 2001, which was assented on 15 December 2003.
Caravan Parks and Camping Grounds Act 1995	LGRD	Competitive neutrality, and licensing.	The Caravan Parks and Camping Grounds Advisory Committee, a committee comprising government and industry representatives, considered matters to do with restrictions in both the Act and associated regulations. Review is to be considered by the Government in early 2004.	
Carnarvon Banana Industry (Compensation Trust Fund) Act 1961	A	Trust fund provides compensation for storm damage that restricts the entry of potential insurers to this market. Subsidised compensation is available only to Carnarvon growers.	Review by officials completed. Review recommended that the Act be repealed.	Act repealed on 28 June 2000.
Casino (Burswood Island) Agreement Act 1985 and Regulations	DRGL	Licences, restrictions on games, regulation of operations.	Review completed in 1998. The following restrictions found to be in the public interest: <ul style="list-style-type: none"> • limits on prizes and play amounts for amusement games with prizes; • limits on the number of bingo permits; • payout ratios and minimum and maximum wagers for minor lotteries; • the ability to set licence fees and taxes should remain, measures taken to ensure that in future, competing casino operators are treated equally and that licence fees are limited to 	The Government endorsed the review recommendations. Main restrictions on conduct of casinos and casino games retained. The exclusive casino licence has expired and has not been renewed. Other entry barriers not in the public interest were removed and the government is negotiating the remaining entry restrictions with the casino operator.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
			<ul style="list-style-type: none"> cost recovery; • the licensing of casinos, games and the rules of games, and employees; • the approval needed for Casino supply contracts; • the ability of the Minister to approve certain ownership transactions and certain operating decisions; • the restriction of the use of credit wagering at the Casino; • the period of exclusivity for the Casino; • the conditions imposed on new casinos beyond the period of exclusivity; and • the monopoly over Casino style games and variants restricted to Burswood and any new casino beyond the period of exclusivity. 	
Casino Control Act 1984	DRGL	Licensing, market conduct, and operations.	Review completed in 1998.	Exclusive licence expired and was not renewed. Other barriers to entry that are not in the public interest were removed. The Government is negotiating remaining entry restrictions with the casino operator.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cattle Industry Compensation Act 1965	A	Powers to nominated persons to inspect and destroy cattle for the purposes of disease control. Provision to raise a levy on the sale of cattle.	Review by officials completed in 1998. Review recommended: <ul style="list-style-type: none"> retaining the restrictions; and amending the Act to ensure that compensation is only paid for animals destroyed as a result of a control program which is of a 'sufficiently public good nature'. 	To be repealed when planned legislation for grazing industry health protection funding is drafted during 2003-04.
Censorship Act 1996	J	Restrictions on the publication and possession of a range of media.	Review not required. Removed from LRP.	Act replaced the Censorship and Films Act 1947, the Video Tape Classification and Control Act 1987 and the Indecent Publication and Articles Act 1902.
Censorship and Films Act 1947	J	Licensing.	Review not required. Removed from LRP.	Act repealed.
Charitable Collections Act 1946 and Regulations	J	Licensing.	Review not required.	These Acts will be repealed upon enactment of the Public Collections Bill. This Bill is expected to be introduced into Parliament during 2004.
Chicken Meat Industry Act 1977 and Regulations	A	Prohibits supply of chickens unless under an agreement approved by the Industry Committee. Processing plants and growing facilities must be approved.	Review completed in 1997. Review recommended that the Government should: <ul style="list-style-type: none"> retain the industry committee's power to set industry-wide supply fees, subject to allowing growers to opt-out of collective negotiations; and remove restrictions on processor and grower entry. Review also recommended that the collective bargaining arrangements be reviewed again after five years.	Review recommendations being implemented through the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed the Bill on 14 November 2003, and it was returned to the Legislative Assembly with amendments. It gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropractors Act 1964	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released October 1998, and Key Directions paper released June 2001. It proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). A core practices discussion paper was released in March 2003.	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professions legislation. The Government will introduce the legislation into Parliament as soon as possible.
City of Perth Parking Facilities Act 1956 and Regulations	PI	Licensing.	Review not required.	Act repealed.
Coal Industry Superannuation Act 1989	CSB	Competitive neutrality.	Review completed. Review found that clause 22, providing the Government assistance for the Coal Industry Superannuation Fund, should be removed as it restricts competition by conferring a competitive advantage on the fund. Review also considered clauses 14 and 15, setting out mandatory contributions to the Fund from members and employers. The review concluded that these restrictions were in the public interest due to economies of scale and reduced administration costs, and should be retained.	Review endorsed by the Government in February 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commonwealth Oil Refineries Limited (Private) Act 1940	DOIR	Licensing	Review completed. Review concluded that the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact (see the Anglo-Persian Oil Company Limited (Private) Act 1919).	Act retained without reform.
Community Services Act 1972 Community Services (Child Care) Regulations 1988	CD	Licensing, standards, operating procedures	NCP review completed in June 2002. Review recommended retaining the restrictions because they are in the public interest, and expanding the current three-yearly review process of the Regulations to encompass day care outside of school hours. Another recommendation was to consider, via the three-yearly review process, changing prescriptive regulations to a more outcome-based system within the regulatory framework.	The Children and Community Development Bill 2003 repeals these two Acts and the Child Welfare Act 1947. The Bill had its second reading following introduction to the Legislative Assembly on 4 December 2003. The new Act, among other things, makes provisions for the licensing of child care services.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Conservation and Land Management Act 1984	CALM	<p>Licensing of timber collection and of taking of other resources.</p> <p>Administrative discretion over how licences and produce are allocated and priced.</p> <p>Permits to occupy and use State forest.</p> <p>Registration of timber worker.</p>	<p>In 1999 a review by an independent economic adviser recommended the repeal of:</p> <ul style="list-style-type: none"> • various limits on beekeeping in State forests; and • the exemption of State forest tree values from local body rating. <p>In May 2002, the Government endorsed the review recommendations.</p> <p>Separately, in 2000, the Act was amended by:</p> <ul style="list-style-type: none"> • the Conservation and Land Management Amendment Act 2000; and • the Forest Products Act 2000. <p>These Acts vested State forests and other lands in the Conservation Commission and established the Forest Products Commission to undertake commercial forestry functions on State forests and private land. A review of this amending legislation found all identified restrictions to be in the public interest, and is to be considered by the Government in early 2004.</p>	<p>Rating exemptions have been removed via the Acts Amendment and Repeal (Competition Policy) Bill 2002, which gained assent on 15 December 2003.</p> <p>Regulations 73(2) and 73(3) have been repealed from the Forest Management Regulations 1993 under the Forest Management Amendment Regulations 2003, published in the Government Gazette of 12 August 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Affairs Act 1971	CEP		Review completed. Review recommended that certain restrictions be maintained and that the product safety provisions of this Act and the Fair Trading Act 1987 be combined in a single Act to remove unnecessary duplication. The Review was endorsed by Cabinet on 4 August 2003. The Act is currently the subject of a general legislative review concurrently with the review of the Fair Trading Act.	
Consumer Credit (Western Australia) Act 1996	CEP	Regulates the provision of consumer credit.	National review completed. Review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. The review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs endorsed the final report in 2002 and referred it to the Uniform Credit Code Management Committee which is facilitating the resolution of some issues.	Amendments currently are being progressed under a template legislation model to ensure national consistency.
Cooperative and Provident Societies Act 1903	CEP	Licensing.	Act recommended for repeal.	This Act will be repealed upon the enactment of the proposed Co-operatives Bill. This Bill is subject to current national consideration in respect to an agreement for template legislation. The Co-operatives Bill has an AO4 priority for introduction into Parliament in the Autumn Session 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Country Slaughterhouse Regulations 1969	DH		Review by Health Department officials completed.	Regulations repealed by Regulation 28 of the Health (Meat Hygiene) Regulations 2001.
Credit (Administration) Act 1984 and Regulations	CEP	Restrictions on licensing, and disciplinary provisions.	Review by the Ministry of Fair Trading completed with public consultation. Review recommended that the licensing requirements be repealed and that many of the powers of the Tribunal and Commission be removed, but that the disciplinary provisions are retained on public interest grounds.	The Government endorsed the review recommendations. A public benefit argument for retaining the licensing requirement for payday lenders made it necessary to reassess the NCP review recommendations, to determine whether the amendments needed minor modifications. The original NCP report was re-examined to account for the relevant market changes. Amended report endorsed by Cabinet on 4 August 2003. The report recommended that the Act be amended to replace the licensing requirement for credit providers with a system of registration coupled with negative licensing; and replace the prohibition against persons having a business as a credit provider when in partnership with an unlicensed person. WA is still to implement the endorsed recommendations through amendment of the Act.
Credit Act 1984 and Regulations	CEP	Differential treatment.	Review completed in 2000. Review recommended repeal subject to further consideration of impact on contracts entered into prior to 1 November 1996.	Amendments to this Act incorporated into the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed the Bill on 14 November 2003.
Cremation Act 1929	DH	Licensing.	Review completed in 2002. Review found that the licensing requirements provide a net benefit to the public and recommended that they be retained.	The Government endorsed the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Curtin University of Technology Act 1996	ES	Competitive neutrality, and market power.	Review, by the Office of Higher Education, completed in 1998. Review recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendments required.
Dairy Industry Act 1973 and Regulations	A	Vesting of milk in the Dairy Industry Authority. Farmgate price-setting for market milk. Market milk quotas. Licensing of farmers and processors.	Review by Agriculture WA officials, assisted by an industry working party, completed in 1998. Review recommended: <ul style="list-style-type: none"> the retention of farm-gate pricing for market milk; the continued vesting of all milk in the Dairy Industry Authority; and the continuation of the licensing powers of the Authority. Review also found that quotas as a mechanism for ensuring year round supply were unnecessary, but recommended that quotas be retained for as long as farm-gate pricing continues.	In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, WA passed the Dairy Industry and Herd Improvement Legislation Repeal Act 2000 on 27 June 2000, deregulating the industry from 1 July 2000.
Dampier Port Authority Act 1985 and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Dampier to Bunbury Pipeline Regulations 1998	OE			Regulations repealed on 1 January 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Debt Collectors Licensing Act 1964 and Regulations	CEP	Licensing, entry requirements (age, good name and character, fit and proper person), the reservation of practice, and business conduct (trust accounts, fidelity bonds).	Departmental review completed in 2003. Review found many of the restrictions in the licensing system to be in the public interest, but recommended that limits on fees charged to creditors by debt collectors and the requirements for written contracts between creditors and debtors be removed. It also recommended that licensing be extended to cover debt collectors' employees.	The Government endorsed the review recommendations, but has not yet implemented any reforms.
Dental Act 1939	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released October 1998 and the 'Key Directions' paper was released in June 2001. The latter proposed removing prescriptive ownership restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). The core practices discussion paper was released in March 2003.	In April 2001, the Government instructed Parliamentary counsel to draft new template health practitioner legislation to replace the health professions legislation. The Government will introduce the legislation into Parliament as soon as possible.
Dental Amendment Act 1996	DH	Licensing.	Review completed. Issues paper released October 1998. Key Directions paper released June 2001.	This Act has been incorporated into the Dental Act.
Dental Prosthetics Act 1985	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed. Key Directions paper released in June 2001, stating that ownership restrictions should be removed, but current practice restrictions would be retained for three years to allow the identification of core practices.	New health practitioner legislation being drafted. This Act will be repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dried Fruits Act 1947	A	Grading of fruit. Registration of dealers and packing sheds. Maintenance of health standards.	Review by officials completed in 1997. Review recommended the Act be repealed.	Act repealed on 15 December 1998.
East Perth Redevelopment Act 1991 and Regulations	EPRA	Redevelopment control of the area, the compulsory taking of land, subdivision approval from Minister rather than the State Planning Commission, Treasurer's guarantee of loans, and Ministerial controls.	Review completed in 1997. Review found that effects of the restrictions on competition are relatively minor. The report concludes that there are no acceptable alternatives to achieving the objectives of the three restrictions relating to the powers of the Authority. The powers are necessary to clean up the existing environmental problems and achieve redevelopment in line with the vision for the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. The restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed. Recommended retaining restrictions.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Eastern Goldfields Transport Board Act 1984 and Regulations	PI	<p>Restrictions that gave the Board advantages arising from public ownership included:</p> <ul style="list-style-type: none"> • nominating the Board as an agent of the Crown; • implying a Government Guarantee on borrowings; • exempting the Board from payment of local government rates; and • allowing the Board to make by-laws and regulations governing the behaviour of patrons and other matters. 	<p>Review completed in 1997. Review concluded the Board needs to retain the powers to enable monies to be borrowed to continue to perform its role as a provider of public bus services in Kalgoorlie/Boulder. Recommended repealing restrictions on nominating the Board as an agent of the Crown and exempting the Board from paying local rates.</p> <p>Nonlegislative alternatives were considered (and rejected) relating to the Board's current power to regulate patrons' behaviour through by-laws and regulations. The Board's powers in this respect are comparable to those of the Department of Transport in the Transperth system, and they do not confer any significant advantage over potential competitors. Recommended retaining above restriction.</p>	<p>Amendments to this Act were incorporated into the Acts Amendment and Repeal (Competition Policy) Bill 2002. On 10 April 2003 the Bill was referred to the Standing Committee on Uniform Legislation and General Purposes for scrutiny. The Committee reported on the Bill on 10 June 2003. The report recommended the Bill be passed without amendment. The Upper House passed the Bill on 14 November 2003. The legislation gained assent on 15 December 2003.</p>
Edith Cowan University Act 1984	ES	Competitive neutrality, market power.	Review, by the Office of Higher Education, completed 1998. Review recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Act 2003, which gained assent on 15 December 2003.
Education Service Providers (Full Fee Overseas Students) Registration Act 1992	ES	Licensing of providers of education to overseas students.	Review under way.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Act 1945 - Part 1 of 2	OE	Regulations concerning mandated supply; coordinator determines interconnection prices; restriction on sale/hire of non-approved electrical appliances; and uniform pricing.	Initial review completed in 1998. Review recommendations have been superseded by wider reform of the electricity industry.	The Government is proposing new legislation based on the recommendations of the Electricity Reform Taskforce.
Electricity Act 1945 - Part 2 of 2 (Electricity (Licensing) Regulations 1991)	OE	Regulations - licensing, entry requirements (apprenticeship/training and experience/exam, fit and proper), reservation of practice, and disciplinary processes.	A review of the legislation was endorsed by the Expenditure Review Committee of Cabinet. The WA Government indicated that the review concluded that licensing of electricians is in the public interest, but further examination of some provisions is warranted.	
Electricity Corporation Act 1994	OE	Exclusive franchise of Western Power; barrier to entry to generate electricity; vertical integration; and competitive neutrality restrictions.	Initial review completed. Further review being conducted as part of wider electricity sector reform.	The Government endorsed the recommendations of the Electricity Reform Task Force. Some minor competitive neutrality advantages have been removed by the Statutes (Repeals and Minor Amendments) Act 1998. Any remaining restrictions will be removed within the context of electricity reform implementation.
Employment Agents Act 1976 and Regulations	CEP	Licensing, entry requirements (fit and proper person), the reservation of practice, and business conduct (scale of fees, maintenance of records, no misleading advertising).	Departmental review completed and expected to be submitted to the Minister by spring 2003.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Energy Coordination Act 1994	OE	Amended to introduce a gas licensing system that provides for regulation of companies operating distribution systems and supplying gas to consumers using less than 1 Terajoule per year.	Review of new provisions found restrictions were minimal and were the most cost-effective means of protecting small customers.	Act retained without reform.
Energy Operators (Powers) Act 1995 (formerly known as the Energy Corporations (Powers) Act 1979)	OE	Provided monopoly rights over sale of liquid petroleum gas (LPG) and provides energy corporations with powers of compulsory land acquisition and disposal, powers of entry, certain planning approval and water rights, and indemnity against compensation claims.	Review completed in 1998. Review recommended removal of monopoly over sale of LPG, and retention of land use powers of energy corporations. Land use powers necessary to facilitate energy supply.	Restrictions on LPG trading lifted with enactment of the Energy Coordination Amendment Act 1999 and the Gas Corporation (Business Disposal) Act 1999.
Environmental Protection (Diesel and Petrol) Regulations 1999	EP	Setting of fuel standards above national standards, thus protecting the local refinery.	New legislation.	
Environmental Protection Act 1986	EP	The ability to require an environmental impact assessment; licensing of occupiers of prescribed premises; exempting certain firms from EPA licensing; the requirement for firms to comply with the environmental standards set; and the power to prepare and publish environmental protection policies.	Review by independent consultants completed. Review found that restrictions should be retained.	The Government endorsed the review recommendations in 1997. Act retained without reform.
Esperance Lands Agreement Act 1960	PI		Review not required. Act to be repealed.	Act repealed in the Statutes (Repeals and Minor Amendments) Bill 2001, which gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Esperance Port Authority Act 1968 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Exotic Diseases of Animals Act 1993	A	Powers to inspect, demand assistance and issue local quarantine orders. Powers to seize and destroy infected stock. Powers to control the movement of stock.	Review completed in 1998. Review recommended retaining the restrictions in the public interest.	The Government endorsed the review recommendation in March 1999. Act retained without reform.
Explosives and Dangerous Goods Act 1961	DOIR	<p>The Act requires licences, permits, authorisations or approvals to be obtained as a means of regulating the various activities involving explosives and dangerous goods.</p> <p>The effects of the restrictions are generally to impose compliance costs on business and to protect the community from the activities involving explosives and dangerous goods.</p>	Review completed in 1998. Review found that generally there are more efficient and effective ways of achieving the objectives of the legislation. The review considered more flexible approaches to controlling activities involving dangerous goods and found that these alternatives can also achieve the required safety and community protection objectives.	<p>The Government endorsed the review recommendations.</p> <p>The Dangerous Goods (Transport) Act 1998 implemented a revised framework for classifying explosives and dangerous goods and transport-related matters. This ensures international consistency in systems of classification and authorisation criteria for dangerous goods and explosives. In addition, regulation of the transportation of explosives is now consistent with that of other dangerous goods under the new national transport framework.</p> <p>The Government introduced the Dangerous Goods Safety Bill 2002 in December 2002. This legislation will repeal the Explosives and Dangerous Goods Act and the Dangerous Goods (Transport) Act. The Bill has passed the Legislative Assembly and received its second reading in the Upper House on 24 June 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1987	CEP	Regulates the supply, advertising and description of goods and services and, in certain respects, the disposal of interests in land, and to make provision with respect to certain unfair or undesirable trade practices, as to the conditions and warranties to be applicable in consumer transactions, and as to the conditions and warranties to be applicable in consumer transactions, and as to the establishment of Codes of Practice as between certain classes of suppliers and consumers.	<p>NCP review completed and considered by the Government in July 2003. the review recommended the retention of:</p> <ul style="list-style-type: none"> • product safety regulations and product safety recall orders; • product information standards; • product quality standards; • packaging standards; and • product safety orders or regulations. <p>The report recommended the product safety provisions of this Act and the Consumer Affairs Act 1971 be combined into a single Act to remove unnecessary duplication.</p>	
Fertilisers Act 1977	A	Requires retailers to clearly label fertilisers and to handle them in such a way as to avoid contamination.	<p>Review completed in 1997. Review recommended:</p> <ul style="list-style-type: none"> • amending the Act to apply only to those fertilisers that pose a risk to agriculture; and • using less restrictive means to achieve the same objectives for other fertilisers. 	<p>The Government endorsed the review recommendations in 1997.</p> <p>This legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Finance Brokers Control Act 1975	CEP	Registration, business licensing (with exceptions), advertising, limits on remuneration, conditions on how monies are kept on behalf of clients, auditing requirements and other conduct restrictions.	Review completed in 1999. Review concluded that the significant cost of complying with the Act did not warrant the benefits (if any) that it obtained and that these could be achieved with a less restrictive model. There was no evidence that the current system reduced the risk of defalcation or fraudulent behaviour of finance brokers. The review identified a class of persons known as private lenders who require some form of regulation to ensure a high quality service is maintained. This group includes superannuants who see mortgage backed loans as being an alternative to bank deposits. The review recommended repealing the Act and introducing Code of Practice under section 42 of the Fair Trading Act 1987, to provide regulation of financial intermediaries who deal as private lenders, for 3 years while the industry develops a self regulatory mechanism.	Review held in abeyance pending the decision of the Temby Royal Commission to the Finance Broking Industry. The report of the Royal Commission was tabled in Parliament in February 2002. The Australian Securities and Investments Commission has not assumed responsibility for regulating the whole finance broking industry as had been anticipated at the time of the Temby Royal Commission. Problems in mortgage broking have come to light at the national level. WA is retaining the Act with an amendment Bill currently before Parliament.
Firearms Act 1973 and Regulations	P	Registration (firearm repairers).	Review not required. Act removed from the LRP in view of a national approach to firearms policy.	No further action required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fish Resources Management Act 1994	F	Licensing of fishers. Prohibitions on market outlets. Input controls on boat, gear and fishing methods. Output controls such total allowable catches, quota, bag and size limits.	<p>First review completed in 1999. Review recommended that the Government:</p> <ul style="list-style-type: none"> • retain most of the existing restrictions; • in the rock lobster fishery: <ul style="list-style-type: none"> - commission an independent update on the net benefits of moving to output-based management; and - in the interim, remove the 150 pot maximum holding, and separate pot licences from boat licences; • amend the Act to clarify its objectives; and • integrate NCP principles into the ongoing fisheries management review cycle. <p>The second review, of the rock lobster processing sector, recommended that the State Government remove limits on the number of domestic processing licences and provide licence holders the right to establish at multiple locations.</p>	<p>In relation to fisheries generally, the Government decided to:</p> <ul style="list-style-type: none"> • include a clear statement of objectives in all fisheries management plans over the next 2-3 years; • schedule by June 2003 reviews of specific fisheries management plans against NCP; and • introduce by December 2004 a new framework consistent with NCP for individual holdings of access entitlements and licence transfers. <p>In the rock lobster fishery, it has decided to retain input-based management until at least December 2006 pending review of the efficiency gains of moving to output-based management. It has also removed the 150 pot minimum holding restriction.</p> <p>In relation to rock lobster processing, it has established a new domestic processing licence from July 2003 that allows holders to establish processing facilities at multiple locations and to hold and grow lobsters for domestic sale, while retaining limits on the number of export processing licences.</p>
Fisheries Adjustment Schemes Act 1987	F	Ministerial discretion as to eligibility for compensation upon cancellation of fishing property rights.	Review by independent consultant recommended no change to the Act. No NCP implications identified.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fishing Industry Promotion Training and Management Levy Act 1994	F	Potential for levies to be imposed with differential impact on fishers.	Review by independent consultant completed. Review recommended no change to the Act. No NCP implications identified.	Act retained without reform.
Fremantle Port Authority Act 1902 Act and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Friendly Societies Act 1894	J	Licensing.		Act repealed.
Fruit Growing Industry Trust Fund Act 1941	A		Review not required.	Act repealed.
Gaming Commission Act 1987 and Regulations	DRGL	Licensing for the conduct of games such as bingo, two-up and so on.	<p>Review completed in 1998. Review recommended :</p> <ul style="list-style-type: none"> • removal of restrictions on casino games for community gaming, two-up and bingo prize pools, subject to appropriate changes being negotiated in the Casino (Burswood Island) Agreement Act; • removal of lotteries restrictions to be removed or reduced, including: to allow for the licensing of suppliers of State lottery products by State Agreement; • amending the legislation so that lotteries conducted by organisations the subject of such an agreement are lawful lotteries; • allowing for licensing professional fundraisers; and • removing the definition of 'foreign lottery' from the legislation; and related amendments. 	Amendments are yet to be made. The Government is considering its response to the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Corporation Act 1994	OE	Creates Gas Corporation to run certain publicly owned gas assets.		Act repealed in December 2000.
Gas Standards Act 1972 and Regulations	OE	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 - gasfitters licensing, registration, entry requirements (knowledge and skills, fit and proper), reservation of practice.	Review completed. Review concluded that licensing of gas fitters is in the public interest, but further examination of some provisions is warranted.	Review was endorsed by the Expenditure Review Committee of Cabinet.
Gas Transmission Regulations 1994	OE	Access provisions.		Regulations repealed. Access and related matters now regulated under the Gas Pipelines Access (WA) Act 1998.
Geraldton Port Authority Act 1968 and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Gold Corporation Act 1987 and Regulations	GC	Deals with competitive advantages and disadvantages arising from government ownership.	Review completed in 1999-2000. Review recommended removal of advantages enjoyed by the Gold Corporation and subsidiaries over other businesses operating in precious metals markets.	The Government endorsed the review recommendations. Review recommendations are being implemented through the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed the Bill on 14 November 2003, and the legislation gained assent on 15 December 2003.
Government Employees Superannuation Act 1987	GESB	Limits on choice of funds.		Act repealed.
Government Railways Act 1904 and By-laws: Nos. 1 to 53, 59, 62, 63, 64, 68, 74. No 55 (rates) No 60 (passenger fares) No 75 (Auction Sales) No 76 (Licensed Porters)	PI	Access, market power, and competitive neutrality.	Review completed in 1998.	The Government Railways (Access) Act 1998 and the Rail Safety Act 1998 have addressed amendments removing various advantages and disadvantages conferred on the Commission.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Grain Marketing Act 1975 and Regulations	A	Prohibits export marketing of barley, canola and lupins other than by the Grain Pool of Western Australia (GPWA).	Act reviewed by the Department of Agriculture in 2002. This recommended retaining the export monopoly in respect of barley, canola and lupins subject to: <ul style="list-style-type: none"> allowing free export of grain in bags and containers; and establishing a Grain Licensing Authority to license value-added grain exports and non-competitive bulk grain exports. 	A Grain Marketing Act 2002 was passed in November 2002 to provide for the deregulation of grain marketing upon similar moves by the Australian Government and, in the interim, to issue an export licence to CBHL/GPWA and to establish a Grain Licensing Authority to licence bulk exports by others except where this would have a significant impact on market power-related price premiums. Appointments to the Authority were announced in May 2003, and the Authority began issuing licences in October 2003. The Ministerial Policy Guidelines and the Regulations have resulted in the GLA granting numerous licences for bulk exports of prescribed grains.
Hairdressers Registration Act 1946 and Regulations	DT	Licensing, registration, entry requirements (good character, training and exam), reservation of practice and title, and disciplinary processes.	Review by independent consultants completed. Review recommended the hairdressers' registration scheme be retained and the provisions be extended to apply to the whole State and the Hairdressing Registration Board be given discretionary power to create different classes of registration.	In February 2003, the Government endorsed the recommendation to retain the hairdressers' registration scheme. It has not yet implemented any reforms.
Health (Adoption of Food Standards Code) Regulations 1992	DH	As per the Food Standards Code (Australian Government).	Subject to the CoAG Food Regulation Agreement 2000.	Repealed and replaced by the Health (ANZ Food Standards Code Adoption) Regulations 2001.
Health (Asbestos) Regulations 1992	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health (Cloth Materials) Regulations 1973	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	

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Health (Construction Work) Regulations 1973	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health (Drugs and Allied Substances) Regulations 1961	DH	Licensing.	<p>Part of Galbally Review. Draft review report completed on 11 September 2000. Final review report given to the Australian Health Ministers Conference (AHMC) in early 2001.</p> <p>Galbally Review concluded that most of the current controls provide a net benefit to the community as a whole in relation to the use of substances that have the potential to cause harm.</p> <p>The Review's final report presented to Health Ministers in January 2001. A Working Party of the Australian Health Ministers Advisory Council (AHMAC) was established to assist in the preparation of comments on the Review Report. AHMAC released the draft Response to the PIMC for comments on the draft AHMAC Working Party Response to the Review and the response takes account of the comments. The AHMC and CoAG are to endorse the response.</p>	The Department of Health is preparing a review of the Health Regulations. WA has already implemented some recommendations.
Health (Food Hygiene) Regulations 1993	DH	Licenses food processors. Requires premises to be registered. Sets standards for safe food practices.	Review under way. Review near completion, and report being drafted.	
Health (Game Meat) Regulations 1992	DH	Requires slaughterers to hold minimum qualifications. Requires registration of field depots and processing facilities.	Review completed.	Regulations repealed and replaced by the Health (Meat Hygiene) Regulations 2001.
Health (Meat Inspection and Branding) Regulations 1950	DH		Review completed.	These regulations have been repealed. Reform complete.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health (Pesticides) Regulations 1956	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health (Pet Meat) Regulations 1990	DH		Review under way, as part of the review of the Health Act 1911.	
Health (Public Buildings) Regulations 1992	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health (School Dental Therapists) Regulations 1974	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health Act (Swimming Pools) Regulations 1964	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health Act 1911	DH	Licensing.	Review under way.	WA is preparing legislation that will replace the Health Act 1911 which will include a Food Bill to adopt the Food Standards Code. Cabinet has approved phased replacement of the Act. Cabinet has approved drafting of the Food Bill, which will replace Part 8 of the Act.
Health Laboratory Services (Fees) Regulations	DH	Licensing.	Review completed.	Act repealed.
Health Services (Conciliation and Review) Act 1995	DH		Removed from the LRP.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hire Purchase Act 1959 and Regulations	CEP	Credit providers are required to refund any surplus amount following repossession of goods under hire-purchase transactions; the Court has power to reopen hire-purchase transactions which it considers to be "harsh or unconscionable"; and the ability of credit providers to repossess farming goods is regulated.	Review, by the Ministry of Fair Trading completed, with public consultation. Review found that most of the provisions of the Act are no longer needed to achieve consumer protection for new hire-purchase transactions, since the enactment in 1996 of the national uniform Consumer Credit Code. However, the review found that three provisions (relating to surplus from sale of goods, equitable relief and farm goods purchases) are not adequately reproduced in the new Code and are justified for retention in the public interest. The Government endorsed the review recommendations.	The Government endorsed the review recommendations. Act to be amended via the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed the Bill on 14 November 2003, and the legislation gained assent on 15 December 2003.
Home Building Contracts Amendments Act 1996 and Regulations	CEP	Home building work contracts, dispute resolution procedures, and home building insurance arrangements.	Review, in conjunction with the Builders Registration Act 1939, completed in 2002.	In May 2002, Government endorsed the review recommendations to amend the following: <ul style="list-style-type: none"> • directions from Water Corporation to be amended to include all relevant licensed water service providers or the Office of Water Regulation where no licensed water service provider exists; an • consumers may terminate contract when they are at fault: will be amended to allow termination only if both parties agree. Amendments implemented by the Building Legislation Amendment Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Horticultural and Produce Commission Act 1988	A	The Horticultural Produce Commission is empowered to raise compulsory levies from growers.	Review completed in 1997. Review recommended amending the Act to ensure that levies are used only to fund services that are of a sufficiently public good nature and have had a benefit-cost assessment.	Act amended. Now called the Agricultural Produce Commission Act 1988.
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997	DH	Licensing.	The NCP review of the Hospitals and Health Services Act 1927 included these regulations.	
Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987	DH	Licensing.	Review completed.	Hospital Regulations were dealt with in the Hospitals and Health Services Amendment Bill 2002. The Bill was assented to on 8 July 2002. This addressed an uncertainty in the operation of the Hospitals and Health Services Act 1927 by clarifying that agencies established under the Hospitals Act may be created to carry out a power, as well as a duty or function. This amendment alleviates the uncertainty that potentially impacted on the operation of PathCentre.
Hospitals (Service Charges) Regulations 1984	DH	Licensing.	The NCP review of the Hospitals and Health Services Act 1927 included these regulations.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hospitals and Health Services Act 1927	DH	<ul style="list-style-type: none"> Regulatory system controls entry of firms or individuals into or out of the market for private sector health services (e.g. number of private hospital bed numbers at a facility and specifications of buildings); and Fees charged for private patients treated in public hospitals are determined by the Governor. 	NCP review completed in May 2001 and endorsed by the Expenditure Review Committee and Cabinet in December 2001. It was noted that the review largely met the Competition Principles Agreement and that the proposed repeal and replacement of the legislation would fully meet the State's obligations under the Agreement.	The Department of Health intends to progress the development of new structural health services legislation to replace those parts of the Hospitals and Health Services Act 1927 that deal with public health system governance.
Hospitals and Health Services Amendment Act 1996	DH	Licensing.	The provisions of this Act have been incorporated into the Hospitals and Health Services Act 1927. An NCP review of this latter Act was completed in May 2001 and endorsed by the Expenditure Review Committee and Cabinet in December 2001.	
Human Reproductive Technology Act 1991	DH	Licensing.	Review completed. Review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.
Human Reproductive Technology Amendment Act 1996	DH	Licensing.	Review completed. Review recommended no change.	Act retained without reform.
Human Tissue and Transplant Act 1982	DH	Licensing.	Review completed in 2000. Review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.
Indecent Publications and Articles Act 1902 and Regulations	J	Licensing.	Review not required.	Legislation repealed and replaced by the Censorship Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Industrial Relations Act 1979	CEP	<p>Qualification requirements of office bearers of the Western Australian Industrial Relations Commission (WAIRC).</p> <p>Persons who have reached 65 years of age are ineligible for appointment to the Commission.</p> <p>Restricted access for public servants to the WAIRC.</p> <p>Restrictions on individual access to the WAIRC.</p> <p>Restricted representation of parties by legal practitioners.</p> <p>Restrictions on individual employees entering into industrial agreements.</p> <p>Registration requirements for employer and employee organizations.</p> <p>Restricted access to Public Sector Appeal Board and Railway Classification Board (to public service officers or Government officers or organisations).</p>	<p>In July 2003, the Government endorsed a Department of Consumer and Employment Protection (DOCEP) review of the Act, which was a revision of an earlier draft endorsed by the Government in 1998</p> <p>The review recommended that the restrictions on access to the WAIRC and the composition of the WAIRC be retained, and that restrictions on individuals entering into employment contracts were also in the public interest and be retained.</p>	
Industrial Training Act 1975 and Regulations	DET	Licensing.	Removed from the LRP.	Regulations repealed and replaced by the Vocational Education and Training Act.
Infectious Diseases (Inspection of Persons) Regulations	DH	Licensing.	Review completed.	Regulations have been repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Inquiry Agents Licensing Act 1954 and Regulations	P	Licensing.		Act repealed and replaced by the Security and Related Activities (Control) Act 1996.
Insurance Commission of Western Australia Act 1986	IC	Limits on investment and borrowing powers, Treasurer's guarantee, and competitive neutrality.	Review completed in 1998. Review concluded that the restrictions provide net public benefit primarily because they improve accountability and oversight controls that are consistent with the approach to other public sector bodies, and legislation other than this Act gives the Insurance Commission exclusive functions so that it has no competitors. The review recommended retaining the restrictions as they provide a net public benefit and are necessary to achieve the objectives of the Act.	Act retained without reform.
Jetties Act 1926 and Regulations	PI	Licensing, and competitive neutrality.		Legislation to be repealed by the Maritime Bill and the Maritime and Transport Legislation Amendment and Repeal Bill (to be drafted).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Valuers Licensing Act 1978 Regulations	CEP	Licensing, entry requirements (member of Institute of Valuers or education and four years experience, and possibly exams), the reservation of title and practice, and business conduct (including board setting maximum fees, code of conduct).	<p>The 1999 departmental review of the Act was not finalised pending the findings of the Gunning Inquiry and the Temby Royal Commission into the finance broking industry. The review recommended the discontinuation of licensing and the Land Valuers Licensing Board. The Temby Royal Commission recommended that valuers be licensed. The Government endorsed the findings of the Royal Commission.</p> <p>The Government is examining review recommendations in light of the Gunning Inquiry. (Gunning Inquiry recommended replacing seven licensing boards including the Land Valuers Licensing Board, with a single authority to license finance brokers, builders, car dealers, land valuers, and real estate and settlement agents.)</p> <p>The NCP review was updated and endorsed by Cabinet on 4 August 2003. The review found that the following restrictions were in the public interest and should be retained:</p> <ul style="list-style-type: none"> • the requirement for land valuers to be licensed; • the criteria for licensing; • the power to discipline land valuers; and <p>the power to set maximum remuneration received by valuers.</p>	No implementation is required.

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Aid Commission Act 1976 and Regulations	J	<p>The review identified four restrictions in the Act as it will be amended by the Bill, all classified as minor:</p> <ul style="list-style-type: none"> • prescribed composition of the Legal Aid Commission; • power and recognition given to the Law Society of WA (Inc); • prescribed qualifications of public assessor; and • prescribed rate of interest payable on money owed to Legal Aid Commission. 	Review completed. Review found that each of the restrictions is in the public interest and should be retained.	Act retained without reform. The Government endorsed the review conclusion that the restrictions in the Act, as it will be amended by the Bill, should be retained as being in the public interest.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practitioners Act 1893 and Rules	J	Licensing, registration, entry requirements, reservation of title, reservation of practice, disciplinary processes, and business conduct (including monopoly professional indemnity insurance, trust accounts, fees, advertising).	Review completed in June 2002. Issues paper released in June 2000. Review recommended reserving sore areas of legal work; allowing practitioners who have made suitable alternative arrangements to opt out of the Law Society's professional indemnity insurance scheme; and removing restrictions on incorporated practices and multidisciplinary practices.	<p>The Government introduced advertising restrictions similar to those in Queensland through the Civil Liability Act 2002.</p> <p>The Legal Practice Bill 2002 (introduced in October 2002) was passed in the Legislative Assembly on 24 June 2003 and in the Legislative Council on 14 November 2003. It was assented to on 4 December 2003. The Bill clarifies the standards required of, and regulation of, legal practitioners; modernises the structure and function of the Legal Practice Board, the complaints committee and disciplinary tribunal; enables the creation of incorporated legal practices and multidisciplinary partnerships; and introduces national practising certificates into WA. Further reforms may be introduced following the outcome of the national model laws project.</p>
Licensed Surveyors Act 1909 and Regulations	PI	Licensing, entry requirements (competency - education and experience, age, good fame and character, continuing professional development), the reservation of title and practice, disciplinary processes, and business conduct (including professional indemnity insurance).	Review, in conjunction with the Strata Titles Act 1985, completed in November 1998. Review recommendations included re-composing the board, clarifying entry standards, and retaining restrictions on professional indemnity insurance.	The Government endorsed the review recommendations. Amendments to the Act were progressed via the Acts Amendment and Repeal (Competition Policy) Bill 2002 which gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lights (Navigation Protection) Act 1938	PI	Licensing.		Act to be repealed by the Maritime Bill and the Maritime and Transport Legislation Amendment and Repeal Bill. The earliest time for the redrafting of Maritime Bill is the second half of 2003 (to be drafted).
Liquor Licensing Act 1988 and Regulations	DRGL	Contains a public needs test. (s 38 requires the licensing authorities to have regard to the number and condition and distribution and services provided by existing licensed premises in the affected area.) Also, differential hours for hotels and liquor stores with the latter prohibited from opening on Sundays.	Draft review completed in March 2001. Review recommended that the public needs test should be replaced by a public interest test. This public interest criteria should include reference to the likely effect on competition in the liquor market but not on individual competitors to enable identification of important but otherwise undisclosed public interest matters, i.e. outlet density and propensity for harm and ill health. Review also recommended that trading hours for liquor stores and hotels be similar including on Sundays.	WA introduced a package of measures (to take effect from 1 July 2005) that will implement the major review recommendations. The public needs test will be replaced with a public interest test and the same opening hours for outlets engaged in similar activities will be allowed. The Government has approved the drafting of the Liquor Licensing Amendment Bill 2003.
Local Government (Miscellaneous Provisions) Act 1960 Building Regulations 1989	LGRD		Review completed in mid 2002.	New legislation is being drafted to replace the Local Government (Miscellaneous Provisions) Act 1960 and the Building Regulations 1989. The new legislation will establish building regulations and specify building approval procedures. The drafting of the Building Act is delayed until the Productivity Commission reports on the effectiveness of the Building Code of Australia.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government Act 1995	LGRD	Competitive neutrality, differential treatment, and single industry superannuation scheme for employees.	Review completed. Review concluded that requirement for local governments to participate in a single industry superannuation scheme is inappropriate. Exemption of Cooperative Bulk Handling from rates found to be potentially anti-competitive. Matter to be considered in conjunction with the review of the Bulk Handling Act 1967.	The Government is currently developing a Bill to implement the review recommendations.
Local Government Draft Model By-Laws	LGRD		Removed from the LRP.	No further action required.
Lotteries Commission Act 1990	DRGL	<p>Allowing the Lotteries Commission (the Commission) to enter into agreements with other State lotteries agencies for the purposes of jointly conducting Lotto and Soccer Pools.</p> <p>Allowing the Commission to use trading names and symbols.</p> <p>Allowing the Commission to obtain permits directly from the Minister.</p> <p>Making it an offence for a person, without the approval of the Commission, to derive a fee or reward for promoting or forming a syndicate to purchase a ticket in a game conducted by the Commission.</p> <p>Allowing the Commission to enjoy the status, immunities and privileges of the Crown.</p>	Review completed in 1997. Review recommended retention of restrictions.	The Government is considering its response to the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marine (Hire and Drive Vessels) Regulations 1983	PI			Repeal pending enactment of the Maritime Bill and the Maritime and Transport Legislation Amendment and Repeal Bill (to be drafted).
Marine Act 1982	PI			Repeal pending enactment of the Maritime Bill and the Maritime and Transport Legislation Amendment and Repeal Bill (to be drafted).
Marine and Harbours Act 1981 and Regulations	PI	Competitive neutrality.	Review completed in 1999.	Act to be repealed by the Maritime Bill and the Maritime and Transport Legislation Amendment and Repeal Bill (to be drafted).
Marketing of Eggs Act 1945	A	Licenses producers. Limits production via quotas. Vests ownership of eggs in the egg marketing board.	Departmental review completed.	In August 2003, the Government endorsed the removal of competitive restrictions on the supply and marketing of eggs by July 2007. A Transitional Advisory Committee has been established and is preparing a plan to deregulate the industry by 2007.
Marketing of Meat Act 1946 and Regulations	A		Review not required.	Act repealed in mid-1999.
Marketing of Potatoes Act 1946 and Regulations	A	Prohibits sale for domestic consumption of potatoes to persons other than the WA Potato Marketing Corporation unless under certain exemptions. Producers must hold growing area licences allocated by the corporation.	Reviewed by the Department of Agriculture. The review recommended the Government maintain the current regulated supply system given the lack of evidence that any major changes would result in improvement in the public interest.	On 5 August 2003, the Minister for Agriculture announced that the State Government would retain the marketing powers of the Potato Marketing Corporation. An implementation advisory group has been formed to investigate possible improvements to the operation of the Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Meat Transport Regulations 1969	DH		Review completed.	Regulations repealed by Regulation 28 of the Health (Meat Hygiene) Regulations 2001.
Medical Act 1894	DH	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	A Ministerial working party released a draft report October 1999. Final report released in 2001 and recommended: retaining registration and title protection; changing the disciplinary system; removing prescriptive controls on advertising; further considering issues relating to the regulation of bodies corporate; and linking registration with a requirement for ongoing professional development. Cabinet accepted the review recommendations.	Cabinet accepted the review recommendations and approved drafting of a Medical Practitioners Registration Bill, which will replace the current Act.
Mental Health (Administration) Regulations 1965	DH	Licensing.		Regulations repealed and replaced. Replacement legislation to be reviewed.
Mental Health (Consequential) Provisions Act 1996	DH	Licensing.	Review concluded that restrictions are in the public interest and should be retained.	The Government endorsed the review recommendations.
Mental Health (Transitional) Regulations 1997	DH		Review concluded that restrictions contained in the replacement legislation were in the public interest.	The Government endorsed the review recommendations.
Mental Health (Treatment Fees) Regulations 1992	DH	Licensing.	Review completed.	Repealed.
Mental Health Act 1962	DH	Licensing, and differential treatment.	Review concluded that restrictions contained in the replacement legislation were in the public interest.	Act repealed and replaced by the Mental Health Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mental Health Act 1996	DH	Licensing, and differential treatment.	Review completed in December 2000. Review found that the restrictions safeguard the welfare of patients with mental illnesses, comply with international obligations and promote high and consistent standards in mental health care, leading to increased public confidence in the system. The review concludes that the restrictions are in the public interest and should be retained.	The Government endorsed the review recommendations.
Mental Health Regulations 1997	DH	Licensing.	Review concluded restrictions are in the public interest.	The Government endorsed the review recommendations.
Metropolitan (Perth) Passenger Transport Trust Act 1957 and Regulations	PI		The Trust is to be abolished and replaced by the new WA Transit Authority.	The Metropolitan (Perth) Passenger Transport Trust Act 1957 and Regulations were repealed on 1 July 2003. The Public Transport Authority Act gained assent on 26 May 2003.
Metropolitan Region Town Planning Scheme Act 1959	PI	Controls on land use, via town planning schemes.	The current Government re-activated the consolidation of the planning legislation with the release of a position paper in April 2002.	The Government received submissions on the position paper and is developing the Planning and Development Bill 2004.
Mining Act 1978 and Mining Regulations 1981	DOIR	Prohibits mineral exploration or extraction without a licence. Term of exploration licences - 5 years. Term of extraction (mining) licences - 21 years (renewable). Minimum expenditure conditions.	Departmental review completed. Review recommended retention of all restrictions.	The Government endorsed the recommendations in December 2000. Act retained without reform.
Morley Shopping Centre Redevelopment Agreement Act 1992	DOIR	Government assistance for retail development.	Review completed. Review found that the agreement was in the public interest.	The Government accepted review findings. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicle (Third Party Insurance) Act 1943	IC	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review completed in 2000. Review found mandatory insurance and price restrictions give rise to net public benefits (ensuring injured parties are compensated, reducing costly private legal action, lowering transactions costs, lowering costs of insurance, increasing the proportion of claims' payments retained by claimants). No less restrictive means of achieving the objectives were found. The review found that monopoly provisions do not offer sufficient public benefit to justify their retention, and recommended the restrictions should be removed.	Amending legislation was withdrawn in 2001 and the Government has since taken no further action. It is still considering the 2000 review.
Motor Vehicle Dealers Act 1973 and Regulations	CEP	Licensing (motor vehicle dealers, yard managers, car market operators and sales persons), entry requirements (dealers must be solvent and understand their obligations under the Act, yard managers must complete a four-day course), business conduct (statutory warranties on used vehicles), and power to the Motor Vehicle Licensing Board to set standards for premises.	Review completed in 1997. Review recommended: retaining restrictions on licensing for motor vehicle dealers and yard managers; retaining statutory warranties for used vehicles; repealing restrictions on licensing for car market operators and salespersons; and repealing the power of the Motor Vehicle Licensing Board to set standards for premises.	The Government endorsed the review recommendations. Amending legislation passed in May 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicle Drivers Instructors Act 1963	PI	Licensing, entry requirements (competency, aged at least 21 years, good character, fit and proper person, may require test or course), the reservation of practice (teach for reward), and business conduct (dual control vehicle, regulations may make provisions for displaying identification).	The review recommended: <ul style="list-style-type: none"> alterations to the definition of driving instructor; police clearance for applicants for driving instructors' licences; that it be compulsory for instructors to attain a relevant qualification; and that licensed instructors maintain records. Cabinet accepted the recommendations.	Amendments will be included in the Road Traffic Amendment Bill (No. 2) 2003, which is being drafted.
Murdoch University Act 1973	ES	Competitive neutrality, and market power.	Review by officials completed in 1998. Review recommended that investment provisions be consistent between universities. Government endorsed review recommendations.	Amendments required.
Mutual Recognition (Western Australia) Act 1995	PC		National review completed in July 1998.	
North West Gas Development (Woodside) Agreement Act 1979	DOIR		Review not required.	Act repealed and replaced by the North West Gas Development (Woodside) Agreement Amendment Act 1994.
North West Gas Development (Woodside) Agreement Amendment Act 1994	DOIR	Differential treatment.	Review completed in 1998.	Act retained without reform in view of sovereign risk implications of unilateral amendment or repeal.
Northern Developments (Ord River) Pty Ltd Agreement Act 1960	PI	Differential treatment.	Review not required.	Legislation has been repealed in the Statutes (Repeals and Minor Amendments) Bill 2001, which gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Northern Developments Pty Ltd Agreement Act 1957	PI	Differential treatment.	Review not required.	Legislation has been repealed in the Statutes (Repeals and Minor Amendments) Bill 2001, which gained assent on 15 December 2003.
Northern Developments Pty Ltd Agreement Act 1969	PI	Differential treatment.	Review not required.	Legislation has been repealed in the Statutes (Repeals and Minor Amendments) Bill 2001, which gained assent on 15 December 2003..
Nurses Act 1992	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released October 1998 and the 'Key Directions' paper was released in June 2001. The latter proposed removing prescriptive ownership restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). The core practices discussion paper was released in March 2003.	The Nurses Amendment Act 2003, which deems Australian and New Zealand nurses to be registered in WA in certain emergency situations, received the Governor's assent in April 2003.
Occupational Therapists Registration Act 1980	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. The latter paper indicated that the Government would maintain title protection for occupational therapists. The Government is reconsidering this issue in the core practices review.	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professions legislation. The legislation will be introduced into Parliament as soon as possible.
Offensive Trades (Fees) Regulations 1976	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Optical Dispensers Act 1966	DH	Licensing.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. That review recommended a separate review of optical dispensers, which was chaired Professor Bryant Stokes and provided to the Government in April 2003.	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professions legislation. The legislation will be introduced into Parliament as soon as possible.
Optometrists Act 1940	DH	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. It proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is completed). A core practices discussion paper was released in March 2003.	In April 2001, the Government approved the drafting of template health practitioner Acts to replace the health professions legislation. The proposed reforms retain restrictions on optical dispensing. The legislation will be introduced into Parliament as soon as possible.
Osteopaths Act 1997	DH	Restrictions on entry, registration, title, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. It proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). A core practices discussion paper was released in March 2003.	In April 2001, the Government approved the drafting of template health practitioner Acts to replace the health professions legislation. The legislation will be introduced into Parliament as soon as possible.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Painters Registration Act 1961	CEP	Licensing and registration (for persons carrying on a painting business in their own right and not as employees and for painting valued greater than \$200), entry requirements (degree/apprenticeship/experience and exams, age, good character), the reservation of title and practice, disciplinary processes, and business licensing.	<p>Review completed in 1998. Review concluded that the current system of mandatory licensing is too restrictive and should be removed. The review recommended a certification scheme be developed to allow consumers to readily identify painters who possess particular skills. It also recommended negative licensing to support a certification system, allowing for the removal from the industry of persons who do not adhere to basic standards of commercial conduct.</p> <p>The Government endorsed the original review recommendations. The original review was, however, overtaken by the Gunning Inquiry. This inquiry was commissioned on 3 April 2000 to conduct a Special Inquiry under the Public Sector Management Act 1994 into the operations of the Boards and Committees in the Fair Trading portfolio.</p>	The Government endorsed the review recommendations on 30 October 2003.
Pathology Centre Notice and Directions 1995	DH	Market power: the PathCentre Directions 1995 restricts Sir Charles Gairdner Hospital from conducting a pathology service.	Review of the Agencies (PathCentre) Notice 1995 completed. Review found that the Notice does not restrict competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers and Second-hand Dealers Act 1994 and Regulations	P	Licensing (pawnbrokers, second-hand dealers for not exempt goods), registration, entry requirements (good character, fit and proper person - that is, adequate management, supervision and control of business operations, and no conviction of dishonesty, fraud, or stealing offence in past five years), the reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, computer records, notification of pawner of surplus of proceeds of sale; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Review by WA Police Service completed in 1999. Consultation involved when developing legislation. No public consultation during review. Review recommended: retaining the current licensing provisions on the understanding that they may be modified following future review; conducting a further review after the current legislation had been in operation for an additional three years; and examining alternative approaches, including those likely to be introduced in other States. Second review undertaken.	The Government endorsed both reviews' recommendations. An amendment Bill has been prepared.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pearling Act 1990 and Regulations	F	Licensing of pearling and hatcheries. Minimum quota holding for pearling licences. Requirement that hatchery licensees must also hold pearling licence. Wildstock quota. Hatchery quota. Hatchery sales to other than Australian industry prohibited.	<p>Review by the Centre for International Economics (CIE) completed in 1999. Review recommended:</p> <ul style="list-style-type: none"> • removing minimum pearling quota holdings; • decoupling pearl farming licences from pearl fishing licences; • auctioning temporary increases in wildstock quotas; • removing hatchery quotas without delay; • codifying in regulation criteria for fishery management decisions; and • establishing an independent review tribunal. <p>The Government announced that it has accepted all recommendations but the auctioning of temporary increases in wildstock quota and the removal of hatchery quota. The latter is in place until at least December 2005 pending a further review.</p>	<p>A new Pearling Act is being developed for introduction in the Autumn 2005 Parliamentary sitting. It will incorporate many recommendations from the NCP Review of the Pearling Act and related legislation.</p> <p>A new hatchery quota will be developed over the next 1-2 years, noting the current policy expires in December 2005.</p>
Perth Market Act 1926 and Regulations	A	Licensing, and differential treatment.	<p>Review completed in 2002. Consultation involved public advertisement and calling for submissions in June 2000.</p> <p>In May 2002, the Government endorsed the review recommendations to remove the wholesale market monopoly and remove restrictive trading conditions.</p>	<p>Amended by the Acts Amendment and Repeal (Competition Policy) Bill 2003. The Upper House passed this Bill on 14 November 2003, and it gained assent on 15 December 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Perth Parking Management Act 1999	PI	Licensing, and differential treatment.	Reviewed as new legislation. New Act removes discriminatory treatment of Council and private parking providers, licenses and limits parking places in Perth Central Business District. Public benefits are reduced Central Business District congestion and improved air quality. Government approved on 18 May 1998.	Assented to on 19 May 1999.
Perth Theatre Trust Act 1979	PTT	Competitive neutrality.	Review completed in 2002. Inter-agency consultation.	In May 2002, the Government endorsed the review recommendation that the State tax and stamp duty exemptions provided to the Perth Theatre Trust are in the public interest and should be retained. The exemption from rates and taxes is considered to have a minimal impact on competition. For many of the performing art forms, which the Trust venues host, there is no competition between venues because of the technical requirements of the performance space.
Petroleum (Submerged Lands) Act 1982 and Regulations	DOIR	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999/2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	The Government is awaiting the introduction of amendments by the Australian Government before amending its own legislation.
Petroleum Act 1967	DOIR	Regulates onshore exploration for and development of petroleum reserves.	Review to be conducted after outcome of Petroleum and Submerged Land Act legislation is finalised.	The Government is awaiting the introduction of amendments by the Australian Government before amending its own legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum Legislation Amendment Act 2001	DOIR	Requirement that retailers fix their prices for at least 24 hours and notify these prices for publication on its FuelWatch web site; maximum wholesale price arrangements; the right of a retailer to purchase 50 per cent of petroleum products from a supplier other than the primary supplier; mandatory price boards to be displayed in all regional centres	Review of this Act and the Petroleum Legislation Amendment Act 2001 completed in 2001. Restrictions were found to be in the public interest. The Australian Competition and Consumer Commission (ACCC) reports found, however, that the restrictions might have reduced competition, increased the rural/urban price differential and raised prices.	
Petroleum Pipelines Act 1969 and Regulations	DOIR	Regulates construction and operation of petroleum pipelines in WA.	Review completed. Common carrier provisions to be considered following PSLA review.	Minor amendments to follow.
Petroleum Products Pricing Amendment Act 2000	CEP	Requirement that retailers fix their prices for at least 24 hours and notify these prices for publication on its FuelWatch web site; maximum wholesale price arrangements; the right of a retailer to purchase 50 per cent of petroleum products from a supplier other than the primary supplier; mandatory price boards to be displayed in all regional centres.	Review, in conjunction with the Petroleum Legislation Amendment Act 2001, completed in 2001. Restrictions were found to be in the public interest. The ACCC reports found, however, that the restrictions might have reduced competition, increased the rural/urban price differential and raised prices.	
Petroleum Products Subsidy Act 1965 and Regulations	DOIR	Market power.	Review under way.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1964	DH	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing, residence, and disciplinary provisions.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.</p> <p>CoAG referred the national review to a senior officials working group, which recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies).</p>	WA is consulting with stakeholders on the recommendations from the national review. The review will then be considered by Cabinet.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Act 1950	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. This paper sets out the policy framework that is the basis for proposed new template health practitioner Acts. The Key Directions paper proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). A core practices discussion paper was released in March 2003.	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professionals legislation. The legislation will be introduced into Parliament as soon as possible.
Pig Industry Compensation Act 1942	A	Ministerial discretion over allocation of funds raised compulsorily for scientific research. Minister may levy growers to fund services to the pig industry including compensation and disease control programs.	Review by Department of Agriculture completed in 1997. Review recommended: <ul style="list-style-type: none"> • changes to ensure that funds from compulsory levies are used only for services of a public good nature; and • retaining the power of the Minister to levy growers. 	The Pig, Potato and Poultry Industries (Compensation Legislation Repeal Bill 2003 had its second reading in the Legislative Assembly on 20 November 2003.
Piggeries Regulations 1952	DH		Review under way, as part of the review of the Health Act 1911.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Planning legislation</p> <p>Town Planning and Development Act 1928</p> <p>Western Australian Planning Commission Act 1985</p> <p>Metropolitan Region Town Planning Scheme Act 1959</p>	PI	Controls land use via town planning schemes.	Review under way. Legislation (Town Planning and Development Act 1928, WA Planning Commission Act 1985, Metropolitan Region Town Planning Scheme Act 1959) was consolidated into Urban and Regional Planning Bill under the previous Government. The current Government reactivated the consideration of the planning legislation with the release of a position paper in April 2002.	
<p>Plant Pests and Diseases (Eradication) Fund Act 1996 [previously the Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act 1974]</p>	A	Power of Minister to impose levies and Ministerial discretion over application of funds.	Review by officials completed in 1997. Review recommended amending the Act to ensure that levies fund only services that are of a sufficiently public good nature and that have been assessed as in accordance with a benefit cost methodology.	The existing legislation will be repealed and replaced by the Grain and Seed Crops (pest Control Funding) Bill, currently being drafted.
<p>Podiatrists Registration Act 1984</p>	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. This paper sets out the policy framework that is the basis for proposed new template health practitioner Acts. The Key Directions paper proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way).	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professionals legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poisons Act 1964	DH	Licensing.	<p>Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the AHMC in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.</p> <p>The AHMC referred the review report to the AHMAC to develop a draft response, in consultation with the Primary Industries Ministerial Council. AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council before being forwarded to CoAG. The response is expected to be sent to CoAG in spring 2003.</p>	<p>WA amended its regulations to remove or alter some unnecessarily restrictive provisions and to implement the review recommendations on record keeping requirements. A Discussion Paper outlining amendments to the Poisons Act required to implement the Galbally review was circulated in January 2001. A further Discussion Paper is to be circulated in early 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Police Force Canteen Regulations 1988	P	The Regulations enable a Canteen to sell liquor under terms and conditions that are not subject to the requirements of the Liquor Licensing Act 1988, and therefore discriminate in favour of the Canteen over competing businesses in the private sector.	Review completed in 1998. Review concluded the effect of the restriction is to enable the Canteen more flexibility in its operations than would be afforded to a private sector operator. Recommended that as the restrictions have a minimal impact and cannot be justified in the public interest, and thus the report concluded that the advantages should be removed. As there is no canteen operating at the moment, the report recommends that the removal of the restriction be addressed following the review of the Liquor Licensing Act. If a canteen is established before the review is completed, the review recommends that the canteen voluntarily comply with the Act.	The Government endorsed the review recommendations. Minor amendments to the Act are necessary. Regulations were repealed on 3 July 2001.
Port Authorities Act 1998	PI	Imposes accountability and ownership requirements, together with safety and public interest controls. Restrictions include exemptions from planning and building requirements; public sector management provisions; accountability provisions; requirements for Ministerial approval; consultation and borrowing limits provisions; pilotage provisions; licensing provisions.	Review completed in 1997. Review concluded that the objectives of the legislation could not be achieved by means other than through the licensing restrictions. Act repeals individual port Acts.	New Act following review of ports instruments assented to on 29 June 1999.
Port Hedland Port Authority Act 1970 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Port Kennedy Development Agreement Act 1992	PI	Competitive neutrality.	Review completed. Review recommended retention of the Act without change	The Government approved the review recommendations in August 2000.
Ports (Model Pilotage) Regulations 1994	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Ports Functions Act 1993	PI	Restrictions on market conduct.	Review not required.	Act repealed and replaced by the generic Port Authorities Act 1998.
Potato Growing Industry Trust Fund Act 1947	A	Power to raise a compulsory levy on the sale of potatoes for the purposes of disease control and providing compensation to growers in the event of a disease outbreak.	Review by officials completed. Review recommended retaining the restriction. The Government approved the review recommendations.	The Act will be repealed via the Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Bill 2003, which was second read in the Upper House on 20 November 2003.
Poultry Industry (Trust Fund) Act 1948	A	Power of the Poultry Industry Trust Fund Committee to impose levies. Financial assistance from the Trust Fund to the Poultry Farmers Association.	Review by officials completed in 1997. Review recommended: <ul style="list-style-type: none"> amending the legislation to ensure that levies fund only services that are of a sufficiently public good nature and that have been subject to a benefit cost analysis; replacing the compulsory levy to fund the Poultry Farmers Association with a voluntary levy; and retaining the levy raising power. 	The Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Bill 2003 was second read in the Upper House on 20 November 2003.
Poultry Processing Establishments Regulations 1973	DH			Regulations repealed by Regulation 28 of the Health (Meat Hygiene) Regulations 2001.
Professional Standards Act 1997	J	Provides for limiting liability for persons who are members of prescribed associations.	Departmental review completed in 1998. No public consultation. Review recommended retaining restriction on competition.	The Government endorsed the review recommendations in July 1999. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Psychologists Registration Act 1976	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. This paper sets out the policy framework that is the basis for proposed new template health practitioner Acts. The Key Directions paper proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). Core practices discussion paper was released on March 2003.	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professionals legislation. Legislation will be introduced into Parliament as soon as possible.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Works Act 1902	HW	<p>Four restrictions all of which are related to competitive neutrality:</p> <ul style="list-style-type: none"> • financial provisions and powers which potentially allow the WA Building Management Authority to access avenues of credit unavailable to private firms in competing commercial activities; • powers of entry on to land for the purposes of public works which may lead to cost savings deriving from not having to secure rights of access from landowners - such savings are not available to private firms; • powers to close roads or streets which may reduce the cost of works through not having to provide for access or protect the safety of road users in the vicinity of works - a right not available to private firms; and • exemptions from local building regulations (except public health regulations) which may provide cost advantages over firms which have to comply with local regulations. 	<p>Review completed. The review classified restrictions as minor, as their economic effects are insignificant and they are used to facilitate public works, the wider public benefit of which have already been assessed. The costs and loss of flexibility associated with more stringent definition of the projects to which the provisions may apply were found to outweigh the minimal benefit that might accrue. The extension of relevant powers to the private sector, in certain cases, was considered. However, given the negligible current involvement of the private sector in providing public infrastructure in WA, such reform is not considered justified. Recommended retaining the restrictions.</p>	<p>The Government endorsed the review recommendations. Act retained without reform.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986	DH	No restrictions identified.	Review completed.	The Government endorse the review recommendations. Act retained without reform.
Racing Restrictions Act 1917	DRGL	Licensing, and differential treatment.	Review completed in 1998. Review recommended limiting the authority of the WA Turf Club to thoroughbred racing and providing for licensing of other forms of horse racing where in the public interest. It recommended retaining the centralised control of horse racing and trotting with the industry bodies.	<p>The Racing Restriction Acts 1917 and 1927 will be repealed and replaced by the Racing and Gambling Legislation Amendment and Repeal Bill 2003. In addition, three other reform Bills have been prepared:</p> <ul style="list-style-type: none"> • the Racing and Wagering Western Australia Bill 2003; • the Racing Restriction Bill 2003; and • the Racing and Wagering Western Australia Tax Bill 2003. <p>The Bills were enacted on 26 June 2003. They implement a number of NCP reforms from reviews of the Racing Restriction Acts and the review of the Western Australian Greyhound Racing Authority Act 1981.</p> <p>The Acts establish Racing and Wagering WA as the new governing body for all Western Australian racing. This body has an exclusive licence to conduct off course totalisator betting.</p>
Racing Restrictions Act 1927	DRGL	Prevents the use of 'mechanical devices' in races for other than horses.	Review complete in 1999. Review recommended repeal of the Act.	Act repealed by the Racing and Gambling Legislation Amendment and Repeal Act 2003, which was assented on 26 June 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Radiation Safety Act 1975 Radiation Safety (General) Regulations 1983-1999 Radiation Safety (Transport of Radioactive Substances) Regulations 1980-1999 Radiation Safety (Qualifications) Regulations 1980-1999	DH	Licensing.	National review completed and the national implementation plan is currently being developed.	Recommendation to amend the regulations is being progressed.
Rates and Charges (Rebates and Deferments) Act 1992	TF	The restrictions identified refer to the differential treatment afforded pensioners and other eligible persons with respect to certain amounts payable by way of rates and charges. The legislation, in effect, discriminates in favour of pensioners and other eligible persons.	<p>Review completed in 1998. Review concluded that the effects of the restrictions on competition are minimal. Only a very small group of eligible persons could potentially obtain a competitive advantage from the differential treatment received, and where such advantage occurred it would be minor. On the other hand, the removal of pensioner rebates and deferments in respect of rates and charges would have a significant impact on the standard of living of pensioners and other eligible persons.</p> <p>An alternative to the way in which the State Revenue Department administered rebates and deferments to eligible persons was considered. However, it was concluded that this alternative would result in greater administrative cost than the present scheme and therefore would not be in the public interest.</p> <p>Recommended that all of the restrictive elements of the legislation should be retained on public interest grounds.</p>	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Real Estate and Business Agents Act 1978 and Regulations	CEP	Licensing (agent's licence, sales representative's certificate), registration, entry requirements (aged over 18 years, good character, fit and proper person (including having done prescribed courses, understands duties and obligations under Act), for agent, sufficient material and financial resources), the reservation of practice, disciplinary processes, business conduct (branch office/s require separate manager/s, supervision and control, records, trust accounts, audit, code of conduct, advertising, fidelity fund), and business licensing.	Departmental review completed. Review recommended licensing be retained; the board be allowed to recognise qualifications other than those prescribed; legislation include explicit criteria for determining conflict of interest and for deeming who has sufficient material and financial resources; restrictions on who may audit trust accounts be removed; the requirement for board approval of franchise agreements be removed and only one director/partner need be licensed.	Maximum fees removed in 1998. The Government endorsed the review recommendations in February 2003. The required amendments to the Act are being progressed together with amendments to the Settlements Agents Act 1981.
Regional Development Commissions Act 1993	LGRD		Act removed from the LRP in July 2003, because it does not contain restrictions on competition.	No further action required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Retail Trading Hours Act 1987 and Regulations	CEP	Monday to Saturday trading hours regulated. Sunday trading hours limited and prohibited outside tourism zones. No restrictions above the 26th parallel.	<p>An Industry Reference Group report completed in 1999 and a further review was conducted in 2003 but reports were not released.</p> <p>An Options Paper was prepared, examining the benefits and costs of different trading hours regimes. The paper was released in June 2003.</p>	<p>In June 2003, the Government announced that it would not change trading hours until 2005.</p> <p>The Retail Shops and Fair Trading Legislation Amendment Bill 2003 retains the current trading hours regime in the metropolitan and non-metropolitan area until 2 May 2005, when weeknight trading will be extended to 9 pm for all general retail stores in the metropolitan area.</p> <p>The Bill has passed the Legislative Assembly and has had its second reading in the Legislative Assembly on 2 December 2003.</p>
Retirement Villages Act 1992, Regulations and Code of Practice	CEP	Restrictions on the use of retirement village land; compliance with the Code of Fair Practice for Retirement Villages; and marketing and price determination rights	Review completed in 2002. The Retirement Villages Reference Group produced a discussion paper and responses were obtained from retirement village residents and associations. In May 2002, the Government endorsed the review recommendations on the use of retirement village land, the Code of Fair Practice for Retirement Villages, and the marketing and price determination rights of residents.	<p>The Code of Fair Practice for Retirement Villages was reviewed and amended during 2003.</p> <p>Amendments are being prepared.</p>

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rural Adjustment and Finance Corporation Act 1993	A	Differential treatment.	Review not required.	Act repealed and replaced by the Rural Business Development Corporation Act 2000.
Rural Housing Bill	CHA	<ul style="list-style-type: none"> Differential treatment of the Authority compared with similar private sector institutions (Sections 5,11,16,17); and differential treatment of customers based on location, occupation or type of business (Sections 18-26). 	Review completed in 1998. Review classified the restrictions as minor and in the public interest.	Changed name to the Country Housing Act 1997.
Sandalwood Act 1929 and Regulations	CALM	Caps the quantity of naturally-occurring sandalwood harvested from Crown and private land. Licenses the harvesting of sandalwood. Individual licences capped at 10 per cent of the total limit.	Review completed. Review recommended removing the cap on harvesting from private land while retaining limits on harvesting on public land.	The Acts Amendment and Repeal (Competition Policy) Act 2003 amends the Act accordingly.
Secret Harbour Management Trust Act 1984	PI	Competitive neutrality.		Repealed by the Statutes (Repeal and Minor Amendments) Bill (No. 2), this became operational on 30 April 1998.
Securities Agents Act 1976 and Regulations	J	Licensing.		Act repealed and replaced by the Security and Related Activities (Control) Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Security and Related Activities (Control) Act 1996	P	Licensing (security and inquiry activities), registration, entry requirements (training, character, possible medical exam for security officers), the reservation of practice, business conduct (operating restrictions, no advertise unless licensed), and business licensing.	Review by WA Police Service completed. Review involved no consultation. Review concluded the security and related industries need statutory control to ensure high standards and to instil public confidence, especially in the area of crowd control. Review concluded that the legislation is effective and provides the necessary controls to maintain and improve the industry.	The Government endorsed the review recommendations in 2000.
Seeds Act 1981 and Regulations	A		Review completed.	This legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.
Settlements Agents Act 1981 and Regulations	CEP	Licensing, entry requirements (qualifications, two years experience, age, good character, fit and proper person, material and financial resources, resident in WA), the reservation of practice, business conduct (supervision, trust accounts, maximum fees, professional indemnity insurance, fidelity fund), and business licensing.	Final report of the legislation review completed in March 2002. Review report found the requirement for settlement agents to be licensed should be retained in the public interest because the benefits of reduced risk of financial loss and increased consumer confidence outweighed the costs associated with reduced competition. Review recommended replacing provisions regarding the financial resources of agents with provisions preventing insolvent persons holding a licence, removing the residency requirements, replacing the cap on fees with an offence of 'demanding a fee that is excessive', and giving agents the option of arranging their professional indemnity and fidelity insurance through an insurer of their choice.	Cabinet endorsed the review report in May 2002, but is yet to implement the reforms. The required amendments to the Act are being progressed, together with amendments to the Real Estate and Business Agents Act 1978, in a Bill that is currently being developed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Shipping and Pilotage Act 1967 and Regulations	PI	Governs pilotage services (licensing, competitive neutrality issues).	Review not required.	Act to be repealed.
Small Business Development Corporation Act 1983	SBDC	Differential treatment of businesses.	Review completed. Review found the effects of the restrictions on competition to have no practical importance. Government endorsed review findings.	Act retained without reform.
Small Business Guarantees Act 1984 and Regulations	SBDC	Differential treatment.	Review not required.	Act to be repealed.
Soil and Land Conservation Act 1945 and Regulations	A	Market power. Soil conservation notices, rates and service charges, clearing controls, and 90 day notice to clear or drain land.	Review completed.	The Government endorsed the review recommendations. Act retained without reform.
South Fremantle Oil Installations Pipeline Act 1948		Licensing.	Review completed in 1998.	Act retained without reform.
State Employment and Skills Development Authority Act 1990 and Regulations	DET	Licensing.	Review not required.	Legislation repealed and replaced by the Vocational Education and Training Act.
State Superannuation Act 2000	GESB	Limits on choice of fund managers. The Government Employee Superannuation Board (GESB) is the sole fund provider which government employees must use for employer contributions.	Review recommended retaining restrictions on fund choice for public benefit reasons.	The Government endorsed the review recommendations in February 2003. The Government introduced choice of investment type for West State Super members on 1 July 2001. Another review of choice of fund has commenced, but it is limited to financial impacts on the State.
State Supply Commission Act 1985 and Regulations	HW	Differential treatment.	Review completed.	Amendments to this Act incorporated into the Acts Amendment and Repeal (Competition Policy) Bill 2002, which gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
State Trading Concerns Act 1916	TF	The Act prohibits the Government from entering into or establishing any trading concern, except where the entity has been established under specific enabling legislation; has been established as a 'trading concern' under the Act; or is a department and has been authorised by the Treasurer under the Act to generate revenue from specified activities.	Review completed in 1998. Review concluded that while the legislation restricts the freedom with which government agencies can enter markets for goods and services it also reduces the risk that Government will become involved in inappropriate ventures. Recommended the restriction be retained.	The Government endorsed the review recommendations. Act retained without reform.
Statutory Corporations (Liability of Directors) Act 1996	J	Differential treatment of directors.	Review not required. Assessment of the effects of the potential restriction indicated that it does not give rise to significant costs or benefits. In view of this the Act was considered to not give rise to a restriction on competition. The 1998 amendments impose similar constraints on directors of statutory corporations as apply to private corporations, and therefore does not give rise to restrictions on competition.	Act retained without reform.
Stipendiary Magistrates Act 1957	J	The Act provides for the appointment of stipendiary magistrates with secure tenure of office and other relative purposes.	Review not required.	Act to be repealed by the Magistrates Court (Consequential Provisions) Bill 2003.
Stock (Identification and Movement) Act 1970	A	Branding of human food and fibre producing animals. Documentation required when moving stock.	Review by officials completed. Review found some scope for easing restrictions on horse owners.	This legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stock Disease (Regulations) Act 1968	A	Restricts importation of stock on grounds of disease control. Requires stockholders to control and notify diseases.	Review by officials completed. Review recommended no change.	
Strata Titles Act 1985 and regulations	LI	Only licensed surveyors can 'certify' a strata plan, survey-strata plan, or notice of resolution where a strata company is requesting a conversion from a strata scheme to a survey-strata scheme.	Review, in conjunction with the Licensed Surveyors Act 1909, completed in 1998. Review concluded restrictions are in the public interest and should be retained.	The Government endorsed review recommendation.
Street Collections Regulation Act 1940 and Regulations	CEP	Licensing.	Review not required.	These Acts will be repealed upon enactment of the Public Collections Bill. This Bill is expected to be introduced into Parliament during 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Subiaco Redevelopment Act 1994	PI	<ul style="list-style-type: none"> • Redevelopment control of the area; • The compulsory taking of land; • Subdivision approval from Minister rather than the State Planning Commission; and • Treasurer's guarantee of loans. 	<p>Review completed in 1997. Review found that effects of the restrictions on competition are relatively minor. The report concluded that the restrictive elements of the legislation need to be retained to achieve the objectives of the Act. The report also finds that there would be substantial costs associated with removing the restrictions, particularly at this stage of the Authority's work.</p> <p>There are no acceptable alternatives to achieving the objectives of the three restrictions relating to the powers of the Authority. The powers are necessary to remedy the existing environmental problems and achieve redevelopment consistent with the vision for the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. The restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed.</p> <p>Recommended retaining the restrictions on the grounds of public interest.</p>	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Suitors Fund Act 1964	J	Differential treatment of large companies and Crown Agencies.	Review completed in 1997. Review noted that all litigants are required to contribute to a fund which is used to defray legal costs where a court decision is reversed on a 'point of law' appeal or where the proceedings are aborted. However, companies with a paid up capital of \$200 000 or more and Crown agencies are barred from access to the Fund to recover such legal costs. Recommended removing the bar on companies with paid up capital of \$200 000 or more.	<p>The Government endorsed the review recommendations. A Cabinet Submission is being prepared by the Department of Justice. This submission will incorporate drafting instructions necessary to give effect to the recommendations arising from the NCP review of the Act.</p> <p>A working party has been established to review this Act in its entirety. The working party is chaired by the Solicitor General. The review is likely to result in new legislation, and the working party discussed the option of putting aside the current NCP review and instead subjecting any new legislation to an NCP review. This approach was used previously with respect to the Magistrates Courts legislation and was approved by Treasury.</p>
Swan River Trust Act 1988 and Regulations	SRT	Licensing. Limitations on development activity that can be undertaken in the area under the control of the Swan River Trust; and limitations on non-development activity (including advertising) that can be undertaken in the area under the control of the Swan River Trust.	Review by Water and Rivers Commission completed in January 2000. Review recommended restrictions be retained.	The Government endorsed the review recommendation on 14 August 2000. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Taxi Act 1994 and Regulations, and Amendment Regulations 1997	PI	Limitation on number of taxi licences.	<p>Review completed in August 1999. Review recommended removal of all licence number restrictions, buy-back of existing licences at full market value and limiting new licence issues to 20 per cent a year.</p> <p>The Government tendered peak period licences in 2000. Uptake was low due to restrictive conditions. Industry forum in February 2003 was followed by a review. This review recommended that the Act be amended to allow for the release of additional licences on a lease only basis. The review also recommended that lease rates be set at a level below the rate currently charged by private plate owners and that licences be offered to drivers on a regular basis. The review favoured a voluntary buy-back but this was opposed by sections of the industry.</p>	<p>The Government announced in July 2003 that it would lease 50 new taxi plates 2003-04 and smaller numbers in following years. The Taxi Amendment Bill was introduced to Parliament on 19 August 2003 and assented on 15 December 2003. In January 2004, the Government offered 48 new plates for lease. Additional plates will be released in the future, although as yet the Government has not announced the details of the licence release mechanism.</p>

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tobacco Control Act 1990	DH	Differential treatment, licensing.	<p>Review completed in 2002. In May 2002, the Government endorsed the conclusions of the review that the restrictions on competition in the Act and regulations provide a net public benefit and therefore should be retained.</p> <p>Review found that the restrictions serve to correct significant market failures in the tobacco market and are based on sound public interest grounds. They also apply equally to all participants and do not prevent entry into the already very competitive tobacco market.</p>	The Government endorsed the review recommendations.
Totalisator Agency Board Betting Act 1960 and Rules and Regulations	DRGL	Restrictions on events and prescription of circumstances under which betting may occur; restrictions on persons and organisations able to conduct betting; constraints and costs imposed on bookmakers and operators of totalisators generally; constraints and costs imposed on racing clubs, authorities controlling racecourses and owners/occupiers of premises; constraints and costs imposed on punters; constraints and costs imposed specifically on the Totalisator Agency Board (TAB); and competitive neutrality of the TAB.	<p>Review, in conjunction with the Betting Control Act 1954, completed in 1998. Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> relaxing restrictions on the operation of totalisators other than by the TAB; relaxing restrictions on bookmakers and their operations; removing limits on bets in the regulations, leaving the racing clubs to set limits as they see fit; and relaxing some restrictions on the operations of the TAB. <p>The legislative provisions giving rise to the remaining restrictions were assessed as being in the public interest and recommended for retention.</p>	The Government retained the prohibition on the licensing of additional off-course totalisators in the Acts that restructure the racing industry.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Town Planning and Development Act 1928	PI	Controls on land use, via town planning schemes	The previous WA Government developed the Urban and Regional Planning Bill 2000, which consolidated this legislation. The NCP review examined both the proposed and existing legislation, because the Bill was essentially a consolidation of the existing legislation. The review was almost finalised, but the change of Government in November 2001 meant that it was not submitted to Cabinet. The current Government re-activated the consolidation of the planning legislation with the release of a position paper in April 2002. The Government received a number of submissions and is developing a new green Bill, which will be called the Planning and Development Bill 2004. The purpose of the Bill is to elicit submissions on the broad proposals contained in the position paper and a number of fresh proposals.	Following review and analysis of submissions on the Bill, the Government anticipates introducing a consolidated Planning and Development Bill 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Co-ordination Act 1966 and Regulations	PI	Restrictions relate to provisions for the Minister to borrow funds and make payment of subsidies to providers of transport services. Also included are a range of provisions, powers and requirements related to the licensing of vehicles used for commercial purposes and the regulation of transport services provided by these vehicles.	<p>Review completed in 1999. Review recommended:</p> <ul style="list-style-type: none"> • removal of provisions relating to the licensing of ships engaged in coastal trade; • removing requirements for public vehicles (other than ships) to be licensed; and • limiting licence fees to an amount sufficient to recover costs incurred in administering the relevant licence system and associated regulatory activities. 	<p>The Government endorsed the review recommendations in November 2000.</p> <p>Since those recommendations were made however, the effects of 11 September 2001 and the Ansett collapse of 14 September 2001 have had a significant impact on the intrastate air transport market in WA, especially regional WA. This prompted the Government's intrastate air services review in 2001-02. The Government believes that some measure of air service regulation may be necessary to ensure that proposed and existing charter services do not compromise the viability of scheduled RPT services. The design of such regulations will proceed in open consultation with industry. Following the review of intrastate air services, the Government extended the licence to operate on the network connecting Perth with major coastal towns. It will undertake a further review of the provision of services to these routes from 2005. The Government is also considering changes for other air routes.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1985 and Regulations	CEP	Licensing and compulsory consumer compensation fund.	Part of national review of travel agent legislation, coordinated by WA. A final review report by CIE released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. In November 2002, the Ministerial Council on Consumer Affairs (MCCA) decided to maintain the Travel Compensation Fund monopoly, but consider establishing a risk-based premium structure and making prudential reporting arrangements more equitable. It recommended that each participating jurisdiction review and amend its entry qualifications to ensure uniformity.	Cabinet endorsed the national review on 23 June 2003. WA has commenced implementation of the proposed reforms but all regulatory amendments will need to be agreed at the national level before being tabled in Parliament.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustees Companies Act 1987	J	Competitive neutrality, and licensing.	Review completed in 1998. Review recommended retention on limits on borrowings and loans, and lessening of barriers to entry.	National uniform legislation is proposed and has 'in principle' support from the Australian Government. States were to contract the Australian Prudential Regulatory Authority to complete the prudential reviews (as they already do them for insurance and superannuation) but no agreement could be reached. The Attorney General has written to Senator Campbell expressing disappointment with decision and asked that this situation be taken into account regarding the NCP review. Western Australia believes that South Australia (and maybe New South Australia) has written to the Australian Government expressing a similar view.
University Colleges Act 1926	ES	Competitive neutrality, and market power.	Review, by the Office of Higher Education, completed 1998. Review concluded that the restrictions are in the public interest given the quality of pastoral care provided to students by university colleges. Government endorsed review findings.	Act retained without reform.
University Medical School Teaching Hospitals Act 1955	DH	Market power.	Review completed. Review did not identify any restrictions on competition.	The Government endorsed the review recommendations.
University of Notre Dame Australia Act 1989	ES	Competitive neutrality, and market power.	Review, conducted by the Office of Higher Education, completed in 1998. Review recommended that investment provisions be consistent between universities. Government endorsed review recommendations	Amendment to the Edith Cowan University Act being progressed via the Acts Amendment and Repeal (Competition Policy) Act 2003, which gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
University of Western Australia Act 1911	ES	Competitive neutrality, and market power.	Review, by the Office of Higher Education, completed in 1998. Recommended that investment provisions be consistent between universities. Government endorsed review recommendations.	Amendment to the Edith Cowan University Act being progressed via the Acts Amendment and Repeal (Competition Policy) Act 2003, which gained assent on 15 December 2003.
Valuation of Land Act 1987	LI	Valuer-General powers and activities.	Review completed in 1998. Review undertaken by intra-agency committee. Public consultation involved submissions following release of an information paper. Recommended less narrowly defined eligibility for the position of Valuer General (dropping requirement to be a member of the Australian Property Institute), removing restriction that any person making valuation for rating and taxing purposes must be licensed under Land Valuers Licensing Act, and encouraging greater flow of information for the purposes of making valuations. Government endorsed review recommendations.	Recommendations are being implemented via the Acts Amendment and Repeal (Competition Policy) Act 2003, which gained assent on 15 December 2003. .
Veterinary Preparations and Animal Feeding Stuffs Act 1976	A	Until mid-1990s, required premises and products to be registered. Restricts packaging and labelling. Requires analysts to hold minimum qualifications. Restricts advertising.	Review as part of the national review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). The Veterinary Preparations Animal Feeding Stuffs Amendment Bill 2003, which implements the recommendations of the national review regarding consistency in regulation between jurisdictions, is currently before Parliament.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Veterinary Surgeons Act 1960	A	Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, and controls on business names.	Review completed in 2001. Review recommended: <ul style="list-style-type: none"> introducing a new registration for lesser qualified practitioners; replacing restrictions on advertising, premises and ownership with voluntary codes; repealing the restrictive aspects of the premises registration provisions, and replacing them with a voluntary code of practice; and repealing the restrictions on ownership of veterinary practices by non-veterinarians. 	The Government endorsed the review recommendations and drafting of an amendment Bill has commenced.
Video Tape Classification and Control Act 1987	J	Licensing.	Review not required.	Act repealed and replaced by the Censorship Act 1996.
Vocational Education and Training Act 1996	DET	Registers training providers and accredits training courses.	Review, by an independent consultant, completed. Review concluded that public benefits of restrictions outweigh costs.	The Government endorsed the review recommendations. Act retained without reform.
Water Services Coordination Act 1995 - Part 2 of 2: Water Services Coordination (Plumbers Licensing) Regulations 2000	CEP	Plumbers - licensing, registration, entry requirements (competency or six years experience and qualification, fit and proper, reservation of practice (either licensed or under supervision of licensed), and disciplinary processes.	Review completed. Review recommended retaining restrictions to prevent unlicensed persons performing plumbing work and maintain the power of the Board to set licence conditions.	The Government endorsed the review recommendations. Act retained without reform.
Weights and Measures Act 1915 and Regulations	CEP			Act to be repealed upon the enactment of new trade measurement legislation, which is to be based on the national model and introduced during 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Greyhound Racing Authority Act 1981	DRGL	Differential treatment.	Review completed. Review recommended removal from the WA Greyhound Racing Authority Act 1981 of the arbitrary limit on the number of meetings the WA Greyhound Racing Association may conduct. It also recommended that the provisions contained in the Act which establish centralised control of greyhound racing are in the public interest and should be retained. However, the establishment of an independent regulator should be considered if it is demonstrated that the Authority has improperly used its power to favour its racing activities.	The Government endorsed the review recommendations. Removal of provisions that limit the number of meetings that the WA Greyhound Racing Authority may hold was in the racing legislation that was enacted on 26 June 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Land Authority Act 1992	WALA	<p>The WA Land Authority's exemption from rates and taxes.</p> <p>The Authority's power to compulsorily acquire land.</p> <p>The requirement to seek pre-approval from the Minister on contracts.</p> <p>Restrictions on the Authority's retail activities in the higher end of the residential land market.</p>	<p>Review completed in 1997. Review recommended:</p> <ul style="list-style-type: none"> the Authority be subject to a tax equivalent regime and pay to the Treasurer an amount equivalent to all rates and taxes imposed on private land developers that the Authority is currently not obliged to pay; removing the section of the Act allowing the Authority's power to compulsorily acquire land; amending that legislation to allow contracts to be agreed subject to Ministerial approval; and exempting surplus public sector land assets and urban renewal projects from the restrictions on the Authority's retail activities in the higher end of the residential land market. 	<p>The Government endorsed the review recommendations. Amendment Bill passed on 6 July 2000.</p>
Western Australian Marine (Hire and Drive Vessels) Regulations 1983	PI	Licensing.	Review not required.	<p>The repeal of the Western Australian Marine (Hire and Drive Vessels) Regulations 1983 and the Western Australian Marine Act 1982 will form part of the Maritime Bill.</p>
Western Australian Marine Act 1982	PI	Licensing.	Review not required.	<p>The repeal of the Western Australian Marine (Hire and Drive Vessels) Regulations 1983 and the Western Australian Marine Act 1982 will form part of the Maritime Bill</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Meat Industry Authority Act 1976	A	Controls on abattoir capacity, controls on branding, and regulations of saleyards, abattoirs and processing works.	Review by officials completed in 1998. Review recommended: <ul style="list-style-type: none"> • removing controls on abattoir capacity and regulation of saleyards; • retaining controls on branding; and • retaining regulation of abattoirs and processing works. 	Amendments incorporated into the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed this Bill on 14 November 2003 and it was returned to the Legislative Assembly with amendments. It was assented on 15 December 2003.
Western Australian Planning Commission Act 1985	PI	Controls on land use, via town planning schemes	The current Government re-activated the consolidation of the planning legislation with the release of a position paper in April 2002. The Government received submissions on the position paper and is developing the Planning and Development Bill 2004.	Following review and analysis of submissions on the Bill, the Government anticipates introducing a consolidated Planning and Development Bill 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Product Symbols Act 1972	HW	The symbols are able to be used by eligible businesses free of charge and may present a slight advantage to WA businesses and products in home markets.	<p>Review completed. Review found that the symbols do not comprise a significant restriction in their own right, but due to their widespread success and recognition, they now influence consumer behaviour in WA. Their use may therefore confer a competitive advantage on qualifying businesses and products, which could potentially lead to an ability to charge marginally higher prices or obtain a higher market share.</p> <p>Alternatively, when viewed as a labelling mechanism, the symbols may do no more than provide consumers with the necessary information to purchase local products or support local business according to their inclination. The review noted some important spin-off benefits from the symbols in growing the WA economy and noted their popularity among consumers.</p> <p>Review concluded that, on the balance of probabilities, the benefits of the current model outweigh its minor costs and that the Act should be retained.</p>	The Government endorsed the review recommendations. Act retained without reform.
Western Australian Reproductive Technology Council (Nominating Bodies) Regulations 1992 and Directions	DH			Directions will be amended following amendment to the HRT Act currently before Parliament.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Treasury Corporation (Amendment) Bill 1997	TF	The Act provides an exemption to the Corporation from State duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed. Review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Australian Government and other government borrowers. Recommended retaining the restriction.	The Government endorsed the review recommendations. Act retained without reform.
Western Australian Treasury Corporation Act 1986	TF	The Act provides an exemption to the Corporation from State duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed in 1997. Review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Australian Government and other government borrowers. Recommended retaining the restriction.	The Government endorsed the review recommendations. Act retained without reform.
Wheat Marketing Act 1989	A	Imports Australian Government Act into State jurisdiction.	Review not required.	Act no longer operating and will be repealed in the Acts Amendment and Repeal (Competition Policy) Bill 2003. The Upper House passed this Bill on 14 November 2003, and it was assented on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wild Cattle Nuisance Act 1871	A	Regulates the destruction of wild cattle.	Review by officials completed. Review recommended repealing the Act as it is redundant.	Repealed by the Statutes (Repeals and Minor Amendments) Bill 2001, which on 29 October 2003 reached the second reading stage in the Legislative Assembly (having already progressed through all Legislative Council stages). It was assented on 15 December 2003.
Wildlife Conservation Act 1950	CALM	Restrictions include prohibitions on the taking of protected fauna from all lands and waters unless one has authority to do so under the Act, prohibitions on commercial dealings in protected fauna (including skins and carcasses) and flora unless undertaken in accordance with licensing provisions and regulations, and prohibitions on abandoning or releasing fauna and prescribed animals into the State, or moving those animals out of the State, unless licensed to do so.	Review completed. Review and associated regulations concluded that all of the restrictions on competition identified in this legislation provide a net public benefit, and should be retained. Review identified a range of public benefits that arise as a result of the restrictions, including increased economic activity associated with sustainable wildlife management, enhanced tourism opportunities, enhanced environmental and recreational amenity, and the beneficial contribution of wildlife to the functioning of the ecosystem in general.	No reform required.
Workers' Compensation and Rehabilitation Act 1981	WCRC	Mandatory insurance, licensed insurers, centralised premium setting.	Review report completed early 2002.	WorkCover is progressing minor legislative change.

7 South Australia

Agency abbreviations

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

AIS	Department of Administrative and Information Services (Office for Government Enterprises)
BMT	Department of Business, Manufacturing and Trade
ECS	Department of Education and Children’s Services
EH	Department of Environment and Heritage
FEEST	Department of Further Education, Employment, Science and Technology
HS	Department of Human Services
J	Justice (Attorney-General) Department
P&C	Department of Premier and Cabinet
PIR	Department of Primary Industries and Resources
T&F	Department of Treasury and Finance
TUP	Department of Transport and Urban Planning

Legislation review: South Australia

Updated to February 2004

<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 not required. Act to be repealed.	Cabinet approved repeal in August 2002. Repeal Bill passed May 2003.
Agricultural and Veterinary Chemicals (South Australia) Act 1994	PIR	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	See the Australian Government Agricultural and Veterinary Chemicals Code Act 1994.
Agricultural Chemicals Act 1955	PIR	Requires chemicals to be sold with registered label. Requires chemicals to be used as per label or Ministerial directions.	Act to be replaced by new legislation. Review of legislative proposal found all proposed restrictions to be in the public interest.	The Agricultural and Veterinary Products (Control of Use) Act has been passed and regulations are being finalised.
Agricultural Holdings Act 1891 (The)	PIR	Restricts market conduct.	Review completed in 1999. Review recommended 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. Review recommended retention of all existing restrictions.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Apiaries Act 1931	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.
Architects Act 1939	TUP	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 Act. A States and Territories working group is developing a national response to the PC review.	Legislation being prepared.
Authorised Betting Operations Act 2000		Exclusive licences, operations, barrier to entry, licensing, and market conduct.	Omnibus review is completed. Review found that removal of the Totalisator Agency Board (TAB) exclusive licence would involve significant compensation costs.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Barley Marketing Act 1993	PIR	Vests ownership of all barley and oats grown in South Australia in the Australian Barley Board (ABB).	<p>National Competition Policy (NCP) review by Centre for International Economics (CIE) completed in 1998 jointly with Victoria. Review recommended that SA:</p> <ul style="list-style-type: none"> • remove the domestic barley marketing monopoly; • remove the oats marketing monopoly; • retain the export barley marketing monopoly for only the 'shortest possible transition period'; and • restructure the Australian Barley Board as a private grower-owned company. <p>Second review in 2003 by Prof David Round et al recommended 'controlled deregulation' in which the single desk is exposed to competitive challenge through reform - along the lines of Western Australia's Grain Marketing Act - whereby ABB Grain Ltd would retain a principal barley export licence and, a year after the passage of reform legislation, an independent authority would license barley exports by other marketers that the authority determines do not threaten the price premiums that ABB Grain Ltd achieves as a result of its market power.</p>	<p>Act amended in 1999 to remove the 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. In 2000, the Government moved to amend the Act to remove the export monopoly sunset (thus continuing the export monopoly).</p> <p>Further reform following Round review under consideration.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Benefit Associations Act 1958	T&F	Restricts market conduct.	Desktop review completed in December 1999. 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 (probably the Fair Trading Act). This investigation has taken place and Cabinet will consider recommendations shortly.	
Branding of Pigs Act 1964	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed June 2000.	Act will be repealed by Schedule 2 clause 1(c) Livestock Act 1997. Proclamation to occur prior to July 2003. The Act will be replaced by new regulations in the Livestock Act. The requirement to brand pigs will be retained for disease tracing purposes. Fire and paint brands may be retained although electronic devices and tags will replace these identification methods in the future for product integrity and disease tracing purposes.
Brands Act 1933	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed September 1998.	Act repealed by Schedule 2 clause 1(c) Livestock Act 1997 (proclaimed 2003) and replaced by regulations under that Act. The requirement to brand pigs will be retained for disease tracing purposes.
Building and Construction Industry Training Fund and Levy Collection Act 1990 and Regulations	FEEST	Differential treatment in regard to the imposition of the training levy depending on industry sector and construction work threshold.	Review completed. Involved intra and inter agency consultation. Recommended restrictions be retained.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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, business conduct (written contracts, product or service standards, statutory warranty).	Review completed. The panel's supplementary issues paper released in October 2001 for public and industry comment. The part of the review dealing with the financial resources requirements for contractors and mandatory building indemnity insurance was omitted from the final report released by the Government. This area was referred back to the review panel for reconsideration in light of the collapse of HIH, one of only two providers of building indemnity insurance in South Australia. The finalisation of the Supplementary Review of the financial resources and building indemnity insurance requirements has been deferred pending completion of the national reform process. The national working party intends to report recommendations to the Ministerial Council for Consumer Affairs by mid-2003 and reforms are expected to be implemented in the second half of 2003.	The final report released by the Government made recommendations relating to reducing the financial reputation requirements for contractors. The changes, which overlap the national review, focus on reducing builder insolvency rates. These recommendations will be considered together with the reform recommendations arising from the national review.
Bulk Handling of Grain Act 1955	PIR	SA Co-operative Bulk Handling Limited granted sole right to receive and deliver grain subject to obligations to charge uniform prices and to receive all grain tendered.	Review completed in 1998. Review recommended repeal.	Act repealed in 1998.
Business Names Act 1996	J	Registration of business names.	Desktop review completed in 1998. No reform recommended.	Act retained without reform.
Carriers Act 1891 (The)	J	Restricts market conduct.	Review completed in 1999. Involved public consultation.	Act repealed in 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Casino Act 1997	T&F	Exclusive licence, and controls on operations of licence holder.	Omnibus review of SA gambling legislation found that removal of exclusivity would involve significant compensation costs.	The Government accepted the review recommendations and undertook to review the case for exclusivity toward the end of the exclusivity period.
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. Review found that restrictions in the Act are unjustified and may limit the ability to appoint an officer best suited to needs of the child. The 2002-03 Child Protection Review recommended further amendments to the Act.	Cabinet approved drafting of amendments to the Act in August 2000. These are anticipated to be introduced into parliament in the second half of 2004.
Children's Services Act 1985 and Regulations	ECS	Barrier to market entry and restricts market conduct.	Review completed in 2000. No reform recommended. Government has endorsed review recommendation.	Legislation retained without reform.
Chiropractors Act 1950	HS	Restrictions on entry, registration, title, practice, advertising, ownership, business licensing, and disciplinary provisions.	Review completed in January 1999. Review recommended removing ownership and advertising restrictions and limiting reserved practice.	Cabinet approved drafting amendments and a draft Bill has been prepared. The Government intends to undertake public consultation on the draft Bill before introducing it to Parliament in 2004.
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.	Cabinet approved drafting of amendments to the Act. An amending Bill has been drafted. After undertaking public consultation on the Bill, the Government plans to introduce it to Parliament in 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Citrus Industry Act 1991	PIR	Restricts market conduct.	NCP review completed in 2001. Review recommends repeal of the Act and public benefit functions to be undertaken by an industry association funded under the Primary Industries Funding Schemes Act 1998.	A consultation Bill to amend the Citrus Industry Act to remove anti competitive elements is currently under development. It is proposed that the amended Citrus Act will sunset in December 2004 or March 2005 to be replaced by an industry managed structure.
Coast Protection Act 1972	EH	Restricts market conduct.	Review completed in December 1999. Involved public consultation. No NCP reform recommended.	Act retained without reform.
Collections for Charitable Purposes Act 1939	T&F	Restricts market conduct by requiring collectors to be licensed.	Desktop review completed in November 1999. Review found that the Act provided a net public benefit and thus no reforms were recommended.	Act retained without reform.
Commercial Vehicles (Hours of Driving) Act 1973	TUP		Review completed in 1997.	Act repealed.
Construction Industry Training Fund Act 1993	FEEST	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.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit (South Australia) Act 1995	J	Barrier to market entry and restricts market conduct.	National review completed. Review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. Review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs (MCCA) endorsed the final report in 2002 and referred it to the Uniform Credit Code Management Committee which is facilitating the resolution of some issues.	A Working Party of the Uniform Consumer Code Management Committee has been formed to progress implementation.
Controlled Substances Act 1984	HS	Controls on labelling, packaging, advertising and sales of listed substances.	Part of Galbally Review. Draft review report completed 11 September 2000. Final review report given to the Australian Health Ministers Conference (AHMC) in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.	The AHMC referred the final review report to the Australian Health Ministers Advisory Council (AHMAC) to prepare a draft response, in consultation with the Primary Industries Ministerial Council. AHMAC endorsed the draft response, and the Council of Australian Governments (CoAG) was expected to receive the final response in spring 2003.
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 recommendations included: 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.	Amendments to implement recommendations were introduced in Parliament in late 2000 but the Bill lapsed. The current Government is consulting with stakeholders on this issue and intends to introduce a new Bill to Parliament in 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cooper Basin (Ratification) Act 1975	PIR	Ratifies the contract for the supply of gas by Cooper Basin producers to AGL.	Review completed in 1996. Review found 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. Cabinet approved removal from the legislation review program (LRP).	
Crown Lands Act 1929	EH	Restricts market conduct.	Review completed in December 1999. Involved public consultation. Only trivial restrictions on competition. No NCP reforms recommended. The non-financial conditions be removed pursuant to the Minister's power in s.9(f), and a rationalisation of the leasing and licensing arrangements of the land tenure system in SA by way of legislative change in order to ensure efficiency and cost effectiveness.	No NCP reforms required. Removal of barriers to more cost efficient processes and repeal of superfluous provisions approved. Cabinet approved the drafting of a re-write of the Crown Lands Act 1929 on the 20 January 2003. Draft Bill has been introduced into Parliament.

<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	Vests milk in Dairy Authority of SA. Sets farmgate price for market milk and pools market milk returns. Licenses 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 who have developed a discussion paper for new primary industry 'food safety' legislation that would incorporate provisions for the dairy industry.	In line with the March 2000 communiqué 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. Reform of food safety-related licensing provisions awaiting outcome of review.
Dairy Industry Assistance Act (Special Provisions) Act 1978	PIR		Review completed in 1999. Review recommended repeal of the Act.	Legislation passed in April 2000 repealing the Act. Yet to be proclaimed.
Dangerous Substances Act 1979	AIS	General duty of care in keeping, handling, conveying, using or disposing of dangerous substances; and licences to keep and convey dangerous substances.	Review, in conjunction with the Explosives Act 1936 and the White Phosphorus Matches Prohibition Act 1915, completed in 1999. Review found that the benefits of restrictions outweigh the costs. No reforms recommended.	The Act is consistent with national standards for transportation of dangerous goods. South Australia intends to introduce legislation that will widen the application of national standards under the Act to include the storage and handling of dangerous goods and the transport of explosives.
Deer Keepers Act 1987	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed.	Act repealed by Schedule 2 clause 1(e) of the Livestock Act 1997 and replaced by regulations under that Act and the Primary Industries Funding Schemes Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dentists Act 1984	HS	Restrictions on entry, registration, title, practice, ownership, advertising, business, and disciplinary provisions.	Review completed in February 1999. Review recommendations included 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 2001, which commenced in June 2003. New Act retains limits on ownership and related restrictions, contrary to review recommendations. Amendments of limits on ownership are being considered for introduction in 2004.
Development Act 1993	TUP	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 recommendations included: 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.	Majority of recommendations have been implemented. Public interest justification provided where recommendations not accepted.
Discharged Soldiers Settlement Act 1934	EH	Restricts market conduct.	Review completed in December 1999. Involved public consultation. Review recommended repeal of legislation.	Cabinet approved the repeal of the Act on the 20 January 2003. A repeal Bill is to be introduced.
Dried Fruits Act 1993	PIR	Restricts market conduct.	Review completed. Review recommends repeal of Act and voluntary industry development fund under Primary Industries Funding Schemes Act.	Cabinet has approved drafting of a Bill to repeal the Dried Fruits Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Education Act 1972 and Regulations	ECS	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 at end of 2000. Came into operation 1 October 2001. Regulations also passed.
Electricity Act 1996	T&F	Restricts market entry and market conduct.	Review completed in September 2000. Review involved public consultation. No reforms recommended as 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 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.	Cabinet approved repeal August 2002. Repeal Bill passed in May 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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. Review recommended the removal of licensing, that controls be placed on fee charging arrangements and that a mandatory industry specific code of conduct be developed.	The Minister is considering the review report in conjunction with the Queensland approach to reforms.
Enfield General Cemetery Act 1944	TUP	Restricts market conduct. Exemption from section 586 of Local Government Act.	Review completed in July 1999. Involved public consultation. Review recommended certain sections of the Act be amended to remove the competitive advantage or disadvantage.	Review recommendations implemented through the Adelaide Cemeteries Authority Act 2001, which came into operation 1 January 2002.
Environment Protection Act 1993	EH	Barrier to market entry and restricts market conduct.	Review completed in 1999. Public consultation. No NCP reform recommended.	
Explosives Act 1936	J	Barrier to market entry and restricts market conduct.	Desktop review completed in December 1999. Act centres around safety and does not provide primary economic control of the industry. No reforms recommended.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1987		Regulation of the supply, advertising and distribution of goods and services	<p>SA completed an NCP review during 2002. Review report recommended retaining all provisions of the Act for their net public benefit, but highlighted some trivial restrictions on competition for consideration in a forthcoming general review of the Act:</p> <ul style="list-style-type: none"> • increasing the door-to-door sales threshold from \$A50 to \$A100; • reviewing the need to retain fair reporting provisions when sufficient time has elapsed, to ascertain the adequacy of the Australian Government Privacy Act; • considering the repeal of the s. 40 requirements on the clarity of the price information on ticketed prices; and • repealing, or increasing the level of certainty in, third party trading scheme provisions. 	
Family and Community Services Act 1972	HS	Barrier to market entry and restricts market conduct of foster care agencies.	Review completed in 1999. For profit sector prohibited from competing for grant allowances	<p>Cabinet approved drafting of amendments to the Act. The Bill was rejected by the House of Assembly in 2001.</p> <p>The Child Protection Review recommends a review of this Act and the Competition Policy Review amendments will be referred to this review. The Review will commence in 2003/4 and it is anticipated will conclude in 2004, with legislative amendments tabled in Parliament in the first half of 2005.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Financial Institutions (Application of Laws) Act 1992	J		Review not required.	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.	Act retained without reform.
Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) Act 1987	PIR	Imposes on remaining licence holders the cost of compensating those who surrendered their licences.	Review by officials completed in 1999. Act has achieved the objective of reducing licence numbers.	Act to be repealed once settlement with remaining licensee is 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 surrendered their licences.	Review by officials completed. Act has achieved the objective of reducing licence numbers.	Act repealed.
Fisheries Act 1982	PIR	Licensing of fishers and fish farmers. Registration of boats and fish 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 completed in October 2002. It recommended the Government: <ul style="list-style-type: none"> remove the prohibition on any person from holding more than one fishery licence; further review the prohibition in the marine scale fishery on persons other than vessel masters from holding fishery licences, and issues such as the case for stronger property rights, licence tenure, corporate and foreign ownership of commercial fishing licences, and permanent transfer of quota; and refer other restrictions in specific fisheries to the respective industry consultative committee. 	In November 2003 the Government removed the prohibition on fishers holding more than one licence. Other recommendations remain under consideration.
Flinders University of South Australia Act 1966		No restrictions on competition.	Review not required.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Food Act 1985	HS	Specifies an offence to manufacture or sale food that does not meet prescribed standard.	National review completed in 2000 (see the NSW Food Act 1989).	All States and Territories agreed in November 2000 to adopt core provisions of the model food bill by November 2001. A new Food Act was passed in July 2001.
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.
Forestry Act 1950		Exclusive control and management of State forests by Forestry SA. Licensing of timber collection and taking of other resources. Administrative discretion over how licences and produce are allocated and price.	Review not required. Act not considered to restrict competition.	
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, documents affecting financial or property interests and documents affecting business affairs.	Desktop review completed in September 2000. The Act promotes competition by enabling access to official information on a regulated basis. No reform recommended.	The review report was noted in Cabinet on 28 August 2000. Act retained without reform.
Friendly Societies (South Australia) Act 1997		Restricts market conduct.	Review completed in 1997. Deleted from LRP.	Act repealed and replaced the Friendly Societies Act 1919, and subsequently repealed by the Financial Sector Reform (South Australia) Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 completed. Review recommended restrictions on competition should be retained on the basis of the net public benefit.	Cabinet accepted the review recommendation.
Fruit and Vegetables (Grading) Act 1934	PIR	Product standard restricts market conduct.	Review completed. Review recommended 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; granting of an exclusive monitoring licence to the Independent Gaming Corporation and an exclusive supply and service licence to the State Supply Board.	Part of an omnibus review of SA gaming legislation completed in 2003. For gaming machines, the review recommended that: <ul style="list-style-type: none"> the restriction on gaming machine licences being issued to only hotels and clubs is justified on a harm minimisation basis; the role of the State Supply Board as the single gaming machine supplier and service licensee should be removed and a more competitive market structure should be developed; and venues should be able to transfer the right to operate gaming machines (without breaching the venue cap). 	The Government accepted a number of the review recommendations but has not passed amending legislation. The Government intends to retain the State Supply Board as a monopoly supplier of gaming machines on the basis that this allows regulatory standards to be met, but does not restrict venues in their dealings with gaming machine manufacturers.
Garden Produce (Regulation of Delivery) Act 1967	PIR	Restricts market conduct.	Review completed. Review recommended 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 retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Government Financing Authority Act 1982	T&F	May restrict market conduct of government business enterprises.	Review completed in 1998. Although technically there may be a restriction on 'market conduct' of Government Business Enterprises (GBEs) in being required to utilise SA Financing Authority's services, this is insignificant and there is no impact on private sector market conduct. The review found that there was a net public benefit and no reforms were recommended.	Act retained without 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.
Harbours and Navigation Act 1993	TUP	Governs harbour operations (market conduct).	Review completed in 1999.	Intergovernmental agreement to develop nationally consistent legislation. The Government intends to make amendments progressively until 2005, as national standards are agreed.
Heritage Act 1993	EH	Restricts market conduct.	Review completed in 1999. Review involved consultation with stakeholders. No NCP reform recommended.	
Highways Act 1926	TUP	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. Restrictions were assessed as trivial. One minor clarification to section 45 recommended.	Cabinet approved drafting on 26 June 2000. The amendment will be introduced into Parliament in 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Impounding Act 1920	PIR	Discretionary power for council to establish a pound.	Desktop review completed in December 2000. Review recommended repeal of Act and replacement with modern scheme.	
Independent Gambling Authority Act 2001	T&F	Regulation of casino and gaming machines licensees.	Omnibus review under way. All gambling legislation, including Bills before the Parliament, to be reviewed.	Operations directly address harm minimisation probity issues. Provides public benefit without restricting competition.
Industries Development Act 1941	BMT	Section 24, which contains provisions for making Regulations, may be in conflict with Trade Practices Act. There are no regulations currently under the Industries Development Act. Sections 14, 14a, 16a and 19a allow the Government to provide guarantees, loans, grants, land, equipment or the services of various professionals to businesses that SA seeks to attract to that State.	Review completed in July 2002. Notes that there are currently no regulations under section 24 of the Act, and that a proposal to create any such regulations would need to be accompanied by a NCP review demonstrating a net public benefit. Review report acknowledges that sections 14, 14a, 16a, 19 and 24 may enable decisions to be made that are anticompetitive or discriminatory.	The Government accepted the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 (involving public consultation) completed. Review recommended that legal practitioner qualifications be sufficient for registration as a land agent (subject to legal practitioners demonstrating competence in appraisal) and adopting national competency standards for agents and sales representatives (when agreed by the Standing Committee of Attorneys-General (SCAG)).	The Government endorsed the review recommendation, which has been implemented administratively.
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), the 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 repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 in October 2000. Review recommended considering opening up further areas of legal work to competition with nonlawyers, monitoring national developments in relation to business structures and retaining the professional indemnity insurance monopoly.	The former Government indicated that it would monitor developments regarding multidisciplinary practices over the next two years and retain the professional indemnity insurance monopoly. A Bill to implement other reforms lapsed at the State election. In July 2001 the Government adopted the review recommendations in full. The recommendations (except for the issue of multi-disciplinary practices, which is being progressed as part of the national model laws project) have been incorporated into a draft Miscellaneous Amendment Bill which was passed in December 2003.
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.	Review completed in 1996. Review recommended: <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 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 impacts of less regulated approaches in other jurisdictions are clear). Further review under way. Draft review published in April 2003.	Reform followed 1996 review recommendations. Several restrictions on the sale of liquor were removed by the Liquor Licensing Act 1997. The new Act retains the concept of 'proof of need' to contain the number of outlets and also retains the requirement that liquor can only be sold from stores devoted entirely to liquor sales. The Government is considering the 2003 review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Licensing Act 1997	J	Proof of need test requiring applicants to demonstrate a consumer need exists for the grant of a licence. Only hotels and retail liquor stores devoted exclusively to the sale of liquor may 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 not required. Act to be repealed.	Repeal Bill passed in May 2003.
Local Government Act 1934	TUP	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.	NCP review of the Local Government Act 1999 (repealing most of Local Government Act 1934) completed and provided to the National Competition Council (NCC). Provisions remaining in the Local Government Act 1934 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). NCP review of cemetery provisions completed in 2002. Recommendation of NCP cemeteries review to repeal cemetery provisions included in Statutes Amendment and Repeal (National Competition Policy) Bill 2002, passed in May 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lottery and Gaming Act 1936	T&F	Barrier to market entry and restricts market conduct.	<p>Omnibus review completed in 2003. Review recommended retaining the effective exclusivity of the Lotteries Commission's licence because exclusivity:</p> <ul style="list-style-type: none"> • ensures a wide distribution network that includes regional South Australia; • provides for the highest probity standards; • maximises the revenue available to the community; and • provides low lottery entry costs compared with those in the ACT where there is competition between lottery suppliers. 	The Government accepted that revoking exclusive licences would not be in the public interest.
Manufacturing Industries Protection Act 1937	J	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. Review recommended repeal.	Act repealed.
Marginal Dairy Farms (Agreement) Act 1971	PIR	Restricts market conduct.	Review completed in 1999. Review recommended repeal of the Act.	Legislation repealing Act passed in April 2000.
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.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Meat Hygiene Act 1994	PIR	Requires accreditation of meat processors. Requires meat inspectors and auditors to enter an agreement with the Minister.	Review completed in 2000. Review recommended extension to cover rabbit meat and retail within the scope of the Act.	A Bill incorporating amendments based on the review recommendations will be introduced in 2004.
Medical Practitioners Act 1983	HS	Restrictions on entry, registration, title, practice, advertising, business, and disciplinary provisions.	Review completed in 1999. Review recommended removing ownership restrictions, registering medical students, requiring declaration of commercial interests and requiring practitioners to have professional indemnity insurance.	New legislation introduced in May 2001. The Bill lapsed following the announcement of the State election. After consultation, a new Bill will be introduced to Parliament in early 2004.
Mines And Works Inspection Act 1920	PIR	Mine inspector may order the cessation of mining.	Review completed in December 2002.	The Act will be repealed following amendments to the Mining Act.
Mining Act 1971	PIR	Mining prohibited without licence. Term of exploration licences - 5 years. Term of extraction (mining) licences - 21 years (renewable).	Review completed in December 2002.	
Motor Accident Commission Act 1992	T&F	No restrictions on competition - restrictions contained under Part 4 of the Motor Vehicles Act.	See the Motor Vehicles Act 1959.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicles Act 1959	TUP	Barrier to market entry and restricts market conduct. Mandatory insurance, monopoly insurer, 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. 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. Minor legislative amendments with respect to Compulsory Third Party (CTP) insurance were passed in October 2002. The Government is considering the review recommendations regarding tow truck operators and motor driving instructors. Consultation with the tow truck industry and key stakeholder groups commenced in January 2004.
National Electricity (South Australia) Act 1996	T&F	Restricts market entry and market conduct.	Review completed in September 2000. Review process involved consultation with other jurisdictions. No reforms recommended as sole object is to implement a national electricity market.	
National Parks and Wildlife Act 1972	EH	Restricts market conduct.	Review completed in December 1999. recommending minor procedural reforms.	Reforms introduced via the National Parks and Wildlife (Miscellaneous) Amendment Act 2000 (in operation 24 August 2000).
Native Vegetation Act 1991	EH	Restricts market conduct.	Review completed December 1999. Public consultation. Reform recommended.	Reform implemented by the passage through Parliament in late 2002 of the Native Vegetation (Miscellaneous) Amendment Bill 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Natural Gas (Interim Supply) Act 1985	PIR		Review completed in 1997. Review recommended repeal of certain parts of the legislation restricting the use and production of gas amongst other things. Balance of Act can be repealed by proclamation.	Key restrictions repealed 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. Review recommended no reform.	
Nurses Act 1984	HS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1998. The Review 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.
Nurses Act 1999	HS	Restrictions on entry, registration, title, practice, and disciplinary provisions.	New legislation (see the Nurses Act 1984).	New legislation passed in line with recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Occupational Health Safety and Welfare Act 1986	J	Restricts market competition.	Review completed in November 2000. Involved public consultation.	The Government considering the review recommendations. A legislative review of the Occupational Health, Safety and Welfare Act 1986 has recently been completed and a final report with recommendations has been prepared and submitted to Government. It is not appropriate to proceed with the NCP review of this Act until the outcomes of the legislative review have been finalised.
Occupational Therapists Act 1974	HS	Restrictions on entry, registration, title, and disciplinary provisions.	Review completed in 1999. Review recommended maintaining registration requirements.	The Government is consulting publicly on a draft Bill which it expects to introduce to Parliament in 2004.
Opal Mining Act 1995	PIR	Mining for precious stones without authority prohibited. Term of exploration permits - 1 year. Term of extraction permit - 3 months renewable for 12 months.	Review completed in December 2002.	
Optometrists Act 1920	HS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in April 1999. Review recommendations include extending coverage to include optical dispensers, removal of restriction on training providers and the introduction of a code of conduct.	A Cabinet submission seeking approval for the recommendations and approval to draft amendments has been prepared. The Government expects to introduce the amending Bill to Parliament in 2004.
Outback Areas Community Development Trust Act 1978	TUP	Restricts market conduct.	Review completed. Crown Solicitor's Office found no restrictions to 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>
Passenger Transport Act 1994	TUP	Restrictions on taxi licence numbers (free entry to hire car market).	Review completed in November 1999 and released November 2000. Review recommended: <ul style="list-style-type: none"> retention of existing restrictions (the Act limits the number of new general taxi licences that the Passenger Transport Board can issue in a particular year to 50, although none has been issued); and reliance on competition from hire cars, with removal of some restrictions. 	The Government is considering the review.
Pastoral Land Management and Conservation Act 1989	PIR	Restricts market conduct.	Review completed in December 1999. Review identified no major issues but recommended that the Government review and develop a policy on access arrangements to pastoral lands. A significant paper on public access to pastoral lands is in the final stages of preparation.	Public Access Strategy Scoping Study Report (Katnich Report) released in May 2002. Endorsed by the Pastoral Board. Minister Hill opened 10 new Public Access Routes on pastoral leases in July 2002. The Pastoralist Public Access Working Group has finalised protocols for members of the public to seek consent to access pastoral leases and provide guidelines to pastoralists on how deal with enquiries.
Petroleum (Submerged Lands) Act 1982	PIR	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	The Government is awaiting the introduction of amendments by the Australian Government before amending its own 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.	Reviewed 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 completed mid-2001. Review found the Act created a barrier to entry that protected industry participants without a net public benefit.	The Government is drafting legislation to phase out the restrictions by June 2004.
Pharmacists Act 1991	HS	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing and disciplinary provisions.	<p>National review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.</p> <p>CoAG referred the national review to a senior officials working group, which recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies).</p>	South Australia is considering the recommendations of the CoAG senior officials working party.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Phylloxera and Grape Industry Act 1995	PIR	Restricts market conduct.	Review completed in June 2000. Review recommended no reform.	
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 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 in August 2000. Consultation has been completed and the draft Bill was released for public consultation in 2003. The bill will be released to Parliament in the first half of 2004.
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), the reservation of practice (for plumbing: water, sanitary or draining work or the installing or testing of backflow prevention devices), and disciplinary processes.	NCP review completed in February 2003. Review recommended retaining the present licensing and registration regimes for plumbing, gas fitting and electrical contractors and workers. The conclusion of the review was that continued regulation under the Act is justified because the benefit from protecting of public health and safety, and against consumer loss, is perceived to exceed the costs of regulation. The review considered alternative forms of regulation, including reliance on the common law, general consumer protection legislation, the insurance market and negative licensing, but none was considered to be a satisfactory option.	The review identified certain trivial restrictions on competition and proposed amendments, but these are not required changes for Competition Principles Agreement (CPA) clause 5 compliance. The review report is with the Minister for consideration. If Cabinet endorses the reform recommendations then a Bill to implement the change is expected to be drafted and introduced to Parliament.

<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 and under an agreement approved by the industry committee.	Review completed in 1994. Review recommended that producers seek Australian Competition and Consumer Commission (ACCC) authorisation for collective bargaining with each processor, and that the Government repeal the Act.	Act repealed in July 2003 by the Chicken Meat Industry Act 2002 (see separate reference). The new Act introduced two key new restrictions: <ul style="list-style-type: none"> • compulsory arbitration of disputes arising in negotiation of growing agreements; and • compulsory mediation and arbitration of disputes arising over failure by processor to offer grower a new growing agreement.
Prevention of Cruelty to Animals Act 1985	EH	Requires licences for teaching and research involving animals.	Review completed in 1999. Public consultation. 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. Review recommended the removal of a number of restrictive provisions but retains 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 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.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public & Environmental Health Act 1987	HS	Restricts market conduct.	Review completed. Review identified qualifications for authorised officers as an intermediate restriction, particularly as the qualifications approved administratively only includes 1 current SA course.	The Minister endorsed the review. The requirement for qualifications for authorised officers will be addressed in a broad review of the Act. A consultation draft Bill is scheduled for 2003. Discussions are occurring with educational bodies and the professional organization on alternative courses for approval.
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 National Competition Policy and competitive neutrality principles.	Review completed in 1998. Review found that there was a net public benefit and no reforms were recommended.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Trustee Act 1995	J	Statutory powers and duties not applicable to private trustees.	Review completed in August 2000. Involved public consultation.	A Bill was introduced into Parliament and was before the Legislative Council in December 2001 when Parliament was prorogued on the calling of the last election. The review was based on the structural elements of the former Government's corporatisation proposal. The Government has decided not to adopt the corporatisation proposal. A report is being written to identify restrictions on competition in the present Act that were identified in the previous review and those not examined because the earlier review was limited to the now rejected structural model.
Racing Act 1976	EH	Barrier to market entry and restrictions on market conduct.	Review completed in January 2000.	Act repealed and replaced by the Authorised Betting Operations Act 2000. This Act is included in the omnibus review of gambling legislation.
Radiation Protection and Control Act 1982 Ionizing Radiation Regulations 2000 Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991	HS	Creates barrier to market entry and restricts market conduct.	National review completed, with 19 recommendations (including to make provision for protection of the environment, make legislative coverage of non-ionising radiation, allow certification of third party (non-government) inspectors for x ray machines testing). The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) consulted with jurisdictions on the recommendations. A desktop review of provisions unique to the SA legislation (particularly regarding uranium mining) is in progress.	AHMAC accepted the recommendations and an implementation plan. SA will adopt the recommendations according to timetable in implementation plan.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Road Traffic Act 1961	TUP	Barrier to market entry and restricts market conduct.	Desktop review under way.	National legislation implemented.
Roxby Downs (Indenture Ratification) Act 1982	PIR	Authorises behaviour contrary to TPA.	Desktop review completed in May 2000. It found no more than trivial restrictions on competition and recommended no reform.	
Rural Industry Adjustment (Ratification of Agreement) Act 1990	PIR		Review completed in December 1998. Review recommended 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. Review recommended no reform.	
Rural Industry Assistance Act 1985	PIR		Review completed in March 1999. Review recommended repeal of the Act.	Legislation passed in April 2000 to repeal the Act.
SA Ports (Disposal of Maritime Assets) Act 2001	AIS			New legislation.
Sandalwood Act 1930	EH	Caps the quantity of naturally-occurring sandalwood harvested from Crown and private land. Licensing the harvesting of sandalwood. Individual licences capped at 10 per cent of the total limit	Reviewed 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 any one shareholder from having more than a 15 per cent shareholding in Santos Limited.	In September 2000 the Government announced an independent review of the Act. On 11 July 2001, the Government announced that it had considered the findings of the independent review and resolved to make no change to the Act.	The benefits of the restrictions outweighed the costs and the objectives of the legislation could be achieved only through restrictions on competition. The main reason is the importance to South Australia of gas supply from the Cooper Basin where Santos has a majority interest in the production of gas.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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), the 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. Recommendation for audits; entitlement criteria for licensing distinction between summary and indictable offences for dishonesty.	Amendments passed by Parliament in October 2001.
Security and Investigation Agents Act 1995	J	Barrier to market entry (private inquiry agents, security providers), market conduct.	Report completed in January 2003. Review supported retention of licensing and other minor changes that do not impact on competition.	Act retained without reform.
Seeds Act 1979	PIR	Restricts market conduct.	Review completed, recommending no reform.	
Shearers Accommodation Act 1975	J	Restricts market conduct.	Review completed in March 1999. Involved public consultation.	Act repealed in 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 by large stores 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. From October 2003, Sunday trading (between restricted hours) is extended to suburban areas and larger stores may trade until 9 p.m. on weeknights.
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. Review recommended no NCP-related reforms.	
South Australian Film Corporation Act 1972	TUP	Restricts market conduct in granting sole and exclusive right to produce Government films.	Review completed in February 2000. Involved public consultation. 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. Final report awaiting outcome of Health Complaints Bill introduced into Parliament 29 March 2001, then lapsed. Health and Community Services Complaints Bill introduced into Parliament in July 2002.	Amendments to the Act will be undertaken following the passage of the Health and Community Services Complaints Bill, and the outcomes of the Generational Health Review.
South Australian Housing Trust Act 1995	HS	Restricts market conduct.	Review completed in 1999. No reform recommended.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
South Australian Motor Sport Act 1984 (formerly the Australian Formula One Grand Prix Act 1984)	P&C	The Board is not subject to the same laws as private sector competitors.	Review under way.	
South Australian Museum Act 1976	TUP	Restricts market conduct in relation to meteorites.	Desktop review completed in May 1997. No reform recommended.	
South Australian Ports Corporation Act 1994	T&F	Restricts market conduct and market entry.	Divestment of Ports Corporation occurred in November 2001. The South Australian Ports (Disposal of Maritime Assets) Act 2000 includes a provision to enable the Governor to repeal the SA Ports Corporation Act 1994.	Parliament passed legislation for the lease/sale of the corporation in December 2000. The corporation was sold in November 2001. The Act was repealed on 5 September 2002.
Southern State Superannuation Act 1994	T&F	Limits on choice of funds.	Desktop NCP review. A full NCP review has not been conducted. Restrictions considered by SA to be trivial. No reform recommended.	Act retained without reform.
Starr-Bowkett Societies Act 1975	J		Identified at national level.	Payments through these societies now completed. Last Starr-Bowkett Society recently deregistered. The repeal Bill was passed in 2003. Prohibition on Starr-Bowkett Societies to be relocated into Fair Trading Act. Restriction has little impact and justified on basis of net public benefit.
State Clothing Corporation Act 1977	AIS	Protects sheltered workshops.	Review completed.	Corporation sold in 1995-96. The Act was amended to repeal most of original Act including all reference to sheltered workshops.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
State Lotteries Act 1966	AIS	Restricts market conduct.	<p>Part of the omnibus review completed in 2003. Review recommended retaining the effective exclusivity of the Lotteries Commission's licence because exclusivity:</p> <ul style="list-style-type: none"> • ensures a wide distribution network that includes regional South Australia; • provides for the highest probity standards; • maximises the revenue available to the community; and • provides low lottery entry costs compared with those in the ACT where there is competition between lottery suppliers. 	The Government accepted that revoking exclusivity would not be in the public interest.
State Supply Act 1985	AIS	Provides for the State Supply Board to control or guide the acquisition of goods and services by the Government.	Review completed in May 2001. Review Panel comprised representatives of the Departments of Administrative and Information Services and Premier and Cabinet.	
Stock Act 1990	PIR	Barrier to market entry and restricts market conduct.	Review completed in 1996.	Act repealed by the Livestock Act 1997.
Stock Foods Act 1941	PIR	<p>Requires stock foods to be sold with label or certificate specifying chemical analysis.</p> <p>Prohibits feeding seed grain to stock.</p>	See the Agricultural Chemicals Act 1955.	See the Agricultural Chemicals Act 1955.
Stock Medicines Act 1939	PIR	Requires stock medicines to be registered.	See the Agricultural Chemicals Act 1955.	See the Agricultural Chemicals Act 1955.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stony Point (Liquids Project) Ratification Act 1981	PIR	Authorises behaviour contrary to TPA.	Review completed in 2000. No reform recommended. Final review forwarded to Council in January 2002.	No reform is planned. Many of the objects of the Act have now been achieved. The review concluded that given that many of the benefits to the producers constituted past or historic benefits, there was no significant continuing effect that would amount to a restriction on competition. No reform was recommended.
Supported Residential Facilities Act 1992	HS	Barrier to market entry and restricts market conduct.	Review completed in 1998. No reform recommended.	Act retained without reform.
Survey Act 1992	AIS	Licensing, registration, entry requirements (education, experience, fit and proper), the reservation of title (and derivatives), the reservation of practice, disciplinary processes, business conduct (including ownership restrictions), and business licensing.	Review completed in 1999 and the report released in 2002. Review recommended removing restrictions on companies and partnerships, and adding new provisions to make it an offence for any person to exert undue influence over a licensed surveyor to provide a service in an inappropriate or unprofessional manner.	A draft Bill containing these reforms was prepared for introduction to Parliament in 2003. The Government has not yet introduced the Bill.
Swine Compensation Act 1936	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed. Review recommended repeal.	Act repealed by Schedule 2 of the Livestock Act 1997 and replaced by regulations under that Act 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 which was subject to a clause 5(5) review.
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.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Measurement Act 1993	J	Restricts market conduct.	National review under way. The review committee's final report will be presented to MCCA in late 2003 or early 2004.	
Trade Measurement Administration Act 1993	J		National review under way.	
Trade Standards Act 1979	J	Restricts market conduct.	Review completed. No reforms recommended.	The Government endorsed the review recommendations. Act retained without reform.
Travel Agents Act 1986	J	Licensing and compulsory consumer compensation fund.	Part of national review of travel agent legislation, 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 that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but consider establishing a risk-based premium structure and making prudential reporting arrangements more equitable. It recommended that each participating jurisdiction review and amend its entry qualifications to ensure uniformity.	SA is implementing the recommendations arising from the national review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Companies Act 1988	J		<p>Reviewed under the SCAG, Parliamentary Counsel Committee with NSW as lead agency.</p> <p>National group released a discussion paper predicated on the assumption that there would be a national model Bill and that Australian Prudential Regulatory Authority (APRA) would supervise all trustee companies. A Report on 'next steps' and on the discussion paper outcomes was presented to SCAG in March 2002. However, the review was waiting on a reply from the Prime Minister relating to the Australian Government's position on APRA being the regulator. This was delayed, apparently pending consideration of the HIH Royal Commission's Report. The Australian Government wrote to Ministers in early 2003 saying that APRA is no longer available as a supervisor for trustee companies.</p>	SCAG is still to decide on the exact nature of the model Bill.
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 present form.	Act retained without reform.
University of Adelaide Act 1971		No restrictions on competition	Review not required.	Act retained without reform.
University of South Australia Act 1990		No restrictions on competition	Review not required.	Act retained without reform.

<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.	New legislation is before Parliament.
Vocational Education, Employment and Training Act 1994	FEEST	Registers training providers and accredits training courses.	Review completed in April 2000. Review concluded that public benefits of restrictions outweigh costs.	Act retained without reform.
War Service Land Settlement Agreement Act 1945	EH	Restricts market conduct.	Review completed in December 1999. Involved public consultation. No NCP reform recommended.	Act retained without reform.
Wheat Marketing Act 1989	PIR	Imports Australian Government Act into State jurisdiction, and imposes a levy on wheat sales to fund grain research and the Grain Section of the South Australian Farmers Federation.	Desktop review completed. Review recommended no change.	
White Phosphorus Matches Prohibition Act 1915	J	Barrier to market entry and restricts market conduct.	Review completed in April 1999.	Statutes Law Revision Bill 2003 introduced into the House of Assembly on 23 May 2003. Includes repeal of the Act.
Wilderness Protection Act 1992	EH	Restricts market conduct.	Review completed in December 1999. Review recommended no reform.	
Wine Grapes Industry Act 1991	PIR	Restricts market conduct — indicator price calculation, terms and conditions of payment, and excludes wine grapes processors who have not paid in full for fruit purchased in the immediately preceding vintage.	Review by KPMG completed in 1999 recommended repeal of the Act. Further review by officials recommended removal of indicator price provisions, and amendment to allow opt-out from regulation of terms and conditions of payment (and therefore the exclusion provision)	Alternatives to the exclusion provision, such as access to factoring finance, are being explored.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workers Rehabilitation and Compensation Act 1986	T&F	Mandatory insurance, monopoly insurer, and centralised premium setting.	An interagency NCP review completed in mid-2002. Review recommended minor changes to the Act. Review argued that statutory monopoly provision of workers compensation insurance has net public benefits.	The Government is considering the review in the context of two other reviews that it has recently received. One of these reviews relates to governance arrangements in the WorkCover Corporation, and the other to workers compensation and occupational health and safety systems.

8 Tasmania

Agency abbreviations

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

DE	Department of Education
DED	Department of Economic Development
DHHS	Department of Health and Human Services
DIER	Department of Infrastructure, Energy and Resources
DOJIR	Department of Justice and Industrial Relations
DOPPS	Department of Police and Public Safety
DPAC	Department of Premier and Cabinet
DPIWE	Department of Primary Industries, Water and Environment
DTPHA	Department of Tourism, Parks, Heritage and Arts
EMB	Egg Marketing Board
FPB	Forest Practices Board
FT	Forestry Tasmania
HEC	Hydro-Electric Corporation (Hydro Tasmania)
IFC	Inland Fisheries Services
LC	Legislative Council
LGD	Local Government Division
MAIB	Motor Accidents Insurance Board
OCAFT	Office of Consumer Affairs and Fair Trading
PAHSMA	Port Arthur Historic Site Management Authority

RBFB	Retirement Benefits Funds Board
T&F	Department of Treasury and Finance
TAO	Tasmanian Audit Office
TDIA	The Tasmanian Dairy Industry Authority
TGEB	Tasmanian Grain Elevators Board
TRA	Tasmanian Racing Authority

Legislation review: Tasmania

Updated to February 2004

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Adoption Act 1988	DHHS	Business licensing, and service standards.	Minor review completed in 1998. Restrictive provisions justified as being in the public benefit.	Licensing restrictions were retained in order to protect against trafficking in children.
Agricultural and Veterinary Chemicals (Control of Use) Act 1995	DPIWE	Prohibits use of chemicals unless registered under Code. Licenses spray contractors. Requires approval of indemnity insurance.	National review completed in 1999.	The recommendations from the national NCP review of the Agricultural and Veterinary Chemicals (Control of Use) Act 1995 were incorporated into the Agricultural and Veterinary Chemicals (Control of Use) Amendment Act 2003. The amendment Act received Royal Assent on 9 May 2003.
Agricultural and Veterinary Chemicals (Tasmania) Act 1994	DPIWE	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994). Amendments to the Agvet Code at Commonwealth level incorporating the major recommendations of the review will automatically be adopted in Tasmania.	See the Australian Government Agricultural and Veterinary Chemicals Code Act 1994.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Air Navigation Act 1937	DIER	The Act applies Australian Government legislation to Tasmania with regard to air-traffic rules and the regulation of aerodromes.	Productivity Commission (PC) review of the International Air Services Agreement completed in 1998. This Act adopts by reference regulations made under the Commonwealth's <i>Air Navigation Act 1920</i> and applies them to air navigation and aircraft within the jurisdiction of the State of Tasmania. The Act was enacted following agreement between the Commonwealth and the States that there should be uniform rules throughout the Commonwealth applying to air navigation and aircraft.	The Australian Government issued a statement on international aviation policy in June 1999.
Alcohol and Drug Dependency Act 1968	DHHS	Scheduling restrictions on the labelling, packaging and advertising of listed substances, and to whom a product may be sold and under what conditions. Licensing restrictions on the handling, storage and reporting requirements of controlled substances for wholesalers and retailers.	The Galbally Review of Drugs, Poisons and Controlled Substances issued a final report in January 2001 which concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. The report found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas. The final report was presented to the Australian Health Ministers Conference (AHMC) in early 2001. An Australian Health Ministers Advisory Committee (AHMAC) working party is examining the report and (with input from the Primary Industries Ministerial Council) providing recommendations to the Council of Australian Governments (CoAG).	The AHMC referred the review report to AHMAC to develop a draft response, in consultation with the Primary Industries Ministerial Council. AHMAC endorsed the draft response. Amending legislation is scheduled for introduction into Parliament in the Spring 2004 session, in line with COAG's decision that the outcomes of the national review should be implemented within 12 months from December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aluminium Industry Act 1960	T&F	Provides a company with a low interest loan, directs them to increase production capacity and restricts their ability to sell assets for a specified time period.		Act repealed by the Legislation Repeal Act 1998.
Ambulance Service Act 1982	DHHS	Restrictions relate to the requirement to obtain approval to operate a private ambulance service, and the level of fees that may be charged by 'approved' ambulance services.	Minor review completed in 1997. Restrictive provisions justified as being in the public benefit.	Act retained without reform.
Animal (Brands and Movement) Act 1984	DPIWE	Imposes an obligation on all persons with cattle or sheep to brand them with registered earmarks. Pigs cannot be sold unless they are branded with a registered body tattoo.	Review completed. Review recommended that compulsory earmarking of cattle or sheep be removed. Following a reassessment of this recommendation by DPIWE, in the light of world events, these provisions were found to be in the 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>
Animal Farming (Registration) Act 1994	DPIWE	Requires the registration of farmers of emus and fallow deer.	<p>Review completed in 1999. Review recommended sunseting of deer farmer registration after three years subject to:</p> <ul style="list-style-type: none"> the Parks and Wildlife Service developing new regulations to minimise the spread of deer into new areas of the State; and implementing permanent identification for farmed deer. <p>Subsequent investigation of permanent identification systems reveals that no suitable system is available. The Government has consequently decided to extend registration until February 2005 by which time a further review will have been completed.</p>	The Government considers that in Tasmania the deer farming industry is small and is a commercial option for very few operators. It agreed to re-examine the mechanisms available to regulate deer farming before February 2005.
Animal Health Act 1995	DPIWE	Requires a licence for commercial artificial breeding. Enables the Minister to prohibit or restrict the movement of any animals into Tasmania from any other State. Protection of animal resources from the introduction of a disease, organism, variety or disorder.	Minor review completed. Review recommended the removal of certain restrictions on artificial breeding and the requirement to advise the Chief Veterinary Officer of the conduct of artificial breeding businesses or training in artificial breeding programs.	Review recommendations implemented through the Animal Health Amendment Act 2001 that was assessed under the legislation review program (LRP) gatekeeper requirements.
Animal Welfare Act 1993	DPIWE	Prohibits persons from carrying out animal research unless it is carried out by an institution licensed under the Act.	Minor review completed. Review recommended retaining the licensing of institutions engaging in animal research. No reform recommended.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Apiaries Act 1978	DPIWE	Requires bee-keepers to be registered. Provides that the Governor may by order declare that only certain bees can be brought into or kept in a certain area.	Review completed, recommending repeal of the Act.	Act repealed by the Legislation Repeal Act 2001.
Apple and Pear Industry (Crop Insurance) Act 1982	DPIWE	Provides that growers must apply to the Fruit Crop Insurance Board for a crop insurance policy and pay the premium as gazetted.	Review completed. It recommended abolishing compulsory insurance for the apple and pear industry and repealing the Act.	An Act to provide for the repeal of this Act and the winding up of the scheme was passed by Parliament in November 1999. The insurance scheme was abolished on 30 June 2000 and the remaining provisions repealed in March 2001 upon satisfaction of all claims.
Architects Act 1929	DPAC	Registration, entry requirements, reservation of title, disciplinary processes, business restrictions, and business licensing.	National review conducted by the PC completed in August 2000 (publicly released November 2000). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions.	All of the recommendations arising from the review of the Act have been incorporated in the amendments to the Building Act 2000 and the Building (Consequential Amendments) Act 2003, the latter of which amends the Architects Act 1929 to provide for a broad role in the accreditation of architects under the Building Act. The Board of Architects Tasmania is a member of the Architects Accreditation Council of Australia, which supports the National Program of Assessment certification system for architects.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Auctioneers and Real Estate Agents Act 1991	DOJIR OCAFT	Auctioneers: licensing, registration, entry requirements (sufficient knowledge, fit and proper person), and business conduct (no misrepresentation, no bids by owners or collusion at auctions).	Review completed. Draft review report released for consultation. It found that there is no need to license general auctioneers, but that they should be subject to general trust accounting and record management requirements. The review also recommended that the power of the Auctioneers and Real Estate Agents Council to regulate the industry should be transferred to the Director of Consumer Affairs and Fair Trading. Real estate agents, as individuals responsible for services relating to the sale, purchase, lease and management of properties and businesses, will continue to be licensed.	Act to be repealed and replaced by new legislation in the autumn 2004 session to implement the recommended reforms. .
Australia and New Zealand Banking Group Act 1970	DOJIR	Market entry.		Act repealed by the Legislation Repeal Act 2000.
Bank Holidays Act 1919	DIER	Restricts bank trading days.	Review not required. Removed from the LRP.	Act substantially amended to remove all anticompetitive provisions and those that impact on business.
Bank of Adelaide (Merger) Act 1980	DOJIR	Market entry.		Act repealed by the Legislation Repeal Act 2000.
Ben Lomond Skifield Management Authority Act 1995	DPIWE	Imposes restrictions on commercial operations in the Ben Lomond Skifield area.	Minor review completed. Restrictive provisions assessed as being in the public benefit as part of the review of the National Parks and Wildlife Act 1970.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Biological Control Act 1986	DPIWE	Makes provision for the biological control of pests in Tasmania. Complementary to Australian Government legislation. Act does not restrict competition. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.	Deleted from review schedule as the CoAG Committee on Regulatory Reform (CRR) determined that the legislation has no anticompetitive impacts.	No reform required.
Botanical Gardens Act 1950	DPIWE	Bylaws impose restrictions on commercial operations in the Botanical Gardens.	Review not required.	Restrictive by-laws made under the Act have been replaced by by-laws that do not restrict competition.
Building Act 2000	DIER	Mandatory accreditation, entry requirements (including continuing professional development), the reservation of practice, disciplinary processes, business conduct (insurance).	New legislation. The regulatory impact statement (RIS) on the Building Bill 1999 was released in August 1999. The Act provides a framework for regulation of the building industry and details of the framework are being developed in consultation with the building industry.	Act received Royal Assent in December 2000, and commenced on 1 January 2003, following the completion of industry consultation. The new legislation has been assessed under the LRP gatekeeper requirements.
Building and Construction Industry Training Fund Act 1990	DE	Mandatory accreditation, entry requirements (including continuing professional development), the reservation of practice, disciplinary processes, business conduct (insurance).	Minor review completed.	Act to be amended in the Budget 2004 session and will be assessed in accordance with the Government's Legislation Review Program.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Burnie to Waratah Railway Act 1939	DIER	Provides a particular company with a competitive advantage by giving them the authority to operate and maintain a railway (some on private land, the rest on Crown Land lease).	Review deferred pending proclamation of the Rail Safety Act 1997, because its safety and access provisions would negate the need for the 1939 Act. The Rail Safety Act was proclaimed. The Tasmanian Solicitor-General advised the Government that there is no need to repeal the 1939 Act because it guarantees third party access and does not contain any restrictions on competition.	Following the Solicitor-General's advice, the Government retained this Act unamended.
Business Names Act 1962	DOJIR OCAFT	No person running a business may use a business name unless it is registered. Restrictions relate to business name registration, and are uniform across the country.	Minor review completed. Restrictive provisions justified as being in the public benefit.	
Casino Company Control Act 1973	T&F	Restricts market entry. A casino licence can only be issued to a company specified in the Act. Prohibits the use of 'casino' in any business name unless they are in possession of a casino licence. Restricts ownership and control of casinos by foreign individuals and companies.		Act repealed by the Legislation Repeal Act 2000.
Child Care Act 1960	DE	Licensing.		Provisions of this Act replaced Part 6 of the Child Welfare Act 1960 when the new Children, Young Persons and their Families Act was proclaimed in July 2000. Section 78 of the Child Care Act 2001, which repeals the Child Care Act 1960, commenced on 1 September 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Child Welfare Act 1960	DE	Imposes licences for childcare operators and their premises, including restrictions on the number of children in care and the setting of premise standards. Sets standards for home-based care.		When the Children, Young Persons and their Families Act was proclaimed in July 2000, one of its effects was to replace Part 6 of the Child Welfare Act 1960 with provisions within the Child Care Act 1960. The Child Care Act 2000 has in turn taken the place of that Child Care Act except in relation to boarding homes and day nurseries.
Chiropractors and Osteopaths Act 1997	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	New legislation assessed under the Competition Principles Agreement (CPA) clause 5(5). Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer.	Act replaced the Chiropractors Registration Act 1982.
Chiropractors Registration Act 1982	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1997.	Act repealed and replaced by the Chiropractors and Osteopaths Registration Act 1997.
Christ College Act 1926	DE	Provides for three schools and two trusts to be combined. It is effectively the constitution of the organisation. Provides a possible advantage not given to other schools.	Review not required. Act does not restrict competition <i>per se</i> .	This Act is to be removed from the LRP.
Classification (Publications, Films and Computer Games) Enforcement Act 1995	DOJIR OCAFT	This Act is national legislation that prohibits the sale, hire, exhibition and production of certain materials and introduces a classification system for certain materials.	Minor review completed. Restrictive provisions justified as being in the 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>
Commercial and Inquiry Agents Act 1974	DOJIR OCAFT	Licensing (commercial agents, commercial sub-agents, inquiry agents, process servers, security agents, security guards), entry requirements (suitable person, not convicted of an offence of dishonesty within past five years, financial reputation), the reservation of practice, disciplinary processes, business conduct (trust accounts, maintain records, audits).	Review completed. Public consultation involved issues paper, draft report and submissions. Draft report recommended maintaining most restrictions, but removing licensing requirements for process servers, making minor changes to entry requirements, retaining option of imposing education requirements, and moving responsibility for the granting, renewal, variation or refusal of a licence to the Commissioner for Corporate Affairs.	The Security and Investigations Agents Act 2002 repeals the Act.
Commercial Bank of Australia Limited (Merger) Act 1982	DOJIR	Market entry.		Act repealed by the Legislation Repeal Act 2000.
Commercial Banking Company of Sydney Limited (Merger) Act 1982	DOJIR	Market entry.	Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Act repealed by the Legislation Repeal Act 2000.
Companies (Acquisition of Shares) (Application of Laws) Act 1981	DOJIR		Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.
Companies (Acquisition of Shares) (Tasmania) Code	DOJIR		Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Companies (Application of Laws) Act 1982	DOJIR		Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.
Companies (Tasmania) Code	DOJIR		Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.
Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981	DOJIR		Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.
Companies and Securities (Interpretation and Miscellaneous Provisions) (Tasmania) Code	DOJIR		Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.
Companies and Securities (Miscellaneous Amendments) Act (No. 2) 1982	DOJIR		Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.
Companies and Securities Legislation (Miscellaneous Amendments) Act 1982	DOJIR		Review not required. Act does not restrict competition per se. They have no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Companies Auditors and Liquidators Disciplinary Board Act 1982	DOJIR		Review not required. Act does not restrict competition per se. They have no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.
Construction Industry (Long Service) Act 1997	DIER		The restriction on competition in this Act has been subject to a minor assessment and has been justified as being in the public benefit.	Act retained without reform.
Consumer Credit (Tasmania) Act 1996	DOJIR		National review completed. Review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. The review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs (MCCA) endorsed the final report in 2002 and referred it to the Uniform Credit Code Management Committee which is facilitating the resolution of some issues.	The Consumer Credit (Tasmania) Amendment Act 2003 was passed to address the application of the Consumer Credit (Tasmania) Code to the sale of goods by instalment and the charging of a particular fee. The Statutory Rule (Proclamation) No. 18 of 2003 implements the recommendations regarding the mandatory provision of comparison rates in advertisements for consumer credit. The remaining issues arising from the National Competition Policy (NCP) review of the Uniform Credit Code are still under discussion by the Uniform Credit Code Management Committee, awaiting final agreement on the drafting of the amendment provisions. Any further changes will be subsequently considered by the Government.
Co-operative Housing Societies Act 1963	T&F	Business licensing, and naming and conduct.	Review not required. Act does not restrict competition per se.	This Act was repealed by the Legislation Repeal Act 2003.
Co-operative Industrial Societies Act 1928	DOJIR	Registration, and conduct.		Act repealed by the Co-operatives Act 1999, that commenced in May 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Corporations (Tasmania) Act 1990	DOJIR	Applies Australian Government Corporations Law within Tasmania.		A package of Tasmanian legislation was passed in 2001 as a result of the new Australian Government Corporations Act 2001. The Australian Government Office of Regulation Review assessed that no RIS was necessary.
Cremation Act 1934	DPAC	Licences crematoriums, reserves cremation to licensees, and methods of practise.	Minor review completed.	Following the commencement of a minor review, a decision was made to repeal and replace this Act with new legislation to include matters related to burials. The Burial and Cremation Act 2002 was proclaimed on 21 June 2002.
Criminal Code Act 1924	DOPPS	Scheduling restrictions on the labelling, packaging and advertising of listed substances, and to whom a product may be sold and under what conditions. Licensing restrictions on the handling, storage and reporting requirements of controlled substances for wholesalers and retailers.	The Galbally Review of Drugs, Poisons and Controlled Substances issued a final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. The report found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas. The final report was presented to the AHMC in early 2001. An AHMAC working party is examining the report and (with input from the Primary Industries Ministerial Council) providing recommendations to CoAG.	See comments under the Alcohol and Drug Dependency Act 1968.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dairy Industry Act 1994	TDIA	Vesting of milk in Tasmanian Dairy Industry Authority. Farmgate price-setting for market milk. Pooling of market milk returns. Licensing of farmers, processors, manufacturers and vendors.	<p>The Dairy Industry Review Group concluded in July 1999. It recommended against immediate deregulation of price and supply restrictions in favour of reform over 5 years. The recommendation was conditional on the outcome of the Victorian dairy review and the proposed national adjustment package.</p> <p>In regard to food safety, a review recommended that the TDIA continue to maintain milk quality standards until such time as a national system for food safety is implemented.</p>	In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Tasmania passed the Dairy Amendment Act 2000 on 26 May 2000, deregulating the industry from 1 July 2000.
Dangerous Goods Act 1976	DIER	Requires the licensing of persons manufacturing dangerous goods. Persons may not possess dangerous goods without complying with certain requirements and premises must comply with prescribed requirements.		Act repealed and replaced by new dangerous goods legislation. The new legislation is based on the National Road Transport Commission's legislative model for transport of dangerous goods by road, which has been expanded to include the use, storage and handling of dangerous goods. The new legislation has been assessed under the LRP gatekeeper requirements.
Dangerous Goods Act 1998	DIER		New legislation. Review completed.	Conforms to national agreement. The new legislation is based on the National Road Transport Commission's legislative model for transport of dangerous goods by road, which has been expanded to include the use, storage and handling of dangerous goods. The new legislation has been assessed under the LRP gatekeeper requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Debits Tax Transfer Act 1990	T&F		Removed from the LRP.	
Dental Act 1982	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Clause 5(5) review completed in 2001.	Act repealed and replaced by the Dental Practitioner Act 2001 in April 2001. The new Act removed some restrictions on practice and all specific restrictions on advertising, and clarified that there are no restrictions on ownership, among other things.
Dental Practitioners Registration Act 2001	DHHS	Restrictions on entry, title, registration, practice, and disciplinary provisions.	Assessed under new legislation 'gatekeeping' arrangements.	Act replaces the Dental Act 1982, Dental Prosthetists Registration Act 1996 and the School Dental Therapy Act 1965, removing some restrictions on practice and all specific restrictions on advertising, and clarifying that there are no restrictions on ownership, among other things.
Dental Prosthetists Registration Act 1996	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Tasmania assessed the new Dental Practitioner Act 2001 under clause 5(5) of the CPA.	Tasmania passed a new Dental Practitioner Act 2001 in April 2001, removing some restrictions on practice and all specific restrictions on advertising, and clarifying that there are no restrictions on ownership.
Devonport Airport (Special Provisions) Act 1980	DIER	Provides for the granting of a lease or licence to use any part of the land, buildings or structures of the airport.		Act repealed by the Port Companies Act 1997.
Dog Control Act 1987	DPAC LGD	Prohibits kennels and the keeping of dogs for breeding purposes without a licence. Sets standards for dog breeders and imposes certain standards on all licensed kennels. Registration of dogs.	Review not required.	Act replaced by the Dog Control Act 2000 which received Royal Assent on 20 December 2000. New Act assessed under CPA clause 5(5).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Don River Tramway Act 1974	DIER	Provides a railway agreement giving a competitive advantage to a particular company, potentially acting to restrict competition. Gives the company authority to construct and operate a railway.	Review deferred pending proclamation of the Rail Safety Act 1997, because the safety and access provisions will negate the need for this Act.	Act repealed by the Legislation Repeal Act 2000.
Door to Door Trading Act 1986	DOJIR OCAFT	Defines a prescribed contract and prohibited contractual terms. Details information to be incorporated under prescribed contracts. Limits the hours in which a dealer may call.	Minor review completed. Restrictive provisions justified as being in the public interest.	Act retained without reform.
Education Act 1994	DE	Requires non-government schools to be registered.	Major review completed in December 2000. Review found the restrictions on competition were justified in the public benefit.	Act retained without reform.
Education Providers Registration (Overseas Students) Act 1991	DE	Requires providers of education to overseas students to be registered and enables conditions to be imposed on the conduct of registered education services.	Major review completed in December 2000. Review found the restrictions on competition were justified in the public benefit.	Act retained without reform.
Egg Industry Act 1988	DPIWE EMB	Licenses producers. Limits production via quotas. Vests ownership of second grade eggs in the egg marketing board.	Major review completed in July 1999. Review recommended removal of producer licensing, production quota, vesting and minimum quality standards.	The State Parliament passed a new Egg Industry Act 2002 that repeals the former Act and establishes a mandatory quality assurance scheme for producers with twenty or more hens. The quality assurance scheme provisions have been assessed in accordance with the gatekeeper arrangements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Consumption Levy Act 1986	T&F		Review not required.	Act repealed by the Hydro-Electric Corporation (Consequential and Miscellaneous Provisions) Act 1996.
Electricity Industry Safety and Administration Act 1997	DIER	Licensing, registration, entry requirements (qualification, experience, suitable person, fit and proper person, nominated manager of electrical contracting business: licence and either experience or completed course), reservation of practice, disciplinary processes, business conduct (electrical contractor to have insurance).	Review not required. The Government advised by the department that the restrictive provisions of this Act are in the public benefit and in accord with uniform legislation existing in other States.	Act retained without reform.
Electricity Supply Industry Act 1995	T&F	Requires licences for the generation, transmission, distribution or retailing of electricity. Can compel acceptance of conditions of a national electricity code and may impose restrictions on re-supply in contracts with very large users of electricity.	Government review completed in late 2001.	Review recommendations were either enacted or are redundant following passage of legislation enabling Tasmania's entry into the NEM.
Emu Bay Railway Act 1976	DIER	Provides a competitive advantage by releasing a particular company from obligations as a common carrier (Common Carrier Act). Provides that the company is not entitled to any of the rights or privileges of a common carrier.		Act replaced by the Rail Safety Act 1997 which has now been proclaimed. This Act was initially introduced without complying with the LRP. A subsequent Minor Assessment Statement was endorsed as complying with the LRP.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Environment Protection (Sea Dumping) Act 1987	DPIWE	Requires a permit to undertake waste dumping or incineration at sea. Essential provisions to prevent degradation of the environment.		Act repealed by the Legislation Repeal Act 2000.
Environmental Management and Pollution Control Act 1994	DPIWE	Requires a person carrying out a controlled activity to have authorisation and a TAFE certificate. Sets minimum standards for products in terms of air emissions. Restricts the importation of certain products. Essential provisions to prevent degradation of the environment.	Major review completed. All restrictions except one were found to be in the public benefit.	The Noise Regulations 1977, which contained the remaining restriction, were rescinded on 1 January 2004. The new Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004 will not contain restrictions of the type identified and will be subject to regulatory impact assessment.
Evidence Act 1910	DOJIR	Restricts court room employment of shorthand writers to those who have been examined and licensed.		This Act was repealed by the Evidence Act 2001 that was assessed under the LRP gatekeeper requirements as not restricting competition or having a significant negative impact on business. The new Act was proclaimed on 1 July 2002.
Fair Trading Act 1990	DOJIR OCAFT	Motor vehicle traders - mandatory code of practice covering business conduct (written contracts, warranty, complaints system, no deception, no false representation, no misleading advertising).	Minor review of the motor vehicle dealers code of practice completed in 1998. Justified in the public interest the restrictive provisions requiring manufacturers to provide warranties for motor vehicles and establishing a system for dealing with customer complaints.	The Government endorsed the review conclusion.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fertilisers Act 1993	DPIWE	Prohibits the sale of fertiliser unless the package has the prescribed label. Regulates the details to be included on the label. Sets standards for the composition of fertilisers.	Minor review completed. Review found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Financial Institutions Duty Act 1986	T&F		Removed from the LRP.	
Financial Management and Audit Act 1990	TAO	Requires the Auditor-General to be the auditor of the Treasurer, all Government Departments, statutory authorities and government business enterprises.	Minor review completed. The restrictions on competition arise from the Auditor General's power to audit all Government Departments and majority government-owned entities.	No legislative changes were required. However, administrative separation has been put in place between the Auditor General and the Tasmanian Audit Office, competitive tendering with the private sector has been increased to 27 per cent of total audit expenditure, and tender panels are formed to assess tender bids.
Fire Service Act 1979	SFC	The formation of private fire brigades and salvage corps is prohibited unless authorised by the Tasmanian Fire Service.	Minor review completed. The sole restriction on competition relating to the creation of salvage corps has been justified as being in the public benefit.	Act retained without reform.
Firearms Act 1996	DOPPS		Minor review completed. Restrictions on competition contained in the Act justified as being in the public benefit.	Act replaced the Guns Act 1991.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fisheries Act 1959	DPIWE IFC	Prohibits persons carrying out marine farming activities or fish processing without authorisation and/or licences. Requires licensing of private fisheries and restricts the methods and equipment for taking fish. Restricts the import of fish. Protection of a natural resource from unsustainable extraction and the introduction of a disease, organism, variety or disorder.		Act repealed in May 1996. Repealing Acts, the Inland Fisheries Act 1995, the Living Marine Resources Management Act 1995, and the Marine Farming Planning Act 1995, included on the LRP timetable.
Flammable Clothing Act 1973	DOJIR OCAFT	The requirement to mark or label prescribed clothing (children's nightwear) with the flammability of the garment.	Minor review completed. Restrictive provision justified as being in the public benefit.	Act retained without reform.
Florentine Valley Paper Industry Act 1935	FT	Authorises the granting of exclusive timber, water and transport rights to one company.	Review completed and recommended that the power to license water rights be attached to the Water Management Act.	Licensing of water rights transferred to the Water Management Act.
Food Act 1998 (replaced the Public Health Act 1962)	DHHS	Various food safety offences. Food to meet prescribed food standards. Registration of premises and vehicles. Licensing of food manufacturers and sellers.	National review completed in 2000 (see the NSW Food Act 1989).	All States and Territories agreed in November 2000 to adopt core provisions of the model food bill by November 2001. Tasmania will replace this Act with the yet to be proclaimed Food Act 2003, which is based on the Model Food Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Forest Practices Act 1985	FPB	<p>Requires preparation and certification of forest practices plan before timber harvesting can start.</p> <p>Declaration of private timber forests.</p> <p>Prescribes forest practices under Forest Practices Code.</p> <p>Operators harvesting more than 100 000 tonnes per annum must submit a 3 year plan for approval by Forest Practices Board.</p>	<p>Review by Forest Practices Advisory Council completed in 1998. Review recommended no changes to the Act because restrictive provisions were found to be in the public benefit.</p>	<p>Act retained without reform.</p>
Forestry Act 1920	FT	<p>Licensing of timber collection and of taking of other resources.</p> <p>Administrative discretion over how licences and produce are allocated and priced.</p> <p>Minimum supply of logs for veneer and sawmilling industries.</p> <p>Wood supply agreements to contain certain conditions.</p> <p>Permits to occupy and use State forest.</p> <p>Registration of timber workers.</p>	<p>Reviewed by an external consultant completed in 1998. Review noted that minimum supply restrictions are anticompetitive and recommended:</p> <ul style="list-style-type: none"> • simplifying the Act; and • removing certain conditions of wood supply agreements. <p>The minimum supply restrictions were found to be of public benefit during the process to establish a Regional Forest Agreement.</p>	<p>The Government removed all the restrictions other than the minimum supply levels, by way of the Forestry Amendment (Miscellaneous) Act 1999, which was assessed as complying with the requirements of the LRP.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Friendly Societies Act 1888	DOJIR	Requires friendly societies to be registered. Requires that two friendly societies conducting the business of a chemist must be within a distance of 11 km of the Hobart or Launceston GPO.		Act repealed and replaced by the Friendly Societies Code. The Code has also been repealed. Friendly Society legislation now falls under Australian Government jurisdiction.
Futures Industry (Application of Laws) Act 1987	DOJIR		Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.
Futures Industry (Tasmania) Code	DOJIR		Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it cannot be repealed yet.
Gaming Control Act 1993	T&F	Grants exclusive rights to specific companies to conduct casino operations and operate gaming machines in Tasmania. Requires gaming equipment to meet the approval of the Gaming Commission. Limitations on the availability of gaming to minors.	Minor review completed as part of a review of the State's gaming legislation. Review recommended that the Casino Company Control Act be repealed, that the Gaming Commission be given discretion to determine who was to be included on the roll of manufacturers and suppliers of gaming equipment and that the Commission be given greater discretion to approve a standard form of contract.	The Government agreed to the recommendations of the review group. The Casino Company Control Act was repealed in 2000 and the other two recommendations were implemented in June 2001. In 2003, the Government extended the exclusive licence to operate casinos and gaming machines to 2018.
Gas Franchises Act 1973	DIER	Grants franchise holders (Hobart and Launceston Gas Companies) exclusive rights to supply gas by reticulation or in bulk in their respective franchise areas.		Act repealed by the Gas Pipelines Access (Tasmania) Act 2000, which was assessed under the LRP gatekeeper requirements

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Goldamere Pty Ltd (Agreement) Act 1996	DED		Removed from the LRP.	
Goods (Trade Descriptions) Act 1971	DOJIR OCAFT	Requires labelling of footwear and textiles. Limits the materials that can be used in footwear and requires safety footwear to comply with Australian standards requirements.	Minor review completed. The key restrictive provision, the requirement for manufacturers to disclose the materials from which textile products are made, has been justified as being in the public benefit.	Restrictive provision relating to textile products retained. New regulations have been made which replace provisions regarding safety footwear.
Grain Reserve Act 1950	DPIWE TGEB	Exempts the Tasmanian Grain Elevators Board from Council rates and protects it from being sued.	Review completed.	Two anticompetitive sections of the Act repealed.
Guns Act 1991	DOPPS	Requires gun owners and firearm dealers to be licensed. Essential provisions to limit the availability of potentially dangerous goods such as guns.		Act repealed on 13 November 1996. The repealing Act, the Firearms Act 1996, was reviewed under the LRP and the restrictions were assessed as being in the public benefit.
Hairdressers' Registration Act 1975	DIER	Licensing, registration of hairdressers (hairdresser, master, principal), entry requirements, and business conduct (licensing of hairdressers' premises, premises compliance with prescribed requirements in relation to design, construction, furnishings and equipment).	An assessment of the legislation undertaken by the Department. Review recommended that the Act be repealed.	Act repealed by the Hairdressers Repeal Act 2002.
Henry Jones Limited (Huon Pine) Agreement Act 1978	FT	Ratifies an agreement allowing a company to cut and take a specific quantity of Huon Pine.		Act repealed by the Legislation Repeal Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hire-Purchase Act 1959	DOJIR OCAFT	Relates to hire purchase contracts taken out prior to introduction of Consumer Credit Code. Specifies the conditions of a legal hire-purchase agreement. It specifies the standards that must be met in writing a legal hire-purchase contract.	Review not required.	Act repealed by the Legislation Repeal Act 2000.
Historic Cultural Heritage Act 1995	DTPHA	Places restrictions on building work on places of historic heritage significance that may affect historic cultural heritage.	Review, in conjunction with the Land Use Planning and Approvals Act 1993, completed.	A draft Bill will be prepared with the intention of introducing amending legislation into Parliament in late 2004. During consultation with Local Government, a number of serious concerns were raised with the draft, requiring significant further work.
HIV/AIDS Preventative Measures Act 1993	DHHS	Provides for the approval of health care workers, restricts the manufacture and sale of HIV testing kits. Sets guidelines on medical and surgical procedures.	Minor review completed in 1998. Review justified the restrictive provisions as being in the public benefit. The restrictions relate to the licensing/approvals involved in areas associated with testing, counselling and treatment of AIDS sufferers.	Act retained without reform.
Hobart Bridge Act 1958	DIER	Restricts the business of passenger ferry services on the Derwent River. Provides a contractual agreement effectively establishing a monopoly with one licensed operator, that is, it restricts market entry.		Act repealed under the Legislation Repeal Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hobart Town Gas Company's Act 1854	DOJIR	Establishes the Hobart Town Gas Company to provide Hobart with gas powered street lights. Specifies conduct of the company and sets lighting standards to be met.		Act repealed by the Gas Act 2000.
Hobart Town Gas Company's Act 1857	DOJIR	Gives the company powers not afforded to potential competitors, such as entering premises, and recovering property on 24 hours notice.		Act repealed by the Gas Act 2000.
Hospitals Act 1918	DHHS	Licensing, requires certain qualifications to be held by hospital managers.	Review completed. Review recommends licensing private hospitals and day surgery facilities but not nursing homes.	The Government will consider a reform proposal in March 2004. It is expected that amending legislation will be introduced into Parliament in the spring 2004 session.
Housing Indemnity Act 1992	DOJIR OCAFT	Requires builders to obtain an indemnity insurance policy before performing building work.	Review completed. Restrictive provisions justified as being in the public benefit.	The Housing Indemnity Bill 2003 was passed by Parliament on 6 November 2003.
Huon Valley Pulp and Paper Industry Act 1959	FT	Provides the company with unlimited free water rights, restricts the water rights of the Huon Council (and its residents), rights over Crown land. Sets company conduct in relation to river bank degradation and water quality.		Act repealed by the Legislation Repeal Act 1996.
Hutchins School Act 1911	DE	Combines the Hutchins School and a trust and gives the school the power to lease land that it otherwise could not. Provides a possible advantage not given to other schools.	Review not required.	Act repealed by the Legislation Repeal Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hydro-Electric Commission (Doubts Removal) Act 1972	HEC	Provides the Hydro-Electric Commission with the power to do all such acts, matters and things in relation to the specified area of Crown land as are necessary to construct and carry out works.	Review not required.	Act repealed on 6 November 1996. The repealing Acts were included on the LRP timetable: the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Hydro-Electric Commission (Doubts Removal) Act 1982	HEC	Provides the Hydro-Electric Commission with the power to do all such acts, matters and things in relation to the specified area of Crown land as are necessary to construct and carry out works.	Review not required.	Act repealed on 6 November 1996. The repealing Acts were included on the LRP timetable: the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Hydro-Electric Commission Act 1944	HEC	Market entry, competitive conduct, product service innovation. Prohibits the generation and/or transmission of electricity without the consent of the Hydro-Electric Commission (HEC). Establishes pricing rules and prohibits electrical wiring work and the sale of electrical fittings unless approved by the HEC.	Review not required.	Act repealed on 6 November 1996. The repealing Acts were included on the LRP timetable: the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Ida Bay Railway Act 1977	DPIWE	Confers Ida Bay Railway with an exemption from the provisions of the National Parks and Wildlife Act 1950 and the Railway Management Act 1935.	Review not required.	Act repealed in April 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Inland Fisheries Act 1995	DPIWE IFC	Licensing of commercial fishers and fish farms. Registration of private fisheries, fish processors and sellers. Restricts the methods and equipment that can be used to take or kill fish. Limits the size and sex of fish that can be taken. Restricts the importation of fish.	Major review completed in December 2000. The review report, in the form of a RIS, concluded that most restrictions are justified, but recommended some simplifications such as abolishing certain licence classes.	Review recommendations were implemented by the Inland Fisheries Amendment Act 2002.
Iron Ore (Savage River) Agreement Act 1965	DIER		Review not required.	Act repealed.
Iron Ore (Savage River) Arrangements Act 1996	DED		Review not required. Act does not restrict competition <i>per se</i> . The Act provides indemnity for a past operator of the mine for environmental damage.	
Iron Ore (Savage River) Deed of Variation Act 1990	DIER		Review not required.	Act repealed by the Legislation Repeal Act 2001.
Land and Income Taxation Act 1910	T&F		Removed from the LRP timetable.	
Land Surveyors Act 1909	DPIWE	Licensing, registration, entry requirements (age, good fame and character, competency (education, experience and exam)), the reservation of practice, disciplinary processes, and business conduct (number of supervised graduates, discretionary power for Surveyors Board to publish and enforce a scale of fees, survey practice standards).	Review completed in July 1999 and report released in December 2000. Review recommended retaining the following restrictions: registration, annual licensing, disciplinary processes, experience (but replacing two years of supervised training with appropriate course of postgraduate training) and minimum standards (but less prescriptive and more output focused). Review recommended removing the following restrictions: the number of graduates under supervision and power for the board to set fees.	The Government released a draft response for comment, proposing an alternative, less-restrictive, competency-based co-regulation model. In November 2002, Tasmania passed the Surveyors Act 2002 which implemented deregulation of the surveying profession to a greater extent than envisaged by the review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Tax Act 1995	T&F		Removed from the LRP.	
Land Use Planning and Approvals Act 1993	DPIWE	Requires the observance of planning schemes by planning authorities in respect of all use or development within a certain area. Requires persons undertaking certain developments to apply to the planning authority for a permit.	Review completed in 2000.	The amendments recommended by the review were made through the Land Use Planning and Approvals Amendment Act 2001.
Land Valuation Act 1971	DPIWE	Gives the Valuer-General a monopoly on the provision of valuation services to local government for the setting of valuations for the purpose of determining local rates.	Major review, in conjunction with the Valuers Registration Act 1974, completed. Review recommended tendering all statutory mass valuation work and retaining the role of the Valuer-General. The Valuer-General would be responsible for developing and monitoring valuation standards and information requirements, determining the length of the revaluation cycle, administering valuation lists, coordinating the collection of information, and being the avenue of appeal. The review also recommended greater administrative separation of the Valuer-General and Government Valuation Services, and the abolition of the Valuers Registration Board	The Government accepted the recommendations of the review. The Valuation of Land Act 2001 and the Land Valuers Act 2001 were passed by Parliament and replace these Acts. The new Acts were assessed under the LRP gatekeeper requirements.
Launceston Gas Company Act 1982	DOJIR	Gives the Launceston Gas Company powers that are not available to potential competitors in the gas supply market. For example, they are given the power to 'break up public roads' without council approval, only needing to give 24 hours notice.		Act substantially repealed, with remaining sections to be repealed once an accurate mapping of the pipeline network has been completed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Launceston Savings Investment and Building Society Act 1955	DOJIR	Provides the Launceston Savings, Investment and Building Society with the power to invest in a specific property that it may not have been able to under the Building Societies Act 1876.		Act repealed by the Legislation Repeal Act 1996.
Legal Profession Act 1993	DOJIR	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, and business conduct (including monopoly professional indemnity insurance, operation of mandatory trust accounts and advertising (power to Council of Law Society to make rules)).	RIS, released in April 2001, made preliminary recommendations to: remove the reservation of conveyancing; remove advertising and ownership restrictions; retain civil fee scales; improve the disciplinary system; and allow legal practitioners to arrange their own insurance. Review was completed in August 2001.	The Government is reconsidering the review in light of the current Standing Committee of Attorney Generals (SCAG) review of possible national laws. The Legal Profession Bill has been released for public consultation and it is anticipated that the Bill will be introduced into Parliament in the autumn 2004 session. The Government will shortly consider the remaining reforms.
Lending of Money Act 1915	DOJIR OCAFT	Relates to money lending contracts taken out prior to introduction of Consumer Credit Code. Requires that money lenders be registered.	Review not required.	Act repealed by the Legislation Repeal Act 2000.
Liquor and Accommodation Act 1990	T&F LC	Prohibits granting of a liquor licence in connection with supermarket activities. Regulates the sale of liquor. Minimum sale of 9 litres required for non hotel outlets.	Review completed in 2002. Review recommended removing the nine litre minimum sale requirement and the prohibition of sales from supermarket premises.	The Government has implemented the majority of the review recommendations but has retained the ban on the sale of packaged liquor from supermarket premises.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Living Marine Resources Management Act 1995	DPIWE	Licensing of fishers, handlers, processors and marine farmers. Input controls on gear, vessel operations, handling and storage standards. Output controls such as quotas, size and species limits. Prohibits importation of live fish into Tasmania.	Major review completed in January 2000. Review recommended retaining all restrictions as all restrictions were justified as being in the public benefit.	Act retained without reform.
Local Government (Highways) Act 1982	DPAC - LGD	Provides for the creation, construction, maintenance and management of highways and establishes construction standards. Empowers Councils to make by-laws prohibiting the carriage of certain materials over local highways unless licensed.	Minor review completed.	Amending legislation was passed by Parliament in late 2001, and proclaimed on 1 June 2002. The by law making power of councils has been removed from this Act.
Local Government Act 1993	DPAC LGD	Enables Councils to make by-laws in respect of any matter or thing, such as fees and licences and the execution of works, for which the Council has a function of power under this or any other Act.	Review completed. Minor restrictions were justified as being in the public benefit.	By-law making power of Councils has been removed as recommended by the review.
Local Government (Building and Miscellaneous Provisions) Act 1993 - (except in relation to health issues and Part III (subdivisions))	DIER	Provides for the control of building and plumbing work, the setting of product and construction standards and application of the Building Code of Australia to Tasmania.	Assessed under the gatekeeper provisions.	Building provisions replaced by the Building Act 2000, assessed under the gatekeeper requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government (Building and Miscellaneous Provisions) Act 1993 - (in so far as it relates to health issues)	DHHS	Prohibits cesspools and the inhabitation of houses that do not have sanitation facilities. Requires the registration of premises used for offensive trades (tanneries, etc), the licensing of night-soil disposal systems and places of public entertainment.		Relevant provisions transferred to the Public Health Act 1997 which was assessed under regulatory gatekeeping arrangements.
Local Government (Building and Miscellaneous Provisions) Act 1993 (Part III)	DPIWE	Provides for the control of building and plumbing work, the setting of product and construction standards and application of the Building Code of Australia to Tasmania. Provides for the approval of subdivisions and restrictions on the use of water.	Review not required.	Legislation replaced by the Building Act 2000 assessed under the gatekeeper requirements.
Marine (Consequential Amendment Act) 1997	DEIR		New legislation assessed under CPA clause 5(5) gatekeeper provisions.	
Marine Act 1976	DIER	Provided for the survey of marine vessels and equipment. Established standards for marine vessels and equipment through the adoption of national codes and standards.		Act repealed on 30 July 1997 and replaced by the Marine and Safety Authority Act 1997, the Port Companies Act 1997, and the Marine (Consequential Amendment) Act 1997. These Acts were assessed under legislation gatekeeper requirements.
Marine and Safety Authority Act 1997		Marine safety arrangements.	New legislation assessed under gatekeeper provisions.	Act replaces the Marine Act 1976.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marine Farming Planning Act 1995	DPIWE	Prohibition on marine farming outside marine farming zones. Requirement to have a lease to operate a marine farm. Prohibition on actions that are contrary to any marine farming development plan. Application for marine farming lease by invitation.	Review completed. Review recommended retaining all restrictions because they were found to be in the public benefit	Act retained without reform.
Meat Hygiene Act 1985	DPIWE	Prohibits the operation of abattoirs and slaughterhouses without a licence and provides for conditions to be attached to licences. Prohibits persons from selling or bringing meat into Tasmania unless it is fit for human consumption.	Major review completed in 1999.	Amendments implementing reforms were introduced in 2001.
Medical Act 1959	DHHS	Restrictions on entry, registration, title, practice, and disciplinary provisions.		Act repealed on 21 August 1996 and replaced by the Medical Practitioners Registration Act 1996, which is included in LRP timetable.
Medical Practitioners Registration Act 1996	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed. Review found that the registration of medical practitioners is justified in the public interest, but that the restrictions on the ownership of medical practices and controls on advertising were not.	The Government has accepted the review recommendations and amending legislation is expected to be introduced into Parliament in the autumn 2004 session.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Radiation Science Professionals Registration Act 2000	DHHS	Restrictions on entry, title, registration, and disciplinary provisions.	Review completed.	The Medical Radiation Science Professionals Registration Act 2000 passed in November 2000. New legislation implemented after assessment under CPA clause 5(5). The Act does not contain practice or advertising restrictions, but does contain requirements for professional indemnity insurance.
Mental Health Act 1963	DHHS	Restricts the admission of involuntary mental patients to public hospitals only.		Act repealed and replaced by the Mental Health Act 1996.
Mental Health Act 1996	DHHS		New legislation assessed under CPA clause 5(5) legislation gatekeeping provisions.	Act replaces the Mental Health Act 1963. This new Act addressed the restriction contained in the 1963 Act.
Merchant Seamen Act 1935	DIER	Places restrictions on shipping crews through the adoption of International Labour Conventions.		Act repealed by the Legislation Repeal Act 1998.
Metro Tasmania Act 1997	DIER		New legislation. Assessed under gatekeeper provisions.	
Metropolitan Transport Act 1954	DIER	Places restrictions on the provision of public bus services within a 22 kilometre radius of the Hobart GPO and a 12 kilometre radius of the Launceston GPO.		Act replaced by the Metro Tasmania Act 1997 and the Metro Tasmania (Transitional and Consequential Provisions) Act 1997. New legislation was assessed under gatekeeper provisions.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mineral Resources Development Act 1995	DIER	Exploring or extracting minerals prohibited without licence. Term of exploration licences - 5 years. Term of extraction (mining) leases - up to 21 years.	Review by government/industry panel completed. Review recommended no change.	Act retained without reform.
Mining Act 1929	DIER			Act repealed on 1 July 1996 and replaced by the Mineral Resources Development Act 1995. New Act included on the LRP timetable.
Mock Auctions Act 1973	DOJIR OCAFT	Prohibits auctions where items are sold at a price lower than the highest bid, i.e. no kick backs allowed.	Review not required.	Act repealed by the Legislation Repeal Act 2000.
Motor Accidents (Liabilities and Compensation) Act 1973	MAIB	Mandatory insurance, monopoly insurer, centralised premium setting.	Major review completed in 1997. Review recommended retention of the monopoly. Following the 1999 NCP assessment, the Government agreed to re-examine the issue. In considering its approach, Tasmania stated that it would consider the outcome of the Victorian review of its Compulsory Third Party (CTP) insurance.	The Tasmanian Government completed its examination of the Victorian review of the Transport Accident Commission and has decided not to alter the legislation.
Mount Dundas and Zeehan Railway Act 1890	DIER	Sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway.		Act repealed by the Legislation Repeal Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mount Dundas and Zeehan Railway Act 1891	DIER	Sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway.		Act repealed by the Legislation Repeal Act 1998.
Mount Lyell and Strahan Railway Act 1892	DIER	Provides the company with the power to construct a railway through public and private lands. Specifies quality levels to be met in the construction of the railway.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1893	DIER	Specifies railway construction standards to be met by this railway.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1896	DIER	Provides the company with the power to alter the course of the railway through public and private lands. It provides the company with greater rights of acquisition than is available to other companies under the law.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1898	DIER	Restricts the ability of the company to set freight rates. As a monopoly provider of rail services to Strahan the Government empowered itself to oversee the private freight fees charged by the company.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1900	DIER	Provides the company with an extension to its rights over public and private lands.		Act repealed by the Legislation Repeal Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mount Read and Rosebery Mines Limited Leases Act 1916	DIER	The Act authorises the issue of special leases and licences to the Company in order for it to acquire 'a more certain tenure of the lands, water and other rights'. The Company has sole rights to timber on any lands in the lease.		Act repealed by the Mt Read and Rosebery Mines Limited Leases (Repeal) Act 1999.
National Parks and Wildlife Act 1970	DPIWE	Provides for conditions to be placed on the commercial use of crown land and trade in wildlife, and limits the number and type of licences that can be issued.	Minor review completed. Restrictive provisions regarding the commercial use of Crown land, trade in wildlife and wildlife exhibitions and displays have been justified as being in the public benefit.	No reform required.
North Esk Regional Water Act 1960	DPIWE	Provides the Rivers and Water Supply Commission with the exclusive right to supply certain 'water districts' from waterworks vested in the Commission.		Act repealed by the Northern Regional Water (Arrangements) Act 1997.
North Mount Lyell and Macquarie Harbour Railway Act 1897	DIER	Provides the company with the power to construct a railway through public and private lands. Specifies quality levels to be met in the construction of the railway.		Act repealed under the Legislation Repeal Act 1996.
North Mount Lyell Mining and Railway Act 1901	DIER	Provides the company with more land for its railway and retrospectively approves certain new railway constructions. Specifies the conduct and form of leasing arrangements that the company can enter into.		Act repealed under the Legislation Repeal Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Noxious Insects and Molluscs Act 1951	DPIWE	Prohibits the importation into Tasmania of any noxious insect or mollusc, except for scientific purposes and with the prior approval of the Minister. Prohibits the sale of any infested animal or good.	Review not required.	Act repealed and replaced by the Plant Quarantine Act 1997. New legislation assessed under the new legislation gatekeeper obligation.
Noxious Weeds Act 1964	DPIWE	Provides for the declaration of 'infected areas' and prohibits the movement of plants and animals from that area. Prohibits the importation of banned weeds and unidentified plants. Controls the importation of seeds, aquatic plants and animals.	Review not required.	Act repealed and replaced by the Weed Management Act 1999 that was assessed under the LRP gatekeeper requirements.
Nursing Act 1987	DHHS	Restrictions on entry, registration, title, practice, and disciplinary provisions.		Act repealed on 1 July 1996 and replaced by the Nursing Act 1995. New legislation is on the LRP.
Nursing Act 1995	DHHS	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in 1999. Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer.	The Nurses Amendment Act 1999 removes other restrictions.
Optometrists Registration Act 1994	DHHS	Restrictions on entry, registration, title, practice, advertising, ownership, and disciplinary provisions.	Review completed. The key issues for the review were the extent of restrictions on the ownership of practices and on the advertising of services.	The Government has considered the review recommendations. The amending legislation will be introduced into Parliament in the autumn 2004 session.
Partnership Act 1891	DOJIR	Restricts partners competing with the partnership.	Minor review completed and the restrictive provisions justified as being in the 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>
Pawnbrokers Act 1857	DOJIR	Licensing, and business conduct.	Review not required.	Act repealed in 1996 by the Second-Hand Dealers and Pawnbrokers Act 1994.
Pay-roll Tax Act 1971	T&F		Act removed from the LRP.	
Pesticides Act 1968	DPIWE	Provides for the registration of pesticides and prohibits their sale unless registered. Prohibits the sale of foodstuffs that contain pesticide residue above the permitted tolerance. Controls the packaging, labelling and use of pesticides.	Review not required.	Act repealed on 1 January 1997 by the Agricultural and Veterinary Chemicals (Control of Use) Act 1995, which is included on the LRP.
Petroleum (Submerged Lands) Act 1982	DIER	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed and endorsed by the Australia and New Zealand Minerals and Energy Council. Amendments are to be developed by the Commonwealth and reflected in state and territory legislation. It is anticipated that amending legislation will be introduced in the autumn or Budget 2004 sessions of Parliament.	The Government is awaiting the introduction of amendments by the Australian Government before amending its own legislation.
Petroleum Products Business Franchise Licences Act 1981	T&F			Act repealed as a result of the High Court ruling of August 1997 that States are unable to collect franchise fees.
Petroleum Products Emergency Act 1994	DOPPS	Provides for the licensing and prohibition of sale of petroleum products and the rationing of petroleum sales in an emergency.	Act removed from the LRP. The legislation requires that any restrictions must be justified in the public benefit, therefore no further justification was considered necessary.	No reform required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1908	DHHS	Restrictions on entry, registration, title, practice, advertising, business, ownership, and disciplinary provisions.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.</p> <p>CoAG referred the national review to a senior officials working group, which recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies).</p> <p>State-based review completed in January 1998. This review did not encompass the ownership issues considered as part of the national review.</p>	The Government has considered the outcome of the national review and amending legislation will be introduced into Parliament in the Autumn 2004 session.
Physiotherapists Registration Act 1951	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1999. Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer.	Act repealed and replaced by the Physiotherapists Registration Act 1999. New legislation was implemented after assessment under LRP gatekeeper requirements. Business restrictions and licensing removed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Registration Act 1999	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1999. Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer.	Act replaced the Physiotherapists Registration Act 1951. New legislation was implemented after assessment under LRP gatekeeper requirements. Introduces professional indemnity insurance requirement, and can provide for continuing professional education regulations. Maintains limited reserved practice (manipulation and electrical). Business restrictions and licensing removed.
Plant Diseases Act 1930	DPIWE	Provides for the Governor to prohibit the introduction into Tasmania of any plant that is likely to introduce any disease or noxious organism. Prohibits the movement and export of diseased plants.		Act repealed and replaced by the Plant Quarantine Act 1997 which was assessed under the LRP gatekeeper requirements. The new Act restricts competition but this was found to be necessary to avoid the introduction and spread of plant and animal pests and diseases.
Plant Protection Act 1994	DPIWE	Minister may prohibit the sale of anything found in an 'infested area' and may prohibit any article, goods or material from being imported into Tasmania. Prohibits exportation of diseased plants unless in accordance with restrictions.		Act repealed and replaced by the Plant Quarantine Act 1997. The latter Act was assessed under the gatekeeper requirements. Restrictions imposed were found to be necessary to prevent the spread of plant and animal pests and diseases.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plumbers and Gas-fitters Registration Act 1951	DIER	Licensing, registration, entry requirements (qualification or experience, apprenticeship and exam), the reservation of practice (sanitary, mechanical services, water and backflow prevention plumbing, draining and roof plumbing, any other plumbing work, gasfitting), and disciplinary processes.	Review completed in October 1998. The Act restricts competition by requiring licensing and registration of plumbers and gasfitters, and specifying entry requirements, the reservation of practice for activities, and disciplinary processes. The review recommendations included reducing areas of reservation of practice; limiting the qualifications and experience required for registration to a demonstration of competence; implementing an appropriately constituted self-certification system; and amalgamating registration and plumbing inspection systems to reduce overlap and reduce the regulatory burden on plumbers.	Proposed new occupational licensing legislation is scheduled for introduction into Parliament in the autumn 2004 or Budget 2004 sessions.
Podiatrists Registration Act 1974	DHHS	Restrictions on entry, registration, title, advertising, ownership, and disciplinary provisions.	Review completed in 2000. Review recommended that advertising and ownership restrictions be removed from the Act.	Act repealed on 1 July 1996 and replaced by the Podiatrists Registration Act 1995 which is included on the LRP timetable in place of this Act.
Podiatrists Registration Act 1995	DHHS	Restrictions on entry, registration, title, and disciplinary provisions.	Review completed in 2000. Review recommended that advertising and ownership restrictions be removed from the Act.	Advertising and ownership restrictions removed from the Act in November 2000. A professional indemnity insurance requirement was introduced.
Poisons Act 1971	DHHS	Requires the licensing of manufacturing and wholesale chemists, and restricts the sale or supply of narcotic or prohibited substances. Prohibits the sale of new drugs until they are classified.	Part of Galbally Review. Draft review report released 11 September 2000. Final review report given to the AHMC in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.	Amending legislation will be introduced into Parliament in the spring 2004 session, in line with COAG's decision that the outcomes of the National Review should be implemented within 12 months from December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Police Offences Act 1935	DOPPS	Requires the licensing of tanners, motor racing events, wood stacks, fund raising, money lending and boxing.	Minor review completed.	Two anticompetitive provisions repealed and those remaining have been justified as being in the public benefit.
Port Arthur Historic Site Management Authority Act 1987	PAHSMA	Imposes restrictions on commercial operations in the Port Arthur Historic Site area.	Minor review completed. Restrictive provisions assessed as being in the public benefit as part of the review of the National Parks and Wildlife Act 1970.	Act retained without reform.
Port Companies Act 1997	DIER	Establishes port authorities.	New legislation assessed under gatekeeper requirements.	
Port Huon Wharf Act 1955	T&F	Restrictions on port access.		Act repealed on 30 July 1997.
Primary Industry Activities Protection Act 1995	DPIWE	Provides legal protection for established primary producers from a claim of nuisance from new adjoining subdivisions.	Minor review completed. Review found the restrictions to be in the public interest. No reform recommended.	No reform required.
Printers and Newspapers Act 1911	DOJIR	Requires printed matter to carry printer's name and address. Prohibits the sale of printed matter that does not bear printer's name and address.		Act repealed by the Legislation Repeal Act 1998.
Psychologists Registration Act 1976	DHHS	Restrictions on entry, registration, title, advertising, and disciplinary provisions.	Review completed in 2000. Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer.	Act replaced by the Psychologists Registration Act 2000, which was assessed under gatekeeper requirements.
Psychologists Registration Act 2000	DHHS	Restrictions on entry, registration, title, and disciplinary provisions.	New legislation was implemented after assessment under LRP gatekeeper requirements.	The new legislation removes restrictions on advertising and reservation of practice, and streamlines complaints and administration procedures.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Health Act 1962	DHHS	Prohibits persons other than medical practitioners from treating patients suffering from certain diseases. The Act prescribes food labelling requirements and sets food standards. Requires the registration of, and sets standards for, food premises.	Replacement legislation was subject to a CPA clause 5(5) review.	Act repealed and replaced by the Public Health Act 1997 and the Food Act 1998. The Australian Government has consulted with the states on national reviews relating to food regulation. As a result, the Food Act 1998 will be replaced by the yet to be proclaimed Food Act 2003, which is based on the Australian Government's Model Food Act.
Public Health Act 1997	DHHS		Assessed under legislation gatekeeper provisions. Australian Government is consulting with the States on national review of food regulation, including a review of the Australia and New Zealand Food Authority Council Act and the Model Food Act.	Act replaced the Public Health Act 1962.
Pulpwood Products Industry (Eastern and Central Tasmania) Act 1968	FT	Ratifies an agreement.		Act repealed by the Legislation Repeal Act 1995.
Racing Act 1983	DIER	Provides for the licensing of thoroughbred horses and greyhounds and persons involved in this type of racing. Controls thoroughbred and greyhound racing in Tasmania.		Following the restructure of the racing industry in 2000, new racing legislation is being drafted. The new legislation will be assessed under legislation gatekeeper requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Gaming Act 1952 (except in relation to minor gaming)	DIER	Requires the registration of bookmakers, bookmakers' clerks, racing clubs and race courses. Restricts race meetings, telephone sports betting, bookmaker betting activities and the appointment of officials. Prohibits proprietary racing. Limitations on the availability of gaming to minors.		This Act is now called the Racing Regulation Act 1952. Following the restructure of the racing industry in 2000, new racing legislation has been drafted. Three new Bills replacing the racing aspects of this Act were introduced in the spring 2003 session of Parliament. It is expected that the Bills will be debated in the autumn 2004 session of Parliament.
Racing and Gaming Act 1952 (minor gaming)	T&F		Minor review completed as part of review of the State's gaming legislation.	The gaming components of this Act have been transferred to the Gaming Control Act and were assessed under the legislation gatekeeper requirements.
Racing and Gaming Act 1952 (in so far as it relates to totalisator betting)	T&F DIER	Restrictions on totalisator betting.	The Tasmanian Government has agreed to the preparation of legislation that will transfer the regulation of TOTE Tasmania from the Racing Regulation Act 1952 to the Gaming Control Act 1993. The proposed new legislation will be assessed in accordance with Tasmania's gatekeeper provisions.	
Radiation Control Act 1977 Radiation Control Regulations 1994	DHHS	Prohibits unlicensed dealings with radioactive materials and electronic products. Enables requirements to be imposed on premises and requires the registration of certain products and materials.	National review completed. Review recommended the continuation of a regulatory approach but with a move to an outcome based rather than prescriptive controls over the possession or use of radiation sources.	The Government has considered the outcomes of the review and legislation will be introduced into Parliament in the spring 2004 session.
Radiographers Registration Act 1971	DHHS	Restrictions on entry, registration, title, practice, and disciplinary provisions.		Act replaced by the Medical Radiation Technologists Registration Act 1999, which was assessed under legislation gatekeeper requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Railway Management Act 1935	DIER	Legislation gave the Transport Commission the power to issue licences to reopen abandoned railways. Exempts railway buildings from planning laws.		The Government no longer owns railways. Act repealed.
Railways (Transfer to Commonwealth) Act 1975	DIER	Establishes a price fixing regime, whereby rail freight charges cannot be set at a level higher than those applying to railways of the Australian Government outside Tasmania.		Act became redundant following the sale of Tasrail to the Australian Government and the return to State ownership of railway land in accordance with the Railways Agreement between the Australian Government and State Government. Repealed by the Legislation Repeal Act 1998.
Railways Clauses Consolidation Act 1901	DIER	Authorises the construction of railways or tramways and sets fares, construction standards, rates and charges.		Act repealed by the Legislation Repeal Act 2000.
Renison Limited (Zeehan Lands) Act 1970	DPIWE	Vests certain land to Renison Limited.		Act repealed by the Legislation Repeal Act 1998.
Retirement Benefits Act 1993	RBFB	Limits on choice of funds.		Choice of funds for new and existing contributors introduced. The Government moved to fund existing public scheme.
Roads and Jetties Act 1935	DIER	Prohibits persons from moving vehicles or livestock so as to cross the side boundary of a limited access road without authority to do so.	Minor review completed. Review concluded that restrictions related to limited access provisions should be retained because they are in the public interest.	The Government accepted the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rules Publication Act 1953	DOJIR	All Statutes and Statutory Rules to be sent to the Government Printer and shall be numbered, printed and sold by the Printer as prescribed. Provides Administrative Discretion to the Chief Parliamentary Counsel to decide who to appoint as the Government Printer.		Restrictive provisions repealed by the Legislation Publication Act 1996 which was proclaimed in early 1998. The repealing legislation was assessed under the gatekeeper requirements as not restricting competition or impacting on business.
Sale of Condoms Act 1987	DHHS	Requires the installers of condom vending machines to be licensed. Prohibits certain advertisements and the sale and supply of particular condoms. Requires that condoms meet certain standards.	Minor review completed.	Act repealed.
Sale of Hazardous Goods Act 1977	DOJIR OCAFT	Enables the prohibition of the sale of certain products which are determined to be hazardous.	Minor review completed. Restrictive provisions justified as being in the public benefit.	Act retained without reform.
Salt-water Salmonid Culture Act 1985 Salt-water Salmonid Culture (Supplementary Agreements Validation) Act 1992	DPIWE	Ratifies the Joint Venture Agreement which gives SALTAS a monopoly on the production of salmon smolt.		Act repealed by the Legislation Repeal Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
School Dental Therapy Service Act 1965	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, can only treat children up to 16 years, and limits practice to the public sector.		Act replaced by the Dental Practitioners Registration Act 2001. New legislation implemented after assessment under clause 5(5). Most restrictions on practice removed, including the limit on public sector employment. Remaining restrictions were justified as being in the public benefit.
Second-hand Dealers Act 1905	DOJIR	Licensing, and business conduct.	Review not required.	Act repealed in 1996 by the Second-Hand Dealers and Pawnbrokers Act 1994.
Second-hand Dealers and Pawnbrokers Act 1994	DOJIR OCAFT	Negative licensing (pawnbrokers, second-hand dealers, registration (notification at nearest police station), entry requirements (fit and proper person, not convicted of offence against the Act or offence involving dishonesty), the reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, redemption period of six months, auction of forfeited goods; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Minor review completed. Review found restrictive provisions were justified in the public benefit.	The Government endorsed the review recommendation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Securities Industry (Application of Laws) Act 1981	DOJIR		Review not required. Act does not restrict competition. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	No reform required.
Securities Industry (Tasmania) Code	DOJIR		Review not required. Act does not restrict competition. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	The Australian Securities Commission advises that it can not yet be repealed.
Seeds Act 1985	DPIWE	Prohibits the importation of certain seeds and the sale of seeds if the quality of those seeds is less than prescribed, or if they are mixed with other seeds in the wrong proportion or with seeds which are infected.	Review not required.	The Seeds Amendment Act 1999 removed the restrictive provisions from this Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Shop Trading Hours Act 1984	DIER	Major retailers (shops employing more than 250 people) are prohibited from trading during prescribed periods, these being Sundays, public holidays and weekdays after 6:00 pm, other than Thursday and Friday.	<p>Initial review recommending removal of restrictions reported in May 2000. The Government asked the review panel for an enhanced assessment of the public benefit of removing the restrictions, including more analysis of how removal of restrictions would affect the independent grocery sector and rural and regional Tasmania.</p> <p>The review panel consulted further with key stakeholders and commissioned additional market research on household shopping patterns. The supplementary review report confirmed the finding of the original review that the removal of restrictions on shop trading hours would lead to a substantial increase in retail sector employment in all regions of Tasmania. The report also found that removal of the restrictions would not affect the viability of the vast majority of independent grocery stores in either rural or urban areas.</p>	Legislation removing restrictions in line with review recommendations commenced operation on 1 December 2002.
Stamp Duties Act 1931	DIER		Act removed from the LRP.	
Stock Act 1932	DPIWE	Requires a licence for commercial artificial breeding. Enables the Minister to prohibit or restrict the movement of any animals into Tasmania from any other State.		Act repealed on 1 September 1996 and replaced by the Animal Health Act 1995, which has been included on the LRP.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stock, Wool, and Crop Mortgages Act 1930	DOJIR	Provides for the registration of mortgages against stock, wool and crops by the Office of Consumer Affairs. Specifies what can be mortgaged and how it is to be done.	Review completed. It found all restrictions to be in the public interest. No reform recommended.	No reform required.
Substandard Housing Control Act 1973	DHHS	Provides for the closure of substandard rental accommodation and for rental control over certain premises.		Act is expected to be repealed following further assessment of the Residential Tenancy Act 1997 and the Public Health Act 1997 to ensure that these Acts can address the issues currently regulated by the Substandard Housing Control Act 1973.
Sunday Observance Act 1968	DIER	Prohibits certain business activities (particularly property transactions) on Sundays.	Review not required.	Act repealed by the Sunday Observance (Repeal) Act 1997.
Survey Co-ordination Act 1944	DPIWE	Prohibits the erection of a structure, building or any other erection that is likely to be mistaken for a standard permanent mark on a mountain, hill or elevated land without the approval of the Surveyor-General.		Act to be reviewed during 2004, with the intent of removing the restrictive provisions, and new legislation is expected to be ready by spring 2005.
Tasmanian Government Insurance Act 1919	T&F	Establishes the Tasmanian Government Insurance Office (TGIO) and prohibits it from trading in life insurance. Specifies business practices and standards.		Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tasmanian Harness Racing Board Act 1976	DPIWE TRA	Provides for the registration of all harness racing trainers and drivers. Controls harness racing in Tasmania.	Racing Industry Review completed in 1997.	Act repealed and replaced by the Racing Amendment Act 1997 as a result of the Racing Industry Review. The Racing Amendment Act was assessed under the gatekeeper requirements as not restricting competition or impacting on business.
Tasmanian Public Finance Corporation Act 1985	T&F	Provides for the Treasurer to direct a State authority to exclusively source loans from Tascorp.	Minor review completed. Restrictive provisions justified as being in the public benefit.	Act retained without reform.
Taxi and Luxury Hire Car Industries Act 1995	DIER		Major review completed in April 2000. Review recommended an annual tender for new licences up to 5-10 per cent; retention of maximum fare for rank/hail market only; and free entry to the hire car market subject to a A\$5000 licence fee.	The Taxi and Luxury Hire Car Industries Amendment Act 2003 was passed by Parliament during the spring 2003 session. The amendments are expected to be proclaimed by mid-March 2004. This legislation provides for tendering of additional perpetual taxi licences and for a new category of licence for wheelchair accessible taxis.
Taxi Industry Act 1995	DIER	Provides for the licensing of taxis and places restrictions on their operation. Limits the number of taxi licences available. Act was amended in 1999 to become the Taxi and Luxury Hire Car Industries Act 1995.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Teachers Registration Act 2000	DE	Licensing, registration, entry requirements (teacher training and one years experience or sufficient education and experience in the opinion of the Board, and good character - Board to take into account any conviction and behaviour of the applicant or any other matter), reservation of practice (teaching in government and non-government schools), disciplinary processes.	New legislation assessed under gatekeeper provisions. RIS prepared.	Legislation commenced on 1 January 2002.
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1985	T&F	Provides financial assistance to extend the life of the mine and to establish a rehabilitation agreement.		Act repealed by the Legislation Repeal Act 1996.
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1987	T&F	Provides financial assistance to further extend the life of the mine and to ensure continuation of the rehabilitation agreement.		Act repealed by the Legislation Repeal Act 1996.
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1992	T&F	Ratifies and implements a deed of variation with respect to the continuation of operations of a particular company. Grants certain environmental degradation exemptions to the company.		Act repealed by the Legislation Repeal Act 1998.
Therapeutic Goods and Cosmetics Act 1976	DHHS	The Act provides for the control of therapeutic goods and cosmetics.		Act replaced by the Therapeutic Goods Act 2001. This legislation was assessed under the LRP gatekeeper requirements as not restricting competition or impacting on business.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Threatened Species Protection Act 1995	DPIWE	Prohibits trade in protected flora and fauna. Provides for protection orders prohibiting certain activities and exemptions from those orders. Specifies conduct of Government agencies, business enterprises, authorities and bodies in relation to sustainable development.	Minor review completed. Restrictive provisions were justified as being in the public benefit.	Act retained without reform.
Tobacco Products (Labelling) Act 1987	DHHS	Prescribes regulations for the packaging of tobacco products and requires warning notices to be displayed on tobacco products.		Act repealed by the Public Health Act 1997.
Traffic Act 1925	DIER	Licensing of public vehicles (cars, carriers, omnibuses, hire cars and charter buses), conditions to be placed on licences, licensing of driving instructors.	Act substantially reviewed in terms of the restrictive provisions of Part III, by the independent Committee of Review into Public Vehicle Licensing in Tasmania, chaired by Mr David Burton (the 'Burton Review').	The anticompetitive provisions in Part III replaced by the Passenger Transport Act 1997, the Passenger Transport (Consequential and Transitional) Act 1997 and the Traffic Amendment (Accreditation and Miscellaneous) Act 1997. All these Acts were assessed as complying with the requirements of the LRP.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1987	DOJIR OCAFT	Licensing and compulsory consumer compensation fund. Defines what does and does not constitute the business of a travel agent.	Part of national review of travel agent legislation, coordinated by WA. Final review report by the Centre for International Economics (CIE) released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. In November 2002, the MCCA decided to maintain the Travel Compensation Fund, but consider establishing a risk-based premium structure and making prudential reporting arrangements more equitable. It recommended each participating jurisdiction review and amend its entry qualifications to ensure uniformity.	Tasmania will move to implement the MCCA recommendations. A national review of the Act has been completed and a final report released. National working parties have been appointed to assess the report's findings and to provide recommendations concerning their implementation. The majority of the review recommendations have already been implemented in Tasmania. The only outstanding issue is in relation to qualifications of licensed agents. Progress on this issue is dependent on the progress of the national working party.
Trustee (Insured Housing Loans) Act 1970	T&F	Prescribes the power to approve insurers and provides that trustees can only invest in a housing loan if that housing loan is insured by an approved insurer.		Act repealed by the Trustee Amendment (Investment Powers) Act 1997, which was assessed under the LRP gatekeeper requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Act 1898	DOJIR T&F	Regulates the types of investments that trustees can and cannot make.		Restrictive provision replaced in 1997 with a 'prudent person' approach to trustee investments. This provision was progressed through the LRP gatekeeper requirements and assessed as non-restricting or impacting on business. The Act will ultimately be repealed.
Trustee Banks Act 1985	T&F	Restricts the establishment of Trustee Banks and provides a regulatory framework for Trustee Banks that can affect their competitive conduct.		Act repealed by the Trust Bank Sale Act 1999.
Trustee Companies Act 1953	DOJIR	Provides for the establishment of trustee companies. Prohibits specific actions in relation to loans. Prohibits trustee companies from engaging in any business unless expressly authorised in the Act.	National review of trustee companies legislation is being undertaken by SCAG. This process has been delayed by the Australian Government's decision in early 2003 not to allow APRA to prudentially supervise trustee companies. Further negotiations in relation to an appropriate regulatory model are being progressed through SCAG.	Reform progress is pending on SCAG negotiations.
TT-Line Gaming Act 1993	T&F	Grants a licence to a State shipping company to conduct gaming operations. Specifies how gaming is to be conducted and which games can be played. Limitations on the availability of gaming to minors.	Minor review completed. Restrictions determined to be in the 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>
United Milk Products Ltd (Amalgamation) Act 1981	DED	Special Act to allow the amalgamation of two companies and two co-operative industrial societies into one single company. Not practicable under the Companies Act 1962, therefore this special Act was passed.		Act repealed by the Legislation Repeal Act 1998.
Universities Registration Act 1995	DE	Requires institutions wanting to operate as universities to be registered and enables conditions to be imposed on their conduct.	Minor review completed in 1998. Restrictions relating to the registration and accreditation of private universities are to be retained as they are considered to be in the public benefit.	Act retained without reform.
Valuers Registration Act 1974	DPIWE	Licensing, registration, entry requirements (education and experience or 10 years experience, good fame and character), the reservation of title and practice, disciplinary processes, business conduct (conduct that may result in deregistration includes professional misconduct, taking excessive amounts of alcohol and drugs, suffering from a mental disorder or committing an offence).	Major review, in conjunction with review of the Land Valuation Act 1971, completed.	The Government accepted the recommendations of the review. The Valuation of Land Act 2001 was passed by Parliament and repeals the Land Valuers Act 2001 and the Valuers Registration Act 1974. The new Acts were assessed under the LRP gatekeeper requirements and came into effect on 28 June 2002.
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1895	DIER	The Act sets out a railway agreement providing a competitive advantage to a particular company; gives authority to construct and operate a railway and prescribes the construction standards that must be met.		Act retained without reform. The Tasmanian Solicitor-General advised that there is no need to repeal this Act because it guarantees third party access and does not contain any restrictions on competition.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1896	DIER	The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.		Act retained without reform. The Solicitor-General advised that there is no need to repeal this Act because it guarantees third party access and does not contain any restriction on competition.
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1948	DIER	The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.		Act retained without reform. The Tasmanian Solicitor-General advised the Government that that there is no need to repeal this Act because it guarantees third party access and does not contain any restriction on competition.
Vermin Destruction Act 1950	DPIWE	Prohibits the keeping and intrastate transportation or importation into Tasmania of vermin and rabbits without a permit.	Review completed. Review recommended removal of all restrictions on competition.	Act replaced by the Vermin Control Act 2000, which was assessed under legislation gatekeeper provisions and found not to restrict competition.
Veterinary Medicines Act 1987	DPIWE	Provides for the registration of veterinary medicines. Prohibits their sale unless they are registered and packaged in accordance with requirements. Requires animals treated with prescribed medicines to be marked in a manner approved by the Registrar.		Act repealed in January 1997 by the Agricultural and Veterinary Chemicals (Control of Use) Act 1995, which was included on the LRP.
Veterinary Surgeons Act 1987	DPIWE	Licensing of veterinary surgeons and hospitals, reservation of practices, and reservation of title.	Minor review completed in 2000.	Reforms implemented in 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Vocational Education and Training Act 1994	DE	Requires training providers to be registered in order to offer accredited courses. Provides for compulsory training agreements for training undertaken in respect of a declared vocation.	Major review completed. Review issued a RIS in July 2000. This supported restrictions except for provisions governing vocational placement arrangements which it argued should be replaced with an administrative arrangement.	Amendments arising from the review of the Act were enacted through the Vocational Education and Training Amendment Act 2003, which was proclaimed on 17 November 2003.
Wee Georgie Wood Steam Railway Act 1977	DIER	The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.	Review deferred pending proclamation of the Rail Safety Act 1997, because its safety and access provisions would negate the need for the 1997 Act.	Act repealed by the Legislation Repeal Act 2000.
Weights and Measures Act 1934	DOJIR OCAFT	Requires the licensing of weigh bridges and public weigh bridge operators. Specifies requirements for pre-packed articles and other products.		Act repealed and replaced by State-based uniform trade measurement legislation, the Trade Measurement Act 1999, which was assessed under the LRP gatekeeper requirements. Any restrictions in the 1999 legislation were assessed as being in the public benefit. A national review of trade measurement legislation is nearing completion.
Wellington Park Act 1993	DPIWE	Imposes restrictions on commercial operations in the Wellington Park area.	Minor review completed. Restrictive provisions assessed as being in the public benefit as part of the review of the National Parks and Wildlife Act 1970.	Act retained without reform.
Wesley Vale Pulp and Paper Industry Act 1961	FT	Ratifies a financial agreement providing a particular company with a competitive advantage, potentially acting to restrict competition.	Review completed.	Act amended by the Water Management Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Whales Protection Act 1988	DPIWE	Requires a permit to trade in any whale products, or to take/interfere with whales.	Minor review completed. Review found restrictions to be in the public interest.	No reform required.
Workers' (Occupational Diseases) Relief Fund Act 1954	DIER	Compels employers in certain industries to contribute to the Workers (Occupational Diseases) Relief Fund.	Review not required. Act does not restrict competition.	No reform required.
Workers' Rehabilitation and Compensation Act 1988	DIER	Mandatory insurance, and multiple licensed insurers.	The Tasmanian Parliament established a Joint Select Committee to examine the further reform of this legislation. The committee submitted its final report in May 1998. Minor amendments were recommended, mainly related to scheme design. These have been passed by Parliament.	Changes to scheme design passed through Parliament. These changes have not compromised the competitive nature of the scheme and, therefore, no further review is required.
Workplace Health and Safety Act 1995	DIER	Establishes a code of practice with respect to workplace health and safety. Sets health, safety and welfare standards. Regulates workplaces and work practices.	The Labour Ministers' Council has undertaken a review of the National Occupational Health and Safety Commission (NOHSC). On 30 May 1997, the Labour Ministers' Council agreed on a new direction for the NOHSC and a new role for the Council in approving any new occupational health and safety standards. The Workplace Health and Safety Act 1995 is consistent with occupational health and safety legislation in all other jurisdictions and gives effect to Ministerial decisions on national uniformity. Any restrictions in the Act were also addressed by the RIS prepared in relation to the Workplace Health and Safety Regulations 1998.	No reform required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wynyard Airport (Special Provisions) Act 1982	DIER	Provides for the granting of a lease or licence to use any part of the land, buildings or structures of the airport.		Act repealed by the Port Companies Act 1997.

9 Australian Capital Territory

Agency abbreviations

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

ACT Health ACT Health

CMD Chief Minister's Department

DDHCS Department of Disability, Housing and Community Services

DEYFS Department of Education, Youth and Family Services

DoT Department of Treasury

DUS Department of Urban Services

JACS Department of Justice and Community Safety

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
			Minor amendments to the Act are proposed to reflect introduction of the GST.	
Adoption Act 1993	DEYFS, CMD		Review not required. Act assessed as not restricting competition.	
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.	The Government accepted the review findings. The Agents Act 2003 replaces the Agents Act 1968.
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 legislation in its application in the Territory	JACS		Intradepartmental review completed in 1999. Minor issues. Act does not restrict competition. The Act does not give the church a commercial advantage and does not have an anti-competitive effect.	Act retained without reform.
Anglican Church of Australia Trust Property Act 1928 (NSW) in its application in the Territory	JACS		Intradepartmental review completed in 1999. Minor issues. Act does not restrict competition. The Act does not give the church a commercial advantage and does not have an anti-competitive effect.	Act retained without reform.

<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 Stock Act 1991, completed. Review found the restrictions to have benefits to animal health, public health and sustainable development that outweigh their costs. No reform recommended.	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. Review found that, subject to some amendments, the restrictions are in the public interest.	Act retained without reform.
Annual Holidays Act 1973	CMD		Review not required.	Act renamed the Annual Leave Act 1973.
Annual Leave Act 1973	CMD	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.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1959	DUS	Registration, entry requirements, reservation of title, and disciplinary processes.	National review by the Productivity Commission (PC) completed in August 2000 (publicly released November 2000). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act.	A States and Territories working group developed a national response to the PC review. On 2 February 2004, the ACT agreed to the drafting of legislation to reform the ACT. Drafting has been completed and amending legislation is to be introduced into the Legislative Assembly in early 2004 with enactment expected to occur by mid-2004. The ACT's amendments are consistent with the agreed principles for harmonisation of architects' Acts as agreed by CoAG and is closely modelled on NSW and Queensland reforms.
Associations Incorporation Act 1991	JACS	Minor National Competition Policy (NCP) issues (imposes restrictions on business structure).	Intradepartmental review by the Justice and Community Safety Department completed in February 2001. Report concluded that the restrictions were justified as the community benefits from not-for-profit organisations having access to a cheaper and less onerous incorporation regime. Without it many would opt to not incorporate. This in turn would be disadvantageous to business, as commercial relationships would be more difficult.	Act retained without reform.
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. The review recommended the repeal of the Act.	The Government implemented the Agents Act 2003, which repealed the Auctioneers Act on its commencement on 1 November 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian-American Educational Foundation Act 1966	JACS	<p>This Act was originally an Australian Government ordinance-the Australian-American Education Foundation Ordinance 1966 No 16 (Cwlth), however, it was converted into an ACT enactment on 11 May 1989 at the time of self-government.</p> <p>The Act allows for the establishment of an educational foundation and has been assessed as not restricting competition.</p>	Review not required.	The Act is to be repatriated to the Australian Government.
Bank Mergers Act 1997	CMD	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>
Betting (ACTTAB Limited) Act 1964 Betting (Corporatisation) (Consequential Provisions) Act 1996	DoT	Exclusive licence.	Review completed in 1999. Review recommended that the Government allow new licences for Totalizator Agency Boards (TABs) operating wholly within the ACT, but not allow interstate totalisators until systems are in place to extract racing turnover taxes (and any other turnover taxes and licences) from wagers that originate in the ACT.	The Government supported an open market subject to ensuring that all ACT betting activity is identified and that any adverse revenue impacts are compensated. ACT willing to consider non-exclusive licence issue after cross border betting matters have been addressed by the Australian Racing Ministers' forum. Arising from the report of the cross border betting task force, The Australian Racing Ministers' forum has agreed in principle to the concept of a racing product fee being levied on all corporate bookmakers, excluding TABs. This in principle agreement has been communicated to industry, which is currently formulating its response. The Betting (Corporatisation) (Consequential Provisions) Act 1996 was repealed in 2001.
Birth (Equality of Status) Act 1988	JACS		Intradepartmental review completed in 1999. Minor issues. The Act does not have any material effect on competition.	Act retained without reform.
Births, Deaths and Marriages Registration Act 1997	JACS	Minor NCP issues (imposes a conduct requirement).	Intradepartmental review completed in October 2001. Minor issues. The Act does not have any material effect on competition.	Act retained without reform.
Blood Donation (Transmittable Diseases) Act 1985	ACT Health	Limits conduct, and confers benefit.	Review completed in 2002.	Act to be retained on public health benefit grounds.

<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	DEYFS	Provides for accreditation of secondary courses.	Intradepartmental review.	Legislation is 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.	The Government implemented reforms via the Race and Sports Bookmaking Act 2001, which repealed the Bookmakers Act and removed several restrictions on the operation of bookmakers.
Boxing Control Act 1993	CMD	Registration of professional boxers, officials and promoters (defined in NSW Boxing and Wrestling Control Act 1986).	The ACT review could not be done independently of the NSW Boxing and Wrestling Control Act review. NSW completed its review in 2002, finding that there are public benefits from regulating combat sports.	The ACT legislation will be amended to reflect relevant changes in NSW and to be consistent with the national approach toward developing a national registration system.
Building and Construction Industry Training Fund Act 1990	DEYFS	Levy on building work, except in relation to any work undertaken by, or for, State and local governments.	Major review completed. Review recommended retention of the levy as the most appropriate means of funding industry training. A number of administrative changes were recommended to improve the operation of the Board and the training scheme.	Act retained without reform.

<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, and 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 insurance arrangements. Review recommended: legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards should be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.</p> <p>Review did not focus on building regulations. Public benefits for building regulations are amenity, safety and health of people who use buildings and community expectations.</p>	<p>The previous Government did not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters.</p> <p>An exposure draft of new legislation and regulations was tabled in Parliament on 24 June 2003. The Construction Occupations (Licensing) Bill 2003 was introduced into the Legislative Assembly on 20 November 2003. The Bill is scheduled for debate in early March 2004 with enactment expected to occur by mid-2004. The Bill introduces significant reforms to the regulation of building and construction industry trades and implements the recommendations of the National Competition Policy review of Occupational Licensing in the ACT, which reflected reform proposals that have been considered over a number of years.</p>
Building and Services Act 1924	DUS		Interdepartmental review. Part of the utilities legislation review under the lead of Treasury.	Act replaced in part by the new Utilities Act and in part by a separate new Act to deal 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	CMD		Review not required.	Federal Court S90 decision, no further action.
Business Franchise (Tobacco and Petroleum Products) Act 1984	CMD		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. Act prohibits carrying on business under a business name which is not registered. It also restricts the types of names that may be registered.	Intradepartmental review completed in October 2000. Similar restrictions and prohibitions apply in all States and Territories. The very limited effect on competition is outweighed by the benefits associated with being able to identify on a public register the individuals behind the trading name of an enterprise.	Act retained without reform.
Canberra Institute of Technology Act 1987	DEYFS	Provides an exemption from Territory taxes and charges.	Review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Canberra Tourism and Events Corporation Act 1997	CMD	Act assessed as not restricting competition.	Review not required.	
Casino Control Act 1988	DoT	Exclusive licence. Restrictions on operations and conduct.	Targeted public review completed in 1998 as part of the gambling legislation review.	The Government announced that the exclusivity of the casino licence will not extend beyond the current licence period. The prohibition on gaming machines at the casino will remain at the recommendation of a select committee of the Legislative Assembly.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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, and that the provision of Australian Capital Territory cemeteries should not be restricted by legislation to a single operator.	The Government rejected recommendation to limit post-burial tenure at public cemeteries. Replacement legislation, the Cemeteries and Crematoria Bill 2001, introduced for debate in the Legislative Assembly in August 2001 and subsequently withdrawn. The Cemeteries and Crematoria Bill 2002 (No 2) was introduced into the Legislative Assembly in December 2002. The Bill was passed by the Legislative Assembly on 6 March 2003 and commenced on 6 September 2003. (See also the Cremation Act 1966.)
Children and Young People Act 1999	DEYFS	Licensing of child care operations. Introduces concepts of: parental responsibility; family group conferencing; therapeutic protections; and enduring parental responsibility for children and young people in need of care and protection. Expanded definition of mandated professionals.	New legislation replacing the Children's Services Act 1986.	The Act was subject to the gatekeeper process.
Children's Services Act 1986 - except Parts III and X	DEYFS	Licensing of child care operations.	Full public review completed in 1999. Act assessed as not restricting competition.	A replacement Act, the Children and Young People Act 1999 passed in the Legislative Assembly on 21 October 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropractors and Osteopaths Act 1983	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. The Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. It released a draft Health Professionals Bill for consultation. The draft Bill will repeal the existing health professional Acts, and replace them with a consolidated Act. The Government tabled the final Bill in the Legislative Assembly on 11 December 2003. It is scheduled for debate in March 2004 with enactment expected by June 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Classification (Publications, Films and Computer Games) (Enforcement) Act 1995	JACS		<p>Joint jurisdictional review under way. Part of an ongoing national regulatory scheme overseen by the Federal Government.</p> <p>The ACT has very limited powers in relation to classification legislation (see s23 (1)(g) of the ACT Self-Government Act where the ACT has no powers to make classification laws with to censorship). The ACT has power to legislate with respect to enforcement of the classification laws.</p> <p>Further review of the ACT legislation was dependent on Australian Government action. The Australian Government conducted a review into classification in 2000-2001 in relation to the proposal for a "non-violent erotica" classification. The Australian Government did not proceed with that review. The Australian Government earlier this year completed a review of classification guidelines, but no consequential ACT activity has been identified.</p>	Act retained without reform.
Clinical Waste Act 1990	DUS		Intradepartmental review completed in May 2002. Review found that the public health and environmental protection benefits of the restrictions provided a net benefit to the public.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Collections Act 1959	DUS	Licensing (fit and proper person, cause must be in the public interest, costs/remuneration not likely to be excessive, funds raised to be applied in ACT — unless there is no ACT body supporting that cause,), business conduct (reporting of funds raised and costs).	Review, in conjunction with the Hawkers Act 1936, by Allen Consulting Group completed in April 2000. Review involved targeted public consultation, with an issues paper, meetings and written submissions. Recommended: Act not place limits on the level of fundraising costs or remuneration; the regulatory emphasis be on the disclosure of fundraising details to potential donors; the Act not limit the locations where collections can be undertaken or the number of organisations collecting; rather than focusing on funds raised and costs incurred for particular collections, all organisations that produce audited accounts be required to lodge those accounts with the registrar on an annual basis; organisations that do not have audited accounts be required to keep appropriate records and have those records signed off by an 'appropriate person' as being in order; collectors be required to wear a badge (or prominently display information) relating to the collection; and the Act be drafted to apply to any direct or indirect appeal for support.	The Government accepted most review recommendations. The Charitable Collections Act 2003, which replaced the Collections Act, will commence in September 2003.
Commercial Arbitration Act 1986	JACS		Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on 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>
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.	Act retained without reform.
Community and Health Services Complaints Act 1993	ACT Health	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 anti-competitively and that no market was affected by the legislation.	Act retained without reform.
Companies (Australian Government Brickworks (Canberra) Limited) Act 1979	CMD	Act assessed as not restricting competition.	Review not required.	
Companies (Registered Societies) Ordinance 1990	CMD		Review not required.	Registered Societies model legislation adopted nationally.
Companies Auditors and Liquidators Disciplinary Board Ordinance 1982	CMD		Review completed.	Registered Societies model legislation adopted nationally.
Construction Practitioners Registration Act 1998	DUS	Registration for building certifiers, entry requirements, disciplinary processes, and 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.	See reform activity notes under the Building Act 1972.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit (Administration) Act 1996	JACS	Minimal registration and conduct requirements.	Intradepartmental review completed in September 2001. Review concluded that the market suffers from well documented market failures that expose consumers to high levels of financial risk and prevent them from discriminating objectively between the providers of services in terms of quality and cost of service.	The Act maintained on public benefit (consumer protection) grounds.
Consumer Credit Act 1995	JACS	Part of a national regulatory regime.	National review completed. Review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. The review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs (MCCA) endorsed the final report in 2002 and referred it to the Uniform Credit Code Management Committee which is facilitating the resolution of some issues.	Australian Capital Territory will duplicate model legislation developed by Queensland.
Contractors' Debts Act 1897 (New South Wales) in its application in the Territory	JACS		Review completed in 1999.	Amendments recommended by review included in the Justice and Community Safety Amendment Act 2001 which repeals section 5 (which capped the liability of contractors for their employees to 60 days' wages) and section 6 (which limited the period in which a worker can make a claim for wages to 3 months).
Co-operative Societies Act 1939	CMD		Intradepartmental review completed.	Act amended to reflect a consistent national approach.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Coroners Act 1997	JACS	Minor issues.	Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition.	Act retained without reform.
Credit Act 1985	JACS		Review not required.	
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. The Cemeteries and Crematoria Bill 2002 (No 2) was introduced into the Legislative Assembly in December 2002. The Bill was passed by the Legislative Assembly on 6 March 2003 and will commence on 6 September 2003. (See also Cemeteries Act 1933.)
Crown Proceedings Act 1992	JACS		Intradepartmental review completed in 1999.	Amendments recommended by review included in Justice and Community Safety Amendment Act 2001 which includes an amendment to the Act to remove a competitive advantage enjoyed by the Crown when it carries on business activities.
Cultural Facilities Corporation Act 1997	DUS	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>
Dangerous Goods Act 1975 (New South Wales) in its application in the Territory	CMD		<p>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. Review found that it is the public interest to regulate workplace safety and dangerous goods, and recommended the adoption of an integrated and modernised regulatory regime.</p> <p>The Standing Committee on Legal Affairs commenced a review of the Act in December 2001, with particular reference to: the sale of fireworks in the Territory; the general safety of setting off fireworks; and any other related matters. The Committee recommended that the Act and its subordinate legislation be redrafted.</p>	<p>The Government announced in December 2002 that it proposed to prepare a new Dangerous Goods Act and new explosives and fireworks regulations. The new Act — the Dangerous Substances Bill 2003 — was introduced to the Legislative Assembly on 11 December 2003 and is scheduled for debate in February 2004. The Bill, which is expected to be enacted by end-March 2004, is consistent with the national standard for the storage and handling of dangerous goods, the Australian dangerous goods code and the Australian explosives code.</p>
Dangerous Goods Act 1984	DUS	The Act applied the NSW Dangerous Goods Act 1975 to the ACT.		Act repealed and provisions incorporated in the Dangerous Goods Act 1975.
Defamation Act 1901 (New South Wales) in its application in the Territory	JACS	Minor NCP issues (confers differential statutory defences to different parts of the media market).	Review not required.	Act repealed by the Defamation Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Technicians and Dental Prosthetists Registration Act 1988	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. It released a draft Health Professionals Bill for consultation. The Bill will repeal the existing health professional Acts, and replace them with a consolidated Act. The Government tabled the final Bill in the Legislative Assembly on 11 December 2003. It is scheduled for debate in March 2004 with enactment expected by June 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dentists Act 1931	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of general health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. It released a draft Health Professionals Bill for consultation. The Bill will repeal the existing health professional Acts, and replace them with a consolidated Act. The Government tabled the final Bill in the Legislative Assembly on 11 December 2003. It is scheduled for debate in March 2004 with enactment expected by June 2004.
Disability Services Act 1991	DDHCS	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 (Sections 28 and 29 provide exceptions for the insurance and superannuation industries from unlawful discrimination).	Intradepartmental review completed in September 2001. Review concluded that the insurance and superannuation industries are entitled to rely on actuarial, statistical, or other data or relevant factors to discriminate against persons where reasonable having regard to such information. The costs are minimal and the public benefit test is satisfied.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Domestic Relationships Act 1994	JACS		Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition.	
Door-to-Door Trading Act 1991	JACS	Restricts the hours during which door to door sellers may operate.	Intradepartmental review completed in October 2000. Review concluded that costs are minor. Public benefit is high — taking into consideration the need for rest for family members undisturbed by door to door traders during periods of the night and day which are normally periods of rest.	Act retained without reform.
Drugs of Dependence Act 1989	ACT Health	Restrictions on competition throughout Act.	Part of the national Galbally Review into drugs, poisons and controlled substances. Draft review report released on 11 September 2000. Final review report given to the Australian Health Ministers Conference (AHMC) in early 2001. Australian Health Ministers' Advisory Council (AHMAC) Working Party considered review and reported back to Health Ministers in June 2002.	The working party consulted with the Primary Industries Ministerial Council in preparing its response to the Galbally report. The response was endorsed by AHMC out of session in October 2003 and is expected to be considered by CoAG, together with the Galbally report, in early 2004. The ACT is awaiting CoAG's final response before commencing legislative changes.
Earnings (Assignment and Attachment) Act 1966	JACS	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>
Education Act 1937 Schools Authority Act 1976 Public Instruction Act 1880 Free Education Act 1906	DEYFS	Requires non-government schools to be registered.	Full public review completed in 2000. Review involved extensive consultation and made 23 recommendations, including: <ul style="list-style-type: none"> • establishing a single Act for schooling in the ACT; • considering teacher registration for the professional enhancement of teachers in the ACT; • retaining legislative provisions for the establishment and re-registration of nongovernment schools; and • reviewing the licensing arrangements for independent preschools that are attached to registered nongovernment schools. 	The Government has accepted the recommendations and presented the Education Bill 2003 to the Legislative Assembly on 27 November 2003. It is scheduled for debate in March 2004, and enactment is likely by mid-2004.
Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994	DEYFS	Requires registration of providers of education to overseas students.	Interdepartmental review.	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 - electricians licensing – Part 2 of 2	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, business capacity), the reservation of practice (installing, altering or repairing an electrical installation, other than an electrical installation that operates at extra low voltage), disciplinary processes, and business conduct (insurance).	Targeted public review completed in 2000. Provisions for licensing of electricians reviewed by Allen Consulting Group in conjunction with Building Act 1972 and the Plumbers, Drainers and Gasfitters Board Act 1982. Final report completed August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	See the Building Act 1972. The Construction Occupations (Licensing) Bill 2003 was introduced into the Legislative Assembly on 20 November 2003. The Bill is scheduled for debate in early March 2004 with enactment expected to occur by mid-2004. the Bill introduces significant reforms to the regulation of building and construction industry trades and implements the recommendations of the National Competition Policy review of Occupational Licensing in the ACT, which reflected reform proposals that have been considered over a number of years.
Enclosed Lands Protection Act 1943	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Enforcement of Public Interests Act 1973	JACS	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>
Environment Protection Act 1997	DUS		RIS undertaken in developing the legislation. RIS publicly available.	The Environment Protection Act 1997 came into effect on 1 June 1998 and was a result of NCP reviews of the Air Pollution Act 1984, the Water Pollution Act 1984, the Noise Control Act 1988, the Pesticides Act 1989 and the Ozone Protection Act 1991, which were all subsequently repealed. The establishment of the single Act was designed to maintain the public interest in terms of protecting the environment from pollution and its negative effects (as identified through the NCP reviews of the other five Acts), but through a legislatively simplified regime.
Essential Services (Continuity of Supply) Act 1992	DUS		Review not required.	Part of the Act to be repealed as it will now be part of the Utilities legislation.
Fair Trading (Consumer Affairs) Act 1973 (previously Consumer Affairs Act 1973)	JACS	Imposes conduct restrictions.	Intradepartmental review completed in September 2001. Review concluded that the Act is procompetition. Minor amendments proposed.	Amendments included in the Fair Trading (Amendment) Act 2001.
Fair Trading (Fuel Prices) Act 1993	JACS	Allows the relevant Minister to set fuel prices.	Intradepartmental review completed in 1999. Review concluded that the Act has no effect on the market unless the Minister exercises a power to determine fuel prices under the Act. The Minister is unlikely to make such a determination unless the market is acting in a collusive or anti-competitive manner. On activation, costs would be significant. However, there would be a countervailing and greater community benefit.	Act retained on public benefit (consumer protection) grounds.
Fair Trading (Petroleum Retail Marketing) Act 1995	JACS		Full public review completed.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1992	JACS	Registration and mandatory codes of practice for bodyguards, security guards, cash transit industry, crown marshals, and guard and patrol services, entry requirements (competency, character - criminal record check), the reservation of practice, disciplinary processes, and business licensing.	Intradepartmental review completed in September 2001. Review concluded that the Act does not restrict competition. Minor amendments proposed.	Amendments included in the Fair Trading (Amendment) Act 2001.
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	Prohibits sale of fertilizers unless with a statement of composition.	Review, by officials, completed in 1999.	Act to be retained.
Financial Institutions (Application of Laws) Act 1992	DoT		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999.
Financial Institutions (Removal of Discrimination) Act 1997	DoT	Act assessed as not restricting competition.	Review not required.	
Financial Institutions (Supervisory Authority) Act 1992	DoT		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999.
Financial Institutions Duty Act 1987	DoT		National review completed in 1997.	Act amended to reflect a consistent national approach.
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.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 considered via legislation gatekeeping process.	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	ACT Health	Provides for various food safety offences. Provides for licensing of food businesses. Requires 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.
Freedom of Information Act 1989	JACS	Minor NCP issues.	Intradepartmental review completed in September 2001. Review concluded that the Act is not anticompetitive.	
Fuels Control Act 1979	JACS		Intradepartmental review completed in 1999.	Act to be retained on public benefit test.
Games Wagers and Betting-houses Act 1901 (New South Wales) in its application in the Territory	DoT	Suppression of gaming houses.	Review completed as part of the gambling legislation review. (See the Gaming and Betting Act 1906 (NSW) in its application to the ACT). This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.	The NCP review did not make any recommendations in relation to this Act, and consequently there is no Government response expected. This Act is now a Territory Statute, not a New South Wales Act. (See the Law Reform (Miscellaneous Provisions) Act 1999).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming and Betting Act 1906 (New South Wales) in its application in the ACT	CMD	Regulations on gaming, betting and wagering; restricts the holding of race-meetings; and licensing of racecourses.	Review completed as part of the gambling legislation review. This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.	The NCP review did not make any recommendations in relation to this Act, and consequently there is no Government response expected. This Act is now a Territory Statute, not a New South Wales Act (Law Reform (Miscellaneous Provisions) Act 1999 refers).
Gaming Machine Act 1987	DoT		Review by the ACT Gaming and Racing Commission reported in October 2002. Review recommended restricting the issue of gaming machine licences to clubs and phasing out the licences held by some liquor licence holders. 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, and a freeze on gaming machine numbers and measures to counter the negative effects of gambling.	The Government is considering the review recommendations. Responding to the review, on 10 February 2004, the ACT Government tabled amending legislation, in the form of the Gaming Machine Amendment Bill 2004, in the Legislative Assembly. The Bill reflects findings of the review that harm minimisation measures are an element of gaming machine legislation and requires all applicants for gaming machines to undertake new social impact assessment requirements. In the interests of allowing competition in the industry, the government has agreed to allow taverns access to modern machines that had previously been the preserve of hotels. Debate on the Bill is scheduled to occur in the first week of March 2004 with enactment expected to occur by mid-2004.
Gas Act 1992	DUS			Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Levy Act 1991	CMD			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	Minor NCP issues (conduct requirements).	Intradepartmental review completed in September 2001. Review concluded that the Act is not anticompetitive.	
Hawkers Act 1936	DUS	Licensing, entry requirements (age, good character, fit and proper person), and business conduct (geographic and time restrictions, business structure).	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. Review recommended: refocusing legislation on land use and continuing positive licensing for hawkers operating from a single location, but having negative licensing for mobile hawkers; removing restrictions on number of vehicles a hawker can operate, number of people hawkers can employ and their age; removing 180-metre exclusion zone from traditional shops, and regulating health, liquor and contraband goods via other legislation.	The Government supports the major recommendations of the review, but will retain the 180 metre exclusion zone around shops. The Hawkets Act 2003, which repeals the Hawkets Act 1936, commences in September 2003.

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Health Act 1993	ACT Health	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	ACT Health	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. The review further identified that there were difficulties in identifying the restrictions as anti-competitive. The conclusion was that the legislative restrictions provided an overall community benefit and were on balance significantly higher than any cost of compliance with the legislation.	Act retained without reform.
Health Complaints Act 1993	ACT Health		Review not required.	Act replaced by the Community and Health Services Complaints Act 1993.
Health Promotion Act 1995	ACT Health	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	ACT Health	Limited restrictions on competition.	Intradepartmental review completed in December 1999. Review did not support the initial audit view that anti-competitive restrictions may apply. Restrictions do not relate to a market/commercial activity.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Heritage Objects Act 1991	DUS		Review not required. Following the decision to develop new legislation for the regulation of heritage matters, this Act has been withdrawn from the NCP program. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.	
Hotel School Act 1996	CMD	Act assessed as not restricting competition.	Review not required.	
Housing Assistance Act 1987	DDHCS	Act assessed as not restricting competition.	Consultants' review completed in March 2002. No competitive restrictions identified.	Administrative recommendations relating to the re-wording of the Act's objectives, removing currently unused housing programs and organisational re-structuring of Australian Capital Territory housing not accepted.
Inebriates Act 1900 (NSW) in its application in the Territory	ACT Health	Sections 10 and 14 could restrict competition by licensing and regulating institutions.		Act repealed.
Inebriates Act 1938	ACT Health	Act assessed as not restricting competition.	Review not required.	Act repealed.
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.	Act retained without reform.
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 Australian Government.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Interactive Gambling Act 1998	DoT	Licensing, conduct	Review by ACT Gambling and Racing Commission under way. Completion of review dependent on outcomes of Australian Government review of its Interactive Gambling Act 2001.	The Australian Government has advised that a draft report of the review of the Interactive Gambling Act 2000 will be provided to the relevant Minister in late February 2004.
Intoxicated Persons (Care and Protection) Act 1994	ACT Health	The Act contains restrictions on competition in terms of requirements that 'sobering up' shelters must be licensed.	Intradepartmental review completed in December 2000. Review identified that the restrictions were a sustainable public benefit.	Act retained without reform.
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 completed in 2000. The low cost of the 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.	No competition related action required.
Land (Planning and Environment) Act 1991- Part III (heritage provisions)	DUS		Review not required. Following the decision to develop new legislation for the regulation of heritage matters, this Act has been withdrawn from the NCP program. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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. Review 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) Act 1996 - No 84 of 1996	DUS		Targeted public review, in conjunction with the Lands Acquisition Act 1994, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.
Land Titles (Unit Titles) Act 1970	JACS	Minor NCP issues (imposes a conduct requirement).	Review not required. Act assessed as not restricting competition.	
Land Titles Act 1925	JACS	Minor NCP issues (imposes conduct requirements).	Review not required. Act assessed as not restricting competition.	
Landlord and Tenant Act 1899 (New South Wales) in its application in the Territory	JACS			Act repealed by 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) 1996 Act, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.
Law Reform (Manufacturers Warranties) Act 1977	JACS		Act assessed as not restricting competition.	Act repealed by the Fair Trading (Amendment) Act 2001 because it duplicates more extensive provisions in the Trade Practices Act.
Law Reform (Misrepresentation) Act 1977	JACS		Act assessed as not restricting competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lay-by Sales Agreements Act 1963	JACS	Imposes conduct restrictions.	Intradepartmental review completed in July 2000. Review concluded that costs are minor and public benefit is high.	Act retained without reform.
Legal Aid Act 1977	JACS		Review not required. Act assessed as not restricting competition.	
Legal Practitioners Act 1970	JACS	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, 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)).	<p>Targeted public review under way. 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. Government is considering submissions.</p> <p>A Stage 2 options paper, canvassing reform issues relating to business structures including multi-disciplinary practices, fee setting, insurance and the statutory interest account was to have been released in 2001. However, review of the Legal Practitioners Act 1970 has now ceased. Further review and reform activity will occur at a national level (under the auspices of SCAG) to ensure a uniform and nationally consistent framework for this industry.</p>	As an interim measure, pending the outcome of the national model laws project, the ACT amended the Act to introduce a second insurance provider in 1999. The ACT expects to repeal its existing legislation when a nationally consistent form of legislation has been determined following the national review process involving the Standing Committee of Attorneys General.
Legislation (Republication) Act 1996	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on public benefit test. Act replaced by the Legislation Act 2001.
Liquor Act 1975 (except subsections 42E(2) and 42E(4))	JACS	Regulates the sale of liquor via licences.	Intradepartmental review completed in 2001. Minor amendments to Act recommended. Act assessed as not substantially impacting on competition.	Act maintained on public benefit grounds. Minor amendments included in the Justice and Community Safety Legislation Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Act 1975 (subsections 42E(2) and 42E(4))	CMD	Relates to procedures if a licence holder fails to pay liquor taxes.	Intradepartmental review completed in 2001. Minor amendments to Act recommended. Act assessed as not substantially impacting on competition.	Act maintained on public benefit grounds. Minor amendments included in the Justice and Community Safety Legislation Act 2001.
Listening Devices Act 1992	JACS		Intradepartmental review completed in 1999. Act to be retained on public benefit test. Minor issues.	Act to be retained on public benefit test.
Litter Act 1977	DUS		Targeted public review, in conjunction with the Roads and Public Places Act 1937, completed in 2000. Review concluded that in terms of the requirements under NCP guidelines: the Act marginally restricts business for businesses dependent on flyer and bill advertising; the public protection benefits of the Act outweigh any marginal impact on competition; and no feasible non legislative options were found which can achieve the same level of public benefits.	The Government accepted the review recommendations.
Long Service Leave (Building and Construction Industry) Act 1981	CMD		Targeted public review completed in 1999. Act assessed as not restricting competition. Final review report available at www.act.gov.au/urbanservices .	Act to be retained without reform.
Long Service Leave Act 1976	CMD	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.	Act retained without reform.
Lotteries Act 1964	DoT		Review completed in 1998. Review found that the current duopoly is no barrier to new entrants and recommended no change to the legislation.	The Government endorsed most of the review recommendations. The Government expects to pass amendments, not related to the NCP, to modernise the legislation, by June 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Machinery Act 1949	CMD			Act repealed and replaced by the Occupational Health and Safety (Amendment) Act 1997.
Magistrates Court Act 1930	JACS	Act assessed as not restricting competition.	Review not required.	
Meat Act 1931	ACT Health	Requires Ministerial permission for certain meat processing activities.		Act repealed by the Food Act 2001.
Mediation Act 1997	JACS	Act assessed as not restricting competition.	Review not required.	
Medical Practitioners Act 1930	ACT Health	Restriction on entry, registration, title, practice, advertising, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Issues paper released in May 1999. Discussion paper released in December 1999. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Records (Access and Privacy) Act 1997	ACT Health		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	ACT Health	Restricts the fees payable for the treatment of private patients in public hospitals.	Review not required. Legislation relates to an intergovernmental financial arrangement.	Act retained without reform.
Mental Health (Treatment and Care) Act 1994	ACT Health	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. Review demonstrated an overall public benefit of the restrictions.	Act retained without reform.
Mercantile Law Act 1962	JACS		Intradepartmental review completed in 1999.	Archaic provisions repealed.
Milk Authority Act 1971	DUS	Retail price controls. Licensing of home vending. Canberra Milk Authority required to buy milk from the sole ACT producer.	Review by officials completed in 1998. Review recommended: <ul style="list-style-type: none"> • separation of Authority's regulatory and commercial roles; • retention of retail price controls until mid-2000; • reform of home vending arrangements; and • retention of compulsory acquisition of ACT milk. 	The Government initially accepted the review recommendations. In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, the ACT passed the Milk Authority Repeal Act 2000 on 23 May 2000, deregulating its milk arrangements from 1 July 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Omnibus Services Act 1955	DUS		Review not required.	Act repealed by the Road Transport (Public Passenger Services) Act in December 2001. This Act requires ACTION to become an accredited bus operator. In addition, the ACTION Authority Act 2001 was commenced on 1 January 2002. The Act establishes ACTION as a statutory authority with governing board and includes provisions for the transfer of staff and assets.
Motor Traffic Act 1936 - Part 1 of 2	DUS	Compulsory third party insurance provisions.	Review not required.	Legislation 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.	<p>NCP review completed in March 2000. On licence quotas, review recommended:</p> <ul style="list-style-type: none"> • immediate removal of restrictions on supply of taxi and hire car licences; and • full compensation to licence holders via a licence buy-back, with compensation to be funded via consolidated revenue or a long term licence fee regime. <p>The ICRC released its report in June 2002. It endorses removal of supply restrictions and proposes three options for compensation (it does not recommend any particular option).</p>	<p>In December 2000, the Government announced it would be releasing 10 new Wheelchair Accessible Taxi licences. The Government has agreed with New South Wales to allow 16 New South Wales taxis in the ACT. In December 2002, the Government announced that an additional 5 per cent of taxi licences would be issued each year, subject to a reserve price (90 per cent of market value). New hire car licences are to be released according to a similar formula, at a rate of 10 per cent for the first two years. The first auction was scheduled for August 2003, but has been delayed because the Legislative Assembly has directed the amending legislation to a Standing Committee, which considered it over the period to December 2003.</p> <p>The Committee’s report was provided to the Government on 17 December 2003 and did not fully endorse the Government’s proposed approach to taxi and hire car deregulation. A response to the Committee’s report is currently being drafted.</p>
Motor Vehicles (Dimensions and Mass) Act 1990	DUS	Act assessed as not restricting competition.	Review not required.	
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	CMD	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>
Nature Conservation Act 1980	DUS	Controls on commerce in animals and plants.	Targeted public review completed in 1999. Review found that these restrictions would be justified provided that the lists of protected and exempt plants were reviewed to ensure that entries were justifiable on conservation grounds.	<p>A review of the Act was completed in June 1999 and determined that provisions within the legislation were consistent with the objectives of the Act and necessary to conserve the ACT's biodiversity for current and future generations.</p> <p>However, several of the schedules of protected and controlled flora and fauna were out of date or considerably more restrictive than in other jurisdictions. Subsequently, a review of the schedules was undertaken to ensure that only those animals or plants necessary to conserve local biodiversity were granted protection under the Act and that flora and fauna commercial and hobby activities were not adversely affected. The revised schedules were prepared and tabled in the Legislative Assembly in June 2002.</p>
Noise Control Act 1988	DUS			Act repealed by the Environment Protection Act 1997.
Notaries Public Act 1984	JACS	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>
Nurses Act 1988	ACT Health	Restrictions on entry, registration, title, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings. The review did not make any recommendations regarding the regulation of nurses.	<p>The Government considered the review reform proposals and agreed to the drafting of revised legislation.</p> <p>The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.</p>
Oaths and Affirmations Act 1984	JACS	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>
Occupational Health and Safety Act 1989	CMD	Act assessed as not restricting competition.	<p>Review, in conjunction with the Dangerous Goods Act 1984, the Scaffolding and Lifts Act 1957 and the Machinery Act 1949, under way.</p> <p>Review examining the development of an integrated performance-based regulatory regime for workplace safety, dangerous goods and those areas currently regulated under the Scaffolding and Lifts Act and the Machinery Act, in line with agreements reached in 1991 by Premiers and Chief Ministers that jurisdictions would pursue the development of nationally uniform, flexible and performance-based regulations under parent occupational health and safety legislation.</p> <p>RIS issued for consultation comments. Following the October 2001 election, the Government continuing to progress the review and the ACT Occupational Health and Safety Council are shortly to consider the issue and report to the Government.</p>	<p>The Government commenced a new review of the Act which will progress the general objective of achieving an integrated and modernised regulatory regime.</p> <p>Amending legislation in the form of the Occupational Health and Safety Amendment Bill 2004 was introduced into the Legislative Assembly on 12 February 2004.</p>
Ombudsman Act 1989	JACS	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>
Optometrists Act 1956	ACT Health	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	<p>The Government considered the review reform proposals and agreed to the drafting of revised legislation.</p> <p>The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.</p> <p>In addition, legislative amendments are being prepared to allow optometrists to prescribe certain therapeutic ocular drugs. These amendments will come into effect in 2004.</p>
Ozone Protection Act 1991	DUS			Act repealed by the Environment Protection Act 1997.
Parental Leave (Private Sector Employees) Act 1992	CMD	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 Act (No. 2) 2000. Amendments remove a disincentive to Australian Capital Territory partners accepting positions on public or private sector corporate boards.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers Act 1902 (New South Wales) in its application to the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice, business conduct (prescribed records, public auction unredeemed goods over \$10, cooperation with police).	Intradepartmental review completed in 2001. Review recommended retaining the Act, but amending it to take into account new technology and repealing archaic business rules.	Amendments involving simplified licensing procedures have been agreed to by the Government, and implemented through the Justice and Community Safety Legislation Amendment Act 2002.
Payroll Tax Act 1987	CMD		Initial intradepartmental review completed. Act assessed as not restricting competition. No further review required.	
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	Prohibits use of pesticides unless registered.		Act repealed and replaced by the Environmental Protection Act 1997. This Act prohibits 'off-label' use unless with a permit and requires authorisation of chemical use in line with review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1931	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions. CoAG referred the national review to a senior officials working group, which recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies).</p> <p>Also part of targeted public review of health practitioner registration Acts. Review completed in March 2001.</p>	<p>Legislation was passed in August 2001 amending the Pharmacy Act to allow pharmacy companies to be registered as pharmacists.</p> <p>Draft legislation is being prepared for government consideration on 9 March 2004 that is designed to allow the operation of friendly society-owned pharmacies in the ACT, utilising the Australian Government's Corporations Act 2001 as the basis to define 'friendly society'. Subsequent introduction into the Legislative Assembly is expected in March/April 2004 with enactment expected by June 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Act 1977	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plant Diseases Act 1934	DUS	Restrictions on introduction into the ACT of declared pests and diseases. Destruction of neglected trees. Quarantine control provisions. Specifies particular products for use in controlling fruit fly and aphidae. Specifies particular kinds of packaging. Imposes restrictive standards on fruit for retail sale.	Review in conjunction with the Land (Planning and Environment) Act 1991 (pest plant and animal provisions) completed. Review recommended: <ul style="list-style-type: none"> retaining restrictions on introduction into the ACT of declared pests and diseases, provisions relating to the destruction of neglected trees and quarantine control provisions; repealing provisions that specified particular products for use in controlling fruit fly and aphidae, particular kinds of packaging, and that imposed inappropriate and unduly restrictive standards on fruit for retail sale; and retaining provisions relating to pest plant and animals. 	Amending legislation, the Plant Diseases Act 2002, passed in December 2002.
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, in conjunction with the Electricity Act 1971 (electricians licensing), and the Building Act 1972, by Allen Consulting Group completed in August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	See the Building Act 1972. The Construction Occupations (Licensing) Bill 2003 was introduced into the Legislative Assembly on 20 November 2003. The Bill is scheduled for debate in early March 2004 with enactment expected to occur by mid-2004. The Bill introduces significant reforms to the regulation of building and construction industry trades and implements the recommendations of the National Competition Policy review of Occupational Licensing in the ACT, which reflected reform proposals that have been considered over a number of years.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Podiatrists Act 1994	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	<p>The Government considered the review reform proposals and agreed to the drafting of revised legislation.</p> <p>The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.</p>
Poisons Act 1933	ACT Health	Restricts the sale and storage of poisons and biological substances.	Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the AHMC in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.	<p>The AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council before being forwarded to CoAG.</p> <p>The response was endorsed by AHMC out of session in October 2003 and is expected to be considered by CoAG, together with the Galbally report, in early 2004. The ACT is awaiting CoAG's final response before commencing legislative changes.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poisons and Drugs Act 1978	ACT Health		Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the AHMC in early 2001. AHMAC Working Party considered review and reported back to Health Ministers in June 2002.	See the Poison Act 1933. AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council before being forwarded to CoAG. The response was endorsed by AHMC out of session in October 2003 and is expected to be considered by CoAG, together with the Galbally report, in early 2004. The ACT is awaiting CoAG's final response before commencing legislative changes.
Pool Betting Act 1964	DoT	Approvals for conduct of pool betting competitions, restrictions on advertising and other conduct, possible supervision of competitions, levies and probity of financial arrangements.	Review completed in 1998. Review found that the current duopoly is no barrier to new entrants and recommended no change to the legislation.	The Government accepted the recommendation.
Pounds Act 1928	DUS	Establishes government operated pounds. Confers differential benefits on market participants as to impounding stock depending on what stock they keep and where their property is located.	Review by officials, in conjunction with the Animal Diseases Act 1993 and the Stock Act 1991, completed. Review found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Powers of Attorney Act 1956	JACS	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>
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. Review concluded that to the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	Act retained without reform.
Printing and Newspapers Act 1961	JACS		Intradepartmental review completed in 1999.	Act repealed.
Proceeds of Crime Act 1991	JACS	Minor NCP issues (imposes conduct requirements).	Intradepartmental review completed in October 2000. The Act has a high public benefit. While competition policy issues have been identified, the legislation is justified on a cost-benefit basis. Some changes may be desirable having regard to any changes to Australian Government legislation.	Act retained without reform.
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		Intradepartmental review completed in August 2000. Review found that regulation of prostitution is necessary to address public health concerns and protect children from exploitation, and that the benefits outweigh its cost to business.	Act retained without reform.

<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	Act assessed as not restricting competition.	Interdepartmental review. Following preliminary review work, the Trespass on Territory Land, the Enclosed Lands and the Recovery of Lands Acts removed from joint review as no competition restrictions identified.	Act repealed on 29 March 2001.
Psychologists Act 1994	ACT Health	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. The Health Professionals Bill 2003, which will repeal existing health professionals Acts and replace them with a consolidated Act, was introduced to the Legislative Assembly on 11 December 2003, and is scheduled for debate in March 2004. Enactment is expected by June 2004.
Public Baths and Public Bathing Act 1956	DEYFS	Act assessed as not restricting competition.	Review not required.	
Public Health (Miscellaneous Provisions) Act 1997	ACT Health	Limited restrictions on competition.	Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Health (Prohibited Drugs) Act 1957	ACT Health	Limits business conduct.	Review completed. Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the AHMC in early 2001.	<p>AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council before being forwarded to CoAG.</p> <p>The response was endorsed by AHMC out of session in October 2003 and is expected to be considered by CoAG, together with the Galbally report, in early 2004. The ACT is awaiting CoAG's final response before commencing legislative changes.</p>
Public Health Act 1928	ACT Health			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	ACT Health	Limits conduct.	The ACT commenced a process of reviewing its public health legislation by 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 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.	Amendment Bill May 2000 (subsequently passed) introduced some negative licensing provisions to address the anticompetitive provisions identified in the review. Reforms (in the form of introducing codes of practice) were introduced on an incremental basis as the Public Health Act 1928 is progressively repealed. These included: <ul style="list-style-type: none"> • swimming and spa pools (1999); • drinking water, cooling towers and hairdressing (2000); and • health care facilities (2001).
Public Parks Act 1928	DUS		Review, in conjunction with the Lakes Act 1976, completed.	Act repealed by the Statute Law (Amendment) Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Sector Management Act 1994	DoT	Requirement that permanent ACT government employees join the Australian Government Superannuation Scheme as 'eligible employees' under the Australian Government's Superannuation Act 1976. The Public Sector Management Act allows appointees to the ACT Senior Executive Service to join any approved superannuation fund, unless already members of the Australian Government scheme.	<p>The ACT has not reviewed its superannuation arrangements as it is constrained in its capacity to offer a choice of superannuation provider to its permanent public servants until the position of the Australian Government's superannuation legislation has been resolved.</p> <p>The passage of amending Australian Government legislation providing for choice of superannuation fund was not passed by the Senate following its introduction in 2001. In December 2003, the Australian Government released an exposure draft of a paper relating to possible amendment to the Public Sector Superannuation (PSS) scheme. The paper specifically noted that changes to superannuation arrangements did not include providing for choice of fund.</p>	Until reform issues regarding the Australian Government's legislation have been settled, review and any subsequent reform in the ACT is not possible.
Public Trustee Act 1985	JACS	Prohibits other than Trustee companies to act as Public Trustee.	Intradepartmental review completed in August 2000. The Public Trustee performs functions that benefit greatly the wider community. A number of minor non-competition issues (concerning the ambit of the Trustee's discretion) were identified for further consideration.	Act retained without reform.
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 Bookmakers Act 1985 resulted in the new Race and Sports Bookmaking Act 2001.	<p>Act repealed and replaced the Bookmakers Act 1985. This Act:</p> <ul style="list-style-type: none"> • removes the requirement for racing club approval to grant bookmakers licences; • removes racing club-specific restrictions on bookmakers licences; • allows an independent authority (the Australian Capital Territory Gambling and Racing Commission) to assess licence applications; • removes limitations on phone betting; • removes the requirement for sports bookmakers licence (or agents licence) holders to first obtain a standing bookmakers licence; • removes the limit on the number of sports bookmaking licences granted; • allows for flexibility in the location of betting office operations; and • relates the size of the betting security guarantee to the amount of risk. <p>Arrangements fully implemented except for the sports' bookmakers security guarantee. This item is expected to be finalised in 2003-04.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racecourses Act 1935	DoT		Review not required.	Act repealed and provisions incorporated in new racing legislation - the Racing Act 1999.
Racing Act 1999	DoT	Regulates thoroughbred racing, harness racing and greyhound racing conducted for the purpose of betting, and for related purposes; including restrictions on holding race meetings and setting up controlling bodies for each racing mode.	New legislation. RIS completed.	Act passed in 2000 and commenced in June 2001.
Radiation Act 1983	ACT Health		National review completed.	The Radiation Health Committee of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is shortly expected to release the draft of the National Directory for Radiation Protection (NDRP) for the second, and last, round of public comments. Flowing from the NCP review of radiation protection legislation undertaken by ARPANSA, the NDRP will provide the 'best practice' template for jurisdictions to make legislative amendments to incorporate the findings agreed to by the Australian Health Ministers' Conference in September 2002. Contingent upon approval of the final draft of the NDRP by the Australian Health Ministers' Conference, the NDRP is expected to be available in the second half of 2004 and amendments to the Radiation Act 1983 will be dependent on the final form of that document.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rates and Land Rent (Relief) Act 1970	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	
Rates and Land Tax Act 1926	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition — no further review required.	
Rates and Land Tax Act 1986	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition — no further review required.	
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.	Act retained without reform.
Registration of Interests in Goods Act 1990	JACS		Intradepartmental review completed in 2000. Act assessed as not restricting competition.	Act repealed by the Sale of Motor Vehicles Amendment Bill 2000.
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, and business conduct (vehicle requirements unless vehicle provided by person under instruction, display certificate).	New legislation introduced to meet national reform requirements.	Road Transport (Driver Licensing) Regulations 2000 introduced to meet national reform requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Road Transport (General) Act 1999	DUS	Mandatory insurance, licensing of insurers, setting fees, implementing National Road Transport Commission Agreements.	Review not required. Legislation allows the Government to approve multiple insurers.	
Road Transport (Public Passenger Services) Act 2001	DUS		<p>RIS completed.</p> <p>The 'NCP Review of ACT Taxi and Hire Car Legislation' was prepared by Freehills Regulatory Group. Recommendations included the introduction of accreditation for taxi operators and networks, the removal of cross border restrictions, and the removal or loosening of licence supply constraints through transitional adjustments.</p>	<p>Act provides for the accreditation of bus operators and allows the Government to enter into contracts to provide regular public passenger transport services in the ACT. Act also provides for accreditation of taxi networks and taxi operators.</p> <p>The Road Transport (Public Passenger Services) Amendment Bill 2003 would repeal these provisions and provide for the specification in regulation of a process for the release of licences at auction in accordance with a formula.</p> <p>The 2003 amendment Bill was referred to a Legislative Assembly Standing Committee which was given until December 2003 to report. The Committee's report was provided to the Government on 17 December 2003 and did not fully endorse the Government's proposed approach to taxi and hire car deregulation. A response to the Committee's report is currently being drafted.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Roads and Public Places Act 1937	DUS		Targeted public review, in conjunction with the Litter Act 1977, completed in 2000. Final review 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. Act retained without reform.
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.	Act retained without reform.
Sale of Goods (Vienna Convention) Act 1987	JACS		Act assessed as not restricting competition.	
Sale of Goods Act 1954	JACS	Imposes conduct requirements inconsistent with the Australian Government TPA.	Intradepartmental review completed in July 2000. Minor amendments identified.	Act amended by the Fair Trading Amendment Act 2001.
Sale of Motor Vehicles Act 1977	JACS	Registration and business conduct of motor vehicle dealers.	Intradepartmental review completed in 2001. Review found a strong public interest case for retaining the regulatory regime, given the risk of the motor vehicle market being used by criminals to pass on stolen goods. Review recommended amending the Act to remove archaic provisions.	The Government implemented the review recommendations through the Justice and Community Safety Legislation Amendment Act 2001.
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.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Scaffolding and Lifts Act 1957	CMD		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	CMD		Review, in conjunction with the Occupational Health and Safety Act 1989, completed.	Act repealed by the Occupational Health and Safety (Amendment) Act 1997.
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. 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 Assembly in the Justice and Community Safety Legislation Amendment Act (No. 2) 2001.
Sexually Transmitted Diseases Act 1956	ACT Health		Review completed in 2002.	Act to be retained on public health grounds.
Skin Penetration Procedures Act 1994	ACT Health		Review not required.	Act repealed.
Small Claims Act 1974	JACS		Review not required.	Act repealed.
Smoke-free Areas (Enclosed Public Places) Act 1994	ACT Health	Prohibits or restricts smoking in enclosed public places.	Review completed in June 2002. Review recommended maintaining restrictions on public interest (public health) grounds.	Act retained without reform.
Stamp Duties and Taxes Act 1987	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	
Standard Time and Summer Time Act 1972	CMD	Act assessed as not restricting competition.	Review not required.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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. Review 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.	Act retained without reform.
Substitute Parent Agreements Act 1994	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on public benefit test.
Supervision of Offenders (Community Service Orders) Act 1985	JACS	Act assessed as not restricting competition.	Review not required.	
Supreme Court Act 1933	JACS	Act assessed as not restricting competition.	Review not required.	
Surveyors Act 1967	DUS	Licensing, entry restrictions (educational prerequisites), the reservation of title and practice, ability of board (made up of mostly surveyors) to make regulations and undertake disciplinary processes.	Review completed in December 1998. Review recommendations included retaining registration, having less rigorous entry standards and abolishing the board in favour of powers of a Chief Surveyor.	The Government accepted all recommendations but deferred considering removing compulsory postgraduate entry requirements until all jurisdictions have completed their reviews of surveyors legislation. The new Act gives powers to a Commissioner for Surveys (not a Chief Surveyor). A new Surveyors Act 2001 was passed in February 2001. The Act commenced on 26 July 2001.
Tenancy Tribunal Act 1994	JACS		Review not required.	Act repealed by the Leases (Commercial and Retail) Act 2001.
Territory Owned Corporations Act 1990	DoT	Potential (marginal) restrictions on competition in section 18.	Targeted public review completed in 1998. Act assessed as not restricting competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Theatres and Public Halls Act 1928	CMD		Review completed in 1998.	Act repealed in March 2001.
Tobacco Act 1927	ACT Health		Review, in conjunction with the Smoke Free Areas (Enclosed Public Places) Act 1994, completed in June 2002. Review recommended maintaining restrictions on public interest (public health) grounds.	Act retained without reform
Tobacco Products (Health Warnings) Act 1986	ACT Health	Restrictions on competition throughout Act.	Targeted public review completed. Review report redrafted to take account of 1999 amendments to the Act.	Act repealed in 2001.
Trade Measurement (Administration) Act 1991	JACS	Act assessed as not restricting competition.	Review not required.	
Trade Measurement Act 1991	JACS		National review completed.	Act adopted recommendations of national review in 2002.
Trading Hours Act 1962	CMD		Intradepartmental review completed.	Legislation repealed.
Trading Stamps Act 1972	JACS	Act assessed as not restricting competition.	Review not required.	
Transplantation and Anatomy Act 1978	ACT Health	Restrictions on trading in human tissue.	Review completed in 2002.	Act to be retained on public interest (maintaining medical ethical standards) grounds.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trans-Tasman Mutual Recognition Act 1997	CMD		<p>National review completed in 1998.</p> <p>The PC is currently undertaking a review of the Trans-Tasman Mutual Recognition Agreement (TTMRA). Submissions closed on 28 March 2003 and the PC's research paper was released in October 2003. The key finding was that the TTMRA has been effective overall in achieving the objective of assisting the integration of the Australian and New Zealand economies and promoting competitiveness.</p> <p>Currently, there are a number of special exemptions from the TTMRA and are matters primarily involved with public safety. They are: therapeutic goods, hazardous substances, industrial chemicals and dangerous goods, consumer product safety standards, road vehicles standards, gas appliances standards, electromagnetic compatibility and radiocommunications standards. The PC recommended that many of the exemptions should remain, because mutual recognition would erode justified regulatory differences.</p>	<p>A response to the PC's review is currently being prepared for endorsement by CoAG. The ACT's legislation mirrors the Australian Government's; accordingly, any legislative amendments resulting from the review's recommendations will be determined at the Australian Government level.</p>
Trespass on Territory Land Act 1932	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Act 1957	JACS	Minor issues.	Intradepartmental review completed in 1999.	Anticompetitive provisions repealed. Repeal of listed investments in Trustee (Amendment) Bill 1999 to allow a trustee to invest in any form of investment. However, it also requires the trustee to exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.
Trustee Companies Act 1947	JACS	No competitive restrictions	National review under way.	Act to be repealed by proposed uniform trustee companies legislation drafted for consideration by the Standing Committee of Attorneys-General (SCAG).
Tuberculosis Act 1950	ACT Health		Review completed in 2002.	Act to be retained on public interest (public health) grounds.
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	Act assessed as not restricting competition.	Review completed in 2000. This Act has been the subject of a major non-NCP review. There are no identified restrictions on competition.	Replacement legislation passed in April 2001 and commenced on 6 October 2001. See the Unit Titles Act 2000.
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.	Act retained without reform.
University of Canberra Act 1989	DEYFS	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>
Unlawful Games Act 1984	DoT		<p>Targeted public review completed as part of the gambling legislation review.</p> <p>This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.</p>	The NCP review did not make any recommendations in relation to this Act, and consequently no Government response is required.
Utilities Act 2000	DUS		Introduction of the Act followed public consultation and review of both existing regulatory arrangements and principles for effective regulation.	The Utilities Act implemented. The 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 Registration Act 1965	ACT Health	Licensing of veterinary surgeons, reservation of practices and reservation of title	<p>Review completed in March 2001. Review recommended:</p> <ul style="list-style-type: none"> retaining registration, reservation of title and clear conduct standards; and removing the general reservation of practice. 	<p>The Government expects to amend the legislation in 2004. (See reform activity for the Medical Practitioners Act 1930.)</p> <p>A submission is currently being prepared for consideration by the Government to enable reform of the Act. Amending legislation is to be based on the reform model utilised for reform of health professionals, the Health Professionals Bill 2003. Reforms required are minor in nature and will be completed in 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Vocational Education and Training Act 1995	DEYFS	Registration of training providers and accreditation of training providers.	Intradepartmental review completed. Review concluded that public benefit of restrictions outweigh costs.	Act retained without reform. Amendments proposed to meet national consistency requirements for registration of training organisation and accreditation of courses in both vocational education and training and higher education was introduced in the Legislative Assembly in April 2003 and passed in August 2003.
Witness Protection Act 1996	JACS	Act assessed as not restricting competition.	Review not required.	
Workers' Compensation Act 1951	CMD	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. The Workers Compensation (Amendment) Act 2001 was passed in August 2001 (effective from 1 July 2002). It retains no premium setting, and choice of fund.
Workers' Compensation Supplementation Fund Act 1980	CMD	Act assessed as not restricting competition.	Review not required.	Act retained without reform.

10 Northern Territory

Agency abbreviations

The following abbreviations are used in the 'Agency' column of the Northern Territory legislation review timetable.

DBIRD	Department of Business, Industry and Resources Development
DCDS&CA	Department of Community Development, Sport and Cultural Affairs
DEET	Department of Employment, Education and Training
DH&CS	Department of Health and Community Services
DIPE	Department of Infrastructure, Planning and Environment
DOJ	Department of Justice
DPC	Darwin Port Corporation
NTT	Northern Territory Treasury
PAWA	Power and Water Authority
PFES	Northern Territory Police, Fire and Emergency Services
TDZ	Trade Development Zone Authority
TIO	Territory Insurance Office

Legislation review: Northern Territory

Updated to February 2004

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Abattoirs and Slaughtering Act and Regulations	DBIRD	Establishes licensing regime and standards for premises - slaughter of buffalo (Regulation 7), abattoir licence (Regulation 5).	Review completed in 1997.	Act repealed and replaced by the Meat Industries Act 1996.
Adoption of Children Act	DH&CS	Governs the adoption of children within the Northern Territory. It restricts market entry by limiting the organisation and approval of adoptions to the Minister or persons approved by the Minister (s.74)	Departmental review completed in 2001. Review found all restrictions to provide a net public benefit.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aerodromes Act	DIPE	<p>Operations of aerodromes; use and capacity of aerodromes; and conduct of commercial activities at aerodromes.</p> <p>The principal catalyst for introduction of the legislation was the emerging importance of Connellan Airport at Yulara as a major transportation hub for tourists and others visiting Uluru and the far south-west region of the NT. The purpose of the Act was to provide authority for declaration of any place to be an aerodrome, and for appointment of a Director of Aerodromes.</p> <p>In practice, no elements of the Act have reduced competition, if for no other reason than that the powers of the Act have apparently never been invoked.</p>	<p>Review by an independent consultant completed. Review report submitted to the department in late October 2001. Review recommended the Act be repealed.</p>	<p>Parliament repealed this Act on 1 February 2003.</p>
Agent's Licensing Act	DOJ	<p>Licensing (real estate agents, agent's representative, conveyancing agent), registration, entry requirements (fit and proper person, aged at least 18 years, education or experience, competency), the reservation of practice, disciplinary processes, and business conduct (maintenance of office in NT, professional indemnity insurance, fidelity fund, trust monies).</p>	<p>Review completed in 2002. Review recommended retaining licensing of real estate agents but partially deregulating agents' representatives. The review also recommended reforms to entry requirements and business conduct restrictions.</p>	<p>The Government rejected the recommendation to partially deregulate agents' representatives but implemented the remaining recommendations through the Agents Licensing Amendment Act 2002.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural and Veterinary Chemicals (NT) Act	DBIRD	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	See the Australian Government Agricultural and Veterinary Chemicals Code Act 1994. The Northern Territory Government has drafted a Bill incorporating nationally agreed changes and released it for public consultation. The Government anticipates introducing the Bill during the March 2004 sittings of the Legislative Assembly.
Architects Act	DIPE	Registration, entry requirements, reservation of title, and disciplinary processes.	National review by the Productivity Commission (PC) completed in August 2000 (publicly released November 2000). (Previously completed NT review put on hold.) PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act. A States and Territories Working Group recommended the adoption of an alternative approach via amendment of existing legislation to remove elements deemed to be anticompetitive and not in the public interest.	The Legislative Assembly passed the Architects Amendment Act on 27 November 2003. This Act amends the Architects Act in accord with the Working Group approach.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Auctioneer's Act	DBIRD	Licensing, entry requirements (aged over 18 years, good character, fit and proper person), the reservation of practice, and business conduct (maintenance of records for at least 12 months, auctions between 8am and 11pm).	Interdepartmental review completed in May 2002. Public consultation involved releasing a consultative paper and inviting submissions. Review recommended replacing current licensing system with a negative licensing system through an Industry Code of Practice under the Consumer Affairs and Fair Trading Act. Review also recommended that the Government consider imposing some requirements for handling of trust moneys and trust accounts.	The Auctioneers Act Repeal Act 2002 provides for the repeal of the Auctioneers Act and for the making of a code of practice under part 13 of the Consumer Affairs and Fair Trading Act.
Building Act	DIPE	Licensing and provision for establishment of building technical standards, registration of building practitioners and certifiers, regulation of building matters (including the registration of building products), the granting of permits, and the establishment of appeals processes.	Review undertaken in 1999. Review recommended repeal of three sections of the Act because they were redundant or anticompetitive and retention of other restrictions that the review considered to be in the public interest.	Review endorsed by the Government in 2002. The Building Amendment Act 2003 (assented to on 7 July 2003) gives effect to the review recommendations in full.
Building Societies Act	DBIRD	Licensing.	Review completed in 1997.	Act repealed in May 1998. Building Societies currently registered under the Financial Sector Reform (NT) Act as part of a national legislative scheme.
Business Franchise Act	NTT	Licence to sell tobacco or petroleum products (s14).	Targeted review completed in 1998. Licensing and registration requirements are not considered to restrict competition.	The Government accepted the review findings.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Caravan Parks Act	DCDS&CA	Regulates caravan parks. Only applies to some parts of the Territory. May create anti-competitive effects between controlled and uncontrolled areas.	Internal review completed in July 2000. Public notices of the review were also placed in Territory newspapers. Review found the Act has been applied in a non-uniform manner. In 1975 a Ministerial declaration allowed under section 2 limited the Act's application to within 26km of the Darwin GPO. About 20% of all caravan parks in the Territory are located in this area, and the restrictions found in the Act are therefore imposed in an uncompetitive manner. This limited application is indicative of the Act being generally outdated. Many provisions have been duplicated in other legislation, while other aspects of caravan service regulation are currently dealt with through convention and measures such as a service accreditation program. New legislation, to be applied uniformly, has been suggested to reflect current issues in service provision with corresponding regulations on industry practice. Review recommended the Act be repealed, and relevant parties be involved in preparing new legislation.	The Territory Government accepted the review recommendation. A repeal Act was passed by the Legislative Assembly in November 2000.
Cemeteries Act	DCDS&CA	Provides for the establishment, maintenance and control of cemeteries.	Departmental review with independent steering committee completed in August 2000.	New legislation passed in November 2000, providing for non-undertakers to be eligible for one-off licence and persons other than Councils eligible to erect a crematorium.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Classification of Publications, Films and Computer Games Act	DOJ	The Act is part of a national scheme which provides for the classification of films, videos, computer games and publications. It contains provisions which regulate the sale of such materials. Additionally, it contains a prohibition concerning the manufacture of 'X' style videos in the NT.	<p>Departmental review completed in April 2000. Comments were sought from State and Territory Government agencies. A full public review was not considered necessary because:</p> <ul style="list-style-type: none"> • the Act is mainly comprised of offences created to reflect government policy positions on issues of morality; • there is no evidence that these policy positions are under any challenge; • of the various regulatory options, the one in the Act is of the lightest kind. That is, there is no licensing or registration scheme and there is no payment of any fees required for activities in the NT; and • to the extent that the Act supports some heavy regulation (namely the requirement for the classification, on payment of a fee, of most videos, films and computer games and of some publications) the regulation is, for most practical purposes, national. <p>Review found that the anticompetitive provisions can be justified as being in the public benefit and that there is no need to amend the Act.</p>	The Government approved the recommendations of the review in 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commercial and Private Agents Licensing Act	DOJ	Licensing (commercial agents, process servers, inquiry agents, private bailiffs), registration, entry requirements (age over 18 years, resident of the Territory, fit and proper, not found guilty of offence that warrants refusal of licence, any person may object to issuing of licence), the reservation of practice, disciplinary processes, business conduct (provide bond, trust account, prescribed records, local (but not interstate) licensed agent must have a nominee and branch manager resident in the NT), and business licensing.	Review completed in November 1999. Review recommended: retaining exemption from positive licensing all persons of particular occupations who perform agent roles incidental to their occupation (but introducing negative licensing); continuing licensing of employees and sub-agents; issuing licences for a fixed period (a suggested two years); transferring responsibility for licensing to the Industries and Business portfolio; making various changes to business conduct requirements (requirement to issue receipts, change to trust account arrangements; consideration of issue of bonds and indemnity insurance in late 2000); and undertaking a further review to implement best practice licensing processes.	The Government approved recommendations, and enacted legislation in 2000 to transfer the licensing from the local court to the Commissioner for Consumer Affairs and to introduce fixed three-year licences in lieu of indefinite licences. Legislation commenced in December 2001.
Commercial Passenger (Road) Transport Act	DIPE	Limitations on number of taxi and hire car licences.	Review completed in 1998. Review recommended: <ul style="list-style-type: none"> • elimination of restrictions on licence numbers; • compensation for the full market value of licences via a licence buy-back; and • substantial licence fees to recoup compensation costs. 	The Government removed supply restrictions in January 1999, and implemented a buyback. It imposed a six-month moratorium on the issue of new licences in November 2001 (this moratorium was later extended to December 2002, and subsequently to March 2003). However, the Government announced in June 2003 that caps on taxi numbers (at one taxi licence per 900 people) would be reintroduced in Darwin and Alice Springs and that there would be an annual A\$6000 fee for operating hire cars.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Community Welfare Act	DH&CS	Provides for the protection and welfare of children. Licensing of childcare centres (Div 2).	Targeted review completed in 2000. Review concluded that in general, the public benefits of the competitively restrictive features of the Act exceed their public cost by a large margin, and that they should therefore be retained.	The Government decided to undertake the reforms as part of a broad early childhood strategy to be determined in 2003 following extensive community consultation, with revised legislation to be implemented from July 2005. As a result, the Northern Territory advised that the amendments to the Community Welfare Act will take place in two stages. The first stage will address the NCP requirements by amending part X of the Act (which deals with the licensing of children's homes, etc). The second stage will involve a complete review of the Act to replace it with more contemporary legislation. The first stage in amending part X to address NCP requirements involves the preparation of a discussion paper for community input. Following approval of the paper, the Minister will endorse the broad policy approach to the amendments. The Northern Territory advised that amendments to part X of the Act will be introduced to the Legislative Assembly in February 2004. Passage of the amendments is expected in the February 2004.
Companies (Trustees and Personal Representatives) Act	DOJ	Regulation of trustee companies.	NCP review completed.	The matter will not be referred to the Government until the outcomes of the national review are completed. The issues are still being debated within the Standing Committee of Attorneys-General and Council of Australian Governments (CoAG).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996 - Part 1 of 3	DOJ	The Act covers a range of matters, including licensing and business conduct restrictions for pawnbrokers and second hand dealers, motor vehicle dealers, door-to-door sales and credit providers' provisions and the code of practice for tow truck operators.	Review by the Centre for International Economics (CIE) completed in 2000. Review recommended the retention of restrictions relating to product safety and product information and door-to-door trading and the code of practice for tow truck operators. It recommended pro-competitive change to fair reporting and credit provider provisions. Recommended that Part 8 (fair reporting) be repealed, but that repeal be deferred until a report on the databases is received and the implications are determined. Motor vehicle dealers: recommended removing requirements for licensee to submit annual financial returns; removing requirements for approval of dealer managers; removing power to require banker's guarantee; and formalising the financial test applied for new licences.	<p>In November 2000, the Government approved the review recommendations except in relation to Part 8 (fair reporting). This was not supported as Part 8 entitles NT residents to wider information that may be held about them other than just credit information. There are negligible costs to business in providing the information or access to the information. It was considered the incremental benefits outweigh the additional costs of providing access to non-credit related information.</p> <p>The Government did not accept recommendation to remove requirements for the approval of motor vehicle dealer managers. The Government considers the costs are low, while the potential costs to consumers associated with not having a designated responsible person on site could be significant. Also licensing of motor vehicle dealer managers allows for the screening of motor vehicle dealers and helps provide confidence to consumers that the person is reputable.</p> <p>The Consumer Affairs and Fair Trading Amendment Act 2002 provided for the implementation of these reforms. Most of this Act's provisions commenced operation in 2002.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996 - Part 2 of 3	DOJ	Part of legislation relating to travel agent's licence. Licensing and compulsory consumer compensation fund.	<p>Part of national review of travel agent regulation (coordinated by WA). Review report by CIE released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option.</p> <p>Public comments on the final report are to be considered by the Ministerial Council for Consumer Affairs (MCCA). In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but consider establishing a risk-based premium structure and making prudential arrangements more equitable.</p>	<p>The MCCA recommended that each jurisdiction review and amend its entry qualifications to ensure uniformity.</p> <p>The Government has directed that a working party be established that will work through these proposals as they apply to the Northern Territory, noting that the NT legislation, while structurally the same as in other jurisdictions, is administered differently. This working party will report by mid-2004.</p>
Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996 - Part 3 of 3	DOJ	Sundry fair play provisions regarding the regulation of advertising, banning of potentially unsafe goods etc.	Review found that the benefits of the fair reporting provisions have not been demonstrated and that the provisions should be repealed. Review, however, recommended that their repeal be deferred pending resolution of new national issues relating to residential tenancy data bases.	The Government introduced amendments to the Act into Parliament in July 2002 that implement the review recommendations. The Government accepted the recommendation to defer repeal of the fair reporting provisions and stated that it would further consider the issue. See above comment on Part 1 of 3.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit (Northern Territory) Act	DOJ		National review completed. Review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. Review also recommended enhancing the code's disclosure requirements. The MCCA endorsed the final report in 2002 and referred it to the Uniform Credit Code Management Committee which is facilitating the resolution of some issues.	
Dangerous Goods Act and Regulations	DEET	Sets requirements for the transport, storage and handling of dangerous goods. Business licences to manufacture, store, convey, sell, import or possess prescribed dangerous goods (s 15 - 21). Operators' licences for: drivers of dangerous goods vehicles (Regulation 56); shotfirers (Regulation 132); gas fitters (Regulation 172); and autogas fitters (Regulation 202).		Act repealed and the new Dangerous Goods Act assented to on 30 March 1998. The Government presented the Dangerous Goods (Road and Rail Transport) Bill and an amendment Bill to the 1998 Dangerous Goods Act (which had still not commenced) to Parliament in February 2003. Parliament passed the two Bills in late May 2003. The legislation ensures consistency with national agreements on the road and rail transport of dangerous goods.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Darwin Port Authority Act and by-laws	DPC	Establishes the Darwin Port Authority. Prescribes functions and powers: monopoly powers; licensing arrangements and fees; issue, renewal and cancellation of stevedoring licences; controls shipping movements in port; exemption from local government charges; harbour craft by-laws; vessels engaged in commercial activities (safety issue); exemptions from pilotage requirements; and partial exemption from the Corporations Law.	Independent review undertaken in 1997 and 1998, with subsequent further consultation. Review completed in 2001.	Legislation replaced by the Darwin Port Corporation Act.
Darwin Port Authority Amendment Act	DPC	Changes the name of the Darwin Port Authority to the Darwin Port Corporation.	Review of the Darwin Port Corporation Act and the Port and Harbourcraft By-laws, also scrutinised the Darwin Port Authority Amendment Act. Review finalised in 2000.	The Government accepted the findings of the review in early 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Darwin Port Corporation Act	DPC	Establishes the Darwin Port Corporation (name changed from the Darwin Port Authority by the Darwin Port Authority Amendment Act). See Darwin Port Authority Act. Partial exemption from the corporations law.	Review completed in 2001. See the Darwin Port Authority Act.	The Government accepted most of the review recommendations. Recommendation to remove licensing of stevedores not accepted (the Government considered licensing to be the most cost effective way of monitoring environmental and health and safety standards at Darwin Port) but the licence fee was reduced from \$10 000 to an administrative fee. The Corporation's exemption from local government rates and charges to be removed (competitive neutrality). Government considering reforming the Corporation's partial exemption from the Corporations Law as part of government business reform process, with changes to be implemented by June 2002 (competitive neutrality). See the Darwin Port Authority Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Act	DH&CS	Restrictions on entry, registration, title, practice, advertising, ownership, and disciplinary provisions.	Full review by CIE completed in May 2000. Review recommendations include registering all paraprofessionals, amending practice restrictions and removing ownership restrictions.	<p>The Government approved the drafting of an omnibus Health Practitioners Bill to replace the Health Practitioners and Allied Professionals Registration Act, the Dental Act, the Nursing Act, the Medical Act, the Optometrists Act, and the Pharmacy Act 1996.</p> <p>A discussion paper on the proposed legislation was released for public comment in September 2001, and public forums were held in the major centres in October and November 2001. Drafting of the Bill commenced in March 2002. The Bill was introduced into the Legislative Assembly in November 2003 and is expected to be passed in February 2004.</p>
Education Act	DEET	Provides for registration of non-government schools.	Full review not required. Initial departmental assessment found Act does not contain unjustified restrictions on competition.	Arising from the review, the NT will clarify the requirements for registration of nongovernment education providers.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electrical Workers and Contractors Act	DIPE	Licensing, registration, entry requirements (qualifications, experience, fit and proper), and the reservation of practice (electrical work unless extra low voltage).	Review by CIE completed in October 2000. Consultation involved public release of issues paper, consultation with stakeholders and submissions. Review recommendations included that licensing should be maintained, but also that other means of signalling competence should be afforded comparable status, the board should consider removing additional experience requirements for contractors, the fit and proper person test should be amended to signal the criteria against which it is assessed, and exemptions to licensing requirements to the Power and Water Authority (PAWA) should be removed. Recommended more general review of Act.	The Government approved the review recommendations in November 2000. Following a review of the administrative structures supporting the Act, it introduced a Bill to amend the Act in June 2003. The Act was passed by the Legislative Assembly on 14 August 2003 and assented to on 18 August 2003.
Electricity Act and Regulations	PAWA	Regulates the generation and safe use of electricity, and the reselling of electricity (s 14(5)); Part IV of the Trade Practices Act 1974 (TPA) conflicts. Sale and resale is prohibited without license (s 27); affects competition, restricts entry. Prohibits certain uses of electricity (s 29); Part IV (TPA) concerns. Price fixing in relation to licensee (s 30); Part IV (TPA) concerns and possibly reduces contestability. Liability limitation (s 32); possible competitive neutrality. Act binds the Crown (s 38). Regulation making powers (s 39).	Review, as part of the review of PAWA, conducted by Merrill Lynch and Fay Richwhite. Department also reviewed the proposed regulatory framework, draft regulatory principles and draft determinations on regulated charges issued by the NT Utilities Commission.	The Government introduced a package of legislative change to implement reform. The package included the repeal of the Electricity Act and its replacement with the Electricity Reform Act, amendments to the Power and Water Authority Act and the introduction of the Electricity Networks (Third Party Access) Act and the Utilities Commission Act. These changes were introduced in March 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Energy Pipelines Act	DBIRD	Establishes regulatory framework for construction, operation, and maintenance of energy pipelines in NT.	Review completed. Review found anticompetitive provisions in Act were justified in public interest. Impact of restrictions considered to be low. Potential public safety and environmental benefits derived from regulating construction and operation of energy pipelines likely to exceed direct enforcement, industry compliance, and broader economic costs. Approaches such as negative licensing, co-regulation, and self-regulation rejected as unlikely to achieve objective of Act more efficiently than existing legislative framework.	Act retained without reform.
Energy Resource Consumption Levy Act	NTT	Requires bulk consumers of oil (consuming more than 830 000 litres per month) to register with Commissioner of Taxation (s7).	Review completed in 1998. Review found the registration requirement was designed to facilitate collection of levy monies and does not restrict competition.	The Government accepted the review findings.
Financial Institutions Duty Act	NTT	Licensing.	Targeted review completed in 1998. Review found that the registration and certification requirements were legitimate administrative arrangements for revenue collection and did not represent significant barriers to market entry.	Act retained without reform.
Financial Management Act	NTT	Government account to be held at a bank, requirements for determining suitable financial institutions and instruments for investing Government funds.	Review of s29(2) completed in 1998. Review found that the investment guidelines are comparable to those of any financial institution, and that the benefits arising from the accountability of Government investment outweigh the costs associated with the guidelines.	Anticompetitive effect of section 27 removed by the Financial Institutions (Miscellaneous Amendments) Act 1997. No reform required for s29(2).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Firearms Act	PFES	Armourer's licence (s 20), Dealers licence (s 17), Shooter's licence for security firms (s 28/29), and Shooting gallery licence (s 31).	Preliminary analysis indicated that restrictions were overwhelming in the public interest and hence no change recommended.	The Government accepted the findings.
Fisheries Act 1996 and Regulations	DBIRD	Licensing of fishers. Input controls on vessels, gear, fishing methods and landings. Output controls such as total allowable catches, size and bag limits, and prohibitions on taking certain species.	Review completed in October 2000. Review recommended: <ul style="list-style-type: none"> • adding a clear statement of objectives to the Act; • exploring the potential for replacing input controls with individual transferable quotas in all Northern Territory fisheries, beginning with Spanish mackerel and crab fisheries; • removing various restrictions around licensing, including number, eligibility, allocation, foreign ownership, transferability and renewal; • beginning a process of increasing the recovery of fishery management costs from fishers; and • considering the adequacy of resources devoted to enforcing fishery controls. 	Action plan for implementation has been developed. The Government is drafting a Bill to incorporate reforms requiring a legislative response, and will introduce it in March 2004 sittings. Government is developing and implementing non-legislative responses.
Food Act	DH&CS	Provides for various food safety offences.	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. The Government introduced the Food Bill, which adopted core provisions of the Model Food Bill, to the Legislative Assembly in November 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming Control Act and Regulations	NTT	Provides for the regulation and control of gaming. Licensing, exclusivity for casinos, market behaviour, permits, and operational restrictions.	Public review completed. Issues paper prepared and released for public comment in April 2002.	The Government endorsed the findings of the review. The Government is preparing the first suite of legislative amendments for introduction to the Legislative Assembly during the March/April 2004 sittings. The Government is considering establishing a separate Gaming Commission and reorganising the legislative arrangements. Further amendments may follow from these considerations.
Gaming Machine Act	NTT	Provides for the licensing of gaming machines in community venues - establishes limits and controls on numbers of machines and locations.	Review completed. Issues paper prepared and released for public comment in April 2002.	The Government endorsed the findings of the review. The Government is preparing the first suite of legislative amendments for introduction to the Legislative Assembly during the March/April 2004 sittings. The Government is considering establishing a separate Gaming Commission and reorganising the legislative arrangements. Further amendments may follow from these considerations.
Kava Management Act	NTT	Provides for licensing and regulation of kava in prescribed areas of the Territory.	Review completed.	The Government endorsed the review report. The Kava Management Amendment Bill 2003 was passed in April 2003 and implemented the recommendations of the review with effect from November 2003.
Grain Marketing Act 1983	DBIRD	Vested ownership of all barley and coarse grains grown in the Territory in the Grain Marketing Board.	Review completed in 1997. Review recommended repeal of the Act.	Act repealed in February 1997 resulting in the dissolution of the Grain Marketing Board. There are no remaining legislative controls over grain marketing in the NT.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hawkers Act	DCDS&CA	Licensing, and business conduct.	Stakeholder focused review completed in August 2000. Review found licensing requirements, exemption provisions and restrictions on hawking on Crown land were anticompetitive, although necessary to protect the public in terms of proper commercial dealings and annoyance. However, it also found that the objectives of the legislation could be pursued through other legislation. The review recommended repealing the legislation, pending consideration of other legislative means for regulating hawking offences.	The Government accepted the review recommendations in September 2000. Bill to repeal passed in November 2000 (brought into effect in April 2001).
Health Practitioners and Allied Professionals Registration Act	DH&CS	Registration as: Aboriginal Health Worker (s 24); Chiropractor (s 35); Occupational Therapist (s 38); Osteopath (s 39); Physiotherapist (s 40); and Psychologist (s 41). Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in May 2000. Review recommendations included retaining title restriction and removing generic practice restrictions.	The Government approved the drafting of an omnibus Health Practitioners Bill to replace the Health Practitioners and Allied Professionals Registration Act, the Dental Act, the Nursing Act, the Medical Act, the Optometrists Act, and the Pharmacy Act 1996. A discussion paper on the proposed legislation was released for public comment in September 2001, and public forums were held in the major centres in October and November 2001. Drafting of the Bill commenced in March 2002 and is scheduled for Parliament in spring 2003. The Government introduced the Bill to the Legislative Assembly in November 2003 and expects it to be passed in February 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Housing Act	DCDS&CA	The Housing Act and Regulations establish the legislative basis for the provision of public housing and housing assistance schemes in the Territory.	Internal review, with independent oversight provided by a steering committee comprised of Department of the Chief Minister, NT Treasury and Attorney General's Department officials, completed. Review found that the provisions of the Act that represent potential restrictions on competition are justified on social welfare and equity grounds. The review also considered alternative regulatory approaches such as outsourcing and the direct subsidisation of landlords. However, it was considered that these alternatives were unlikely to achieve the objectives of the Act in a more efficient manner than the current arrangements and therefore the review recommended no change to the legislation.	The Government endorsed the review outcome in October 2000.
Legal Practitioners (Incorporation) Act	DOJ	Prohibits companies practising law unless the company is approved by the Chief Justice and owned and controlled by legal practitioners.	Review completed in November 2001. Review recommended multidisciplinary practices, but providing for the disqualification of corporations found guilty of serious offences or with a history of employing persons found guilty of unsatisfactory professional conduct.	The Government accepted the review recommendations. The Legal Practitioners Amendment (Incorporated Legal Practices and Multi-Disciplinary Partnerships) Act will, on commencement in early 2004, repeal the Legal Practitioners (Incorporation) Act, was passed on 20 August 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practitioners Act	DOJ	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, disciplinary processes, and business conduct (including monopoly professional indemnity insurance and advertising).	<p>Review completed. Review recommendations included reserving core areas of legal work; removing restrictions on incorporated and multidisciplinary practices; and removing controls on fees for worked conducted outside of court.</p> <p>The Government has delayed its NCP review of professional indemnity insurance given recent insurance market developments and the outcome of the national model laws project.</p>	The Government has delayed responding to the review until completion of the national model laws project. It anticipated, however, introducing legislation into the Northern Territory Legislative Assembly in late 2004.
Licensed Surveyors Act	DIPE	Licensing, registration, entry requirements (education, experience, possibly exams, fit and proper), the reservation of title and practice, disciplinary processes, and business conduct (including practice standards), business licensing.	<p>Review completed in October 1999. Review concluded that potentially anticompetitive provisions could be justified under the Competition Principles Agreement (CPA). Public benefit arguments were provided in the 2002 NCP annual report to support the retained competition restrictions, particularly in relation to entry standards.</p>	The Government endorsed the review outcomes in February 2000.
Liquor Act	NTT	Regulates the sale of alcohol. Contains a public needs test: Licensing authorities are to have regard to the location and conditions of any licensed premises in the vicinity of the premises which are the subject of an application for a licence and community needs and wishes.	<p>Review finalised and considered by the Government in September 2003. The review's 29 recommendations include the removal of the current Sunday takeaway trading restriction, which discriminates between venue types, and the replacement of the 'needs and wishes' test for the granting of a new liquor licence with a 'public interest' test.</p>	The Government accepted most findings. The Sunday takeaway trading issue has been referred to the Alcohol Framework project for further consideration. Legislative amendments to implement most of the recommendations were introduced into the Legislative Assembly in November 2003 and are scheduled for passage in the February 2003 sittings.

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Local Government Act, Regulations and By-Laws	DCDS&CA	Provides for the constitution of municipalities and community government areas, the election of self-governing authorities to control municipalities and community government areas and provides for a similarity of power and function between self-governing authorities.	Internal review by the Department of Local Government completed in September 2000. Stakeholder comment invited and terms of reference consistent with NCP guidelines. Restrictions identified as anticompetitive were justified against public interest criteria.	The Government accepted the review recommendations. Act retained without reform.
Marine Act and Regulations	DIPE	Applies national uniform shipping Law Codes. Licensing of certain commercial operations (part V), certificate of survey (s79(a)), permit for the operation of hire-and-drive vessel (s 4), certificate of competency (coxswain) (Schedule 3), certificate of competency (masterclass-all) (Regulation 9).	Targeted review completed in January 2001. Review found that the restrictive elements of the Act are justified under NCP principles.	The Government accepted the review recommendations in April 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marine Pollution Act	DIPE	<p>The purpose of the Act is to protect the NT's marine and coastal environments by minimising intentional and negligent discharges of ship-sourced pollutants through giving effect to the MARPOL international convention dealing with pollution by oil, noxious liquid substances in bulk, harmful substances in packaged form, sewage and garbage.</p> <p>With the exception of Australian Defence Force and a warship, naval auxiliary or other ship owned or operated by a foreign country and used, for the time being, only for government, noncommercial service of the country, the Act applies to all ships plying Northern Territory coastal waters.</p>	<p>Review completed in September 2001. Review found that the restrictive elements of the Act are justified under NCP principles.</p>	<p>The Government endorsed the review recommendations.</p>
Meat Industries Act 1996	DBIRD	<p>Provides for various food safety offences. Provides for licensing of processing facilities.</p>	<p>Review by an independent reviewer completed in November 2000. Review recommended no change.</p>	<p>The Government accepted the recommendation in April 2001. Act retained without reform.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Act	DH&CS	Restrictions on entry, registration, title, practice, advertising, ownership, business, and disciplinary provisions.	Review completed in May 2000. Review recommendations included removing generic practice, ownership and advertising restrictions, and retaining title protection.	<p>The Government approved the drafting of an omnibus Health Practitioners Bill to replace the Health Practitioners and Allied Professionals Registration Act, the Dental Act, the Nursing Act, the Medical Act, the Optometrists Act, and the Pharmacy Act 1996.</p> <p>A discussion paper on the proposed legislation was released for public comment in September 2001, and public forums were held in the major centres in October and November 2001. Drafting of the Bill commenced in March 2002. The new legislation is expected to be introduced into the Legislative Assembly in late 2003. The Bill was introduced in the Legislative Assembly in November 2003 and is expected to be passed in February 2004.</p>
Medical Services Act	DH&CS	Limits conduct of medical services, entry conditions and pricing.	Targeted review by CIE completed in May 2000. CIE found that none of the features of the Act were being implemented in an anticompetitive way, and concluded that the Act was consistent with NCP requirements. Minor administrative changes were recommended.	The Government noted the outcomes of the review. However, no amendments will be made to the Act, pending the outcomes of a separate ongoing review of medical services framework legislation. Given that the Act is NCP compliant in its current form, the NT considers that it is not in the public interest to devote scarce resources to amending the Act when such amendments may well be superseded in the foreseeable future.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mental Health and Related Services Act	DH&CS	Provides for the care and treatment of the mentally ill.	Review by CIE completed in May 2000. Review concluded that there is a strong net community benefit in the retention of existing restrictions in the Act, and recommended no changes.	Act to be retained without reform.
Merlin Project Agreement Ratification Act	DBIRD	Provides mechanism for levying royalties and imposing more stringent security conditions than apply elsewhere to mining sites.	Review completed in December 2002. Act added to review schedule in 2000.	The Government endorsed the NCP review, however, in early 2003 the operators of the Merlin Mine publicly announced the closure of the mine. Mining has now ceased but some processing of stock will continue for another 12 months. While not a priority, the Government intends to repeal the Act during 2004.
Mine Management Act 1990	DBIRD	Regulates occupational health and safety in mining.	Review not required.	Act repealed and replaced by the Mining Management Act 2001 which was assessed under the gatekeeper process.
Mining Act 1980	DBIRD	Prohibits mineral exploration or extraction without a licence. Term of exploration licence - 6 years renewable for 2 + 2 years. Term of extraction licence - 25 years renewable.	Review completed.	The Government introduced a draft Bill incorporating the legislative changes proposed by the competition review during the November 2003 sittings. The Government intends to consider four recommendations requiring the development of a public interest case in early 2004.
Motor Accidents (Compensation) Act	TIO	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review, by Taylor Fry Consulting Actuaries completed in December 2000. Review recommended that the legislation be amended to allow the possibility that an insurer other than the Territory Insurance Office could operate or underwrite the motor accident compensation scheme (on a monopoly basis).	The review recommendations are being considered further as part of a wider review examining options for future ownership and management of the motor accidents scheme. The Act continues to enforce the monopoly.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicle Dealers Regulations	DBIRD	Motor Vehicles Dealers Licence Part X, Div 3, SubDiv A, s132.	See the Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996.	The Consumer Affairs and Fair Trading Amendment Act 2002 commenced operation on 1 December 2002. Consequential amendments to the Regulations are in the course of development.
Motor Vehicles Act	DIPE	Motor omnibus licence (s 10(2)), pastoral vehicle permit (s 137B), driving instructor's licence (25B), commercial passenger vehicle licence and driving instructors.	Review, except for Part V and section 137B, completed. Review concluded while certain elements of the Act are anticompetitive, the results of a public benefit test show that the restrictions are in the public interest.	Cabinet endorsed the review recommendations.
Northern Territory Employment and Training Act	DEET	Registers training providers and accredits training courses.	Full NCP review not required. Departmental assessment found Act does not contain unjustified restrictions on competition.	
Nursing Act	DH&CS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in May 2000. Review recommendations included removing advertising and practice restrictions, and retaining title protection.	<p>The Government approved the drafting of an omnibus Health Practitioners Bill to replace the Health Practitioners and Allied Professionals Registration Act, the Dental Act, the Nursing Act, the Medical Act, the Optometrists Act, and the Pharmacy Act 1996.</p> <p>A discussion paper on the proposed legislation was released for public comment in September 2001, and public forums were held in the major centres in October and November 2001. Drafting of the Bill commenced in March 2002. The Government introduced the new legislation into the Legislative Assembly in November 2003, and expects it to be passed in February 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Oil Refinery Agreement Ratification Act	DBIRD	Imposes conditions on Mereenie Joint Venture in respect of the proposed oil refinery in Alice Springs. Refinery was not constructed because it is currently uneconomic, so legislation is of no practical effect.	Review completed. Act is not considered to be anticompetitive. In view of lack of relevance, the Act is to be considered for repeal at the time of the renewal of Mereenie petroleum leases in 2002-03.	Act repealed.
Optometrists Act	DH&CS	Restrictions on entry, registration, title, practice, ownership, and disciplinary provisions.	Review completed in May 2000. Review recommendations include removing ownership restrictions, modifying practice restrictions and retaining title protection.	<p>The Government approved the drafting of an omnibus Health Practitioners Bill to replace the Health Practitioners and Allied Professionals Registration Act, the Dental Act, the Nursing Act, the Medical Act, the Optometrists Act, and the Pharmacy Act 1996.</p> <p>A discussion paper on the proposed legislation was released for public comment in September 2001, and public forums were held in the major centres in October and November 2001. Drafting of the Bill commenced in March 2002. The Government introduced the new legislation into the Legislative Assembly in November 2003, and expects it to be passed in February 2004.</p>
Ozone Protection Act and Regulations	DIPE	Licensing issues and environmental controls.	Targeted review completed in 1998.	Legislation repealed, ozone protection provisions incorporated into regulations under the Waste Management and Pollution Control Act.
Pawnbrokers Act	DBIRD	Licensing.	Review not required.	Act repealed in 1998 and pawnbrokers and second-hand dealers provisions included in the Consumer Affairs and Fair Trading Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pay-Roll Tax Act	NTT	Licensing and registration issues.	Targeted review completed in 1998. Licensing and registration requirements are not considered to restrict competition.	The Government accepted the review findings.
Pet Meat Act	DBIRD	Licensing of premises for slaughtering, processing and storage of pet meat, and the standard of premises.	Review completed in 1997.	Act repealed and replaced by the Meat Industries Act, which commenced in December 1997.
Petroleum (Prospecting and Mining) Act	DBIRD			Act repealed and replaced by the Petroleum Act.
Petroleum (Submerged Lands) Act	DBIRD	Act's objective is to provide licensing and regulatory regime to enable exploration, development and production of petroleum resources within Australia's marine jurisdiction.	National review completed in 1999/2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers. Review's main conclusion is that the Petroleum (Submerged Lands) legislation is essentially procompetitive and, to the extent that there are restrictions on competition (for example in relation to safety, the environment, resource management or other issues), these are appropriate given the net benefits to the community. Final report made public on 27 March 2001, following consideration by the CoAG's Committee on Regulatory Reform (CRR).	The Australian Government is rewriting large sections of its Petroleum Submerged Land Act. This is model legislation that each jurisdiction has agreed to mirror. The Australian Government's rewrite will allow the development of a new national offshore safety regime (NOPSA) to which the Northern Territory will be a party. The new national safety authority is expected to commence operations on 1 January 2005. The competition reforms that emerged from the national review have already been written into the Australian Government legislation and will be incorporated into the NT's legislation which will be completed in time for the introduction of NOPSA.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum Act	DBIRD	Regulates onshore exploration and recovery of petroleum in NT; grants exclusive rights; and provides for technical and financial prescriptions.	Review completed December 2002.	<p>Eight of the recommendations have been included in the Petroleum Amendment Bill 2002 that was introduced into the Legislative Assembly during the November 2002 Sittings (recommendations 3, 4, 5, 10, 11, 12, 13 & 14). These changes have now commenced.</p> <p>The remaining recommendations are being drafted into a new Bill for introduction during the March 2004 sittings.</p>
Pharmacy Act	DH&CS	Restrictions on entry, registration, title, practice, and disciplinary provisions.	National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions. CoAG referred the national review to a senior officials working group, which recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies).	The Government approved the drafting of an omnibus Health Practitioners Bill to replace the Health Practitioners and Allied Professionals Registration Act, the Dental Act, the Nursing Act, the Medical Act, the optometrists Act and the Pharmacy Act 1996. Following public consultation, drafting of the Bill commenced in March 2002. The Government introduced it to the Legislative Assembly in November 2003 and expects it to be passed in February 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Places of Public Entertainment Act	DCDS&CA	Controls places of public entertainment - Public Entertainment Licence (s.6)	Interdepartmental review completed in March 2002. Review consulted widely. Review found that restrictions provided a net public benefit but recommended changes to provide for greater transparency and accountability in the administration of the Act.	A Bill to amend the Act was introduced in the Legislative Assembly February 2003 Sittings.
Planning Act	DIPE	Provides for land use controls, planning appeals, issuance of development permits and developer contributions.	Review of 1999 Act completed in September 2000. Review concluded that the anticompetitive provisions deliver a net benefit to the community and recommended no amendments to the Act.	The Government endorsed the review findings.
Plumbers and Drainers Licensing Act	DIPE	Licensing, registration, entry requirements (qualifications or experience, fitness of character), the reservation of practice (for plumbing: installing, altering, removing or repairing fixtures, fittings and pipes designed to receive and carry sewage or water, and the ventilation of those fixtures, fittings and pipes), and business conduct (supervision).	Review completed in September 2000. Review recommended that: the Act should give explicit recognition of national competencies-based approach; the board's range of options in dealing with complaints should be made widely known; 'fit and proper person' test power of the board should be maintained so long as appeal mechanisms are clear and accessible; and membership of the Board should be reviewed to establish whether the continued PAWA membership is desirable. Review also recommended a more general review of the Act to in part examine the case for compliance certificates and the case for restricted plumbing licences to meet the needs of other trades.	The NT Government approved the recommendations of the review report and endorsed the findings of the review in January 2003. The Plumbers and Drainers Licensing Amendment Bill was introduced in June 2003. It was passed by the Legislative Assembly on 12 August 2003 and assented to on 18 September 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poisons and Dangerous Drugs Act	DH&CS	Certificates of competency for pest controllers, and prescription of drugs by health professionals other than medical practitioners. The Act sets out controls and licensing for manufacture, wholesale, and retail sales.	Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the Australian Health Ministers Conference (AHMC) in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.	The AHMC referred the review report to Australian Health Ministers Advisory Council (AHMAC) to develop a draft response, in consultation with the Primary Industries Ministerial Council. AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council. Agreement has been sought from the Australian Government Health Minister to submit the final report of the review and the response through the Prime Minister to CoAG for consideration. This is expected to occur out of session in early 2004.
Power and Water Authority Act	PAWA	Establishes the PAWA, and prescribes functions and powers of the Authority, gives control of provision and supply etc of electricity, water and sewerage services in the Territory. Exemption from rates; competitive neutrality issue. Price fixing regarding the Authority's agents; possible Part IV of TPA conflict. Regulation making powers; statutory power. Exemption from charges; competitive neutrality issue (s.14, 15, 19, 25(b) and 33).	Review completed in March 2000.	Amendments reflecting review recommendations made. All electricity-related amendments were made in 2001 and enacted on 1 July 2002 except for the removal of the Power and Water Authority's local government rate exemption(s.19). There is no specific timetable for the repeal of s.19. This amendment has been made part of Government owned corporations legislation which will apply from 1 July 2002. The authority actually began paying local government rate equivalents from 1 July 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Price Exploitation Prevention Act (formerly the Prices Regulation Act)	DOJ	Provides for the appointment of Controller of Prices who can declare maximum prices for services and goods prescribed by the Administrator.	Review completed. Review recommended the exercise of restrictions only at times of natural disaster, the specification of objectives and the regulation of monopoly behaviour under separate legislation.	The Government agreed to the review recommendations. The Prices Regulation Amendment Act 2002 commenced operation on 1 October 2002.
Private Hospitals and Nursing Homes Act	DH&CS	Licensing.	Review completed in May 2000. Review recommendations include the separation of the regulation of hospitals and nursing homes, that the objectives be clearly stated, that licensing be retained and extended to all aged care facilities, that current incorporation requirements be rescinded, and that approval for manager relief arrangements be rescinded.	Amending legislation to give effect to NCP review recommendations has been introduced and passed in the Legislative Assembly. It is anticipated that the legislation will commence during the 2003-2004 financial year. This Act will then be referred to as the Private Hospitals and Residential Aged Care Facilities Act.
Private Security Act	NTT	Regulation of the provision of security services and for related purposes - accredited training requirement and a licensing regime for crowd controllers.	Review completed.	The Government endorsed the review report and approved the public release of the review report, which is available on the Racing, Gaming and Licensing section of Treasury's website at http://www.nt.gov.au/ntt/licensing/security/security.htm . The Private Security Amendment Bill 2003 was introduced on 27 February 2003 and passed in April 2003. The legislation implements the findings of the review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Prostitution Regulation Act	NTT	Escort agents licensing, entry requirement (sex workers who provide sex services under agency agreements with escort agents must have an appropriate certificate from the Commissioner of Police), business conduct (wide range of conditions that may be imposed by the licensing authority). Brothels are illegal.	General review completed. Review not the subject of separate public consultation due to recent reviews.	The Government adopted the recommendation contained in the report to make no change to the substance of the scheme of regulation. However, consistent with its policy of lessening the number of statutory bodies, the Government decided to abolish the Escort Agency Licensing Board and to transfer those functions to the NT Licensing Commission. This transfer became effective on 19 February 2001.
Public Health (Shops, Eating-Houses, Boarding Houses, Hotels and Hostels) Regulations	DH&CS	Registration of a boarding house (s 35, 36), and registration of an eating house (s12, 13).	Targeted review. See the Public Health Act.	New public health legislation is being developed. The Eating House provisions will be repealed once the new Food Act is enacted. The Boarding House provisions will be repealed once the new Public and Environmental Health Act is enacted.
Public Health Act	DH&CS	Includes registration of barbers' shops (s5), registration of a boarding house (s 35, 36), registration of an eating house (s12, 13), general sanitation, noxious trades, medical and dental inspection of school children and cytology register, among other things.	Review completed in May 2000. Review recommended that no attempt be made to amend the current legislation but rather completely new legislation be drafted. A general structure for public health legislation has been circulated by the Government in an issues paper. This proposed structure reduces inconsistency and favours outcome rather than input standards.	Drafting instructions for the new Public and Environmental Health Act are being finalised. Introduction of the Bill is scheduled for early 2004, with passage expected in first half of 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Trustee Act Public Trustee Amendment Act 1998	DOJ	<p>Some provisions may give the public trustee an advantage over competitors. These provisions include those that permit the Public Trustee to administer estates of small value without the need to obtain the approval of the Supreme Court. Also, the Public Trustee has the right to obtain information about estates and to take various measures designed to minimise unnecessary levels of disputation.</p> <p>A second group of provisions provide Government support to the business operations of the Public Trustee (for example through a Government indemnity for the administration of funds).</p>	<p>Review completed. Review recommended that the provisions giving advantages to the Public Trustee be retained but that they be extended so as to apply to other professional personal representatives. The review also recommended that the provisions supporting the business operations of the public trustee be amended so as to ensure competitive neutrality between the Public Trustee and its private sector competitors.</p>	<p>The Government accepted the review recommendations. The Public Trustee Amendment Act 2001 and the Administration and Probate Amendment Act 2001 commenced operation on 1 July 2002.</p>
Racing and Betting Act	NTT	<p>Licensing and registration of bookmakers, and regulation of racing and betting activity.</p>	<p>Full public review completed and considered by the Government in September 2003 (in conjunction with the review of the Unlawful Betting Act).</p>	<p>The Government accepted most of the recommendations. It expects to introduce the first suite of legislative amendments into the Legislative Assembly in February 2004. It is also considering the establishment of a separate Gambling Commission and reorganising the legislative arrangements.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Radiation (Safety Control) Act 1978</p> <p>Radiation Safety Control Regulations 1980</p>	<p>DH&CS</p>	<p>Controls and regulates the possession, use, transport and storage of radioactive substances and irradiating apparatus.</p>	<p>A national NCP review of radiation protection legislation, sponsored by CoAG, completed in May 2001. The national review was conducted by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) on behalf of all jurisdictions. The AHMC has endorsed all the recommendations of the ARPANSA review and the proposed implementation plan.</p>	<p>On 17 December 2002, the Government:</p> <ul style="list-style-type: none"> • approved drafting of a Radiation Protection Bill to replace the Radiation (Safety Control) Act; • directed that the Radiation Protection Bill be consistent with the recommendations of the NCP Review of Radiation Protection Legislation conducted by the Australian Radiation Protection and Nuclear Safety Agency; and • endorsed the implementation plan already endorsed by the Australian Health Ministers' Conference out-of-session, for meeting NCP commitments in respect of the Radiation (Safety Control) Act. <p>The Radiation Protection Bill is expected to be introduced in the Legislative Assembly in February 2004 and passed in March 2004. The current Radiation (Safety Control) Act and the Radiographers Act will be repealed when this legislation is enacted.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Radiographers Act	DH&CS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in May 2000. Review recommendations included repealing the Act and transferring powers to the Chief Health Inspector under the Radiation (Safety Control) Act.	<p>The previous and current Government directed that the Act be repealed and the powers and functions of the Board necessary for the continued regulation of radiographers be transferred to the Radiation (Safety Control) Act.</p> <p>To avoid double handling of reform, the repeal of the Radiographers Act will be delayed until new radiation safety legislation is developed following the national review of radiation protection legislation. Refer to reform activity for Radiation (Safety Control) Act.</p>
Rail Safety Act	DIPE	<p>Act introduced by the NT Government in response to the repeal of Australian Government legislation (the Australian National Railways Commission Act and the Tarcoola to Alice Springs Railway Act) which covered railway operations in the NT.</p> <p>The Rail Safety Act imposes quality controls, restricts inputs to the production process and imposes additional costs on industry. However, the Act, while placing conditions on entry to the industry, does not control entry.</p>	NCP review completed. Review found that the restrictive elements of the Act are justified under NCP principles.	The Government endorsed the review recommendations in November 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Retirement Villages Act and Regulations	DOJ	Regulates the operation of retirement villages and confers on the courts powers in respect of certain matters relating to retirement villages and for related purposes.	Review completed in 2002. The restrictions on competition contained in the Act were found to be in the public interest.	No further action required.
Sale of NT TAB Act	NTT		Review of parimutuel betting completed in February 2001.	The Government accepted the review findings in early 2002. No legislative changes are necessary.
Stock (Artificial Breeding) Act	DBIRD	Licensing and regulation of insemination.	Review completed in 1998.	Act repealed by the Stock (Artificial Breeding) Repeal Act.
Superannuation Act	NTT	Establishes Northern Territory Government and Public Authorities Superannuation Scheme (NTGPASS). Limits on choice of funds.	Review conducted in 1998. Review recommended that NTGPASS be closed with new employees being given the choice of compliant private superannuation funds.	Reforms were implemented in line with review recommendations.
Taxation (Administration) Act	NTT	Registration as an Accommodation House (s 80c), registration as a lender (div 13, s 72), register of a financial institution for electronic debit transaction duty (s 29M), registration of insurers (div 6, s 40), and register of life insurers (div 7, s 46).	Targeted review completed in 1998. Licensing and registration requirements are not considered to restrict competition.	The Government accepted the review findings.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Territory Insurance Office (TIO) Act	TIO	Insurer for government, monopoly insurer for Compulsory Third party (CTP), government guarantee of deposits and contracts without fee.	Review completed in 2000. Review conducted in conjunction with recommendations of Wallis enquiry, recommending changes to two restrictions. Options for calculation of a government guarantee fee are being considered. The fees can potentially be levied without legislative amendment.	Territory Insurance Office Act passed in December 2000, changing references to 'the insurer' to 'an insurer' to remove technical monopoly, in effect just reflecting current arrangements, and removing exclusivity with respect to CTP. (Separate review of CTP monopoly under Motor Accidents Compensation Act). The issue of debt guarantee fee will also be considered further by the Government in 2004.
Territory Parks and Wildlife Conservation Act	DBIRD	Establishes parks and reserves, and protects and conserves wildlife.	Review completed in 1998. Review found no restrictions on competition.	Act retained without reform.
Therapeutic Goods and Cosmetics Act	DH&CS		Part of national review of drugs, poisons and controlled substances legislation (Galbally Review). Draft review report released on 11 September 2000. Final review report given to the AHMC in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.	The AHMC referred the review report to the AHMAC to develop a draft response, in consultation with the Primary Industries Ministerial Council. AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council. Agreement has been sought from the Australian Government Health Minister to submit the final report of the review and the response through the Prime Minister to CoAG for consideration. This is expected to occur out of session in early 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Totalisator Administration and Betting Act	NTT	Grants sole rights to this form of betting.		To accommodate the sale of NT Totalizator Agency Board (TAB) this Act was repealed and replaced by two new Acts — Totalisator Licensing and Regulation Act and the Sale of the NT TAB Act.
Totalisator Licensing and Regulation Act	NTT	Establishes the regulatory framework for parimutuel betting.	Public review completed in February 2001.	The Government accepted the review findings in early 2002. No legislative changes are necessary.
Trade Development Zone Act	TDZ	Licence to Operate in the Trade Development Zone (s.21,28).	Review completed.	The Trade Development Zone Act Repeal Bill 2003 was introduced in the Legislative Assembly on 28 May 2003. This Act is to come into operation on 1 July 2003.
Trade Measurement (Administration) Act	DOJ	Makes provision with respect to the administration of the Trade Measurement Act, and for related purposes.	Internal review. Review found that the Act does not contain anticompetitive restrictions.	The Act is now being reviewed as part of the trade measurement review (see below).
Trade Measurement Act	DOJ	Makes provision with respect to trade measurement in the NT as part of the scheme for uniform trade measurement legislation throughout Australia.	National review under way.	National review not yet completed.
Unlawful Betting Act	NTT	Prescribes offences and penalties for unlawful betting activity.	Full public review completed in September 2003 (in conjunction with the review of the racing and betting Act).	The Government accepted the majority of recommendations. The first suite of legislative amendments is expected to be introduced in the Legislative Assembly in February 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Uranium Mining (Environmental Control) Act	DBIRD	Controls uranium mining in the Alligator Rivers Region. Imposes restrictions, conditions and requirements that could discourage innovation and add to costs.	Review not required.	Act repealed and replaced by the Mining Management Act.
Veterinarians Act 1994	DBIRD	Licensing of veterinary surgeons, reservation of practice, reservation of title, and advertising restrictions.	Review completed in 2000. Review recommended: <ul style="list-style-type: none"> • retaining licensing, reservation of title and reservation of practices; • having additional consumer representation on the Veterinary Board; and • removing some advertising restrictions. 	All recommendations of the review implemented.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Work Health Act and Work Health Act (Occupational Health and Safety) Regulations	DEET	<p>Mandatory insurance and prescribed standards that insurers must meet.</p> <p>Sets requirements for occupational health and safety. Registration requirements for the design of designated plant; pressure equipment, cranes and hoists, lifts, escalators and moving walks, amusement structures and scaffolding (Reg 93).</p> <p>Licensing of operators: pressure equipment operation, crane and hoist operators, industrial truck operation, scaffolding, rigging and asbestos removal (Reg 15).</p> <p>Workers compensation claims management.</p>	<p>Full public review of occupational health and safety provisions, by CIE, completed in September 2000. Issues paper on workers compensation provisions released publicly in 2001. Report finalised.</p>	<p>The Government introduced amendments to the Act that related to benefits and compensation and that became effective from 1 November 2002. Insurance provision by multiple providers remains.</p>

11 Water

Agency abbreviations

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

AIS	Department of Administrative and Information Services (Office for Government Enterprises) (South Australia)
CMD	Chief Minister’s Department (Australian Capital Territory)
DH	Department of Health (Western Australia)
DIER	Department of Infrastructure Energy and Resources (Tasmania)
DIPE	Department of Infrastructure, Planning and Environment (Northern Territory)
DLGP	Department of Local Government and Planning (Queensland)
DNRM&E	Department of Natural Resources, Mines and Energy (Queensland)
DPIWE	Department of Primary Industries, Water and Environment (Tasmania)
DSE	Department of Sustainability and Environment (Victoria)
DUS	Department of Urban Services (Australian Capital Territory)
EH	Department of Environment and Heritage (South Australia)
EPA	Environmental Protection Agency (Queensland)
H	Queensland Health
HEC	Hydro-Electric Corporation (Hydro Tasmania)
LA	Department of Land Administration (Western Australia)
OWP	Office of Water Policy (Western Australia)
PAWA	Power and Water Authority (Northern Territory)

T&F Department of Treasury and Finance (South Australia)

WR Water Resources (South Australia)

WRC Water and Rivers Commission (Western Australia)

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New South Wales

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Balranald Irrigation Act 1902				Act repealed by the Water Management Act 2000.
Crown Lands Amendment Act 1932				Act repealed by the Water Management Act 2000.
Drainage Act 1939				Act repealed by the Water Management Act 2000.
Fish River Water Supply Administration Act 1945				Act repealed by the Water Management Act 2000.
Glennies Creek Dam Act 1979				Act repealed by the Water Management Act 2000.
Hunter Valley Flood Mitigation Act 1956				Act repealed by the Water Management Act 2000.
Irrigation Act 1912 (and as amended)				Act repealed by the Water Management Act 2000.
Irrigation and Water (Amendment) Act 1943				Act repealed by the Water Management Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Irrigation Corporations Act 1944				Act repealed by the Water Management Act 2000.
Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act 1955				Act repealed by the Water Management Act 2000.
Miscellaneous Acts (Water Administration) Amendment Act 1986				Act repealed by the Water Management Act 2000.
Private Irrigation Districts Act 1973				Act repealed by the Water Management Act 2000.
Rivers and Foreshores Improvement Act 1948				Act partially repealed by the Water Management Act 2000. The Government expects to repeal the remaining elements in 2004.
Water (Soil Conservation) Amendment Act 1986				Act repealed by the Water Management Act 2000.
Water Act 1912 (and as amended)				Act partially repealed by the Water Management Act 2000. The Government expects to repeal the remaining elements in 2004.
Water Administration (Transfer of Functions) Act 1986				Act repealed by the Water Management Act 2000.
Water Administration Act 1986				Act repealed by the Water Management Act 2000.
Water Management Act 2000			Review completed.	Act passed in December 2000, and replaces various pieces of water legislation.
Water Supply Authorities Act 1987				Act repealed by the Water Management Act 2000.

Victoria

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Catchment and Land Protection Act 1994	DSE		Act removed from legislation review program (LRP). Act does not restrict competition. Its objective is to ensure competition in relevant markets is sustainable in the long term.	The provisions of part 7 of the Act, which relate to extraction of material have been superseded by the Extractive Industries Development Act 1995 and will be repealed when the Act is next amended.
Murray Darling Basin Act 1993 and other legislation relating to interstate sharing and management of resources	DSE		Review completed. Review found there were no restrictions on competition.	
Pollution of Waters by Oil and Noxious Substances Act 1986	DSE	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>
Water Act 1989 Water Industry Act 1994 Melbourne and Metropolitan Board of Works Act 1958 Melbourne Water Corporation Act 1992	DSE	Various regulatory controls and market restrictions.	Major public review by Marsden Jacob consultants completed in June 2001.	The Victorian Government accepted most of the review recommendations. Legislative proposals have been developed to: <ul style="list-style-type: none"> • separate the powers to require connection from service delivery and infrastructure provision; and • introduce public scrutiny to the By-law making process. The approach to implementing several of the key recommendations is being considered as part of the Government's major review of all areas of the water industry. These include: <ul style="list-style-type: none"> • arrangements for vetted competition; • removing the links between the ownership of land and the ownership of water; • managing structural change in relation to the 2 per cent cap on water trades; and • identifying opportunities to improve the current legislation governing Victoria's water industry.
Water Industry Act 1994 (Part 4)	DSE	Act imposes licensing arrangements for use of jetties (s. 135A) and powers to levy rates on households in the metropolis.	Review under way. Issues paper publicly released, with a call for submissions. Targeted consultation with key stakeholders.	

Queensland

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Canals Act 1958 and Regulation 1992	EPA	Regulates construction, maintenance and use of canals, including a requirement for approval to be granted before construction can begin. Regulations relate to quantitative elements, quality/technical standards and natural resource permits/licences.	Review completed and published in November 1998. Review concluded that retaining restrictions was justified as being in the public benefit.	Legislation repealed in late 2003.
Fluoridation of Public Water Supplies Act 1963 and Regulation 1964	H	Prescribes a particular brand of testing equipment.	Review not required. The Department repealed the restrictive provisions without formal review.	Anticompetitive provisions repealed in late 1997.
Gladstone Water Board Act 1984	DNRM &E	Imposes a statutory monopoly.	Departmental review completed in February 2000.	Act repealed by the Water Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Metropolitan Water Supply and Sewerage Act 1909</p> <p>Sewerage and Water Supply Act 1949 and Regulation 1987</p> <p>Standard Water and Sewerage Laws</p>	<p>DNRM &E</p> <p>DLGPS &R</p>	<p>The Acts impose restrictions including a statutory monopoly, licensing/registration requirements and constraints on business. The Acts prescribe requirements on water supply and sanitary plumbing, sanitary drainage, sewer installation, the management of water supply, sewerage and drainage utilities and licensing requirements for plumbing and drainage work.</p> <p>Standard sewerage and water supply laws are administered by local governments and prescribe the purposes and uses of domestic water. The laws provide for the control/supply of water to the Brisbane metropolitan area to be the sole responsibility of the Brisbane City Council. Provisions now largely set by City of Brisbane Act ordinances.</p>	<p>The Department of Natural Resources and Mines and the Department of Local Government and Planning jointly administer the Acts. Restrictions in provisions of the Metropolitan Water Supply and Sewerage Act (MWSSA) and Sewerage and Water Supply Act (SWSA) administered by the Department of Natural Resources and Mines were substantively dealt with by the Water Act 2000. All other restrictions were considered in the NCP review of the SWSA requirements to use only approved plumbing products, local government approvals of plumbing and drainage work, and occupational licensing of plumbers and drainers.</p>	<p>The restrictive elements of the MWSSA and SWSA dealing with water supply and sewerage requiring amendment were incorporated into the Water Act 2000 administered by DNRM&E, part of which commenced on 13 September 2000, with the remaining provisions commencing on 19 April 2002.</p> <p>The remainder of the SWSA and the Standard Laws dealing with plumbing and drainage matters were repealed and replaced by the Plumbing and Drainage Act 2002 (PDA) and regulations which came into force on 1 July 2003. The DLGPS&R is responsible for administering the PDA. Non-legislative recommendations for training and information programs for local governments and industry are being delivered within available resources. The information program for industry on approved plumbing products will be delivered following the 2004 introduction of the new Plumbing Code of Australia which will implement competition-driven improvements to product approvals, and lessen the need for approval of some products.</p>
<p>South East Queensland Water Board Act 1979 and Townsville/Thuringowa Water Supply Board Act 1987</p>	<p>DNRM &E</p>	<p>Both Acts impose a statutory monopoly.</p>	<p>Review completed.</p>	<p>Both Acts repealed. A commercialised Townsville/Thuringowa Water Supply Board was created by amendment of the Local Government Act 1993.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Resources Act 1989 Water Resources (Watercourse Protect) Regulations 1993 Water Resources (Rates and Charges) Regulations 1992 Natural Resources Amendment Act 1996	DNRM &E	Licensing or registration, pricing restrictions and business conduct.	Review completed in February 2000. Review completed as part of broader Council of Australian Governments (CoAG) water reform agenda. Discussion papers on modules for new legislation were progressively released for discussion during 1999. A draft of the revised legislation was released for consultation early in 2000.	The restrictive elements that required amendment were incorporated into the Water Act which commenced in part on 13 September 2000, with the remaining provisions coming into force on 19 April 2002. The Water Regulation 2002 commenced in part on 19 April 2002 with remaining provisions commencing on 30 June 2002.

Western Australia

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Carnarvon Irrigation District By-laws	WRC	Differential treatment.	Review by the Water and Rivers Commission (WRC) completed in January 2000. Review found minor restrictions to be justified on public welfare grounds to maintain security of supply and safeguard infrastructure.	Cabinet approved the transfer of the irrigation assets and management to local control. The transfer of the management of the business has been undertaken while the asset transfer has been deferred due to a number of native title issues.
Country Areas Water Supply (Clearing Licence) Regulations 1981	OWP	Controls over land clearing.	Review by the Office of Water Regulation (now OWP) completed in August 2000. Review recommended no change. Controls were justified on wider ecological and public interest grounds.	The Government endorsed the review recommendations on 18 December 2000. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Country Areas Water Supply Act 1947	OWP	Licensing, and market power by Water Corporation.	Review by the OWP completed in September 1999.	Amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004.
Country Areas Water Supply By-laws 1957	OWP	Market power.	Review completed.	The Government endorsed the findings of the review in December 1999. The OWP is progressing the amendments to the regulations/by-laws.
Country Towns Sewerage Act 1948 and By-laws	OWP	Licensing, registration, entry requirements (competency or six years experience and qualification, fit and proper), the reservation of practice (either licensed or under licensed supervision), and disciplinary processes.	Review of Water Services Coordination Amendment Act 1999 recommended retaining restrictions to prevent unlicensed persons from performing plumbing work, and maintaining the board's power to set licence conditions.	Amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004. Plumbers' licensing provisions were transferred to the Water Services Coordination (Plumbers Licensing) Regulations in 2000. The transfer also shifted responsibility for plumbers' licensing from Water Corporation to new Plumbers Licensing Board. By-laws are to be amended.
Harvey, Waroona Collie River Irrigation Districts By-laws 1975	WRC	Monopoly powers to Water Corporation. Differential rights to irrigators.	Review by WRC completed in January 2000. No action proposed — minor restrictions justified on public welfare grounds to maintain security of supply and safeguard laws proposed to reflect current management practices.	The Government endorsed the review recommendations on 14 August 2000.
Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1993	DH	Licensing.	Review to be undertaken as part of the review of the Health Act 1997.	To be determined.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Irrigation (Dunham River) Agreement Act 1968	LA	Differential rights.		Legislation repealed in the Statutes (Repeals and Minor Amendments) Bill 2001, which was assented on 15 December 2003.
Land Drainage (Rating Grades) Regulations 1986 Water Agencies (Entry Warrant) Regulations	OWP	Provides an exemption from paying rates for certain activities, subject to those exemptions on specific land uses that are imposed for social reasons, continuing to be subject to the formal and transparent community service obligation payment. Provides for land to be subject to water supply, sewerage, drainage and irrigation charges even if it is not actually connected to the system and where owners or occupiers do not actually use the system. Provides exemption from charges for pensioners.	Review recommended retaining legislative restrictions finding them to be in the public interest for reasons of social equity and good infrastructure planning. Some 'housekeeping' recommendations include amending the: <ul style="list-style-type: none"> grading system in the Land Drainage (Rating Grades) Regulations so that all charges are dealt with through the Water Agencies (Powers) Act 1984; and Water Agencies (Infringements) Regulations 1994 to ensure they are consistent with the Water Agencies (Powers) Act, which enables the WRC to delegate authority for issuing infringements. 	The Government endorsed the review recommendations. The OWP is currently progressing the amendments to the regulations/by-laws.
Land Drainage Act 1925	OWP	Market power.	Review by the OWP completed in 1999. Minor amendments to Act are proposed to ensure consistency with the competitive licensing regime and other related Acts.	The Government endorsed the review recommendations on 20 December 1999. The amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004.
Land Drainage Bylaws 1986	OWP	Market power.	Review by the OWP completed in December 1999.	The Government endorsed the review recommendations on 20 December 1999. The OWP, is currently progressing the amendments to the regulations/by-laws.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Drainage Regulations 1978	OWP	Market power.	Review by the OWP completed in 1999. Review recommended that all charges be dealt with through the Water Agencies (Powers) Act 1984.	The OWP is currently progressing the amendments to the regulations/by-laws.
Metropolitan Water Authority (Miscellaneous) By-laws 1982	WRC	Differential treatment.	Review by the WRC completed. Review identified no competition restrictions.	The Government endorsed the review recommendations. Act retained without reform.
Metropolitan Water Authority Act 1982	WRC	Provides market power to the Water Corporation.	Review by the WRC completed. Review identified no competition restrictions.	The Government endorsed the review recommendations on 14 August 2000. Act retained without reform.
Metropolitan Water Supply, Sewerage and Drainage Act 1909	OWP	Market power, and differential treatment for licensing.	Review by the OWP completed in September 1999.	The Government endorsed the review recommendations on 20 December 1999. The amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004.
Metropolitan Water Supply, Sewerage and Drainage By-laws 1981	WRC	Licensing - as for the Country Towns Sewerage Act 1948.	Review by the OWP completed.	Plumbers' licensing provisions transferred to the Water Services Coordination (Plumbers Licensing) Regulations in 2000. Transfer also shifted responsibility for plumbers' licensing from Water Corporation to new Plumbers Licensing Board. Further amendments expected.
Ord Irrigation District By-laws	WRC	Provides market power to Water Corporation. Differential rights to irrigators within the area.	Review by the WRC completed in January 2000. Review recommended no change as the restrictions are minor and justified on public welfare grounds to maintain security of supply and safeguard infrastructure.	The Government endorsed the review recommendations on 14 August 2000. Amendments to By-laws proposed to reflect devolved ownership and control of the scheme.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Preston Valley Irrigation District By-laws	WRC	Differential treatment.	Review by the WRC completed in January 2000. Review recommended retaining the restrictions on competition in the public interest. Amendment to the By-laws to reflect the current management practices and responsibilities of the Water Corporation and grower cooperatives following the devolution of irrigation management.	The Government endorsed the review recommendations on 14 August 2000. The OWP is currently progressing the amendments to the regulations/by-laws.
Rights in Water and Irrigation (Construction and Alteration of Wells) Regulations 1963	WRC	Licensing restrictions. The Waters and Rivers Commission is given sole rights to fit, repair and test water meters.	Review by the WRC completed in January 2000.	The Government endorsed the review recommendations on 14 August 2000. An amendment to the regulations to remove the WRC's exclusive right to the fitting, repair and testing of water meters is being progressed.
Rights in Water and Irrigation Act 1914 and Regulations	WRC	Licensing of rights to take water. Provides monopoly powers to the Water Corporation.	Review by the WRC completed.	The Government endorsed the review recommendation on 20 December 1999. The amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004.
Water (Dixvale Area and Yanmah Area) Licensing Regulations 1974	WRC	Differential treatment of a small group of irrigators.	Review by the WRC completed in 2000. Review recommended repealing the regulations.	The Government endorsed the review recommendations.
Water Agencies (Charges) Bylaws 1987	OWP	Differential treatment of Crown lands.	Review by the OWP completed in 1999.	The Government endorsed the review recommendations. Retained without reform.
Water Agencies (Entry Warrants) Regulations 1985	OWP		Review by the OWP completed in 1999.	The Government endorsed the review recommendations. Retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Agencies (Infringements) Regulations 1994	OWP	Market power to Water Corporation.	Review by the OWP completed in 1999. Review recommended minor amendments to ensure consistency of the approach with competitive licensing regime, and related Acts.	The Government endorsed the review recommendation to modify regulation 5 (officers issuing infringements to make it consistent with recommendations from the review of the Water Agencies (Powers) Act 1984). The OWP is progressing the amendments to the regulations/by-laws.
Water Agencies (Powers) Act 1984	OWP	Market power to Water Corporation.	Review by the OWP completed in 1999.	The Government endorsed the review recommendations. The amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004.
Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995	OWP		Review by the OWP completed in 2000. No restrictions on competition were identified.	Act retained without reform.
Water and Rivers Commission Act 1995	WRC	The Act provides powers for natural resource management.	Review by the WRC completed in 2000. No changes recommended.	The Government endorsed the review recommendations in 2000.
Water Boards Act 1904 and By-laws	OWP	Licensing. Restricts powers to supply of water within defined areas.	Review by the OWP completed in 1999.	Amendment to Act allows agencies to provide a full suite of water services and freedom to compete for licences on equal terms with the Water Corporation. The revised By-laws were considered under gatekeeper requirements. A separate process is being undertaken by the OWP to amend the legislation.
Water Corporation Act 1995	OWP		Review by the OWP completed in 1999.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Services Coordination Act 1995 – Part 1 of 2	OWP	Complex licensing regime inhibits competitive outcomes.	Review by the OWP completed in 1999. Review recommendations include the adoption of a simpler, pro-competitive licensing regime and provide for competitive neutrality in relevant Acts. Five year review under s62 completed in 2003.	Recommendations were to be implemented via the Acts Amendment and Repeal (Competition Policy) Bill 2002. Due to difficulties in preparing the drafting instructions, these reforms will now be included in a second competition policy omnibus bill. Some recommendations are being implemented through the Economic Regulation Authority Bill 2002, which was passed by the Legislative Council on 11 November 2003. These are the inclusion of public interest considerations as part of the licensing regime, and the ability to transfer a licence. The Bill also provides for regulations prescribing public consultation processes as part of the decision to grant, amend or transfer a licence.
Water Supply, Sewerage and Drainage Act 1912	OWP	Restrictions relate to asset ownership.	Review by the OWP completed in 1998.	Act retained without reform.
Waterways Conservation Act 1976 and Regulations	WRC	Licensing system for disposal of waste in waterways.	Review by the WRC completed in 2000. Review recommended no changes. A major review was proposed to achieve rationalisation of functions and operation between this Act and the Environmental Protection Authority Act.	The Government endorsed the review recommendations in 1999 and the Act was retained without change.

South Australia

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Catchment Water Management Act 1995	EH	Restricts market conduct.	Review completed.	Act repealed by the Water Resources Act 1997.
Groundwater (Border Agreement) Act 1985	WR	Restricts market conduct.	Review completed in 2000. No reform recommended.	Act retained without reform.
Irrigation (Land Tenure) Act 1930	EH	Restricts market conduct.	Review completed in 1999. Review did not identify any major issues. Review recommended that legislation be updated and consolidated.	The Government approved repeal of the Act on 20 January 2003. Repeal is not yet completed.
Irrigation Act 1994	WR	Restricts market conduct.	Review completed in 2000. Minor legislative changes recommended. Review identified a need for a further comprehensive review of the legislation and its objectives.	Act retained without reform.
Loans for Fencing and Water Piping Act 1938	T&F	Restricts market conduct.	Review not required. Act to be repealed.	The Government approved repeal in August 2002. The repeal Bill was passed in May 2003.
Murray Darling Basin Act 1993	WR	The agreement in place is aimed at providing equitable sharing of the resource.	Review completed in 1999. Review recommended no change to the Act.	Review noted by Murray-Darling Basin Commission and presented to the Minister.
Renmark Irrigation Trust Act 1936	WR	Restricts market conduct.	Review completed in 2000. Minor legislative change recommended removing obsolete and inconsistent sections.	Act retained without reform.
River Murray Waters Agreement Supplemental Agreement Act 1963	WR	Restricts market conduct.	Review completed in 1998. Review recommended the Act be repealed.	Act replaced by the Murray-Darling Basin Act 1993.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sewerage Act 1929	AIS	Barriers to market entry and restrictions on market conduct; and product or service standards.	Review, in conjunction with the Waterworks Act 1932 and the South Australian Water Corporation Act 1994, completed in 2001. Review found that: <ul style="list-style-type: none"> the primary restrictions appear to arise from the inherent monopoly of the infrastructure; and the majority of the identified restrictions on competition are appropriate in the context of the Acts' objectives. 	Although the report identified a number of trivial and intermediate restrictions in the Acts and consequently recommended some minor amendments, the South Australian Government considers the existing arrangements and administrative responses adequately address the issues raised in the review, and accordingly no legislative changes are proposed. The Government is considering the other non-legislative review recommendations.
South Australian Water Corporation Act 1994	AIS	Barriers to market entry, and restricts market conduct.	See the Sewerage Act 1929.	Act retained without reform.
South Eastern Water Conservation and Drainage Act 1992	WR	Restricts market conduct.	Review completed in 1999. Review did not recommend any change.	Act retained without reform.
Water Conservation Act 1936	WR	Barriers to market entry, and restricts market conduct and products/service standards.	Review completed in 2000. Review found no competition issues.	Act retained without reform.
Water Resources Act 1990	WR	Restricts market conduct.	Review completed.	Act repealed by the Water Resources Act 1997.
Waterworks Act 1932	AIS	Barriers to market entry, and restricts market conduct, product/service standards.	See the Sewerage Act 1929.	The Government is considering the review recommendations.

Tasmania

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian Titan Products Act 1945	DIER	Provides certain water rights to a company and prohibits it from generating electricity.		Act repealed by the Legislation Repeal Act 1998.
Clyde Water Act 1898	DPIWE	Vests trustees with the power to repair and alter works, construct works to convey water from Lake Sorell to the River Clyde and any waterworks necessary to provide the towns of Bothwell and Hamilton with water.		Act repealed by the Water Management Act 1999.
Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995	DIER	Requires certain irrigation waters to be made available to certain water users, providing them with a commercial benefit that is not available to others.	Review completed.	Act amended by the Water Management Act 1999.
Florentine Valley Paper Industry Act 1935	FT	Authorises the granting of exclusive timber, water and transport rights to one company.	Review completed. Review recommended that the power to license water rights be attached to the Water Management Act.	Licensing of water rights transferred to the Water Management Act 1999.
Groundwater Act 1985	DIER	Prohibits the construction or enlarging of a well, or the drawing of water, in a proclaimed region without a permit. Provides the Director of Mines with the power to shut, limit, repair or modify any Tasmanian well.		Act repealed by the Water Management Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hobart Regional Water Act 1984	DPIWE	Gives the Hobart Regional Water Board exclusive rights to take water from the Derwent River, Mount Wellington and other streams, construct bulk supply works and enter into agreements with municipalities to provide water.		Act repealed by the Hobart Regional Water (Arrangements) Act 1996, which was assessed under the LRP gatekeeper requirements.
Huon Valley Pulp and Paper Industry Act 1959	FT	Provides the company with free unlimited water rights, restricts the water rights of the Huon Council (and its residents), and establishes rights over Crown land. Sets company conduct in relation to river bank degradation and water quality.		Act repealed by the Legislation Repeal Act 1996.
Irrigation Clauses Act 1973	DPIWE	Market entry. Provides for the construction of waterworks by persons authorised by another Act to do so. Provides for the right to a supply of water for irrigation. Establishes irrigation rights within irrigation districts.	Review completed. Restrictions were found to be in the public interest.	Act amended by the Water Management Act. Restricts the holding of irrigation rights in a district to an owner or occupier of land in the district.
Loan (Hydro-Electric Commission) Act 1957	HEC	Provides irrigation rights to persons in the Parish of Lawrency.		Act repealed on 6 November 1996. Repealing Acts were the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Mount Cameron Water Race Act 1926	DIER	Legislated restriction on competition as part of a legislative scheme governing water rights to the Rushy Lagoon property.		Act repealed by the Legislation Repeal Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
North Esk Regional Water Act 1960	DPIWE	Provides the Rivers and Water Supply Commission with the exclusive right to supply certain 'water districts' from waterworks vested in the Commission.		Act repealed by the Northern Regional Water (Arrangements) Act 1997.
North-West Regional Water Act 1987	DPIWE	Provides that the North West Regional Water Authority may take water from specified places. Provides that the Authority shall supply municipalities in the Water District with water and that municipalities will not obtain water in bulk from elsewhere.		Act repealed by the North West Regional Water (Arrangements) Act 1997, which commenced in 1999.
Rossarden Water Act 1954	DPIWE	Provides that the Fingal Council may use its power to supply water to the Aberfoyle Tin mine free of charge, effectively providing the company with a competitive advantage.		Act repealed by the Water Management Act 1999.
Sewers and Drains Act 1954	DPIWE	Specifies material and work standards for the construction and maintenance of sewerage works. Requires certain Council officers to hold certificates of qualification.		Restrictive provisions in the Act removed.
Thomas Owen and Co. (Australia) Limited Act 1948	DPIWE	Provides a company with the right to take as much water as required at no cost and prohibits it from using that water to generate electricity.		Act repealed by the Water Management Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Act 1957	DPIWE	Gives the Rivers and Water Supply Commission the power to allow or prevent persons from taking water from rivers and lakes. Prohibits the taking of water for irrigation without the authority of the Commission. Specifies water quality standards.	Review completed in 1999.	Act repealed and replaced by the Water Management Act 1999.
Water Management Act 1999	DPIWE	Establishes a system of transferable water rights.	New legislation assessed under gatekeeper requirements. Restrictions were found to be in the public interest.	
Waterworks Clauses Act 1952	DPIWE	Gives power to persons, authorised by special Acts to construct waterworks, to acquire land and to undertake various activities associated with the construction of such waterworks.	Review completed. Restrictions were found to be in the public interest.	Act amended by the Water Management Act 1999.
Wesley Vale Pulp and Paper Industry Act 1961	FT	Ratifies a financial agreement providing a particular company with a competitive advantage, potentially acting to restrict competition.	Review completed.	Act amended by the Water Management Act 1999.

Australian Capital Territory

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cotter River Act 1914	DUS		Intradepartmental review completed in 1999.	Act repealed on 23 March 2000.
Energy and Water Act 1988	DUS		Review not required.	Act repealed as part of the Utilities Act 2000.
Lakes Act 1976	DUS	The only significant restriction is the limitation on commercial activity in a lake area.	Review completed in 2000. The low cost of the 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.
Sewerage Rates Act 1968	CMD		Review not required.	Act repealed and relevant parts included in the Utilities Act 2000.
Water Pollution Act 1984	DUS			Act repealed by the Environment Protection Act 1997.
Water Rates Act 1959	CMD		Intradepartmental review completed.	Act repealed and relevant parts included in the Utilities Act 2000.

Northern Territory

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Act and Regulations	DIPE	Provides for the investigation, use, control, protection, management and administration of water resources.	Review completed in July 2000. Review recommended no change.	
Water Supply and Sewerage Act	PAWA	Single provider status provided to Power and Water Authority. Lacks separation of service delivery from regulatory roles.	Independent review completed in March 2000.	Act repealed and replaced by the Water Supply and Sewerage Services Act 2001. Single service provider status retained due to economies of scale. The Utilities Commission is now responsible for licensing for water and sewerage supply in the Northern Territory. In February 2002, the Utilities Commission issued an urban water supply licence to the Power and Water Authority. Regulatory roles separated from service delivery.
Water Supply and Sewerage Services Act	PAWA	Single provider status provided to the (former) Power and Water Authority. Lacks separation of service delivery from regulatory roles.	Independent review completed in March 2000.	Act repealed and replaced by the Water Supply and Sewerage Services Act 2000. Single service provider status was retained due to economies of scale. The Utilities Commission is now responsible for licensing for water and sewerage supply in the Northern Territory. In February 2002, the Utilities Commission issued an urban water supply licence to the Power and Water Corporation.

Appendix A Legislation review – clause 5 of the Competition Principles Agreement

Clause 5 of the CPA is reproduced below.

1. The guiding principle is that legislation (including Acts, enactments, Ordinances or regulations) should not restrict competition unless it can be demonstrated that:
 - (a) the benefits of the restriction to the community as a whole outweigh the costs; and
 - (b) the objectives of the legislation can only be achieved by restricting competition.
2. Subject to subclause (3), each Party is free to determine its own agenda for the reform of legislation that restricts competition.
3. Subject to subclause (4) each Party will develop a timetable by June 1996 for the review, and where appropriate, reform of all existing legislation that restricts competition by the year 2000.
4. Where a State or Territory becomes a Party at a date later than December 1995, that Party will develop its timetable within six months of becoming a Party.
5. Each Party will require proposals for new legislation that restricts competition to be accompanied by evidence that the legislation is consistent with the principle set out in subclause (1).
6. Once a Party has reviewed legislation that restricts competition under the principles set out in subclauses (3) and (5), the Party will systematically review the legislation at least once every ten years.
7. Where a review issue has a national dimension or effect on competition (or both), the Party responsible for the review will consider whether the review should be a national review. If the Party determines a national review is appropriate, before determining the terms of reference for, and the appropriate body to conduct the national review, it will consult Parties that may have an interest in those matters.
8. Where a Party determines a review should be a national review, the Party may request the Council to undertake the review. The Council may undertake the review in accordance with the Council's work program.

9. Without limiting the terms of reference of a review, a review should:
- (c) clarify the objectives of the legislation;
 - (d) identify the nature of the restriction on competition;
 - (e) analyse the likely effect of the restriction on competition and on the economy generally;
 - (f) assess and balance the costs and benefits of the restriction; and
 - (g) consider alternative means for achieving the same result including non-legislative approaches.
10. Each Party will publish an annual report on its progress towards achieving the objective set out in subclause (3). The Council will publish an annual report consolidating the reports of each Party.

Appendix B Changes to National Competition Policy Arrangements (Council of Australian Governments November 2000)

Attachment B of the Council of Australian Governments (CoAG) November 2000 communiqué is reproduced below.

TRANSPARENCY

- In meeting the requirements of sub-clauses 1(3)(a)(b) and (c) of the CPA, which relate to the application of the public interest test, Governments should document the public interest reasons supporting a decision or assessment and make them available to interested parties and the public.
- When examining those matters identified under clause 1(3) of the CPA, Governments should give consideration to explicitly identifying the likely impact of reform measures on specific industry sectors and communities, including expected costs in adjusting to change.
- COAG to undertake an enhanced role in guiding the NCC in relation to its role in explaining and promoting NCP policy to the community.

NCC WORK PROGRAM

- The NCC will determine its forward work program in consultation with COAG Senior Officials.
- The NCC will provide a six monthly report to Senior Officials detailing its draft forward work program and current activities, including its communications and future assessment activities.
- Senior Officials will continue to provide guidance to the NCC to clarify COAG's requirements in relation to the interpretation of reform commitments under the NCP and related reform agreements, including appropriate assessment benchmarks, as required.

FUTURE ASSESSMENT PROCESSES

- The NCC's assessment as to whether jurisdictions have met their commitments under clause 5(1) of the CPA will be guided by the following amendment to the CPA.

"In assessing whether the threshold requirement of Clause 5 has been achieved, the NCC should consider whether the conclusion reached in the report is within a range of outcomes that could reasonably be reached based on the information available to a properly constituted review process. Within the range of outcomes that could reasonably be reached, it is a matter for Government to determine what policy is in the public interest."

- Following the third tranche assessment to be conducted before 1 July 2001, the NCC will undertake an annual assessment of each party's performance in meeting its reform obligations, as specified in the *Agreement to Implement the National Competition Policy and Related Reforms* or as subsequently advised by COAG, and provide a recommendation on the level of competition payments to be received by each State and Territory.
- In making a recommendation that a penalty be applied to a particular State or Territory, the NCC is to have regard to the following statement:

When assessing the nature and level of any financial penalty or suspension, the NCC must take into account:

the extent of overall commitment to the implementation of NCP by the relevant jurisdiction; the effect of one jurisdiction's reform efforts on other jurisdictions; and the impact of failure to undertake a particular reform.

- Where the NCC recommends a penalty, a statement of reasons identifying the basis for this penalty is to be published in the NCC's annual assessment.
- Commencing in 2001, the assessments should be provided to the Commonwealth Treasurer and each State and Territory at the same time, but will remain confidential until a decision has been made by the Commonwealth on the level of competition payments.
- Where an assessment recommends a penalty be applied to a State or Territory, the Commonwealth will provide a period of one month following receipt of the assessment before making a decision on the level of competition payments to be received by that jurisdiction. This will allow the relevant jurisdiction to respond to the Commonwealth on the recommendation made by the NCC.
- The timing of the imposition of any penalty will be discussed on a bilateral basis between the Commonwealth and the affected jurisdiction.

LEGISLATION REVIEW SCHEDULE

- The deadline for legislation reviews conducted under clause 5(3) of the CPA is extended so that all jurisdictions must complete all legislation reviews and implement appropriate reforms by 30 June 2002.
- Satisfactory implementation of reforms may include, where justified by a public interest assessment, having in place a firm transitional arrangement that may extend beyond the revised deadline.
- The revision to the deadline does not alter the schedule of competition payments.

COMPETITIVE NEUTRALITY – ASSESSMENT

The assessment of a party's compliance with the competitive neutrality requirements under clause 3 of the CPA should have regard to:

- the adoption of a 'best endeavours' approach to assessment, in those circumstances where a government business is not subject to the executive control of a party. This would require parties, at a minimum, to provide a transparent statement of CN obligations to the entity in question;
- the term 'full cost attribution' accommodating a range of costing methodologies, including fully distributed cost, marginal cost, avoidable cost etc., as appropriate in each particular case;
- there being no requirement for parties to undertake a competitive process for the delivery of Community Service Obligations (CSO); and
- parties being free to determine who should receive a CSO payment or subsidy, which should be transparent, appropriately costed and directly funded by government. This position refers directly to the implementation of CN requirements under the CPA, and is not intended to impact on consideration of CSO matters arising in the context of the related reform agreements.

REVIEW

- The terms and operation of the *Conduct Code Agreement*, the *Competition Principles Agreement* and the *Agreement to Implement the National Competition Policy and Related Reforms*, and the NCC's assessment role, will be reviewed before September 2005.
- The Commonwealth and States give early consideration to the best means of ensuring NCP commitments arising from the CCA continue to be met in light of the High Court case *re:Hughes*.

PROPOSED AMENDMENTS TO THE *CONDUCT CODE AGREEMENT*

- The reference in clause 2(2) of the CCA to paragraph 51(1B)(f) of the *Trade Practices Act 1974* should be changed to paragraph 51(1C)(f), to correct a previous drafting error.
- References in clause 7 of the CCA to ‘the Parties’ should be replaced with ‘fully participating jurisdictions’; the words ‘the Party initiating the consultation’ should be replaced with ‘the Commonwealth’; and the words ‘or some of them’ should be deleted.

PROPOSED AMENDMENTS TO THE *AGREEMENT TO IMPLEMENT THE NATIONAL COMPETITION POLICY AND RELATED REFORMS*

- References to the per capita Financial Assistance Grants (FAGs) component of the NCP payments to be removed, and ‘States’ to be replaced with ‘States and Territories’;
- The payments table attached to the Agreement to be deleted.

Appendix C National Competition Policy contacts

For further information about National Competition Policy, please contact the National Competition Council or the relevant Commonwealth, State or Territory competition policy unit.

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Australian Capital Territory

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