### 2 NEW SOUTH WALES

# 2.1 Guide to the New South Wales legislation review schedule

[Summarised from the New South Wales Government *Report to the National Competition Council on the Application of National Competition Policy in NSW for the year ending December 1997*, dated June 1998.]

#### Legislative Review

NSW examined all legislation to determine whether the legislation establishes market entry barriers or sanctions or requires conduct which has the potential to restrict competitive behaviour in the market. This examination also determined whether the costs of such legislation are unknown, unnecessarily high or may not be outweighed by the public benefit. In June 1996, NSW published a timetable of legislation appropriate for review in the *NSW Government Policy Statement on Legislation Review*. During 1997, several additional pieces of legislation were listed for review.

Review panels are generally chaired by a senior officer of the relevant department. Review panels for all major or significant reviews include central agency representatives (the Cabinet Office and usually the Treasury) or consult closely with central agencies in the preparation of public issues papers and review reports. Where a review relates to a statutory authority and its role, the authority generally participates in the panel. The NSW Government considers that the integrity and independence of the panel is safeguarded by involvement of central agency representatives on the review panel.

Formal terms of reference are developed for each review using a template terms of reference. Reviews are usually advertised with an outline of the process to be followed. An issues paper is prepared for most reviews expected to have a widespread and/or significant impact. In 1997, NSW published guidelines entitled *Consulting on Reform: A Consultation Framework for Review of Anti-Competitive Legislation.* These guidelines aim to ensure reviews are conducted in an open and transparent manner, and public participation is facilitated.

Most NCP reviews are State-based. However, NSW ensures that all reviews take account of relevant regulatory regimes in other jurisdictions and recent reforms or reform proposals. In 1997, NSW modified its template terms of reference to take account of this requirement.

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.

Proposals for new legislation are required to take account of competition policy requirements. To ensure that this occurs, all proposals for new legislation or amendments to existing statutes are reviewed by officials of the Cabinet Office. Inconsistencies are either referred back to the responsible Minister for further consideration or brought to the attention of Cabinet.

The Government's legislation review timetable is reviewed by the Premier in consultation with other Ministers, in accordance with the Government's overall policy agenda. The Government's timetable will permit the completion of reviews of nominated legislation by the year 2000.

The NSW Government is also conducting a licence reduction program. Over 250 licences have been reviewed, of which 85 have been nominated for repeal. Of these, 44 were administratively repealed, 7 were repealed by specific legislation, and 34 were included in the *Regulatory Reduction Act 1996* for staged repeal by proclamation. At 1 January 1998, proclamations were made to repeal 21 licences. Proclamation of the remaining licences is awaiting completion of other review processes, including NCP review. Four security industry licences will now not be repealed following a comprehensive inquiry into regulation of the security industry and firearms. The inquiry led to the introduction of the *Security Industry Act 1997*.

## 2.2 Abbreviations

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

	e
А	Arts
Ag	Agriculture
AG	Attorney-General
E	Energy
Env	Environment
F	Fisheries
FT	Fair Trading
GR	Gaming and Racing
Н	Health
IR	Industrial Relations
LG	Local Government
LWC	Land and Water Conservation
MR	Mineral Resources
Ро	Police
Pr	Premier
PW	Ports and Waterways
PWS	Public Works and Services
R	Roads
SR	Sport and Recreation
SRD	State and Regional Development
Tpt	Transport
Tr	Treasurer
UAP	Urban Affairs and Planning

# 2.3 Legislation review schedule: New South Wales

#### Updated to 31 December 1997

Name of legislation	Agency	Description	Review year	Status of reform
Agricultural Tenancies Act 1990	Ag	Regulates the rights of agricultural landowners, tenants and sharefarmers and provides for the determination of disputes by arbitration.	1996-97	Underway.
Agriculture and Veterinary Chemicals Act 1994	Ag	Applies certain laws of the Commonwealth relating to agricultural and veterinary chemical products as laws of NSW. Complementary to Commonwealth legislation.	1996-97	Not commenced. Preliminary negotiations in progress for coordinated national review.
Air Transport Act 1964	Tpt	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.	1995-96	Underway. Report being considered.
Animal Research Act 1985	Ag	An Act to protect the welfare of animals used in connection with animal research.	1999-2000	Not commenced. Review rescheduled from 1997-98 to 1999-2000.
Apiaries Act 1985	Ag	Regulates the keeping of bees; requires and provides for the registration of beekeepers; prevents the introduction of, and to control and eradicate, certain diseases and pests which afflict bees and apiaries and provides for the payment of compensation to registered beekeepers in certain cases.	1996-97	Underway. Part of a generic review of all disease legislation.

Name of legislation	Agency	Description	Review year	Status of reform
Architects Act 1921	PWS	Provides for the registration of architects and regulation of the practice of architecture.	1995-96	Underway. Issues Paper released and submissions received. However, in the interests of achieving greater regulatory consistency, the Government is giving consideration to participation in a national review rather than completing the current State-based review.
Australian Jockey Club Act 1873 (1) Sydney Turf Club Act 1943 (2)	GR	<ol> <li>(1) Extends period for which the trustees of 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.</li> <li>(2) Constitutes and incorporates the Sydney Turf Club and declares its objects, functions and powers and provides for associated matters.</li> </ol>	1995-96	Underway.
Banana Industry Act 1987	Ag	Constitutes the Banana Industry Committee (a statutory marketing authority) and links the compulsory grower charges to services provided by the committee.	1995-96	Complete. The Government has agreed to; retain the Banana Industry Committee and its powers to provide industry service functions; remove some obsolete and unexercised powers of the Committee; and remove the Committee's Transport Direction power.
Biological Control Act 1985	Ag	Makes provision for the biological control of pests in NSW. Complementary to Commonwealth legislation.	1996-97	To be deleted from review list. COAG Committee on Regulatory Reform determined that the legislation has no anti-competitive impacts. Not on Commonwealth list for review. NCC agrees to removal from State lists.
Boxing and Wrestling Control Act 1986	SR	Regulates the conduct of professional boxing; constitutes the Boxing Authority of NSW and defines its functions; regulates the conduct of wrestling and amateur boxing contests.	1995-96	Underway. Terms of Reference approved by Premier.

Name of legislation	Agency	Description	Review year	Status of reform
Bread Act 1969	IR	Makes provisions in respect of 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 and amends other Acts.	1995-96	Complete. Legislation repealed.
Building Services Corporation Act 1989	FT	Makes provisions concerning the residential building industry and certain specialist work and to constitute the Building Services Corporation and define its functions.	1996-97	Underway. Legislative changes arising from the review have abolished the BSC, privatised the compulsory insurance arrangements and abolished business licensing. Additional reforms to occupational licensing under consideration.
Business Franchise Licence (Petroleum Products) Act 1987	Tr	Provides for the licensing of people carrying on the business of selling certain petroleum products.	1995-96	Complete. Legislation was repealed in December 1997.
Business Franchise Licence (Tobacco) Act 1987	Tr	Provides for the licensing of people carrying on the business of selling tobacco.	1995-96	Complete Legislation was repealed in December 1997.
Business Licences Act 1990	FT	Relates to business licences.	1997-98	Not commenced.
Business Names Act 1962	FT	Makes provision with respect to the registration and use of business names.	1996-97	Underway. Issues Paper being prepared for release in first half of 1998.
Cattle Compensation Act 1951	Ag	Provides for the establishment of a Cattle Compensation Fund and for payment of compensation to owners of cattle and carcasses of cattle destroyed as suffering from disease.	1996-97	Underway. Part of a generic review of all disease legislation.
Chiropractors and Osteopaths Act 1991	Н	Regulates the practice of chiropractic and osteopathy and repeals the Chiropractic Act 1987.	1997-98	Underway. Issues Paper being finalised.
Classification (Publications Films and Computer Games) Enforcement Act 1995	AG	Provides for a classification scheme for publications, films and computer games. Complementary to Commonwealth legislation.	1999-2000	Not commenced.

Name of legislation	Agency	Description	Review year	Status of reform
Coal Ownership (Restitution) Act 1990 (1) Coal Acquisition Act 1981 (2)	MR	<ol> <li>Provides for the restitution of certain coal acquired by the Crown as a result of the Coal Acquisition Act 1981.</li> <li>Vests all coal in the Crown.</li> </ol>	1996-97	Complete. Acts will be superseded by new legislation - Coal Acquisition Amendment Act. The Acts are likely to be repealed when the Coal Compensation Board is abolished.
Commercial Agents and Private Inquiry Agents Act 1963	Ро	Provides for the licensing and control of commercial agents, private inquiry agents and their subagents.	1996-97	Underway. Dealt with under Licence Reduction Program, but awaiting further consideration following Industrial Relations Commission inquiry.
Commercial Vessels Act 1979 (1) Maritime Services Act 1935 (2) Marine Pilotage Licensing Act 1971 (3)	PW	<ol> <li>(1) 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.</li> <li>(2) Provides for the constitution of the Maritime Services Board of NSW and its powers.</li> <li>(3) Provides for the licensing of pilots.</li> </ol>	1995-96	Complete. Dealt with under Licence Reduction Program. 10 licences and permits abolished from 2 February 1997 under the Regulatory Reduction Act 1996. The <i>Marine Pilotage Licensing Act 1971</i> overlap with Commonwealth arrangements will be addressed through the National Marine Safety Regulatory Regime process agreed November 1997.
Construction Safety Act 1912	IR	Provides for the regulation and inspection of construction work and consolidates the Acts controlling scaffolding and lifts.	1996-97	Review not commenced. Linked to Occupational Health and Safety Act review. Creates several certificates of competency, some have already been reviewed and removed under the Licence Reduction Program.
Consumer Credit (NSW) Act 1995	FT	Regulates the provision of consumer credit.	1999-2000	Not commenced. Likely national review. The Ministerial Council on Consumer Affairs is to undertake a post-implementation review of the Uniform Credit Code, to be completed in 1998. The COAG Committee on Regulatory Reform has agreed to this as a 'scoping study' for the NCP review.

Name of legislation	Agency	Description	Review year	Status of reform
Cooperatives Act 1992 (1)	FT	(1) Provides for the establishment of cooperatives and the regulation of their operations.	1997-98	Not commenced.
Cooperation Act 1923 (2)		(2) Amends the law relating to cooperation; provides for the formation, registration and management of cooperative societies.		
Council of Law Reporting Act 1969	AG	Constitutes a Council of Law Reporting to New South Wales and defines its powers, authorities, duties and functions.	1998-99	Not commenced.
Country Industries (Payroll Tax Rebates) Act 1977	SRD	Allows rebates of pay-roll tax in respect of certain country manufacturing or processing industries.	1996-97	Underway.
Credit (Finance Brokers) Act 1984	FT	Relates to the conduct of business of finance brokers.	1999-2000	Not commenced.
Dairy Industry Act 1979	Ag	Constitutes the NSW Dairy Corporation which is responsible for the production, quality, supply and distribution of milk and the production, quality and storage of dairy products.	1996-97	Review completed. Awaiting Cabinet decision.
Dangerous Goods Act 1975	IR	Consolidates and amends the law relating to explosives and other dangerous substances.	1996-97	Draft national standard has been developed relating to the storage and handling of dangerous goods. 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 proposed Dangerous Goods (General) Regulation is expected to be finalised in September 1998. As per the OH& S Act, Workcover will consider a NCP review after the current process is complete.

Name of legislation	Agency	Description	Review year	Status of reform
Dental Technician Registration Act 1975	Н	Constitutes the Dental Technicians Registration Board & defines its powers, authorities, duties and functions; makes provisions for the registration of dental technicians; regulates the qualifications for, and the effect of, registration.	1999-2000	Not commenced.
Dentists Act 1989	Н	Regulates the practice of dentistry.	1995-96	Pre-consultation underway and issues paper being prepared.
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.	1996-97	Not commenced. To be reviewed with the review of the <i>Fair Trading Act 1987</i> .
Dried Fruits Act 1939	Ag	Make provision for the regulation of the dried fruits industry and reconstitutes the NSW Dried Fruits Board.	1997-98	Review unnecessary. Legislation repealed on 15 December 1997. Consistent with prior resolutions of the Board, the Government decided to dissolve the Board; repeal the Act; immediately deregulate the dried vine fruit industry; & provide for transitional arrangements for the prune industry. The transitional arrangements involve the making of a Prune Industry Marketing Order under the Marketing of Primary Products Act. The marketing order expires on 31/12/99. Its main purpose is to constitute the Prune Industry Marketing Committee which is to promote the smooth transition of the dried prune industry from a regulated to a deregulated industry.
Driving Instructors Act 1992	R	Provides for the licensing of driving instructors and repeals <i>the Motor Vehicle Driving Instructors</i> <i>Act 1961.</i>	1995-96	Underway. Issues Paper being prepared.
Electricity (Pacific Power) Act 1950	Е	Provides for the constitution of the Electricity Commission of NSW defines its powers, authorities, duties and functions. Amends and repeals certain other Acts.	1999-2000	Not commenced.

Name of legislation	Agency	Description	Review year	Status of reform
Electricity Safety Act 1945	E	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.	1999-2000	Not commenced.
Electricity Supply Act 1995	E	Regulates the supply of electricity in the wholesale and retail markets; sets out the functions of persons engaged in the conveyance and supply of electricity.	1999-2000	Not commenced.
Electricity Transmission Authority Act 1994	Е	Establishes the NSW Electricity Transmission Authority and defines its functions.	1999-2000	Not commenced.
Energy Administration Act 1987	E	Establishes the Department of Energy, constitutes the Energy Corporation of NSW and defines its functions.	1995-96	Complete. Licence and approval requirements repealed with proclamation of <i>Electricity Supply Act 1995.</i> Other provisions dealt with as part of structural reform of gas industry.
Entertainment Industry Act 1989	IR	Relates to the regulation of the entertainment industry and amends and repeals certain legislation.	1999-2000	Not commenced.
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.	1995-96	Complete. Dealt with under the Licence Reduction Program
Exhibited Animals Protection Act 1986	Ag	An Act with respect to the exhibition of animals at marine or zoological parks, circuses and other places.	1997-98	Underway. Being reviewed in conjunction with the review of the Non-Indigenous Animals Act.
Exotic Diseases of Animals Act 1991	Ag	Provides for the detection, containment and eradication of certain diseases affecting livestock and other animals.	1996-97	Underway. Part of a generic review of all disease legislation.

Name of legislation	Agency	Description	Review year	Status of reform
Factories, Shops and Industries Act 1962	IR	Makes provisions with respect to the supervision and regulation of factories, shops and certain other industries and to the health, safety and welfare of employees; restricts trading hours; controls advertising and description of goods; regulates outdoor work in clothing trade; restricts hours of trade and labour; controls advertising; creates licensing regime for hairdressers and prescriptive requirements for hairdressing premises.	1996-97	Part 3: Not commenced. Linked to current reviews of the Occupational Health and Safety Act. Part 4: Not commenced. Trading Hours. Industrial issues. Part 6: Underway. Hairdressers.
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.	1997-98	Not commenced.
Farm Debt Mediation Act 1994	Ag	Makes provision for mediation concerning farm debts.	1996-97	Not commenced. Delayed due to previous review. Will probably commence mid 1998.
Farm Produce Act 1983	Ag	Makes provision for the registration and regulation of farm produce merchants and farm produce agents.	1995-96	Complete. Act repealed.
Fertiliser Act 1985	Ag	Provides for the registration of brand names for fertilisers and liming materials and regulates the sale of fertilisers, liming materials and trace element products.	1996-97	Underway. Part of a generic review of all chemical residue legislation. Issues paper released.
Fisheries Management Act 1994	F	Relates to the management of fishery resources.	1999-2000	Not commenced. Standing Committee on Fisheries and Aquaculture is to undertake a scoping and methodology review as a precursor to State-based reviews.
Food Act 1989	Н	Consolidates and amends the law relating to the preparation and sale of food.	1999-2000	Not commenced. National review.

Name of legislation	Agency	Description	Review year	Status of reform
Friendly Societies Act 1989	Tr	Provides for the formation, registration, management and regulation of friendly societies and to consequently appeal and amend certain other legislation.	1997/98	Review unnecessary. NSW adopted national template legislation (following Victorian NCP review) which became effective on 1 November 1997. Since this date, NSW has entered into negotiations with the Commonwealth regarding the transfer of responsibilities for credit unions, building societies and friendly societies to the Commonwealth Australian Prudential Regulatory Authority, with a view to this being concluded on or before 1 July 1999.
Friendly Societies Dispensaries Enabling Act 1945	Н	Enables Friendly Societies to operate pharmacies.	1997-98	Complete. Act repealed. Relevant provisions were incorporated into the Pharmacy Act, which is scheduled for national review in 1999.
Funeral Funds Act 1979	FT	Controls and regulates contributory and pre- arranged funeral funds.	1996-97	Underway. Final Report being prepared.
Funeral Services Industry (Days of Operation) Act 1990	IR	Regulates the days of operation of businesses providing funeral, burial or cremation services.	1997-98	Not commenced.
Gaming and Betting Act 1912	GR	Consolidates Acts relating to games, wagers and betting houses, the restriction of race meetings and the licensing of race courses.	1997-98	Not commenced. Act is to be repealed and remade in three parts to be separately reviewed on existing timetable: core gaming and betting provisions (new Act); racecourse licensing (new Racing Administration Act); and two-up regulation (new Act or relocated in appropriate legislation).
Gas Industry Restructuring Act 1986	Е	Makes provision with respect to the supply and consumption of gas and the regulation of gas distributors.	1999-2000	Not commenced.

Name of legislation	Agency	Description	Review year	Status of reform
Government Guarantees Act 1934	Tr	Validates certain guarantees given to certain banks by the Treasurer or pursuant to Minutes of the Governor and Executive Council; authorises the Treasurer to execute certain guarantees in certain cases; makes certain contingent appropriations out of the Consolidated Revenue Fund and to amend certain Acts.	1997-98	Not commenced.
Grain Marketing Act 1991	Ag	Relates to the marketing of coarse grains and oilseeds and to constitute the NSW Grains Board.	1997-98	Underway.
Greyhound Racing Control Board Act 1985 Harness Racing Act 1977	GR	The Acts establish controlling bodies for these race codes.	1998-99	Not commenced.
Hawkers Act 1974	FT	Provides for the licensing and control of hawkers.	1995-96	Complete. Act repealed.
Homing Pigeons Protection Act 1909	Ag	Provides for the protection of homing pigeons during flights.	1996-97	Complete. Act repealed.
Horticultural Stock and Nurseries Act 1969	Ag	Provides for the registration of certain nurserymen and resellers of horticultural stock and regulates the sale or propagation of certain horticultural stock.	1996-/97	Underway. Final report being prepared by review group.
Human Tissue Act 1983	Н	Relates to the donation of tissue by living persons, the removal of tissue from deceased persons and the conduct of post-mortem examinations of deceased persons.	1996-97	Underway. Issues Paper released. Review is examining the regulation of blood and blood products.

Name of legislation	Agency	Description	Review year	Status of reform
Industrial Relations Act 1991	IR	Restates and reforms the law concerning industrial relations.	1996-97	Industrial Relations (IR) Act 1991 repealed & replaced with IR Act 1996. Regulation of employment agents was separated from IR Act into Employment Agents (EA) Act 1996. The EA Act is being transferred from the administration of the Dept. of Industrial Relations to the Dept. of Fair Trading from 1 July 1998. The EA Act may be reviewed in light of recent Commonwealth reforms to employment services.
Innkeepers Act 1968	GR	To make provision with respect to certain rights	1997-98	Not commenced.
		and liabilities of innkeepers and persons having dealings with innkeepers.		Small review, possible repeal or transfer to other legislation.
Land Development Contribution Act 1970	UAP	Levies a contribution in relation to certain land within the Sydney region.	1997-98	Review unnecessary. The Act was introduced to collect contributions from developers who benefit from rezonings. The Act has not been used to collect contributions for several years, and the subordinate legislation which provided the power to collect contributions has been repealed. The Act is likely to be repealed when the funds have been spent or allocated to other funds.
Legal Profession Act 1987	AG	Regulates the admission and practice of barristers and solicitors and repeals the <i>Legal Practitioners</i> <i>Act 1898.</i> Constitutes the Barristers Admission Board and Legal Practitioners Admission Board.	1996-97	Underway. Issues Paper released.
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.	1995-96	Complete. Certification scheme abolished.

Name of legislation	Agency	Description	Review year	Status of reform
Liquefied Petroleum Gas Act 1961 Liquefied Petroleum Gas (Grants) Act 1980	Е	Regulates the supply of gas.	1997-98	Complete. Repealed by the <i>Gas Supply Act 1996</i> .
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.	1995-96	Complete. Dealt with under the Licence Reduction Program. Licence retained. Issues of public safety outweigh costs.
Local Government Act 1993	LG	To provide for Local Government in New South Wales.	1997/98	Not commenced. Partly dealt with under the Licence Reduction Program and the recent reform of planning laws. However, the Act requires review under S 747 of the Act. Restrictions on competition not addressed during the aforementioned processes will be addressed in this review.
Lord Howe Island Act 1953 and Lord Howe Island Regulation 1994	Env		1999	
Lotteries and Art Unions Act 1901	GR	An Act with respect to the conduct of lotteries, games of chance and art unions.	1999-2000	Not commenced.
Lotto Act 1979 NSW Lotteries Act 1990 Soccer Football Pools Act 1975	GR		1999-2000	Not commenced. The Acts were repealed and replaced by the <i>NSW Lotteries Corporatisation Act 1996</i> and the <i>Public Lotteries Act 1996</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.	1997-98	Not commenced. Act will be reviewed when all marketing boards and marketing orders constituted under it have been separately reviewed.
Meat Industry Act 1987	Ag	Constitutes the NSW Meat Industry Authority and provides for the regulation and control of the NSW meat industry.	1995-96	Review completed. Awaiting Cabinet decision.

Name of legislation	Agency	Description	Review year	Status of reform
Medical Practice Act 1992	Н	Provides for the registration of medical practitioners and medical students, the making of complaints and disciplinary action.	1995-96	Not commenced. Partly dealt with under the Licence Reduction Program (restrictions on advertising minimised), but Act to be subject to further review during 1998.
MIA Citrus Fruit Promotion Marketing Committee	Ag	Part of <i>Marketing of Primary Products Act 1983</i> (see below) which relates to the marketing of certain primary products and provides for the establishment of marketing boards and enables the making of marketing orders.	1996-97	Complete. Committee to be retained, but with removal of some industry functions and the narrowing of others to ensure greater accountability to constituent growers.
MIA Wine Grapes Marketing Board	Ag	Constitutes the MIA Wine Grapes Marketing Board - a statutory marketing authority responsible for the marketing of MIA wine grapes and to represent the interests of growers.	1995/96	Complete. Wine Grapes Marketing Board vesting power to b extended until 31 July 2000 and then cease. Extension subject to constrained conditions.
Mines Inspection Act 1901 (1) Coal Mines Regulation Act 1982 (2)	MR	<ul> <li>(1) Makes better provision for the regulation and inspection of mines, other than coal and shale mines, and regulates the treatment of the products of such mines.</li> <li>(2) Regulates coal mines (and oil shale and kerosene shale mines) and certain related places.</li> </ul>	1996-97 1999-00	Underway. A review of mine safety legislation is underway in response to the Mine Safety Review which reported in April 1997. The review will impact on both metalliferous and coal safety legislation and will take account of NCP requirements.
Mining Act 1992	MR	Makes provisions with respect to prospecting for and mining minerals.	1995-96	Complete. Dealt with under the Licence Reduction Program.
Monopolies Act 1923	AG	Amends the law in relation to monopolies and restraint of trade.	1995-96	Complete. Possible repeal first session 1998.
Motor Accidents Act 1988 (1) Motor Vehicles (Third Party Insurance) Act 1942 (2)	AG	<ol> <li>(1) Relates to the recovery of damages and compulsory insurance against liability for the death or injury of persons as a consequence of motor accidents.</li> <li>(2) Requires that owners &amp; drivers of motor vehicles are insured against liability in respect of death or bodily injury, amends the Transport Act 1930 &amp; the Compensation to Relatives Act 1987.</li> </ol>	1996-97	Underway. Issues Paper released.

Name of legislation	Agency	Description	Review year	Status of reform
Motor Dealers Act 1974 No 52 (1) Motor Vehicles Repair Act 1980 (2)	FT	<ul> <li>(1) Provides for the granting of licences to people carrying on the business of a motor dealer, an auto-dismantler, a wholesaler, a motor vehicle parts reconstruction, a car market operator or a motor vehicle consultant, or a prescribed business; requires the keeping of certain records; imposes certain obligations on motor dealers; provides for the settlement of disputes and establishes a motor dealers compensation fund.</li> <li>(2) Constitutes the Motor Vehicle Repair Industry Council and confers on it licensing functions concerning repair businesses and tradesman and loss assessors.</li> </ul>	1996-97	Underway. Final report being prepared.
Motor Vehicle Sports (Public Safety) Act 1985	SR	Makes provision for the control and regulation of meetings for motor vehicle racing.	1995-96	Underway. Issues Paper being prepared.
Murray Valley Citrus Marketing Act 1989 (complementary with Murray Valley Citrus Marketing Act (Vic.))	Ag	Makes provision for a joint NSW-Victorian scheme for marketing citrus fruit.	1996-97	Underway. Joint review with Victoria.
Murray Valley Wines Grapes Industry Development Committee	Ag	Constituted under the Marketing of Primary Products Act 1983.	1997-98	Underway. Joint review with Victoria.
Murray Valley Wines Grapes Industry Negotiating Committee	Ag	Constituted under the Marketing of Primary Products Act 1983.	1997-98	Underway. Joint review with Victoria.

Name of legislation	Agency	Description	Review year	Status of reform
National Parks and Wildlife Act 1974	Env	Consolidates and amends the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal relics.	1995-96	Complete. Dealt with under the Licence Reduction Program
National Rail Corporation (Agreement) Act 1991	Tpt	Approves and gives effect to an agreement between NSW, the Commonwealth and other States relating to the National Rail Corporation Ltd.	1996-97	Not commenced. Will need to be a national review.
Navigation Act 1901	PW	Consolidates the Acts relating to navigation.	1999-2000	Not commenced.
Non Indigenous Animals Act 1987	Ag	Controls and regulates the introduction into the State of certain species of animals and the movement and keeping of those animals within the State.	1997-98	Underway.
Noxious Weeds Act 1993	Ag	Provides for the identification, classification and control of noxious weeds.	1996-97	Underway.
Nurses Act 1991	Н	Regulates the practice of nursing.	1997-98	Not commenced. Act will be reviewed in 1999.
Nursing Homes Act 1988	Н	Provides for the licensing and control of nursing homes.	1997-98	Not commenced. An inter-departmental committee is currently considering the implications of changes to the Commonwealth's Aged Care Act on State legislation. Review of th Nursing Homes Act will commence following completion of this process.
Occupational Health and Safety Act 1983	IR	To secure the health, safety and welfare of persons at work and to amend certain other Acts.	1995-96	Not commenced. The OH & S Act is the subject of several reviews with a view to making a consolidated OH & S regulation. Workcover proposes to assess the situation in the latter part o 1998 with the intention of undertaking specific competition reviews for completion 1998-99, if required.

Name of legislation	Agency	Description	Review year	Status of reform
Optical Dispensers Act 1963	Н	Makes provision for the licensing of optical dispensers; regulates the qualifications and the effect of such licensing; provides for the constitution of an Optical Dispensers Licensing Board and defines the powers and functions of that Board.	1999-2000	Not commenced.
Optometrists Act 1930	Н	Provides for the registration of optometrists and regulates the practice of optometry.	1996-97	Underway. Issues Paper being finalised.
Ozone Protection 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.	1995-96	Complete. Dealt with under the Licence Reduction Program.
Parking Space Levy Act 1992	Tpt	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.	1996-97	Complete. Act retained on the basis that competition restrictions were notional only.
Partnerships Act 1892	AG	To declare and amend the law of Partnership.	1998-99	Not commenced.
Passenger Transport Act 1990	Tpt	Regulates public transport services.	1997-98	Underway. Buses segment is complete: contestability for privately-operated services being phased in, to be completed by 1 January 2000. Ferry and taxi segments in program.
Pathology Laboratories Accreditation Act 1981	Н	Provides for the accreditation of Pathology Laboratories.	1999-2000	Complete. It is proposed that the Act be repealed.
Pawnbrokers and Second Hand Dealers Act 1996	FT	Provides for the licensing of pawnbrokers and dealers in certain classes of second hand goods. Repeals and amends certain Acts.	1999-2000	Not commenced.
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.	1995-96	Underway. State Heads of Treasury have commenced a national review of compliance arrangements associated with payroll tax. The Victorian Government is providing the Secretariat.

Name of legislation	Agency	Description	Review year	Status of reform
Pesticides Act 1978	Env	Controls the sale, supply, use and possession of pesticides, the application of pesticides from aircraft and provides for the prevention of foodstuff contamination.	1995-96	Complete. Dealt with under the Licence Reduction Program. However, Part 7 of the Act is currently being subject to further review in the context of a generic review of several Acts dealing with chemical residues.
Petroleum (Onshore) Act 1991	MR	Regulates the search for, and mining of, petroleum.	1995-96	Complete. Dealt with under the Licence Reduction Program.
Petroleum (Submerged Lands) Act 1982	MR	Relates to the exploration for, and exploitation of, petroleum resources and certain other resources adjacent to the coast of NSW.	1995-96	Complete. Dealt with under the Licence Reduction Program.
Petroleum Products Subsidy Act 1965	Tr	Implements a Commonwealth scheme for the subsidisation of fuel transport costs in rural areas.	1997-98	Review unnecessary. The Act is expected to be repealed in 1998-99.
Pharmacy Act 1964	Н	Regulates the carrying on of the business of a pharmacist; authorises friendly societies and trading and rural societies established under the <i>Co-operation, Community Settlement and Credit Act 1923</i> to carry on the business of a pharmacist in certain circumstances. Amends relevant Acts.	1997-98	Not commenced. National review in 1999.
Physiotherapists Registration Act 1945	Н	Makes provision for the registration of physiotherapists; regulates the qualifications and effect of such registration; provides for the constitution of a Physiotherapists Registration Board and defines the powers and functions of that Board.	1997-98	Not commenced. Act will be reviewed in 1999.
Pipelines Act 1967	E	Relates to the construction, operation and maintenance of pipelines.	1996-97	Underway. Internal review of Act completed in July 1997 – minor amendment recommended. However, Act is archaic and is to be repealed and remade during 1998. NCP issues to be included ir public discussion paper assisting repeal/remake process. Public review including Issues Paper to be incorporated into this process.

Name of legislation	Agency	Description	Review year	Status of reform
Plant Diseases Act 1924	Ag	Makes further provisions to prevent the introduction into NSW of diseases and pests affecting plants and fruit, to provide for the eradication of such diseases and pests, and to prevent their spread. Also makes certain provisions regarding the sale and grading of fruit and cotton plants.	1996-97	Underway. Part of a generic review of all disease legislation.
Podiatrists Act 1989	Н	Regulates the practice of podiatry; makes provisions for the registration of podiatrists and regulates the qualifications for and the effect of such registration; constitutes the Podiatrists Registration Board and specifies its functions.	1996-97	Not commenced. Act will be reviewed in 1999.
Poisons Act 1966	Н	Regulates, controls and prohibits the sale and use of poisons, restricted substances, drugs of addiction and certain dangerous drugs and establishes a Poisons Advisory Committee.	1995-96	Not commenced. Proposed national review.
Ports Corporatisation and Waterways Management Act 1995	PW	Establishes statutory state-owned corporations to manage the State's port facilities on major ports; 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.	1999-2000	Not commenced.
Poultry Meat Industry Act 1986	Ag	Constitutes the Poultry Meat Industry Committee and defines its functions and regulates and controls the poultry growing industry.	1996-97	Underway. Issues Paper being prepared by review group.
Poultry Processing Act 1969	Ag	Provides for the registration of plants in which poultry is processed for sale and to make provisions for the regulation and control of these plants.	1996-97	Underway. To be considered within the review of the Meat Industry Authority.
Prevention of Cruelty to Animals Act 1979	Ag	Provides for the prevention of cruelty to animals.	1996-97	Not commenced. Rescheduled to 1999-2000.

Name of legislation	Agency	Description	Review year	Status of reform
Prices Regulation Act 1948	FT	Makes provision for the regulation of prices and rates of certain goods and services.	1996-97	Complete. Act repealed.
Prickly Pear Act 1987	Ag	Provides for the control and destruction of Prickly Pear.	1996-97	Complete. Act repealed. Provisions now listed under the <i>Noxious Weeds Act 1993</i> .
Private Hospitals and Day Procedures Centres Act 1988	Н	Provides for the licensing and control of day procedure centres.	1997-98	Underway. Issues Paper being prepared.
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.	1998-99	Not commenced.
Property, Stock and Business Agents Act 1941	FT	Regulates real estate, stock and station, business and managing agents.	1996-97	Underway. Final Report being prepared.
Psychologists Act 1989	Н	Makes provision for the registration of psychologists; regulates the qualifications for the effect of such registration and constitutes the Psychologists Registration Board and specifies its functions.	1996-97	Underway. Final report being prepared.
Public Finance and Audit Act 1983 (1) Public Authorities (Financial Arrangements) Regulations 1997 (2)	Tr	<ol> <li>Makes provision with respect to the administration and audit of public finances.</li> <li>Makes provisions with respect to certain financial arrangements and investments of public authorities; constitutes the NSW Capital Works Financing Corporation.</li> </ol>	1995-96	Single review underway. New omnibus legislation is expected to be introduced into Parliament during 1998-99. A green paper will be released as part of the consultative process. The green paper will incorporate NCP issues arising from the legislation.
Public Health Act 1991	Н	Regulates the funeral industry, skin penetration, microbial control and other matters.	1997-98	Underway. Issues Paper being prepared.
Public Notaries Act 1985	AG	Provides for appointment, enrollment and disciplinary procedures for Public Notaries	1995-96	Complete. New Act in place.

Name of legislation	Agency	Description	Review year	Status of reform
Public Sector Management (Goods and Services) Regulation 1995	PWS		1998-99	Not commenced.
Public Trustee Act 1913	AG	Establishes the Public Trustee as a corporation empowered to conduct personal trust work.	1995-96	Underway. Issues Paper released. Submissions closed 31 December 1997.
Radiation Control Act 1990	Env	Makes provision for the regulation and control of the sale, use, keeping and disposal of radioactive substances and radiation apparatus.	1995-96	Complete. Dealt with under the Licence Reduction Program. A national review of radiation control legislation may have implications for this Act.
Rail Safety Act 1993	Tpt	To promotes the safe construction, operation and maintenance of railways.	1999-2000	Not commenced.
Recreation Vehicles Act 1983	Env	Regulates the off-road use of motor vehicles.	1995-96	Complete. Act to be repealed.
Registered Clubs Act 1976 (1) Liquor Act 1982 (2)	GR	(1) Makes provisions with respect to the registration of clubs and their rules and management.	1996-97	Underway.
2 March 110 1902 (2)		(2) Regulates the sale and supply of liquor and regulates the use of premises at which liquor is sold.		

Name of legislation	Agency	Description	Review year	Status of reform
Residential Tenancies Act 1987 (1)	FT	(1) Relates to the rights and obligations of landlords and tenants under residential tenancy	1997-98	Underway.
Landlord and Tenant (Rental Bonds) Act 1977 (2)		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. Repeals and amends certain Acts. (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; provides for the paying out of rental bonds and enabled the investment of rental bonds and the investment and expenditure of rental bonds.	1996-97	Review has been expanded to include related general residential tenancies legislation. Issues Paper being prepared for release in first half of 1998.
Restraints of Trade Act 1976	AG	Provides for Supreme Court action based on applications against activities which create restraints of trade.	1995-96	Complete. Possible repeal first session 1998.
Retail Leases Act 1994	SRD	Makes provision with respect to the leasing of certain retail shops and the rights and obligations of lessors and lessees of those shops.	1997-98	Not commenced.
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.	1996-97	Underway. Issues Paper released in November 1997.
Rice Marketing Board	Ag	The NSW Rice Marketing Board markets, or arranges to market, the annual rice crop in its role as the sole statutory marketing body for rice.	1995-96	Complete. Legislative arrangements maintained to 2004, with review in 2000. Government concluded that the current rice industry arrangements generated a net public benefit. The benefits from the current export arrangements were seen to significantly exceed the costs borne by domestic consumers and the economy.

# Legislation Review Compendium

Name of legislation	Agency	Description	Review year	Status of reform
Roads Act 1993	R	Makes provision with respect to the roads of NSW. Repeals certain Acts.	1997-98	Not commenced.
Rural Assistance Act 1989	Ag	Constitutes the NSW Rural Assistance Authority.	1996-97	Underway.
Rural Lands Protection Act 1989	Ag	Establishes Rural Lands Protection Districts and associated boards which levy and collect rates, provide animal health services and control of noxious weeds and animals.	1996-97	Underway.
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.	1996-97	Not commenced. Some industrial issues involved. To review after new OH&S regulation in place.
Security (Protection) Industry Act 1985	Ро	Provides for the licensing and regulation of persons carrying on, or employed in, the business of providing security and protection for persons or property.	1995-96	Complete. Act has been repealed and replaced by the <i>Security</i> <i>Industry Act 1997</i> .
Seeds Act 1982	Ag	Regulates the sale of seeds and prohibits the sale of certain seeds and plants.	1996-97	Underway. Issues Paper released.
Small Business Loans Guarantee Act 1977	SRD	Authorises the execution of guarantees for the repayment of loans made to certain small businesses.	1997-98	Not commenced.
Standard Time Act 1987	AG	Relates to standard time and daylight saving in NSW.	1998-99	Not commenced. Possible national review.
State Development and Industries Assistance Act 1966	SRD	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.	1997-98	Not commenced.

Name of legislation	Agency	Description	Review year	Status of reform
Stock (Chemical Residues) Act 1975	Ag	To prevent the slaughter for human consumption of stock which contain certain concentrations of residues of chemicals or which are otherwise chemically affected and to prevent stock from becoming chemically affected.	1996-97	Underway. Part of a generic review of all chemical residue legislation. Issues Paper released.
Stock Diseases Act 1982	Ag	Relates to diseases in stock and repeals the Stock Diseases (Tick) Act 1901 and the Stock Diseases (Tick) Amendment Act 1915.	1996-97	Underway. Part of a generic review of all disease legislation
Stock Foods Act 1940	Ag	Regulates the sale of food for stock.	1996-97	Underway.
				Part of a generic review of all chemical residue legislation. Issues Paper released.
Stock Medicines Act 1989	Ag	Relates to medicines for stock and other animals for the purposes of enhancing the quality of agricultural production, protecting the environment and safeguarding the health of stock and other animals.	1996-97	Underway. Part of a generic review of all chemical residue legislation. Issues Paper released.
Strata Titles Act 1973 Strata Titles (Leasehold Development) Act 1986	FT	Acts 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.	1999-00	Not commenced. Strata Schemes Management Act 1996 will be reviewed.
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. Constitutes the Superannuation Administration Authority of NSW.		Not commenced. The Government recently agreed to include this Act in its review timetable following a request from the NCC. The Government is giving consideration to the appropriate timing of this review.
Surveyors Act 1929	LWC	Provides for the registration of surveyors of land, regulates the making of surveys.	1995-96	Underway. Issues Paper being finalised. Some delay has occurred as a result of a transfer of Ministerial responsibility for this legislation.

Legislation Review Compendium

Name of legislation	Agency	Description	Review year	Status of reform
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.	1996-97	Underway. Part of a generic review of all disease legislation.
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.	1996-97	Act repealed.
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.	1999-2000	Not commenced.
Therapeutic Goods and Cosmetics 1972	Н	Regulates the manufacture, distribution and advertising of certain therapeutic goods and imposes standards in relation to certain therapeutic goods and cosmetics.	1995-96	Complete. Act repealed. Provisions relating to cosmetics not re-enacted. Licences for wholesalers of therapeutic goods eliminated. Remaining provisions incorporated into the <i>Poisons Act 1966</i> and the <i>Therapeutic Goods Act 1972</i> .
Tobacco Advertising Prohibition Act 1991	Н	Prohibits the advertising of tobacco and tobacco products, trade marks, brand names and logos.	1995-96	Complete. Act repealed. Advertising restrictions were minimised and incorporated into the <i>Public Health Act 1991</i> .
Tobacco Leaf Stabilisation Act 1976	Ag	Makes provisions with respect to the stabilisation of the tobacco leaf industry.	1995-96	Complete. 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.	1999-00	Not commenced.

Name of legislation	Agency	Description	Review year	Status of reform
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; establishes a Totalizator Agency Board and defines its powers, authorities, duties and functions.	1999-00	Not commenced.
Tow Truck Act 1989	Tpt	Provides for a licensing and certification scheme for tow truck drivers and operators; regulates other matters and constitutes the Tow Truck Industry Council.	1995-96	Underway.
Trade Measurement Act 1989	FT	Relates to trade measurement in NSW as part of the scheme for uniform trade measurement legislation throughout Australia.	1995-96	Complete. Dealt with under Licence Reduction Program. Possible national review, depending on the Commonwealth response to the Kean recommendation for a national system.
Traffic Act 1909	R	Provides for the regulation of vehicles and of vehicular and pedestrian traffic.	1997-98	Not commenced.
Travel Agents Act 1986	FT	Provide for the licensing of travel agents and the regulation of their operations.	1997-98	Underway. National review, coordinated by Western Australia.
Trustee Companies Act 1964	AG	Consolidates and amends the law relating to the restrictions, liabilities, privileges and powers of trustee companies.	1995-96	Standing Council of Attorneys General (SCAG) approved the national trustee process. A Commonwealth/State Working Party is to meet to progress the agreed reforms to the financial system including the uniform regulation of trustee companies. SCAG is awaiting the outcome of these meetings.
Unhealthy Building Act 1990	Env	Provides for the declaration of certain land as unhealthy building land and for the effect of such a declaration.	1996-97	Complete. Dealt with under the Licence Reduction Program.
Valuers Registration Act 1975	FT	Provides for the registration of real estate valuers; regulates the qualifications for and the effect of such registrations and confers and imposes functions on the Property Services Council.	1996-97	Underway. Report being prepared.

Name of legislation	Agency	Description	Review year	Status of reform
Veterinary Surgeons Act 1986 (1) Stock (Artificial Breeding) Act 1985 (2)	Ag	(1) Regulates veterinary surgeons and premises;, defines acts to be performed by vets; establishes the Veterinary Surgeons Board and disciplinary procedures; controls delegation of duties; regulates advertising and use of the title 'Veterinary Surgeon'.	1997-98	Underway. Final Report being prepared.
		<ul><li>(2) Repeals the Stock (Artificial Insemination)</li><li>Act 1948 and makes provisions with respect to the artificial breeding of stock.</li></ul>		
Waste Disposal Act 1970	Env	Provides for the constitution of a corporation to be called the 'Metropolitan Waste Disposal Authority'; 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.	1995-96	Repealed. Replaced by the <i>Waste Minimisation and</i> <i>Management Act 1995</i> .
Waste Minimisation and Management Act 1995	Env	Relates to the management, regulation and reduction of waste.	1999-2000	Not commenced.
Wheat Marketing Act 1989	Ag	Relates to the marketing of wheat and other grains. Complements Commonwealth legislation.	1996-97	Not commenced. National review scheduled for 2000.
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.	1995-96	Complete. Repealed.
Wool, Hides and Skins Dealers Act 1935	Ро	Regulates the buying and selling of wool, hides and skins.	1995-96	Underway. Report complete and under consideration by Government.