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# 1 COMMONWEALTH

## 1.1 Guide to the Commonwealth Legislation Review schedule

The Commonwealth Legislation Review Schedule arises out of the requirements of the Competition Principles Agreement (CPA), under which the Commonwealth, State and Territory Governments agreed to review, and where appropriate, reform all legislation that restricts competition by the year 2000.

The Commonwealth uses a regulation impact statement (RIS) framework to analyse legislation. The process incorporates an analysis of regulatory restrictions on competition, but also analyses the costs and benefits that legislation imposes on business.

The use of the RIS framework provides a consistent, systematic and transparent process for assessing alternative approaches to problems which may require Government action. The framework requires: identification of a problem or issue; identification of an objective; options for achieving the objective; assessment of costs and benefits (including compliance burden and small business issues); a recommendation; and a strategy to implement and review the preferred option.

### **Progress to 31 March 1998**

Twenty-eight reviews were scheduled to commence in 1997-98. At 31 March 1998, fifteen had commenced, of which one had been completed. The Wool International Act 1993 was deleted from the schedule, seven reviews were deferred and the remaining five reviews were still to commence. Of reviews commenced but not finalised in 1996-97, ten were still underway and two were completed in 1997-98.

## 1.2 Abbreviations

AG	Attorney-General's Department
D	Department of Defence
DCITA	Department of Communications, Information Technology and the Arts
DETYA	Department of Education, Training and Youth Affairs
DEH	Department of the Environment and Heritage
DFA	Department of Finance and Administration
DFAT	Department of Foreign Affairs and Trade
DHAC	Department of Health and Aged Care
DIMA	Department of Immigration and Multicultural Affairs
DISR	Department of Industry, Science and Resources
DAFF	Department of Agriculture, Fisheries and Forestry
DTRS	Department of Transport and Regional Services
DVA	Department of Veterans' Affairs
DEWRSB	Department of Employment, Workplace Relations and Small Business
PMC	Prime Minister and Cabinet
T	Treasury

### 1.3 Legislation review schedule: Commonwealth

Updated to 31 March 1998

Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	PMC	Review completed.	1996		Government is considering recommendations.
Aboriginal Land Rights (Northern Territory) Act 1976	PMC	Review delayed until 1997-98.	1996-97		
Affirmative Action (Equal Employment Opportunity for Women) Act 1986	DEWRSB		1997-98		
Agricultural and Veterinary Chemicals Act 1994	DAFF	National Review. TOR agreed. Brought forward from 1998-99.	1997-98		
Anti-dumping Authority Act 1988, Customs Act 1901 Pt XVB and Customs Tariff (Anti-dumping) Act 1975	DISR		1997-98		
Australian Maritime Safety Authority Act 1990	DTRS	Review completed.	1996-97	June 1997	Government considering recommendations.
Australian Postal Corporation Act 1989	DCITA	NCC Review completed.	1996-97	Feb. 1998	Government considering recommendations.
<i>Bankruptcy Act 1966</i> and Bankruptcy Rules - trustee registration provisions	AG		1997-98		
Bills of Exchange Act 1909	T	Underway.	1996-97		
Bounty (Books) Act 1986	DISR	Review completed.	1996		Bounty ceased on 31 December 1997.
Bounty (Fuel Ethanol) Act 1994	DISR	Review completed.	1996		Ethanol Bounty Scheme terminated.

Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
Bounty (Machine Tools & Robots) Act 1985	DISR	Review completed.	1996		Bounty ceased on 30 June 1997.
Broadcasting Services Act 1992, Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992, Radio Licence Fees Act 1964 and Television Licence Fees Act 1964	DCITA	Review delayed until 1998-99.	1997-98		
Census & Statistics Act 1905	T	Review completed as part of the Small Business Deregulation Taskforce.	1996		ABS required to reduce the cost to small business of completing statistical returns by 20 per cent in 1996-97. Code of conduct for private sector statistical collection agencies.
Coasting Trade Provisions of the Navigation Act 1912 (Part VI)	DTRS		1998-99		
Commerce (Imports) Regulations and Customs Prohibited Imports Regulations	DISR		1996		Review completed.
Corporations Act 1989	T	Review subsumed into Corporate Law Economic Reform Program which commenced 4 March 1997.	1996		
Customs Act (Prohibited exports - nuclear materials) - export controls under reg 11	AG		1998-99		
Customs Act 1901 Sections 154-161L	AG	Review may be deferred on the basis of allowing new arrangements to operate for a reasonable period before review.	1997-98		
<i>Customs Tariff Act 1995 - Automotive Industry Arrangements</i>	AG	IC Inquiry into the automotive industry.	1996-97	May 1997	Tariff phase down to 15% in 2000, followed by a pause until 2005, then further tariff reductions to 10% in 2005.

Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
<i>Customs Tariff Act 1995</i> - Textiles Clothing and Footwear Arrangements	AG	IC Inquiry into the textile, clothing and footwear industry.	1996-97	Sept. 1997	Tariff phase down until 2000, followed by a pause until 2005, then further tariff reductions in 2005.
Dairy Industry Legislation	DAFF		1998-99		
Defence Act 1903 (Army and Airforce Canteen Services Regulations)	D		1999-00		
Defence Force (Home Loans Assistance) Act 1990	D		1998-99		
Defence Housing Authority Act 1987	D	TOR agreed 9 June 1998.	1997-98		Following a broad internal review of Government business enterprises the Government announced that DHA would be retained under Government ownership
Dried Vine Fruits Legislation	DAFF		1998-99		
Duty Drawback (Customs Regulations 129 to 136B) and TEXCO (Tariff Export Concession Scheme) - <i>Customs Tariff Act 1995</i> , Schedule 4, Item 21, Treatment Code 421	AG	Review completed.	1996-97		Some issues addressed in Government response to Mortimer review.
Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991	DETYA		1996		Review completed. Act extended for a further two years to allow development of self regulating measures.
Employment Services Act 1994 (case management issues)	DEWRSB		1996-97		Review de-listed, and provisions to be replaced by Reform of Employment Services Bill 1996.

Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
Environmental Protection (Nuclear Codes) Act 1978	DHAC		1997-98		A National Review was initiated by the States and Territories. The Commonwealth subsequently decided to meet its review obligations through the national review.
Export Control (Unprocessed Wood) Regulations under the Export Control Act 1982	DAFF	Deferred from 1997-98 to 1998-99.	1998-99		
Export Control Act 1982 (fish, grains, dairy, processed foods etc)	DAFF		1998-99		
Export Finance & Insurance Corporation Act 1991 and Export Finance & Insurance Corporation (Transitional Provisions and Consequential Amendments) Act 1991	DISR		1998-99		
Financial Corporations Act 1974	T		1998-99		
Financial system – comprehensive review of the regulatory framework	T		1996	April 1997	The Wallis Inquiry examined the Australian financial system, making recommendations on regulatory change. Government announced package of reforms in September 1997.
Financial Transactions Reports Act 1988 and regulations	AG		1998-99		
Fisheries legislation	DAFF		1998-99		
Foreign Investment Policy, including associated regulation	T	Review underway.	1996-97		
General Insurance Supervisory Levy Act 1989	T	Deferred until 98-99 in light of Wallis response.	1997-98		

Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
Hazardous Waste (Regulation of Imports & Exports) Act 1989, Hazardous Waste (Regulation of Imports & Exports) Amendment Bill 1995 and also related regulations	DEH		1998-99		
Health Insurance Act 1973, Part IIA	DHAC		1998-99		
Higher Education Funding Act 1988 plus: Vocational Education & Training Funding Act 1992 and any other regulation with similar effects to the Higher Education Funding Act 1988	DETYA		1997-98	Published April 1998.	Overtaken by West Review which has been completed. Minister's press release welcomes report, but no decision.
Home & Community Care Act 1985	DHAC		1999-00		
Imported Food Control Act 1992 and regulations	DAFF	TOR signed off 2 March 1998.	1997-98		
Income Equalisation Deposits (Interest Adjustment) Act 1984 and Loan (Income Equalisation Deposits ) Act 1976	DAFF		1996-97		Review completed. These schemes are to be replaced by the Farm Management Deposit Scheme to be introduced in 1998.
Industrial Relations Act 1988	DEWRSB	Review subsumed into major restructuring of industrial relations legislation.	1996		Changes to structure for negotiating wages and conditions. Legislation replaced by the Workplace Relations Act 1996.
Insurance (Agents & Brokers) Act 1984	T	Deferred until 98-99 in light of Wallis response.	1997-98		

Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
Intellectual property protection legislation (Designs Act 1906, Patents Act 1990, Trade Marks Act 1995, Copyright Act 1968 and possibly the Circuit Layouts Act 1989)	AG and DISR		1998-99		
International Air Service Agreements (ASAs)	DTRS	This review has been combined with the review of <i>International Air Services Commission Act 1992</i> . Review by Productivity Commission underway.	1996-97		
International Air Services Commission Act 1992	DTRS	See International Air Services Agreements above.	1997-98		
International Arbitration Act 1974	AG		1996-97	Aug. 1997	Review completed. Government considering recommendations.
Land Acquisition Acts: a) Land Acquisition Act 1989 and regulations b) Land Acquisitions (Defence) Act 1968 c) Land Acquisition (Northern Territory Pastoral Leases) Act 1981	DFA		1998-99		
Life Insurance Supervisory Levy Act 1989	T	Deferred until 98-99 in light of Wallis response.	1997-98		
Migration Act 1958 — sub-classes 120 and 121 (business visas)	DIMA		1996-97	March 1997	Review completed. Amendments to procedures came into effect Nov. 1997.



Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
<i>Migration Act 1958</i> — sub-classes 560, 562 and 563 (student visas)	DIMA		1996-97		Report almost finalised as at July 1998. Review expected to report how student visa policies and procedures can support the Overseas Student Program without compromising the integrity of Australia's migration program.
<i>Migration Act 1958</i> — sub-classes 676 and 686 (tourist visas)	DIMA	Review postponed until later half of 1998. Need for review to be considered in light of \$50 levy to apply 1 July 1997.	1996-97		
Migration Act 1958, Pt 3 (Migration Agents and Immigration Assistance) and related regulations	DIMA	Review combined with that for Migration Agents Registration (Application) Levy Act 1992 and Migration Agents Registration (Renewal) Levy Act 1992. Review completed.	1996-97	March 1997	Government accepted findings and were passed into legislation in December 1997. Legislation became fully effective in March 1998.
Migration Agents Registration (Application) Levy Act 1992 and Migration Agents Registration (Renewal) Levy Act 1992	DIMA		1996-97	March 1997	Review completed. Government decision to move the migration advice industry to statutory self-regulation.* Legislation became fully effective in March 1998.
Moomba-Sydney Pipeline System Sale Act 1994 - Part 6 (access provisions)	T		1999-00		
Motor Vehicle Standards Act 1989	DTRS	Commenced. Discussion paper released around April/May.	1997-98		
Mutual Recognition Act 1992	DETYA and DISR	This has become a national review under the auspices of the COAG Committee on Regulatory Reform. The Review is expected to report in July 1998.	1997-98		

Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
National Food Authority Act 1991 Food Standards Code	DHAC	Included in national review of Food Regulation expected to report in June 1998.	1998-99		New model Food Act being developed by the ANZ Food Authority.
National Health Act 1953 (Part 6 & Schedule 1) and Health Insurance Act 1973 (Part 3)	DHAC	Review incorporated into IC inquiry "Private Health Insurance". Review completed.	1997-98	Feb. 1997	Gov. accepted most recommendations but some are subject to further investigation. Review terms of reference did not allow the Industry Commission to examine effect of community rating.
National Residue Survey Administration Act 1992 and related Acts	DAFF	TOR signed off June 1998.	1997-98		
National Road Transport Commission Act 1991 and related Acts	DTRS		1996-97	April 1997	Review completed. COAG has endorsed final report, but has requested that legislation be finalised before report is publicly released. Act extended to Jan 1999 to continue reform process.
Native Title Act 1993 and regulations	PMC		1999-00		
Nuclear Safeguards (Producers of Uranium Ore Concentrates) Charge Act 1993 and regulations	DFAT		1996-97	Review published 23 June 1997.	Review completed. Government considering recommendations.
Ozone Protection Act 1989 & Ozone Protection (Amendment) Act 1995	DEH		1999-00		

Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
<i>Patents Act 1990</i> , S198-202 (Patent Attorney registration)	DISR		1996		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 removed restrictions to practice in trade marks and designs.
Petroleum (Submerged Lands) Act 1967	DISR		1999-00		
Petroleum Retail Marketing Franchise Act 1980	DISR		1997-98		
Petroleum Retail Marketing Sites Act 1980	DISR		1997-98		
Pig Industry Act 1986 and related Acts	DAFF	TOR signed off June 1998.	1997-98		
Pooled Development Funds Act 1992	DISR	Review underway.	1996-97		
Prawn Boat Levy Act 1995	DAFF		1998-99		
Prices Surveillance Act 1983	T		1998-99		
Primary Industries Levies Acts and related Collection Acts	DAFF	TOR settled with ORR but signing off subject to satisfactory composition of committee.	1997-98		
Proceeds of Crime Act 1987 and regulations	AG		1998-99		
Protection of Movable Cultural Heritage Act 1986	DCITA		1996		Review completed. No Government response. Amendments to Act likely by 2000.
Quarantine Act 1908	DAFF		1996		Review completed.
<i>Quarantine Act 1908</i> , in relation to human quarantine	DHAC	TOR signed 2 September 1997. In progress. Completion expected June 1998.	1996-97		

Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
<i>Radiocommunications Act 1992</i> and related Acts	DCITA	Review commenced in June 1997. Public draft report released around April-May 1998. Report expected by June 1998.	1996-97		
<i>Rural Adjustment Act 1992</i> and States and Northern Territory Grants (Rural Adjustment) Acts	DAFF		1996-97	May 1997	Review complete. In Sept. 1997. RAS was replaced by a range of other support schemes. Government decision included in 'rural package'.
<i>Shipping Registration Act 1981</i>	DTRS		1996-97		Review completed.
Spectrum Management Agency (SMA) - review of SMA's market-based reforms and activities.	DCITA	Likely to begin in late 1998.	1997-98		
Superannuation Acts including: Occupational Superannuation Standards Regulations Applications Act 1992, Superannuation (Financial Assistance Funding) Levy Act 1993, Superannuation Entities (Taxation) Act 1987, Superannuation Industry (Supervision) Act 1993, Superannuation (Resolution of Complaints) Act 1993 and the Superannuation Supervisory Levy Act 1991	T	Deferred one year in light of Government response to Wallis inquiry.	1997-98		
Torres Strait Fisheries Act 1984 and related Acts	DAFF	TOR finalised 5 February 1998. In progress and expected to report on 31 July 1998.	1997-98		
Trade Practices (Consumer Product Information Standards) (Care for clothing and other textile products labelling) Regulations	DISR		1996-97	Completed 30 June 1997.	Review completed. Less prescriptive mandatory core labelling to be introduced. Labelling standard circulated for public comment.

Name of legislation	Agency	Description/Comment on review	Date of review	Date review completed	Reform progress
Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations	DISR	TOR finalised 12 November 1997. In progress and expected to report on 30 June 1998.	1997-98		
Trade Practices Act (including exemptions) - Part IIIA (access regime)	T		1999-00		
Trade Practices Act 1974 (s 51(2) and s 51(3) exemption provisions)	T	TOR signed off 30/4/98. Review advertised nationally 15/6/98.	1997-98		
Trade Practices Act 1974 - 2D exemptions (local government activities)	T		1999-00		
Trade Practices Act 1974 - fees charged	T		1999-00		
Trade Practices Act 1974 Part X (shipping lines)	DTRS		1998-99		
Tradesmen's Rights Regulation Act 1946	DEWRSB	Review underway. Required to report to Treasurer 30 June 1998.	1996-97		
Veterans' Entitlement Act 1986 [VEA] - Treatment Principles (under section 90 of the VEA) and Repatriation Private Patient Principles (under section 90A)	DVA		1998-99		
Wheat Marketing Act 1989	DAFF		1999-00		
Wool International Act 1993	DAFF		1997-98		To be deleted. The wool stock is being liquidated and once completed the Act will be repealed.
World Heritage Properties Conservation Act 1983	DEH		1998-99		