
1 Commonwealth

1.1 Guide to the Commonwealth Legislation Review Schedule

Legislation review

The Commonwealth Legislation Review Schedule (CLRS) 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.

In June 1996, the schedule listed 98 separate reviews. Changing circumstances have required some reviews to be added, removed or rescheduled. As a result, there are now 95 pieces of legislation in the CLRS.

In December 1998, the Office of Regulation Review published *A Guide to Regulation – Second Edition*. The guide provides an overview of the Commonwealth's regulatory review requirements, and assists officials in the preparation of Regulation Impact Statements - that examine alternative methods of attaining the goals currently achieved through legislative restrictions.

Progress to 30 June 1998

The Commonwealth scheduled 67 reviews to be completed by the time of the NCP second tranche assessment. Of these, 40 were completed, with the Government's response announced in 27 cases. Of the 27 scheduled reviews not yet completed, three are underway, a further three Acts are expected to be repealed without review and one review has been deferred on the basis that it will now be examined through a national process.

The Commonwealth delayed reviews of five Acts, but commenced four third tranche reviews early. There are 20 reviews scheduled for completion in the period 1998-1999 and a further 10 for 1999-2000.

Key reviews include:

- the Wallis review of the regulatory framework of Australia's financial system;
 - review of legislation governing the operation of Australia Post;
 - tariff reduction programs for both the automotive and the textiles, clothing and footwear industries;
 - aspects of the health industry legislation restricting the market for private health insurance; and
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- aspects of the Migration Act relating to student, business and visitor visas and registration of migration agents.

1.2 Abbreviations

ABS	Australian Bureau of Statistics
AG	Attorney-General's Department
ANZ	Australia New Zealand
ARPANSA	Australian Radiation Protection and Nuclear Safety Agency
COAG	Council of Australian Governments
D	Department of Defence
DCITA	Department of Communications, Information Technology and the Arts
DEH	Department of the Environment and Heritage
DETYA	Department of Education, Training and Youth Affairs
DEWRSB	Department of Employment, Workplace Relations and Small Business
DFA	Department of Finance and Administration
DFAT	Department of Foreign Affairs and Trade
DHA	Defence Housing Authority
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
IC	Industry Commission (now Productivity Commission)
PMC	Prime Minister and Cabinet
RAS	Rural Adjustment Scheme
T	Treasury
TPA	<i>Trade Practices Act 1974</i>

1.3 Legislation review schedule: Commonwealth

Updated to 31 October 1999

Name of legislation	Agency	Description/Comment on review	Review scheduled	Review complete	Review/Reform progress
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	DEH		1996	1996	Evatt Review complete, recommendations were taken into consideration when formulating Aboriginal and Torres Strait Islander Heritage Protection Bill 1998.
<i>Aboriginal Land Rights (Northern Territory) Act 1976 and Regulations</i>	PMC		1996-97		Review underway.
<i>Affirmative Action (Equal Employment Opportunity for Women) Act 1986</i>	DEWRB		1997-98	1998	Review complete. Restrictions address issues still faced by women in today's workplace. Changes implemented include the establishment of an advisory board and a more simple reporting system.
<i>Agricultural and Veterinary Chemicals Act 1994</i>	DAFF	National Review.	1997-98		National review complete. A SCARM/ARMCANZ working group is considering the recommendations.
<i>Anti-dumping Authority Act 1988, Customs Act 1901 Pt XV B and Customs Tariff (Anti-dumping) Act 1975</i>	AG		1997-98		Review deferred to allow for the implementation of Government commitments. Revised timing not yet finalised.
<i>Australia New Zealand Food Authority Act 1991</i>	DHAC	Review brought forward to coincide with the broader Food Regulation Review.	1998-99	1998	Review complete, recommendations awaiting Cabinet consideration. Review proposes regulatory functions be subject to a net public benefit test. National review complete. Recommendations under consideration.

Legislation Review Compendium

Name of legislation	Agency	Description/Comment on review	Review scheduled	Review complete	Review/Reform progress
<i>Australian Maritime Safety Authority Act 1990</i>	DTRS		1996-97	1997	Review complete. Government considering recommendations.
<i>Australian Postal Corporation Act 1989</i>	DCITA		1996-97	1998	Review complete. Government did not accept all the review recommendations, and implemented its own reform package, to review in 2002-03.
<i>Bankruptcy Act 1966 and Regulations, and Bankruptcy (Registration Charges) Act 1997 - trustee registration provisions</i>	AG	Review relates to the registration of private sector bankruptcy trustees, and commenced June 1998.	1997-98		
<i>Bills of Exchange Act 1909</i>	T	Review will examine the effectiveness of the Act with respect to the impact of electronic commerce on the trading of money market securities.	1996-97		Review underway.
<i>Bounty (Books) Act 1986</i>	DISR		1996		Review complete. Bounty ceased on 31 December 1997.
<i>Bounty (Fuel Ethanol) Act 1994</i>	DISR		1996		Review complete. Ethanol Bounty Scheme terminated.
<i>Bounty (Machine Tools & Robots) Act 1985</i>	DISR		1996		Review complete. Bounty ceased on 30 June 1997.
<i>Broadcasting Services Act 1992, Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992, Radio Licence Fees Act 1964 and Television Licence Fees Act 1964</i>	DCITA		1998-99		Originally scheduled for 1997-98. Deferred due to changes in the work program of the Productivity Commission, which is to undertake the review.

Name of legislation	Agency	Description/Comment on review	Review scheduled	Review complete	Review/Reform progress
<i>Census & Statistics Act 1905</i>	T	Review completed as part of the Small Business Deregulation Taskforce.	1996		ABS 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.
Commerce (Imports) Regulations and Customs (Prohibited Imports) Regulations	AG		1996		Review of Customs (Prohibited Imports) Regulations complete and amended to ensure maximum regulatory efficiency. Review of Commerce (Imports) Regulations delayed pending finalisation of new labelling requirements
<i>Corporations Act 1989</i>	T	Review subsumed into Corporate Law Economic Reform Program, which commenced March 1997.	1996		
<i>Customs Act 1901</i> Sections 154-161L	AG	Review to assess the effect of the compliance cost burden on competitiveness, and the possible differential between large and small importers.	1997-98		Review underway.
<i>Customs Tariff Act 1995</i> - Automotive Industry Arrangements	AG	IC Inquiry into the automotive industry.	1996-97	1997	Tariff phase down to 15% in 2000, followed by a pause until 2005, then further tariff reductions to 10% in 2005.
<i>Customs Tariff Act 1995</i> - Schedule 4, Item 21, Treatment Code 421 Duty Drawback (Customs Regulations 129-136B) and TEXCO (Tariff Export Concession Scheme)	AG		1996-97	1997	Review complete. TEXCO and Duty Drawback integrated into simplified and more accessible scheme - TRADEX.

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<i>Customs Tariff Act 1995 - Textiles Clothing and Footwear Arrangements</i>	AG	IC Inquiry into the textile, clothing and footwear industry.	1996-97	1997	Tariff phase down until 2000, maintained until 2005, then further tariff reductions, with the aim of a free trade environment beyond 2010.
<i>Dairy Industry Legislation</i>	DAFF		1998-99		
<i>Defence Act 1903 - Army and Airforce Canteen Services Regulations</i>	D		1999-2000		
<i>Defence Force (Home Loans Assistance) Act 1990</i>	D		1998-99		
<i>Defence Housing Authority Act 1987</i>	D	Terms of reference for review established June 1998.	1997-98		Following a broad internal review of Government business enterprises the Government announced that DHA would be retained under Government ownership.
<i>Disability Discrimination Act 1992</i>	AG		1999-2000		
<i>Dried Vine Fruits Legislation</i>	DAFF		1998-99		
<i>Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991</i>	DEYA		1996		Review complete. Act extended for a further two years to allow development of self regulating measures.
<i>Employment Services Act 1994 - case management issues</i>	DEYA		1996-97		Review de-listed, and provisions to be replaced by Reform of Employment Services Bill 1996.
<i>Environmental Protection (Nuclear Codes) Act 1978</i>	DHAC		1997-98		Review not required, Act to be repealed. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), once established will oversee the codes.
<i>Export Control Act 1982 - Export Control (Unprocessed Wood) Regulations</i>	DAFF		1999-2000		Originally scheduled for 1997-98. Deferred to allow for amendments that progressively remove export controls on unprocessed wood.

Name of legislation	Agency	Description/Comment on review	Review scheduled	Review complete	Review/Reform progress
<i>Export Control Act 1982</i> - fish, grains, dairy, processed foods etc	DAFF		1998-99		
<i>Export Finance & Insurance Corporation Act 1991</i> and <i>Export Finance & Insurance Corporation (Transitional Provisions and Consequential Amendments) Act 1991</i>	DFAT		1998-99		
Financial system – comprehensive review of the regulatory framework	T		1996	1997	The Wallis Inquiry examined the Australian financial system, making recommendations on regulatory change. Government announced package of reforms in September 1997.
<i>Financial Transactions Reports Act 1988</i> and Regulations	AG		1998-99		
Fisheries legislation	DAFF		1998-99		WA review framework used to facilitate common approach across jurisdictions.
<i>Foreign Investment Policy</i> and associated Regulations	T		1996-97		Review complete.
<i>Hazardous Waste (Regulation of Imports & Exports) Act 1989</i> , Hazardous Waste (Regulation of Imports & Exports) Amendment Bill 1995 and also related Regulations	DEH		1999-2000		
<i>Health Insurance Act 1973</i> - Part IIA	DHAC		1998-99		

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Name of legislation	Agency	Description/Comment on review	Review scheduled	Review complete	Review/Reform progress
<i>Higher Education Funding Act 1988, Vocational Education and Training Funding Act 1992, and any other regulation with similar effects to the Higher Education Funding Act 1988</i>	DETYA		1997-98	1998	Review of Higher Education Financing and Policy (West Review) complete, and recommendations are awaiting Cabinet consideration. Proposed changes relate to the equal treatment of private and public institutions.
<i>Home & Community Care Act 1985</i>	DHAC		1999-2000		
<i>Imported Food Control Act 1992 and Regulations</i>	DAFF	Act sets up the Imported Food Inspection Program to ensure imported foods are safe for consumption.	1997-98		Review underway. Terms of reference for review established March 1998.
<i>Income Equalisation Deposits (Interest Adjustment) Act 1984 and Loan (Income Equalisation Deposits) Act 1976</i>	DAFF		1996-97		Review complete. These schemes are to be replaced by the Farm Management Deposit Scheme to be introduced in 1998.
<i>Industrial Relations Act 1988</i>	DEWRSB	Review subsumed into major restructuring of industrial relations legislation.	1996		Changes to structure for negotiating wages and conditions. Legislation replaced by the <i>Workplace Relations Act 1996</i> .
<i>Insurance (Agents & Brokers) Act 1984</i>	T		1999-2000		Originally scheduled for 1997-98, delayed in light of Wallis report.
Intellectual property protection legislation (<i>Designs Act 1906, Patents Act 1990, Trade Marks Act 1995, Copyright Act 1968</i> and possibly <i>Circuit Layouts Act 1989</i>)	AG and DISR		1998-99		

Name of legislation	Agency	Description/Comment on review	Review scheduled	Review complete	Review/Reform progress
International Air Service Agreements	DTRS	This review has been combined with the review of <i>International Air Services Commission Act 1992</i> .	1996-97		Review by Productivity Commission underway.
<i>International Air Services Commission Act 1992</i>	DTRS	This review has been combined with the review of International Air Service Agreements.	1997-98		Review by Productivity Commission underway.
<i>International Arbitration Act 1974</i>	AG		1996-97	1997	Review complete. Act assessed as not restricting competition.
<i>Lands Acquisition (Northern Territory Pastoral Leases) Act 1981, Lands Acquisition (Defence) Act 1968, and Lands Acquisition Act 1989 and Regulations</i>	DFA		1998-99		
<i>Marine Insurance Levy 1909</i>	AG		1998-99		
<i>Migration Act 1958 - Part 3</i> (Migration Agents and Immigration Assistance) and Regulations	DIMA	Review combined with that for <i>Migration Agents Registration (Application) Levy Act 1992</i> and <i>Migration Agents Registration (Renewal) Levy Act 1992</i> .	1996-97	1997	Review complete. Government accepted review findings and passed legislation in December 1997.
<i>Migration Act 1958</i> — sub-classes 120 and 121 (business visas)	DIMA		1996-97	1997	Review complete. Amendments, aimed at strengthening and streamlining the skilled entry programs, came into effect November 1997.
<i>Migration Act 1958</i> — sub-classes 560, 562 and 563 (student visas)	DIMA		1996-97	1998	Review complete. Recommendations implemented to further deregulate student visa program without compromising the integrity of the immigration program.

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Name of legislation	Agency	Description/Comment on review	Review scheduled	Review complete	Review/Reform progress
<i>Migration Act 1958</i> — sub-classes 676 and 686 (tourist visas)	DIMA		1996-97		Review deferred to allow full impact of visitor visa charges, introduced in the 1998 Budget, to take effect.
<i>Migration Agents Registration (Application) Levy Act 1992</i> , and <i>Migration Agents Registration (Renewal) Levy Act 1992</i>	DIMA	Review combined with that for <i>Migration Act 1958</i> - Part 3.	1996-97	1997	Review complete. Government decision to move the migration advice industry to statutory self-regulation.
<i>Motor Vehicle Standards Act 1989</i>	DTRS		1997-98		Review underway, draft report being prepared by review group.
<i>Mutual Recognition Act 1992</i>	DEYA and DISR	National review under the auspices of the COAG Committee on Regulatory Reform.	1997-98		National review complete, recommendations awaiting Governments' consideration.
<i>National Food Authority Act 1991</i> - Food Standards Code	DHAC	Included in national review of Food Regulation.	1998-99		New model Food Act being developed by the ANZ Food Authority. National review complete. Recommendations under consideration.
<i>National Health Act 1953</i> - Part 6 & Schedule 1, and <i>Health Insurance Act 1973</i> - Part 3	DHAC	Review included as part of IC inquiry into private health insurance.	1997-98	1997	Review complete. Government accepted most recommendations but some are subject to further investigation. Review terms of reference did not allow the IC to examine effect of community rating.
<i>National Residue Survey Administration Act 1992</i> and related Acts	DAFF	National Residue Survey manages programs for chemical residues in many Australian agricultural food commodities.	1997-98		Review underway. Terms of reference for review established June 1998.

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<i>National Road Transport Commission Act 1991</i> and related Acts	DTRS		1996-97	1997	Review complete. 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.
<i>Native Title Act 1993</i> and Regulations	PMC		1999-2000		
<i>Navigation Act 1912</i> – except Part VI	DTRS		1998-99		
<i>Nuclear Safeguards (Producers of Uranium Ore Concentrates) Charge Act 1993</i> and Regulations	DFAT		1996-97	1997	Review complete. Government considering recommendations.
<i>Ozone Protection Act 1989</i> and <i>Ozone Protection (Amendment) Act 1995</i>	DEH		1999-2000		
<i>Patents Act 1990</i> – Sections 198-202 Patent Attorney registration	DISR		1996		Review complete. 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 trademarks and designs.
<i>Petroleum (Submerged Lands) Act 1967</i>	DAFF		1999-2000		National review underway. Issues paper released in November 1999.
<i>Petroleum Retail Marketing Franchise Act 1980</i>	DISR		1997-98		Review not required. Act to be repealed once the petroleum industry establishes an Oil Code and appropriate Code of Conduct.

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<i>Petroleum Retail Marketing Sites Act 1980</i>	DISR		1997-98		Review not required. Act to be repealed once the petroleum industry establishes an Oil Code and appropriate Code of Conduct.
<i>Pig Industry Act 1986 and Pig Industry (Transitional Provisions) Act 1986</i>	DAFF	Legislation establishes the Australian Pork Corporation.	1997-98		Review underway. Terms of reference for review established June 1998. Submissions for public consultation closed October 1998.
<i>Pooled Development Funds Act 1992</i>	DISR		1996-97	1998	Review complete; recommendations awaiting Cabinet consideration.
<i>Prawn Boat Levy Act 1995</i>	DAFF		1998-99		
<i>Prices Surveillance Act 1983</i>	T		1999-2000		
<i>Primary Industries Levies Acts and related Collection Acts</i>	DAFF	Legislation authorises the collection of statutory levies imposed on primary industries under separate legislation for specified purposes.	1997-98		Review underway. Terms of reference established June 1998.
<i>Proceeds of Crime Act 1987 and Regulations</i>	AG	Review brought forward for incorporation into the general review of proceeds of crime legislation.	1997-98		Review underway. Terms of reference for review established April 1998.
<i>Protection of Movable Cultural Heritage Act 1986</i>	DCITA		1996		Review complete. No Government response. Amendments to Act likely by 2000.
<i>Quarantine Act 1908</i>	DAFF		1999		Previous review of Act did not consider NCP issues. Further review scheduled.
<i>Quarantine Act 1908 in relation to human quarantine</i>	DHAC		1996-97		Review complete. Act assessed as not restricting competition. A second phase review will assess the best possible legislative framework for future human quarantine activity.

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<i>Radiocommunications Act 1992</i> and related Acts	DCITA		1996-97		Review is nearing completion. Draft report released May 1998. Completion date extended to accommodate spectrum licence auctions.
<i>Rural Adjustment Act 1992</i> and States and Northern Territory Grants (Rural Adjustment) Acts	DAFF		1996-97	1997	Review complete. A range of other support schemes replaced RAS. Government decision included in 'rural package'.
<i>Shipping Registration Act 1981</i>	DTRS		1996-97		Review complete.
Spectrum Management Agency - review of Spectrum's market-based reforms and activities.	DCITA		1998-99		
<i>Superannuation (Financial Assistance Funding) Levy Act 1993</i> , <i>Occupational Superannuation Standards Regulations Applications Act 1992</i> , <i>Superannuation (Resolution of Complaints) Act 1993</i> , and <i>Superannuation Industry (Supervision) Act 1993</i>	T		1999-2000		To be reviewed in conjunction with other Superannuation legislation, review has been deferred due to changes in the regulatory environment.
<i>Torres Strait Fisheries Act 1984</i> and related Acts	DAFF	Legislation regulates all fishing within the Australian jurisdiction of the Torres Strait Protected Zone, and authorises the collection of a research and development levy.	1997-98		Review nearing completion, draft of the final report being considered by review group.
Trade Practices (Consumer Product Information Standards) (Care for clothing and other textile products labelling) Regulations	T		1996-97	1997	Review complete. Government introduced a less prescriptive consumer product information standard.

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Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations	T		1997-98	1998	Review complete. Regulations replaced by 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.
<i>Trade Practices Act 1974</i> - fees charged	T		1999-00		
<i>Trade Practices Act 1974</i> - Part IIIA access regime (including exemptions)	T		1999-2000		
<i>Trade Practices Act 1974</i> - Part X (shipping lines)	DTRS		1998-99		
<i>Trade Practices Act 1974</i> – section 2D exemptions (local government activities)	T		1999-2000		
<i>Trade Practices Act 1974</i> - sections 51(2) and 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.	1997-98		Review complete, recommendations awaiting Cabinet consideration.
<i>Tradesmen's Rights Regulation Act 1946</i>	DEWRSB		1996-97	1998	Review complete, recommendations awaiting Cabinet consideration. Review proposes repeal of the Act.

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<i>Veterans' Entitlement Act 1986</i> - Treatment Principles (section 90) and Repatriation Private Patient Principles (section 90A)	DVA		1998-99		
<i>Wheat Marketing Act 1989</i>	DAFF		1999-2000		

