
Appendix A

Legislation Review – Clause 5 of the Competition Principles Agreement

Clause 5 of the CPA is reproduced below.

- (1) The guiding principle is that legislation (including Acts, enactments, Ordinances or regulations) should not restrict competition unless it can be demonstrated that:
 - (a) the benefits of the restriction to the community as a whole outweigh the costs; and
 - (b) the objectives of the legislation can only be achieved by restricting competition.
 - (2) Subject to subclause (3), each Party is free to determine its own agenda for the reform of legislation that restricts competition.
 - (3) Subject to subclause (4) each Party will develop a timetable by June 1996 for the review, and where appropriate, reform of all existing legislation that restricts competition by the year 2000.
 - (4) Where a State or Territory becomes a Party at a date later than December 1995, that Party will develop its timetable within six months of becoming a Party.
 - (5) Each Party will require proposals for new legislation that restricts competition to be accompanied by evidence that the legislation is consistent with the principle set out in subclause (1).
 - (6) Once a Party has reviewed legislation that restricts competition under the principles set out in subclauses (3) and (5), the Party will systematically review the legislation at least once every ten years.
 - (7) Where a review issue has a national dimension or effect on competition (or both), the Party responsible for the review will consider whether the review should be a national review. If the Party determines a national review is appropriate, before determining the terms of reference for, and the appropriate body to conduct the national review, it will consult Parties that may have an interest in those matters.
 - (8) Where a Party determines a review should be a national review, the Party may request the Council to undertake the review. The Council may undertake the review in accordance with the Council's work program.
 - (9) Without limiting the terms of reference of a review, a review should:
 - (a) clarify the objectives of the legislation;
 - (b) identify the nature of the restriction on competition;
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- (c) analyse the likely effect of the restriction on competition and on the economy generally;
 - (d) assess and balance the costs and benefits of the restriction; and
 - (e) consider alternative means for achieving the same result including non-legislative approaches.
- (10) Each Party will publish an annual report on its progress towards achieving the objective set out in subclause (3). The Council will publish an annual report consolidating the reports of each Party.

Appendix B

National Competition Policy Contacts

Further information regarding NCP can be obtained by contacting the relevant Commonwealth, State or Territory competition policy unit or the National Competition Council.

National Competition Council

Level 12
Casselden Place
2 Lonsdale Street
MELBOURNE VIC 3000

Telephone: 03 9285 7474

Facsimile: 03 9285 7477

Email: info@ncc.gov.au

Website: <http://www.ncc.gov.au>

Commonwealth

Structural Reform Division
Commonwealth Treasury
Block B, Parkes Place
PARKES ACT 2600

Telephone: 02 6263 3887

Facsimile: 02 6263 2937

New South Wales

Inter-Governmental and
Regulatory Reform Branch
The Cabinet Office
Level 37
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Telephone: 02 9228 5414

Facsimile: 02 9228 4709

Victoria

Economic Policy Branch
Department of Premier and Cabinet
1 Treasury Place
MELBOURNE VIC 3002

Telephone: 03 9651 0888

Facsimile: 03 9651 6457

Queensland

Economic Policy Coordination Unit
Queensland Treasury
100 George Street
BRISBANE QLD 4000

Telephone: 07 3224 5673

Facsimile: 07 3221 4059

Western Australia

Competition Policy Unit
WA Treasury
Level 12
197 St George's Terrace
PERTH WA 6000

Telephone: 08 9222 9162

Facsimile: 08 9222 9914

South Australia

Economic Reform Branch
Department of Premier and Cabinet
State Administration Centre
200 Victoria Square
ADELAIDE SA 5000

Telephone: 08 8226 0903

Facsimile: 08 8226 1111

Tasmania

Economic Policy Branch
Department of Treasury and Finance
Franklin Square Offices
21 Murray Street
HOBART TAS 7000

Telephone: 03 6233 3407

Facsimile: 03 6223 2755

Australian Capital Territory

Microeconomic Reform Unit
Department of Treasury and
Infrastructure
Level 1, Canberra-Nara Centre
1 Constitution Avenue
CANBERRA CITY ACT 2600

Telephone: 02 6207 5904

Facsimile: 02 6207 0267

Northern Territory

Policy and Coordination Division
Department of Chief Minister
GPO Box 4396
DARWIN NT 0801

Telephone: 08 8999 7097

Facsimile: 08 8999 7402