

3 New South Wales

Agency abbreviations

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

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

TS	Transport Services
TSR	Tourism, Sport and Recreation

Legislation review: New South Wales

Updated to February 2004

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Petroleum Products Subsidy Act 1965	Tr	Implements an Australian Government scheme for the subsidisation of fuel transport costs in rural areas.	Review not required. The Act only enables NSW to provide administrative arrangements for the payment of Australian Government subsidies to distributors of petroleum. It does not involve the imposition of any restrictions on competition by the NSW Government.	
Pharmacy Act 1964	H	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing, and disciplinary provisions.	National review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions. CoAG referred the national review to a senior officials working group, which recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies).	A Bill to implement the review recommendations is currently being drafted.
Physiotherapists Act 2001	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.		Act replaced the Physiotherapists Registration Act 1945.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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