

# 5 Queensland

## Agency abbreviations

The following abbreviations are used in the 'Agency' column of the Queensland legislation review timetable.

DC	Department of Communities
DCS	Department of Corrective Services
DE&A	Department of Education and the Arts
DES	Department of Emergency Services
DET	Department Employment and Training
DH	Department of Housing
DIR	Department of Industrial Relations
DJAG	Department of Justice and Attorney-General
DLGPS&R	Department of Local Government, Planning, Sport and Recreation
DMR	Department of Main Roads
DNRM&E	Department of Natural Resources, Mines and Energy
DP&C	Department of Premier and Cabinet
DPI&F	Department of Primary Industries and Fisheries
DPW	Department of Public Works
DSD&I	Department of State Development and Innovation
DTFT&WID	Department of Tourism, Fair Trading and Wine Industry Development
EPA	Environmental Protection Agency
H	Queensland Health

T Queensland Transport

TR Queensland Treasury

## Legislation review: Queensland

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 and Veterinary Chemicals (Queensland) Act 1994	DPI&F	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	See the Australian Government Agricultural and Veterinary Chemicals Code Act 1994.
Agricultural Chemicals Distribution Control Act 1966 and Regulations 1970	DPI&F	Licenses chemical spray contractors.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). Results of national review were included in more general State review of legislation.	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). Queensland intends to amend the Act in 2003.
Ambulance Service Act 1991	DES	Restricts use of the words 'Ambulance Service' and 'Ambulance', 'collections of money' and 'first aid training'.	National Competition Policy (NCP) review completed. Review made 16 recommendations. A copy of the review report is available at <a href="http://www.emergency.qld.gov.au/QASPBT">www.emergency.qld.gov.au/QASPBT</a> Report.	Amendments to implement those recommendations supported by the Government were included in the Community Ambulance Cover Act 2003 which introduced the Community Ambulance Cover (CAC) scheme. The CAC implements a fundamental change to the way community ambulance services are delivered and funded in Queensland.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1985 and Regulation	DPW	Restrictions on registration, entry requirements reservation of title, disciplinary processes, business restrictions, and business licensing.	National review undertaken by the Productivity Commission (PC). Final report released November 2000. Working Group of States and Territories formed to recommend a response to the Commission.	<p>Queensland advised the National Competition Council (NCC) that it implemented the national working party's recommendations in the Architects Act 2002, which commenced on 1 January 2003. The context in Queensland is now as follows:</p> <ul style="list-style-type: none"> <li>• the inclusion of broad building industry and consumer representation on the Board of Architects of Queensland;</li> <li>• no substantive restrictions on the practice of architecture;</li> <li>• provisions for only registered architects to use the title 'architect' or 'registered architect', although no longer any general restriction on the use of derivatives;</li> <li>• no longer a requirement for company registration for architects responsible for services provided by the company;</li> <li>• independent and transparent disciplinary processes, conducted via the Commercial and Consumer Tribunal; and</li> <li>• encouragement of architects boards to identify means of broadening current certification channels.</li> </ul>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Art Unions and Public Amusements Act 1992	TR			Act repealed and replaced by the Charitable and Non-profit Gaming Act 1999.
Auctioneers and Agents Act 1971 and Regulation 1986	DTFT&WID	Licensing (real estate agents, motor vehicle dealers, commercial agents, auctioneers and pastoral house corporations), entry requirements, the reservation of practice, disciplinary processes, and business conduct (maximum fees).	Review completed in 2000. Targeted Public model, undertaken by PricewaterhouseCoopers. Public consultation involved circulation of issues paper, and submissions, consultations. Review recommendations included: reducing some requirements for licensing; expanding licensing requirements to some property developers; introducing a time limit for exclusive real estate agent arrangements; and removing maximum commissions subject to monitoring and transitional arrangements including a public education campaign.	Act repealed and replaced with the Property Agents and Motor Dealers Act 2000. Legislation incorporates most of review recommendations, recommendation to remove maximum commissions subject to monitoring and transitional arrangements including a public education campaign.  Amendments to Property Agents and Motor Dealers Regulation 2001 to give effect to de-regulation of motor dealing and auctioneering commissions and buyers' premiums were approved by Governor-in-Council on 20 November 2003 and gazetted on 21 November 2003.
Beach Protection Act 1968 Coastal Management Control Districts Regulation 1984	EPA	Legislation provides for the regulation and provision of advice in respect to activities affecting the coast, and functions to minimise the damage to property from erosion and encroachment of tidal water.	Reduced NCP review completed in November 1998. Review supported retention of provisions which do not materially restrict competition and are in the public interest. Review report made available to the public. No issues raised in response. NCC provided with report in February 1999.	Provisions subjected to NCP review retained without reform. The Beach Protection Act and the Canals Act were repealed on 20 October 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Act 1975 Standard Building Regulation 1993 Building Regulation 1991	DLGPS&R	Sets building regulations and specifies building approval procedures and accreditation of building certifiers.	Review, in conjunction with the Sewerage and Water Supply Act 1949, completed in 2003. Review undertaken by independent consultants under the supervision of an interdepartmental committee.	The Government accepted all but one of the review recommendations (relating to the ability of local governments to recover auditing costs where a private certifier approves development). The Plumbing and Drainage Act 2002 assented to on 13 December 2002, implemented the recommendations.
Business Names Act 1962 and Regulation 1986	DTFT&WID	The requirement that a person cannot carry on business in Queensland under a business name unless it is registered under this Act could restrict interstate or overseas participants. Other provisions may be seen as restrictions on business conduct although legislation applies a common set of requirements.	Review completed in March 2002. The Government accepted the recommendations of the review which found the identified restrictions to be in the public interest, although it did recommend a number of minor amendments to streamline the operation of the Act.	Minor amendments to streamline the operation of the Act proposed in NCP review were enacted in the Tourism, Racing and Fair Trading (National Competition Policy) Amendment Act 2002.
Casino Agreement Acts - Jupiters Casino Agreement Act 1983, Breakwater Island Casino Agreement Act 1984, Brisbane Casino Agreement Act 1992 and Cairns Casino Agreement Act 1993.	TR	Licences, restrictions on conduct and operations.	These 'Agreement Acts' are effectively contractual arrangements between the State and the respective licensees. These were not previously listed for review. Due to the confidential and contractual nature of the agreements, an internal review was conducted.	Provisions retained without reform.

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Casino Control Act 1982 and Regulation 1984	TR	Legislation provides for the granting of casino licences by the Queensland Government subject to prescribed probity, structural, financial and other qualifications and prescribes subsequent restrictions on the conduct of licensees and casino operations. Under the Act, the conduct of gaming, which would otherwise be illegal, is made lawful within a licensed casino.	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained as they are in the public interest. The Government endorsed that recommendation.	Act retained without reform.
Charitable and Non-profit Gaming Act 1999	TR	Current legislation provides for a range of licence, permit and approval requirements in regard to the conduct of art unions and games such as bingo. Public amusements, which were also regulated under the Art Unions and Public Amusements Regulation 1992, were completely deregulated in June 1997.	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained as they are in the public interest. The Government endorsed that recommendation.	Act replaced the Art Unions and Public Amusements Act 1992. Act retained without reform.
Chemical Usage (Agricultural and Veterinary) Control Act 1988 and Regulation 1989	DPI&F	Allows off-label use of chemicals subject to conditions which vary markedly between jurisdictions. Exempts veterinary surgeons from various controls.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). Results of national review were included in a more general State review of legislation.	The Act was amended in 2003 to give effect to the review recommendations.

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Chicken Meat Industry Committee 1976	DPI&F	Prohibits supply of chickens unless under an agreement approved by the Industry Committee.	Review completed in 1997. Review recommended the Industry Committee convene groups of producers to negotiate with processors, but not intervene in negotiations on initial growing fees. It also recommended that individual growers be able to negotiate directly with a processor.	Amending legislation, including authorisation for the Trade Practices Act 1974 of collective bargaining by growers with each processor, passed in September 1999.
Child Care Act 1991 Child Care (Child Care Centres) Regulation 1991 Child Care (Family Day Care) Regulation 1991	DC	Provides for the licensing of childcare services (e.g. kindergartens and limited hours care centres) and family day care centres. Prescribes matters such as: qualifications of child care personnel; building and physical environment standards; minimum staffing levels; maximum capacity; food and safety standards for child care facilities; and required content for child care programs. Operation of child care facilities is prohibited in certain locations (such as premises adjacent to a place where flammable materials or dangerous chemicals are manufactured or stored).	A major review of Queensland's child care legislation and its NCP implications began in 1999 and was completed in May 2002. Review examined the impact of licensing fees and the costs of meeting licensing requirements. These costs arise from the requirements to employ qualified staff and meet building and facility standards. The review also examined the impact of regulating different service types within the child care sector that have not been previously regulated.	The Government endorsed the review in June 2002. The review recommended the adoption of the regulatory tiering framework proposed for the regulation of child care in Queensland.  As a result, the Child Care Act 2002 (which repealed the Child Care Act 1991), and the Child Care Regulation 2003 (which repealed the Child Care (Child Care Centres) Regulation 1991 and the Child Care (Family Day Care) Regulation 1991), both commenced on 1 September 2003.
Chiropractors and Osteopaths Act 1979	H	Restrictions on entry, registration, title, practice, advertising, and business ownership.	Queensland completed its health professions review in 1999. Its NCP review of core practice restrictions was completed in 2001. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.	Act repealed and replaced by the Chiropractors Registration Act 2001. The new Act preserved practice restrictions pending the outcome of the core practices review.

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Chiropractors Registration Act 2001	H	Restrictions on entry, title and practice.	Review of core practice reservations completed in January 2001, and public benefit test report released for public consultation in August 2001.	Act replaced Chiropractors and Osteopaths Act 1979 following health professions review. The Government introduced the Health Legislation Amendment Bill into Parliament in June 2003 to implement core practice reforms, and this Bill was passed in October 2003.
City of Brisbane Market Act 1960 and Regulation (formerly By-laws) 1982	DPI&F	Legislation provides for the establishment and operation of the central wholesale fruit and vegetable market, and provides for the exclusive operation of such a market within the Brisbane metropolitan area by the Brisbane Market Authority (BMA). Broadly similar arrangements for capital city wholesale markets previously existed under NSW and Victorian legislation, and still exist in WA.	Full public review completed in May 1998. Joint review covering ownership, competitive neutrality and legislation review.	The Government removed BMA's statutory monopoly status as a wholesale market in the Brisbane area, effective from 31 August 1999. The sale of the Brisbane Market Corporation was finalised in 2002.
Coal Industry (Control) Act 1948 and Orders	DNRM&E	Compulsory acquisition of coal. Price regulation. Approval required for opening, closing and abandonment of coal mines. Port coal mining operations.		Act repealed.
Coal Mining Act 1925	DNRM&E	Regulates the operation of coal mines, particularly health and safety issues.	Review not required.	Act repealed and replaced by the Coal Mining Safety and Health Act 1999 and Regulations which were subject to a gatekeeper review.

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Coastal Protection and Management Act 1995	EPA	Legislation provides for the conservation, rehabilitation and management of the coast. This can impact on coastal commercial development through coastal plans and the declaration of control districts that can restrict or prohibit certain developments or mandate certain requirements.	Reduced NCP review completed in November 1998. Review supported retention of provisions which do not materially restrict competition and are in the public interest. Review report made available to the public. No issues raised in response. NCC provided with report in February 1999.	Provisions subjected to NCP review retained without reform.
Competition Policy Reform (Queensland) Public Passenger Service Authorisations Regulation 2000	T	<p>The regulation excludes various passenger transport arrangements (such as those governing Airtrain) from the provisions of the TPA.</p> <p>It also provides a statutory authorisation for certain activities that may breach prohibitions against anti-competitive behaviour in Part IV of the TPA. These activities were necessary for the coordination and integration of public transport and the introduction of integrated ticketing in south east Queensland. For example, agreements between different entities would need to be made regarding fares and ticketing equipment.</p>	Public benefit test supports exclusion of integrated ticketing in southeast Queensland from the Trade Practices Act 1974 (TPA). The Australian Competition and Consumer Commission (ACCC) advised as required under NCP agreements.	<p>An initial authorisation was made in the Competition Policy Reform (Queensland) Public Passenger Service Authorisations Regulation 2000. The TPA restricts the effect of an authorisation made by regulation to two years. Accordingly this regulation expired on 20 July 2002.</p> <p>Subsequent to the making of the above-mentioned regulation, the Transport Operations (Passenger Transport) Act 1994 was amended in 2000 to provide the same authorisations. These provisions are contained in the Act's chapter 12, part 2, 'Authorisations for Competition Legislation'.</p>

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Consumer Credit (Queensland) Act 1994 Consumer Credit Regulation 1995 Consumer Credit Code	DTFT&WID		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. The 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.	A Working Party of the Uniform Consumer Code Management Committee formed to progress implementation.  Implementation of the recommendation to amend the definitions is progressing.
Contaminated Land Act 1991 and Regulation	EPA	Legislation categorises land according to the risk of contamination and restricts certain land uses on certain sites.	Targeted public review completed in August 2000.	Act repealed and relevant provisions transferred to the Environmental Protection Act 1994 in 1997 without any increase in restrictions on competition.
Co-operative and Other Societies Act 1967 Primary Producers Co-operative Associations Act 1923	DTFT&WID	Limits formation, registration and operation of co-operative societies. Pricing provisions only relate to prescribing maximum dividends payable on members' shares.	Joint jurisdictional review completed in April 1997. A formal review was not undertaken in Queensland.	A new Act, the Co-operatives Act 1997, based on work and NCP justification undertaken by Victoria as a national scheme of regulation enacted. The new Act replaces the existing Cooperatives and Other Societies Act 1976 and Primary Producers Co-operative Associations Act 1923.

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Co-operatives Act 1997	DTFT&WID			Act replaced the Co-operative and Other Societies Act 1967 and Regulation 1968, and the Primary Producers Co-operative Associations Act 1923 and Regulation 1987. The Act is the outcome of a national scheme of regulation based on a joint-jurisdictional review undertaken by Victoria in 1997.
Corrective Services Act 1988 and Corrective Services (Administration) Act 1988	DCS	Legislation arguably gives the Queensland Corrective Services Commission (QCSC) monopoly powers in respect to the provision of prisons and community correction centres. However, the legislation authorises the QCSC to engage other parties to conduct any part of its operations (which underpins contract management arrangements for a number of correctional facilities).	Review not required.	Act reformed without review. The Corrective Services Act 2000 gives the department responsibility for corrective services in Queensland. Where the Government opts for service delivery by private contractor, there will be a competitive tendering process. This legislation replaces the Corrective Services Act 1988 and the Corrective Services Administration Act 1988. The legislation is not likely to restrict competition and, as a result, a formal review was not undertaken.
Credit (Rural Finance) Act 1996	DTFT&WID	Restrictions on the enforcement of mortgages over essential farm equipment	Review completed. Review report released in March 2002. It concluded that the provisions related to default notices were minor restrictions and in the public interest.	Act retained without reform.  Certain protections for farmers transferred from the Hire Purchase Act 1959 by the Tourism, Racing and Fair Trading (National Competition Policy) Amendment Act 2002.

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Credit Act 1987 Credit Regulations 1988	DTFT&WID	The Credit Act was established to regulate the provision of personal loans up to \$40 000. It was replaced by the Consumer Credit Code in November 1999 and now only regulates a few remaining personal loans up to \$40 000 entered into prior to November 1996.	Review was carried out at the same time as the national review of the Consumer Credit Code but under a separate process.	Queensland since advised that it cannot repeal the Act until litigation in a small number of existing cases is finalised. The litigation still before the courts stemmed from lenders who breached their obligations under the Act and had to apply to the Supreme Court for reinstatement of their legal right to charge interest under the loan contracts affected by the breaches. The possible outcomes of that litigation are the reimbursement of interest to affected consumers and/or fines payable by the lender to the Office of Fair Trading. Queensland advised the Council that one matter has been completed, but that the completion date for the second matter is uncertain. Given the introduction of the Consumer Credit Code, the Act regulates only the few outstanding personal loans up to A\$40 000 entered into before 1 November 1996.
Cremation Act 1913	H	Prohibition on cremation at places other than established crematoria.		Act reformed without review. Certain restrictions removed in December 1993 (e.g. repeal of licensing and establishment provisions for crematoria). Decision taken by the department to repeal the remaining restrictive provisions without review. Anticompetitive provisions repealed late 1998.

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Dairy Industry Act 1993 and Regulation and Standards, and Dairy Industry (Market Milk Prices) Order 1995	DPI&F	Vests milk in Queensland Dairy Industry Authority. Sets farmgate price for market milk. Limits production of market milk via quotas. Licenses farmers and processors.	<p>Review by a joint government–industry panel completed in 1998. Review recommended:</p> <ul style="list-style-type: none"> <li>• retention of farmgate price regulation for five years to December 2003, but reviewed again before 1 January 2001; and</li> <li>• extension of quota arrangements from South into Central and North Queensland for five years.</li> </ul>	<p>The Government initially accepted recommendations.</p> <p>In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Queensland passed the Dairy Industry (Implementation of National Adjustment Arrangements) Amendment Act 2000 on 22 June 2000, deregulating the industry from 1 July 2000.</p> <p>Licensing and inspection provisions replaced from 1 July 2002 by the Dairy Food Safety Scheme under the Food Production (Safety) Act 2000.</p>
Dangerous Goods Safety Management Act 2001	T	Safety obligations.		The Government enacted legislation consistent with the national standard for the handling and storage of dangerous goods.
Dental Act 1971	H	Restrictions on entry, title, practice and advertising.	<p>Review of health practitioner Acts completed in 1999. NCP issues considered and documented at that time. Queensland's NCP review of core practice restrictions was completed in 2001. Recommendations included retaining title protection and entry restrictions, but removing other anticompetitive restrictions.</p>	<p>Act repealed and replaced by the Dental Practitioners Registration Act passed in May 2001, retaining title and entry restrictions but removing most business restrictions. Practice restrictions were preserved pending outcome of a separate review of those restrictions.</p>

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Dental Practitioners Registration Act 2001	H	Restrictions on entry, title, practice and advertising.	New legislation, which retained practice restrictions subject to a separate review. The review on the restrictions on the practice of dentistry was completed in 2000, and released for public consultation in June 2001. The review recommended relaxing a number of restrictions.	Amendments to the Act implementing the final policy approach to practice restrictions were made under the Health Legislation Amendment Act 2003 that was passed in October 2003. The amendments will commence on 1 July 2004.
Dental Technicians and Dental Prosthetists Act 1991	H	Restrictions on entry, registration, title, practice, advertising and business ownership.	Review of health practitioner Acts completed in 1999. Brief summary appears in the 2001 NCP annual report. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.	The Act was repealed and replaced by the Dental Technicians and Dental Prosthetists Registration Act 2001 passed in May 2001, retaining title and entry restrictions but removing most business restrictions. Practice restrictions were preserved pending outcome of a separate review of those restrictions.
Dental Technicians and Dental Prosthetists Registration Act 2001	H	Restrictions on entry, title and practice.	New legislation, which retained practice restrictions subject to a further review. Review on the restrictions on the practice of dentistry was completed in 2000, and released for public consultation in June 2001. The review recommended relaxing a number of restrictions.	Amendments to the Act implementing the final policy approach to practice restrictions were made under the Health Legislation Amendment Act 2003 that was passed in October 2003. The amendments will commence on 1 July 2004.
Education (Capital Assistance) Act 1993	DE&A	Limits the provision of certain funding assistance to schools affiliated with two nominated Capital Assistance Authorities (CAA). It also includes limitations regarding the type of financial institutions that can receive deposits/investment of CAA capital assistance funds.	A formal review was not undertaken.	The restriction related to affiliation was resolved through amendment to legislation which requires schools to be listed (but not affiliated) with a group. The remaining issue of the type of financial institution that can receive deposits/investments was subjected to further analysis and was determined not to be restrictive. Legislation amended accordingly.

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Education (General Provisions) Act 1989 and Regulation	DE&A	Covers a range of matters including: approval of school curricula; restrictions on the commercial use of State educational facilities; and specifying the powers and proceedings of Parents and Citizens Associations (including comparatively minor restrictions such as regulating the items permitted to be sold in a school canteen or tuckshop).	<p>Review completed. Review recommended:</p> <ul style="list-style-type: none"> <li>changing the provision dealing with entry into the market for supplying education in overseas curriculum. The recommended changes included the preparation of guidelines for the criteria on which to base the approval of the Governor in Council; and</li> <li>retaining the power of the Director-General to prohibit the sale of an item or class of items in State school tuckshops.</li> </ul> <p>Review indicated that a separate review of restrictions on entry to the market for non-State school education - restrictions embodied in s. 2(2) of the Act - would be undertaken. The separate review would be part of the proposed new legislative arrangements for the approval and accreditation processes for the non-State school sector. The new legislation to regulate the accreditation of non-State schools, the Education (Accreditation of Non-State Schools) Act 2001, commenced in January 2001. This Act was reviewed under Queensland's gatekeeping arrangements.</p>	The Government accepted the review recommendations, which were given effect by legislative amendments included in the Education (Miscellaneous Amendments) Act 2002, which commenced on 13 December 2002.

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Education (Overseas Students) Act 1996	DE&A	Provides for the registration of education service providers in respect to training courses for overseas students and for the registration of education and training courses for overseas students. Gives effect to a decision of the Australian Education Council in regard to the marketing of Australian education and training courses.	Reduced NCP review completed in January 2000. NCP justification provided for 1999 amendments and this provided input to review the Act. Final report submitted to Treasury in April 2000.	The Treasurer endorsed the review recommendations in June 2000. Existing regulatory regime retained in the public interest.
Education (Teacher Registration) Act 1988 and Regulation 1989, and Board of Teacher Registration By-laws 1989	DE&A	Licensing, registration (primary and secondary school teaching staff, including private schools), entry requirements (qualifications, experience, good character), reservation of practice, and disciplinary processes.	Departmental review completed in May 2000. Review recommended existing legislation be retained (including qualification requirements, registration fees and processes in the election of registered teachers to positions on the Board of Teacher Registration).	The Government endorsed review recommendations in October 2000. Teacher registration requirements retained in the public interest.
Egg Industry (Restructuring) Act 1993	DPI&F	Licenses producers. Limits production via quotas. Vests ownership of eggs in egg industry board.	Review not required.	Act allowed to sunset on 31 December 1998 thereby removing all anticompetitive legislative provisions.

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Electricity Act 1994 and Regulation (non safety)	DNRM&E	Legislation contains extensive provisions relating to the conduct of the industry including the issuing of authorities for generation, transmission and supply entities; powers (including 'reserve Ministerial powers') about electricity pricing and restrictions on the trading activities of transmission and generation authorities and supply entities. Regulation provides for the licensing of electrical workers (such as electricians) and electrical contractors.	<p>Review of non-safety provisions completed in April 2002. Review made nine recommendations.</p> <p>Review of safety aspects of the Act completed in January 2002 (see Electrical Safety Act and Regulation 2002).</p>	<p>The Government accepted all recommendations with legislative amendments to be implemented in regard to six of the recommendations, departmental reviews for a further two and ongoing implementation of existing processes in regard to the remaining recommendation.</p> <p>Legislative amendments to give effect to recommendations relating to non-safety provisions were assented to in May 2003 in the Electricity and Other Legislation Amendment Act 2003.</p>
Electricity Safety Act and Regulation 2002	DIR	Licensing (electrical workers, electrical contractors), registration, entry requirements (qualifications and experience, also financial requirements for electrical contractor), disciplinary processes, and business conduct. Also technical requirements for electrical equipment and installations, and work processes.	The legislation implemented the recommendations of a NCP public benefit test (PBT) of the safety and licensing provisions of the Electricity Act and Regulations 1994. The PBT largely found the provisions appropriate and in the community interest.	Timeframes for the introduction of the Electrical Safety Act 2002 did not allow sufficient time for the consideration and resolution of three remaining PBT recommendations, which were referred to an Industry Working Group (IWG). As a result of the IWG's recommendations, regulatory amendments were made (commenced 28 February 2003) to reduce ownership restrictions and broaden the options for a business seeking to meet the business and technical skills requirements.

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Environmental Protection Act 1994 and Interim Regulation 1995, Regulation 1998 and Interim Waste Regulation 1996	EPA	Legislation is designed to protect Queensland's environment while allowing for ecologically sustainable development. Licensing and approval requirements (which could be issued subject to compliance conditions, for example, prescribing allowable levels of discharge for certain substances) apply for certain specified environmentally relevant business activities.	Targeted public review completed in August 2000. Review incorporated Environmental Protection Policies and Regulations passed under gatekeeping arrangements in 1997-98, as well as contaminated land provisions which were subsumed within this Act.	Report endorsed by the Treasurer. Provisions subjected to NCP review retained without reform.
Explosives Act 1952 and Regulation 1955	DNRM&E	Legislation provides for the issue of licences for various activities in the importation and exportation, manufacture, carriage, storage, sale and use of explosives. Certain explosives that are considered dangerous to the public are prohibited.	Review not required. NCC supported removal of legislation from review timetable on the basis that the provisions are in the public interest and are not for the purpose of restricting competition.	Act and Regulation replaced by the Explosives Act 1999 and Explosives Regulation 2003.

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Fair Trading Act 1989 Fair Trading Regulation 1989	DTFT&WID	Legislation intended to provide for a statutory minimum standard of conduct engaged in by persons offering goods and services, in the interests of consumer protection. Similar legislation exists in the other jurisdictions. State and Territory fair trading legislation in part mirrors Part IV of the TPA and, in this sense, forms part of a national uniform scheme.	Targeted public review completed in August 2002. Review found that a number of the Act's restrictive provisions were in the public interest and recommended their retention. These provisions included: <ul style="list-style-type: none"> <li>• the prohibition on the conduct of mock auctions;</li> <li>• the prohibition on the use of obscene material in relation to unsolicited goods;</li> <li>• the regulation of door-to-door trading;</li> <li>• requirements relating to information and safety standards;</li> <li>• the empowerment of the Minister to restrict or prohibit the sale of unsafe goods; and</li> <li>• specific standards for folding laundry trolleys, leather goods, shoes, furniture, fibre content and projectile toys.</li> </ul>	The Government accepted the review recommendations, implementing the required minor amendments via the Fair Trading and Another Act Amendment Act 2002 in December 2002. The amendments involved: <ul style="list-style-type: none"> <li>• increasing the threshold at which the door-to-door provisions apply to contracts from \$A50 to \$A75 (with the amount to be subject to a regular review); and</li> <li>• reducing coverage of contracts for emergency repairs that satisfy the requirements of a door-to-door contract and are not regulated by the Domestic Building Contracts Act 2000.</li> </ul>

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Farm Produce Marketing Act 1964 and Regulation 1984	DPI&F	Legislation regulates commercial arrangements for the sale of fruit and vegetables between producers and wholesalers (agents and merchants), provides for the licensing of agents and merchants and business conduct requirements. Conditions to qualify for licences (eg posting of fidelity bonds) and restrictions on the business practices of licence holders (eg regulation of maximum rates of commission) would be the principal areas for review.	Review completed in June 1999. It found that the Act was largely ineffective as most transactions occur outside its scope and therefore that there is no public benefit in retaining the legislation.	Act sunsetted on 31 July 2000. A voluntary code of conduct is to replace it.
Financial Intermediaries Act 1996	TR	Prudentially-based supervisory system with respect to cooperative housing societies, terminating building societies and other similar entities.	The legislation was not subjected to detailed scrutiny for restrictions because it had been expected that the supervision of all such institutions would be transferred to the Australian Prudential Regulatory Authority (APRA). However, some of the cooperative housing societies do not meet the requirements for transfer. A closer examination of the legislation indicates it contains normal prudential supervision arrangements and does not contain restrictions on competition as such.	The Act is likely to be repealed but is being retained in the meantime pending a long term policy solution for the administration of co-operative housing societies.

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Fire Services Act 1990	DES	Various restrictions restrict potential competition in the fire services market. For example, by conferring extensive powers relating to the protection of persons and property from fire on 'authorised fire officers' of metropolitan and rural fire brigades which are not available to private operators and which could expose them to claims relating to property damage in the course of fighting a fire.	Reduced NCP review completed in August 2000. Restrictions were identified in relation to the powers of officers which are not available to other providers under the legislation and the imposition of compulsory fire levies. The report was made available to the public in July 2001.	Final report recommending retention of status quo was endorsed by the Treasurer in September 2000. Provisions subjected to NCP review retained without reform.
Fisheries Act 1994 and Regulation 1995	DPI&F	Licensing of fishers and crew. Input controls on boat and gear. Output controls such as total allowable catches, individual transferable quotas, bag and size limits.	Review completed in June 2001, recommending that the Government: <ul style="list-style-type: none"> <li>• include ESD principles in Act's objectives;</li> <li>• simplify commercial licensing;</li> <li>• allow temporary transfers of licences and quota;</li> <li>• implement full management cost recovery;</li> <li>• embed NCP principles in ongoing process of fisheries management;</li> <li>• use measures other than 'two-for-one' boat replacement to reduce fishing effort in East Coast trawl fishery; and</li> <li>• remove various pot and quota holding and transfer restrictions in the spanner crab fishery.</li> </ul>	Reform implementation is well underway. In 2001, effort management in the East Coast trawl fishery was reformed. In 2002, further reviews of licensing and cost recovery were initiated (the outcomes are expected to be implemented in 2004), and temporary quota transfers were allowed. Various RISs and draft management plans have been released for comment.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Food Act 1981 Food Hygiene Regulation 1989 Food Standards Regulation 1994	H	Imposes various food safety offences. Sets standards for food products. Requires registration of food premises (under associated regulations).	National review completed in 2000 (see the NSW Food Act 1989).	All Australian governments agreed in November 2000 to adopt core provisions of the model food bill by November 2001.  Queensland amended the Act accordingly in 2001.
Forestry Act 1959 and Forestry Regulation 1987	DPI&F	Licensing of timber collection and of taking of other resources.  Administrative discretion over how licences and produce are allocated and priced.  Logs harvested not to exceed sustainable yield.  Levy to fund timber research.  Levy to fund timber research.	Reviewed by officials completed in 1999. Review recommended: <ul style="list-style-type: none"> <li>retaining the native forest sawlog allocation system because, while pro-competitive reform would bring economic gains, it avoided imposing significant social costs on several rural communities; and.</li> <li>retaining the timber research levy.</li> </ul> A subsequent review of agricultural levies recommended removal of the timber research levy.	Act amended in November 1998 to extend exemption from the Trade Practices Act for the native forest sawlog allocation system until 2009.  Timber research levy removed in 2000.
Fruit Marketing Organisation Act 1923	DPI&F	Contains statutory marketing provisions for fruit and vegetables.	Industry agreed to the repeal of the Act.	Act sunsetted on 21 January 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Funeral Benefit Business Act 1982 Funeral Benefit Business Regulation 1989	DTFT&WID	Regulates schemes providing for the prepayment of funeral expenses. Potential restrictions include scheme registration, business conduct requirements, record keeping, regular actuarial valuations, advertising controls, benefit limits and approval for the sale or deregistration of schemes.	<p>Targeted public review completed in October 2000. Review recommended against changing the rights and responsibilities of parties under existing contracts. For any new contracts entered into, or new business conducted, however, the review recommendations included the following:</p> <ul style="list-style-type: none"> <li>• the introduction of a cooling-off period for all new contracts;</li> <li>• the provision of a short 'client care' statement in plain English on parties' rights and responsibilities when entering into the contract;</li> <li>• the provision of choice for consumers to deposit pre-payment monies with either a funeral director or an authorised investment manager;</li> <li>• the removal of the restriction that only companies may operate funeral benefit businesses;</li> <li>• the extension of the Act to apply to any person who sells a funeral benefit to a consumer in Queensland;</li> <li>• the removal of the cap on the value of funeral benefits; and</li> <li>• the removal of the requirement that the public officer/company secretary reside, or the registered office be located, in Queensland.</li> </ul>	<p>The Government responded to the review in April 2003, and accepted all recommendations. It advised the Council that the Second-Hand Dealers and Pawnbrokers Bill 2003, which incorporates the amendments to the Funeral Benefit Business Act to give effect to the recommendations, was released for consultation on 19 May 2003, with submissions closing on 6 June 2003. The Bill was introduced to Parliament on 19 August 2003 and enacted later on 22 October 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming Machine Act 1991 and Regulation	TR	Possession and playing of gaming machines, which would otherwise be illegal, is made lawful at a licensed site.	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained because they are in the public interest. The Government endorsed that recommendation.	Certain reforms were implemented prior to the 2003 review as a result of a general review of the legislation. Reforms to date include the removal of the Government's exclusivity over the purchase of gaming machines, instead requiring that manufacturers and suppliers of gaming machines be licensed to ensure that the probity and integrity of the industry is maintained. Act retained without reform.
Gas Act 1965 and Regulations 1989	DNRM&E	Provisions of the Act relating to granting gas franchises (effectively an exclusive right to lay pipes in an area and thus to supply gas to that area) and requirements for Government approval for large gas contracts establishes a virtual statutory monopoly situation. Legislation also enables quantitative restrictions to be placed on the supply of gas in certain (emergency) situations while the Gas Tribunal has the power to recommend price restrictions. Other jurisdictions have legislation pertaining to the particular circumstances of their gas industry. A common provision, as per Queensland Gas Regulations, is the licensing of persons engaged in gas installation and servicing which is considered essential for public safety.	Review of the Act and Regulations completed and incorporated in the Gas Supply Act 2003 which commenced in July 2003.  Review completed of those parts of Gas Act and Petroleum Act not the subject of the national review of petroleum (submerged lands) Acts.	The new legislation implemented the franchising and licensing principles outlined in the CoAG Natural Gas Pipeline Access Agreement.

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Gas Suppliers (Shareholdings) Act 1972	DNRM&E	Prohibition relates to a statutory limitation on the level of ownership of shares in a nominated gas supplier (i.e. to prevent a corporate takeover) and hence restricts the ownership of a gas utility although it only relates to one company at present. A similar restriction is understood to apply in regard to the same company in NSW.		Act repealed in October 2000.
Grain Industry (Restructuring) Act 1993	DPI&F	Vests ownership of: <ul style="list-style-type: none"> <li>• all barley grown in Queensland;</li> <li>• all sorghum grown in Central Queensland; and</li> <li>• (in reserve under s10(3)) all wheat grown in Queensland; and</li> <li>• in Grainco.</li> </ul>	NCP review by government/industry panel completed in 1997. Review recommended that Queensland remove the domestic monopoly; and extend the export monopoly to at least mid-2002. The Government undertook an internal review of the export monopoly again in 2001.	The Government accepted the recommendations and, via the Primary Industries Legislation Amendment Act 1999, exempted from vesting grain sold for consumption in the domestic market (see section 20 of the principal Act) and extended the export monopoly to sunset on 30 June 2002. This sunset has now occurred.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Grammar Schools Act 1975	DE&A	Imposes a Government approval mechanism for the establishment of a grammar school and provides for various Government intervention measures (such as the capacity to withhold or grant assistance funds) and controls/limitations on activities of grammar schools (e.g. borrowing and investment practices). These may restrict the ability of such schools to compete in the overall market for secondary education.	Review completed in September 1997. Second review completed in June 2002. It recommended removing the minimum financial requirement for the establishment of a grammar school. A third, and wider, review of the Act, to consider the impact of other legislation for the accreditation of non-State schools and the financial administration of grammar schools, was completed in March 2003.	Legislation has been amended in accordance with review recommendations by the Grammar Schools and Other Legislation Amendment Bill 2003.
Harbours (Reclamation of Land) Regulation 1979 and Marine Land (Dredging) By-Laws under the Harbours Act 1955 (sections 91-93)	EPA	Legislative provisions set out certain external approval requirements for activities in tidal waters (such as land reclamation and harbour works).	The regulation was to be removed by 30 December 2000 but was extended until end 2002.	Regulations extended pending incorporation of approvals provisions in the Integrated Development Approval System and coastal legislation. Coastal Protection and Other Legislation Amendment Act 2001 passed 5 December 2001. Act repeals remaining provisions of Harbour Act 1955, under which Harbour (Reclamation of Land) Regulation 1979 was made.
Hawkers Act 1984 and Regulation 1994	DTFT&WID	Licensing, entry requirements (age, no mental disease, fit and proper person), and business conduct (no business between 6 p.m. and 7 a.m.). Act does not apply to certain businesses (for example, charity or sale by maker of goods).	Reduced NCP review completed.	Regulations repealed by the Tourism and Fair Trading (Miscellaneous Provisions) Act 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1937 — Health (Drugs and Poisons) Regulation 1996	H	Licensing, storage, handling and dispensing of goods.	Part of Galbally Review. Draft review report completed on 11 September 2000. Final review report given to the Australian Health Ministers Conference (AHMC) in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.	The AHMC referred the review report to the Australian Health Ministers Advisory Council (AHMAC), asking it to develop a draft response in consultation with the Primary Industries Ministerial Council. The AHMC endorsed an AHMAC Working Party's response in 2003. Legislative amendments to implement the Working Party's recommendations will be made by 30 June 2004.
Health Act 1937 — Health Regulation 1996 Parts 5 (Hairdressers) and 15 (Skin Penetration)	H	Licensing, and codes of practice.	Review completed in December 1999. Review recommended negative licensing for medium/low risk activities and licensed premises for high risk activities.	The Public Health (Infection Control for Personal Appearance Services) Act 2003 was passed in October 2003 and will commence on 1 July 2004. Under the new legislation, higher risk businesses (eg body piercing and tattooing) will be licensed but not lower risk businesses such as hairdressing.
Health Act 1937 — Health Regulation 1996 Parts 10 (Pest Control Operators) and 12 (Poisons (Fumigation)) under Health Act 1937 Part 4 Division 7	H	Provides for the licensing of both fumigators and pest control operators. Similar regulations exist in the other States.	Targeted public review completed in October 1999. Review examined licensing of fumigators and pest control operators. Report on the framework for scoping and conducting the review completed late in 1999. Review recommended that licensing be retained but licensing criteria include new training requirements based on National Competency Standards to minimise the health risks to the public from pesticides and fumigants.	Pest management provisions of Health Act replaced by Pest Management Act 2001 which was passed in December 2001. A Regulatory Impact Statement for proposals for subordinate legislation was released for public comment in November 2002. The Act and subordinate legislation commenced in September 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1937 — Health Regulation 1996, Part 6 (Hyperbaric Chamber Therapy)	H	Restricts possession and use of a compression chamber.	Review completed in March 2001. Final report recommended the repeal of restrictive provisions of the Act.	The report was endorsed by the Treasurer in March 2001. The restrictive provisions of the legislation were repealed in June 2001.
Health Act 1937 — Health (Nursing Homes) Regulation 1982	H	Negative licensing of residential care facilities.	Departmental review completed in 1997. Queensland Health examined the Australian Government's Aged Care Act 1997 to determine its impact on the Regulation. Policy proposals were subsequently developed to allow the Regulation to lapse on 1 July 1998, to repeal Part 3 Division 5 of the Health Act 1937, and to replace it with a negative licensing framework in respect of residential care facilities.	Restrictive provisions dealing with nursing homes expired on 1 July 1998.
Health Act 1937 — Health (Private Hospitals) Regulation 1978 and Health Act 1937 Part 3 Division 4	H	Licensing and monitoring of private hospitals, building standards.	Review completed in February 1999. Review recommended retention of a licensing regime for private hospitals and day facilities performing higher risk procedures and rejected the formal adoption of planning controls.	The Private Health Facilities Act 1999, which replaces the legislation scheduled for review, was passed in November 1999 and commenced in late 2000.
Health Act 1937 — Health Regulation 1996 Part 16 (Therapeutic Goods and Other Drugs)	H	Restricts the advertising, including publication and labelling, of therapeutic goods and drugs (including cigarettes).	No formal NCP review undertaken. Trans-Tasman Treaty signed in December 2003 for establishment of a joint scheme to regulate Therapeutic Goods (including a trans-Tasman therapeutic goods agency). Australian Government legislation is scheduled to be introduced in 2004 and commence on 1 July 2005.	Because the new Australian Government legislation will regulate all sectors of the therapeutic goods industry (including sole traders), the Queensland legislation will be able to be repealed once the Australian Government legislation commences.
Health Services Act 1991 — Health Services Regulation 1992 (Public Hospitals Fees and Charges)	H			Legislation reformed without review. Anticompetitive provisions repealed in 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Services Regulation 1992	H	Limits the ability of a Health Authority to provide private ancillary services (e.g. physiotherapy, speech pathology, etc) to circumstances where there is no private practitioner.	Review not required.	Regulation reformed without review. Anticompetitive provisions repealed in 1997.
Higher Education (General Provisions) Act 1993	DE&A	Provides for accreditation and monitoring procedures to address standards and modes of delivery in regard to higher education (tertiary) degree courses.	Review completed. Review was expanded in recognition of the accreditation provisions being nationally uniform.	The Treasurer endorsed the review recommendations in August 2001. Existing regulatory regime retained in the public interest.
Hire Purchase Act 1959	DTFT&WID	Legislation provides for the rights and responsibilities of owners and hirers under hire purchase (HP) agreements and conduct requirements in regard to HP agreements. One type of transaction is prohibited (i.e. entering into an agreement for the bailment of goods, which includes an option to purchase them, so as to constitute a HP agreement).	Review completed. Final report recommended repeal of the Act.	Final report endorsed by Treasurer in December 2001. The Queensland Government subsequently amended the Credit (Rural Finance) Act to transfer certain protections for farmers. Legislative amendments to limit the Hire Purchase Act to existing contracts and insert a sunset clause became effective in January 2003.
Industrial Development Act 1963	DSD&I	Only identified restrictions relates to acquisition and use of land for industrial purposes only (i.e. in industrial estates) thereby precluding other uses (but only in a defined area).	Review not required.	Act reformed without review. Definition in the Act was amended in 1998 to remove the sole restriction that limited Act to development for industrial purposes.

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Indy Car Grand Prix Act 1990 and Regulations	DLGPS&R	The Act provides for a nominated promoter as the sole participant in the business activity of promoting the Indy Grand Prix (GP) with certain other exclusive rights attached (i.e. sale of film and television rights, sale of goods with the GP insignia and sale of other goods in a declared area during a declared period (i.e. the race days)).	Reduced NCP review completed in October 1998. Short-form justification, that included Regulatory Impact Statement (RIS) process, supported retention of all legislative provisions under review. Legislation gives effect to conditions for staging the race, including sole promoter role, that are contained in agreements with international owner of the rights to stage the race worldwide. All services and products associated with the Gold Coast event (eg catering) are competitively tendered.	Provisions subjected to review retained without reform.
Integrated Planning Act 1997	DLGPS&R	Establishes a planning framework and is not considered to restrict competition itself.	Review completed in October 1997. The legislation scheduled for review was the Local Government (Planning and Environment) Act 1990. NCP-related issues were examined during the preparation and introduction of the Integrated Planning Act 1997 (IPA) which replaced this Act. The examination of the proposed IPA established that it does not restrict competition and that it merely sets up a planning framework.	Act retained without reform.
Interactive Gambling (Player Protection) Act 1998	TR	Licenses the conduct of interactive gambling.	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained because they are in the public interest. The Government endorsed that recommendation.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Invasion of Privacy Act 1971 Invasion of Privacy Regulation 1986	DJAG	Legislation requires the licensing of credit reporting agents and prohibits the advertising and exhibiting of listening devices that has the intention of promoting their sale and use. Other jurisdictions may have legislation dealing with some aspects of credit reporting e.g. advertising of listening devices.	Reduced NCP review completed in February 2002. The Act regulates credit reporting agents, entry to dwellings and the use and supply of listening devices. Restrictions relate to the operation of credit reporting agents and include licensing, payment of fees, a suitable person test, and business conduct standards for information collection, storage and disclosure. Final framework for scoping and conducting the review Report recommending repeal of the credit reporting provisions endorsed by Cabinet in February 2002.	Reforms implemented in April 2002 by the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002.
Keno Act 1996	TR	Permits the holder of a keno licence to have the right to conduct the game of keno on a State-wide basis through approved outlets for a defined period (the playing of keno would otherwise be illegal under the gaming laws).	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained as they are in the public interest. The Government endorsed that recommendation.	Act retained without reform.
Land Act 1994	DNRM&E	Legislation provides for the administration and management of non-freehold lands and the legal creation of freehold land.	Targeted public review completed in May 1999. Review examined two restrictions: prohibiting corporations from holding perpetual leases for grazing or agricultural purposes; and limiting the number of living units that non-freehold land owners may aggregate.  The Government directed further consultation with targeted groups in 2001 but is yet to formally consider the options.	The Government is considering the review recommendations.

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Land Sale Act 1984 and Regulation 1989	DTFT&WID	<p>Legislation contains various provisions relating to the process of sale of land via a registrable instrument of transfer and rights and responsibilities of vendors and purchasers. Queensland is currently the only State that prohibits the sale of unregistered land before survey plans are approved under the seal of the relevant local authority.</p> <p>Restrictions include requirements for local government development approval, payments to be held in trust accounts, deposit limits, exemptions for small subdivisions, lot descriptions and information disclosure requirements.</p>	The Act regulates the sale of lots in land development schemes. Final PBT report was endorsed by the Treasurer in November 2001. No reform recommended.	

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Legal Practitioners Act 1995	DJAG	Licensing, registration, entry requirements, reservation of practice (including conveyancing), disciplinary processes, and business conduct (including the process for determining maximum prices). (Also see the Queensland Law Society Act 1952.)	Queensland completed a general review of legal practitioner regulation, and announced proposed reforms in December 2000. Subsequently, it commenced an NCP review in the fourth quarter of 2001, releasing an issues paper in November 2001. Review completed, but the report not released publicly.	Queensland implemented the Personal Injuries Proceedings Act 2002, which places some restrictions on lawyers in relation to advertising personal injury services.  The Legal Profession Act 2003 (yet to be proclaimed) provides for the first part of Queensland's reforms emanating from its NCP and other legal profession reviews and its participation in the national model laws project. Queensland expects to implement the remaining reforms during 2004.
Liquid Fuel Supply Act 1984	DNRM&E	The purpose of the Act is to regulate the distribution of liquid fuels (petrol, diesel and LPG) in times of shortage/emergency but, to date, has never been activated. Similar legislation exists in the other States. At present the Queensland legislation does not have any practical impact on commercial business activities.	NCC supported removal of Act from the legislation review program (LRP) on the grounds that the legislation is in place to serve the public interest in terms of controlling liquid fuel usage in times of shortage or emergencies. Provisions have never been used.	Restrictions retained in the public interest.

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Liquor Act 1992 and Regulation	DTFT&WID	Defines licence categories, contains a proof of need test, restricts the sale of packaged liquor to the public to general (hotel) licences, requires hotel bottle shops to be detached, restricts the number any one hotel can establish and the distance from the hotel and sets maximum size limits on bottle shops.	Review completed in February 2000. Review recommended retention of major restrictions relating to the public needs test and general licence (hotel) requirement for sales of packaged liquor to the public and changes to the regulations governing bottle shop distance from main outlet (extended from 5km to 10km) and to maximum bottle shop size (100 sq. m. to 150 sq. m.).	The Government accepted significant review recommendations with modifications: public needs test changed to a public benefit test. General licence requirement for sales of packaged liquor retained although volume restrictions on sales by clubs to members lifted and licensed restaurants may sell small quantities to diners for consumption off premises.
Loan Fund Companies Act 1982	DTFT&WID	Conduct and licensing. No loan fund companies operate under the Act.	Reduced NCP review completed in February 2002. The Act provides for the licensing and the regulation of business conduct of 'loan fund companies' (LFC) which seek to apply pyramid selling principles to the provision of home loans. There are no existing LFCs. The Act effectively prohibits the formation of new LFCs, but at least one scheme with similar characteristics is currently under examination. Cabinet endorsed the PBT report in February 2002 recommending repeal of the Act and the incorporation of the outright prohibition on LFCs in the Fair Trading Act.	Act repealed and prohibition on loan fund companies incorporated into Fair Trading Act 1989 in April 2002 by Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002.
Local Government (Harbour Town Zoning) Act 1990	DLGPS&R	Legislation specific to one location but could be seen to confer a competitive advantage on the owners of the site through the possible application of the Act to bypass normal approval processes.	Review not required.	Legislation was allowed to expire on 7 December 2000.
Local Government (Planning and Environment) Act 1990	DLGPS&R		See the Integrated Planning Act 1997.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government Act 1993 City of Brisbane Act 1924 Local Government Finance Standard 1994	DLGPS&R	The legislation establishes the framework for the constitution, planning and operation of local government (i.e. essentially it is enabling legislation). Only two current provisions in the Act appear to be anti-competitive, namely the exclusive right for a local government to operate a river ferry service and a prohibition on a local government operating its own superannuation scheme outside of a statutory scheme for all local governments.	Major review of provisions restricting the operation of certain types of ferries to local governments was undertaken by an independent Consultant - Review Report recommended retaining restrictions.  Another minor review was undertaken on other aspects of the legislation and recommended retaining restrictions in relation to superannuation provisions and the Esk, Gatton, Laidley Water Supply Board in their current form. In relation to the Caloundra-Maroochy Water Board, the review report recommended the Board's jurisdiction be extended to enable it to sell its spare yield to non-urban water customers in its area and to non-urban bulk water customers in adjoining local government areas. Review considered by the Government in July 2002.	No amendments required to primary legislation. The necessary amendments to Local Government (Areas) Regulation 1995 were made in October 2002.
Local Government Local Laws (formerly By-laws) made under the Local Government Act 1993	DLGPS&R	Establishes a program for review of local government laws.	Departmental review completed in 1997.	The Local Government Amendment Act 1997 applies NCP legislation review requirements to local government. Individual local governments reviewed their own anti-competitive local laws and local law policies with oversight by the responsible department.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lotteries Act 1994	TR	Exclusive licence to operate a lottery.	Review completed. Certain outstanding competition policy matters were identified and a draft report prepared. This exercise was deferred subject to the outcome of the PC inquiry into gambling in Australia, which released its report December 1999.	Act repealed and replaced by the Lotteries Act 1997. The statutory monopoly of the Golden Casket Corporation was replaced with a limited duration exclusive licence. This was to enable the Golden Casket Corporation time to mature in a commercial environment following its corporatisation.
Lotteries Act 1997 and Regulation	TR	Assigns a limited duration exclusive licence on the Golden Casket Corporation to offer lottery products.	Review of the Queensland gambling legislation completed in December 2003. The review recommended that the current restrictions on competition be retained because they are in the public interest. The Government endorsed that recommendation.	Act replaced the Lotteries Act 1994. Act retained without reform.
Meat Industry Act 1993	DPI&F	Imposes various food safety offences. Requires meat safety officers to hold minimum qualifications. Requires accreditation of processing facilities. Allows for the making of standards.	Review completed in 1999. Review recommended development of new food safety standards, especially for high-risk foods.	Act repealed and provisions for meat safety standards included in the Food Production (Safety) Act 2000.
Medical Act 1939	H	Restrictions on entry, registration, title, practice, advertising, business, and disciplinary provisions.	Review of health professions completed in 1999. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.	Framework legislation passed in 1999. Act repealed and replaced by the Medical Practitioners Registration Act 2001 passed in May 2001. The new Act implemented the review recommendations.
Medical Practitioners Registration Act 2001	H	Restrictions on entry and title.	Replacement legislation, implemented in May 2001, following review of health professions.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Radiation Technologists Act 2001	H	Restrictions on entry and title.	Review completed in 1999. Review recommended registering radiation therapists, medical imaging technologists/radiographers and nuclear imaging technologists.	The new Medical Radiation Technologists Act 2001 passed in May 2001. The Act implemented the review recommendations.
Mental Health Act 1974	H	Conferral on the Public Trust Office of sole responsibility for the management of estates of specified patients.	Review not required.	Act reformed without review. The anticompetitive provisions were repealed as an amendment under the Guardianship and Administration Act 2000.  The Mental Health Act 2000 was passed in May 2000 and replaced the Mental Health Act 1974.
Mental Health Act 2000	H			The Mental Health Act 2000 replaced the Mental Health Act 1974.
Mercantile Act 1867	DTFT&WID	Restricts the duration of partnerships and prohibits partnerships in banking and insurance businesses.	Review not required.	Act reformed without review. Provisions previously identified as restrictions on competition have been repealed or contained within the Partnership (Limited Liability) Act which is also on the review timetable. Completion of review requirements confirmed on 10 December 1998 by Treasury letter to the then Department of Equity and Fair Trading.  No further action required.
Mineral Resources Act 1989	DNRM&E	Various permits, licences and leases.	NCP review not required. Act not considered unnecessarily restrictive. An extensive general review of the Act is scheduled to commence in 2004.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mobile Homes Act 1989 and Regulation 1994	DTFT&WID	Contains particular requirements relating to agreements between owners and occupiers of mobile home sites. Regulations provide for maximum fees for services in regard to sale of a mobile home.	<p>Departmental review completed in March 2003. The legislation covers agreements between mobile home park owners and owners and occupiers of mobile homes. As part of an extensive general policy review of the mobile homes legislation, the Government decided to repeal the existing Mobile Homes Act and replace it with a new Act. NCP-related issues identified in the proposed new Act are relatively minor and are being addressed as part of the preparation of the new legislation.</p> <p>Draft PBT will form part of consultation package with new Bill which is expected to be introduced into Parliament in May 2003.</p>	Mobile homes legislation to be repealed. NCP issues to be considered in the context of new legislation. It is intended that the Act will be repealed on commencement of the Manufactured Homes (Residential Parks) Bill 2003. The Government introduced this Bill to Parliament in August 2003, and it was enacted later in 2003. The proposed commencement date is 1 March 2004. A review of the new Manufactured Homes (Residential Parks) Bill was undertaken as part of 'gatekeeping' arrangements. Copies of the Bill and PBT Report can be found on the Office of Fair Trading website at <a href="http://www.fairtrading.qld.gov.au">www.fairtrading.qld.gov.au</a>
Motor Accident Insurance Act 1994	TR	Mandatory insurance, licensing of insurers, file within bands set by the regulator.	Full public review completed in November 1999. Review recommended retaining fundamental compulsory third party (CTP) scheme aspects, including mandatory insurance requirement, licensing of insurers, community rating and Nominal Defendant. Also recommended removing specific entry barriers (in terms of minimum market share and re-entry requirements) and premium setting by the Government to be replaced by its setting a premium range within which private insurers can determine their own premiums subject to approval by the Government.	New legislation (the Motor Accident Insurance Amendment Act 2000) enacted in line with recommendations. Majority of the changes commenced in October 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicle Driving Instruction School Act 1969	T			Act repealed and replaced with a driving instructor accreditation scheme under the Transport Operations (Road Use Management) Act 1995.
Nature Conservation Act 1992 and Regulation 1994, and specific flora and fauna Conservation Plans	EPA	Legislation contains extensive provisions for the conservation of wildlife (flora and fauna) related to ecological sustainability. Licensing and permit arrangements apply for a range of commercial and recreational activities involving wildlife (including, for example, licensing of pet shops selling commercial birds, nurseries selling certain restricted plants, the harvesting of macropods and protected plants and permits for commercial activities involving wildlife, such as filming, etc). Prior to any NCP review commencing, further consideration is required to identify whether there are any restrictions in the various species' Conservation Plans in place that go beyond what is required for legitimate natural resource management purposes.	Reduced NCP review completed in July 1999. Review supported retention of provisions which are considered to be for natural resource management purposes. Targeted consultation and review report made public January 1999.	Provisions subjected to NCP review retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nursing Act 1992	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review commenced in October 1999. Discussion paper released in November 2001. Final public benefit test report released in August 2003. It recommended retention of refined title and practice restrictions with some modifications.	Anticompetitive provision in the Nursing By-Law repealed in 1999. The Government is expected to introduce amendments to the Act to implement the recommendations of the public benefit test report in 2004.
Occupational Therapists Act 1979	H	Restrictions on entry and title.	Queensland completed its health professions review in 1999. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.	Act repealed and replaced by the Occupational Therapists Registration Act, which passed in May 2001. This Act fully implemented the review recommendations.
Occupational Therapists Registration Act 2001	H	Restrictions on title and entry.	New legislation considered by the gatekeeper process, following omnibus review of health practitioner registration Acts.	Act replaced the Occupational Therapists Act 1979.
Optometrists Act 1974	H	Restrictions on business ownership restrictions, entry, title, practice and advertising.	Omnibus review of health practitioner registration legislation completed in 1999. The recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.. A second review, limited to examination of ownership and related restrictions was completed in 1999, recommending removal of ownership restrictions.	Act repealed by the Optometrists Registration Act 2001 which was passed in May 2001, removing ownership restrictions. The new Act preserved practice restrictions pending outcome of the core practices review.
Optometrists Registration Act 2001	H	Restrictions on entry, title, practice, business, and advertising.	New legislation considered by the gatekeeper process. Core practice restrictions were reviewed. Public benefit test report released for public consultation in August 2001.	Act replaced the Optometrists Act 1974. Legislative amendments to implement the final policy approach on core practice restrictions were contained in the Health Legislation Amendment Act 2003, which was passed in October 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Osteopaths Registration Act 2001	H	Restrictions on entry and title.	Queensland completed its health professions review in 1999. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions. Review of core practices was completed in 2001.	This Act and the Chiropractors Registration Act 2001 replaced the Chiropractors and Osteopaths Act 1979 following the health professions review. Framework legislation in place. New Osteopaths Registration Act 2001 passed in May 2001. This Act does not contain practice restrictions. The Health Legislation Amendment Bill 2003, introduced to Parliament in June 2003, would restrict the practice of thrust manipulation of the spine. This legislation was enacted later in 2003.
Partnership (Limited Liability) Act 1988	DTFT&WID	Restrictions include registration, information disclosure requirements and a prohibition on limited partners participating in the management of the firm.	Reduced NCP review, in conjunction with the Partnership Act 1891, completed in October 2001. Final report recommends retaining the restrictions but with minor changes to clarify the definition of taking part in the management of the firm.	Reforms implemented in April 2002 by the Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002.
Partnership Act 1891	DTFT&WID	Restrictions on the activities of partners by providing that they must account to the firm for private profits from transactions concerning the firm and not compete directly with the firm.	Reduced NCP review, in conjunction with the Partnership (Limited Liability) Act 1988, completed in October 2001. Final report recommends no changes to the Partnership Act. Cabinet endorsed the PBT report in October 2001.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers Act 1984	DTFT&WID	Licensing, entry (aged at least 18 years old, no mental incapacity, fit and proper person, not a collector, no conviction of fraud or dishonesty offence in past five years), practice reservation, disciplinary processes, and business conduct.	Review, in conjunction with the Second-hand Dealers and Collectors Act 1984, completed in June 2002. Review recommended introducing a single licence type to apply to dealers and a multisite licence to replace the requirement for a separate licence for each site. It also recommended reforming the 'fit and proper' test and streamlining business conduct restrictions.	The Government accepted the review recommendations but delayed implementation to allow time to simplify the legislation by consolidating this Act and the Second-hand Dealers and Collectors Act 1984. The consolidating legislation (the Second-hand Dealers and Pawnbrokers Bill 2003) was introduced to Parliament in August 2003 and enacted on 22 October 2003.
Petroleum (Submerged Lands) Act 1982	DNRM&E	Regulates exploration for, and development of, undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000 and endorsed by Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	Amendments made by the Australian Government are to be reflected in State and Territory legislation.  Queensland will prepare amending legislation once reform of the Australian Government legislation finalised.
Petroleum Act 1923	DNRM&E		The Petroleum and Gas (Production and Safety) Bill (P&G Bill) will significantly amend the Petroleum Act 1923 and replace the remaining provisions of the Gas Act 1965. During 2003, the P&G Bill underwent an extensive review and is currently being finalised.	The P&G Bill is scheduled for introduction to Parliament in May 2004. For practical purposes, some elements of the Petroleum Act 1923 will remain in force.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacists Registration Act 2001	H	Restrictions on entry, registration, title, practice, business ownership and advertising.	<p>Ownership restrictions preserved from the Pharmacy Act 1976 were examined by the National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review did not examine other Queensland restrictions because these had been addressed in the health practitioner review process. The review recommended retaining some ownership restrictions but removing others.</p> <p>Practice restrictions were examined in the core practices review which recommended the removal of the restrictions.</p>	<p>CoAG referred the Wilkinson Review to a senior officials' working party. The working party response was released in August 2002. The working group 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). The working party also recommended practice restrictions be retained on an interim basis and revisited at the same time as other retained legislation.</p> <p>Queensland is monitoring developments in interstate jurisdictions with a view to achieving a nationally consistent approach to pharmacy ownership when developing its response to the review.</p> <p>Implementation of the core practices review recommendation will be considered in the context of the ownership reforms and the reforms relating to drugs and poisons.</p>
Pharmacy Act 1976	H	Restrictions on entry, registration, title, practice, advertising, business ownership, and disciplinary provisions.	<p>Considered as part of the health practitioner review process in Queensland. Review recommended retaining title and entry restrictions but removing unnecessary anticompetitive restrictions. It also recommended that practice and ownership restrictions be preserved pending separate review.</p>	<p>Queensland passed the Pharmacists Registration Act 2001 in May 2001 to replace the Pharmacy Act 1976. The new Act implemented the review recommendations.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Act 1964	H	Restrictions on entry, title, practice and advertising.	Review of health professions completed in 1999. The NCP review of core practice restrictions was completed in 2001. Recommendations included retaining title protection and entry restrictions, but removing unnecessary anticompetitive restrictions.	Act repealed and replaced by the Physiotherapists Registration Act 2001 passed in May 2001. Practice restrictions were preserved pending outcome of core practices review.
Physiotherapists Registration Act 2001	H	Restrictions on entry, title and practice.	New legislation. The NCP review of core practice restrictions was completed in 2001. It recommended that thrust manipulation of the spine be restricted to physiotherapists, chiropractors, osteopaths and medical practitioners.	Act replaced the Physiotherapists Act 1964.  Amendments to core practice restrictions were contained in the Health Legislation Amendment Act passed in October 2003.
Podiatrists Act 1969	H	Restrictions on entry, title, practice and advertising.	Queensland completed its health professions review in 1999. Recommendations included retaining title protection and entry restrictions, but removing unnecessary anticompetitive restrictions.	Act repealed and replaced by the Podiatrists Registration Act 2001 in May 2001. Practice restrictions were preserved pending the outcomes of the core practices review.
Podiatrists Registration Act 2001	H	Restrictions on entry, title and practice.	The NCP review of core practice restrictions completed in 2001.	Act replaced the Podiatrists Act 1969 following health professions review.  Amendments to core practice restrictions were contained in the Health Legislation Amendment Act passed in October 2003.
Primary Producers Co-operative Associations Act 1923	DTFT&WID		Review not required.	The new Cooperatives Act 1997, providing for a national scheme of regulation, has been enacted.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Primary Producers Organisation and Marketing Act 1926	DPI&F	Allows for the constitution, powers, and functions of statutory commodity marketing boards and statutory producer representative bodies. Provisions relating to the latter are not considered to restrict competition.	Review not required.	Act repealed by the Primary Industry Bodies Reform Act 1999 as of 21 January 2000.
Private Employment Agencies Act 1983 and Regulation 1989	DIR	Licensing, entry requirements (resident in Queensland, fit and proper person, suitable premises), the reservation of practice, and business conduct (no charge to jobseekers except performers and models, maintenance of records, no misleading advertising).	Departmental review completed. Review report finalised, canvassing the repeal of the Act over a two year period, implementation of a simplified licensing regime until the Act expires, and the incorporation of fee-charging restrictions into the Industrial Relations Act 1999.	Amending legislation passed 2002, in line with review recommendations. The expiry of the Act has now been extended to 26 April 2005. A tripartite committee is formulating a Code of Practice which will replace the current licensing regime after the expiry.
Private Health Facilities Act 1999	H	Licensing.	NCP review completed in 1999. Review recommended retention of a licensing regime for private hospitals and day facilities (performing higher risk procedures) in the interests of patient wellbeing.	Act replaced the Health Act 1937 - Health (Private Hospitals) Regulation 1978 and Health Act 1937 Part 3 Division 4. The Act is consistent with the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Professional Engineers Act 1988 and Regulation 1992	DPW	Licensing, registration (for professional engineers - in various divisions of the profession, i.e. civil, mechanical, metallurgical, etc, professional engineering companies and professional engineering units within a company), entry restrictions (qualifications and 5 years experience), reservation of title and of practice, disciplinary processes, commercial restrictions, and business licensing.	Review by an independent consultant, conducted under the auspices of a steering committee of department officers, a consumer representative and a professional engineer, completed. Review recommended the continued regulation of the profession but removing anticompetitive legislative elements that could not be justified on public interest grounds. Review identified co-regulation as the preferred approach to the continued regulation of professional engineers — that is, joint administration by the engineering profession and a statutory governing body. Under the proposed approach, the profession would take responsibility for assessing applicants for registration and the Government would administer the legislation, including accrediting professional bodies and taking disciplinary action where misconduct is identified. The existing business licensing of units and associated professional indemnity insurance requirements would remain.	The Government accepted the review in its entirety. The legislative amendments required to meet the recommendations were extensive in nature, so the Queensland Government decided to incorporate the amendments in a new Act, the Professional Engineers Act 2002, which repealed the 1988 Act. The Professional Engineers Act 2002 commenced operation on 1 January 2003. As in the Architects Act 2002, only individual engineers are required to be licensed and business licensing of units is no longer required.
Profiteering Prevention Act 1948	DTFT&WID	Quality/technical standards, pricing restrictions, business conduct, measures that confer a benefit.	Reduced NCP review completed. Review recommended repeal of the legislation because the Act lacked contemporary relevance (and the last order under the Act was issued in 1967).	The Act was subsequently repealed by the Tourism, Racing and Fair Trading (National Competition Policy) Amendment Act 2002, which received assent on 24 September 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Property Agents and Motor Dealers Act 2000	DTFT&WID	Licensing (real estate agents, managers, salespersons), entry requirements, reservation of practice, disciplinary processes, and business conduct.	<p>On the recommendation of the Auctioneers and Agents Act 1971 Review Committee, the Government retained regulation of residential real property commissions, whilst it conducted an education and community information campaign to remove or diminish the existing culture of agents refusing to negotiate fees.</p> <p>The campaign commenced on the commencement of the Act, and is ongoing. A review committee is being established to undertake a Review of Commissions in response to the original Review Committee's recommendations. The review commenced in April 2002.</p>	<p>Act replaced the Auctioneers and Agents Act 1971.</p> <p>Amendments to Property Agents and Motor Dealers Regulation 2001 to give effect to de-regulation of motor dealing and auctioneering commissions and buyers' premiums were approved by the Governor-in-Council on 20 November 2003 and gazetted on 21 November 2003.</p>
Psychologists Act 1977	H	Restrictions on entry, title and advertising.	Reviewed as part of Queensland's health professions review process, which recommended retaining title protection and entry restrictions but removing other unnecessary anticompetitive restrictions.	Act repealed and replaced by the Psychologists Registration Act 2001 in May 2001. The Act fully implemented the review recommendations.
Psychologists Registration Act 2001	H	Restrictions on entry and title.	New legislation, assessed through 'gatekeeper' process, following omnibus review of health practitioner Acts.	

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Queensland Building Services Authority (QBSA) Act 1991 and Regulations 1992 and Policy 1995	DH	Licensing, registration, entry requirements (qualifications and experience, fit and proper, financial requirements), the reservation of practice, disciplinary processes, business conduct (ownership; advertising and sign at building site - whereby workers must state whether licensed, name licensed under and identifying numbers; written contract; compulsory insurance administered by the QBSA; warranty).	Review commenced in October 2001 with targeted stakeholder consultation in October – December 2001. Independent consultant's findings were delivered in late December 2001. Review released August 2002.	The Residential Tenancies and Other Legislation Amendment Act 2003 ,which amended (in addition to other Acts) the Queensland Building Services Authority Act 1991, received assent on 2 June 2003. The relevant amendments gave effect to the recommendations of the NCP review relating to reinforcing the independence of the statutory insurance fund and enabling prudential requirements to be prescribed by regulation.
Queensland Heritage Act 1992 and Regulation	EPA	Legislation provides for the conservation of Queensland's cultural heritage. Currently, Heritage Council approval is required before any development is allowed on heritage-registered properties.	Reduced NCP review completed in December 1998. Review justified retention of provisions on public interest grounds. Review report made available to the public. No issues raised in response. NCC provided with report in February 1999.	Provisions subjected to NCP review retained without reform.
Queensland Law Society Act 1952 and Rules 1987, Queensland Law Society(Indemnity) Rule 1987 and Continuing Legal Education Rule	DJAG	Annual practising certificates can only be issued by the Queensland Law Society (QLS), business conduct (various educational programs and practice courses, indemnity insurance – with law society master policy or an insurer approved by law society).	Being reviewed by State with broad review of legal profession in Queensland. Refer entry under the Legal Practitioners Act for further details.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Betting Act 1980 and Regulations as they relate to the Totalisator Agency Board (TAB)	TR	Statutory monopoly provisions in Queensland legislation relate to the establishment of the TAB to control totalisator betting and control bodies for horse racing (Queensland Principal Club), harness racing (Harness Racing Board) and greyhound racing (Greyhound Authority). Registration requirements apply for race, trotting and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as the recording of bets and the conduct of betting, drug sampling and analysis, advertising and the standard of facilities at race clubs are also prescribed. A price control provision relates to maximum bets at greyhound meetings. An outright prohibition exists in respect of betting and bookmaking outside of the coverage of the Act.	Racing Industry Taskforce examined statutory monopoly of Queensland TAB, This was addressed in developing the Wagering Act 1998.	New legislation (the Wagering Act 1998) replaces the statutory monopoly applying to the TAB with an exclusive licence of limited duration.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Betting Act 1980 and Regulations as they relate to racing and the conduct of bookmakers	TR	Statutory monopoly provisions in Queensland legislation relate to the establishment of the TAB to control totalisator betting and control bodies for horse racing (Queensland Principal Club), harness racing (Harness Racing Board) and greyhound racing (Greyhound Authority). Registration requirements apply for race, trotting and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as the recording of bets and the conduct of betting, drug sampling and analysis, advertising and the standard of facilities at race clubs are also prescribed. A price control provision relates to maximum bets at greyhound meetings. An outright prohibition exists in respect of betting and bookmaking outside of the coverage of the Act.	Review of provisions of the Act relating to bookmakers, conduct of race meetings and other related restrictions concerning the operation of race events completed in 2000. Review recommended that regulations that maintain and enhance probity, integrity and public confidence in the industry (eg licensing) be retained, and the prohibitions on entry of new codes of racing, conduct of proprietary racing and racing bookmakers' advertising be removed.	New legislation (the Racing Act 2002) enacted the review recommendations, including removing the majority of nonprobity-based restrictions on bookmakers (particularly those relating to advertising, minimum phone betting, betting type and recording of betting) and removing prohibition on the entry of new codes of racing and on the conduct of proprietary racing.
Racing Venues Development Act 1982	DH	The Act prescribes terms that apply to leases granted by trustees of racing venues and is not considered to impose any significant restrictions on competition.	The Act applies only to Parklands Gold Coast. On close examination, it became apparent that the Act does not contain any provisions that restrict competition. In particular, it was determined that the provisions that specify the terms of a lease by trustees of a racing venue are not anticompetitive.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Radiation Safety Act 1999	H		National review completed under gatekeeping arrangements, finding restrictions justified in the public interest.	
Residential Tenancies Act 1994 and Regulation 1995	DH	The Residential Tenancies Authority is the sole body authorised to manage rental bonds.	Public benefit test completed in March 1998 and supported retention of authority's statutory monopoly over administration of rental bonds.	Cabinet agreed to the recommendations. Current arrangements preserved in legislation.
Retail Shop Leases Act 1994 and Regulation	DSD&I	Provides protection to lessees of premises in retail shopping centres, as defined. Some services operated in such premises may not have the same protection if situated outside of a retail shopping centre.	Departmental review completed in November 1999. The statutory review undertaken in 1998-99 included consideration of NCP-related issues. The review recommended retention of existing restrictions to ensure that fair and equitable lease arrangements exist for small lease holders in shopping centres. The review also justified amendments requiring prospective lessees to obtain a pre-lease certificate relating to the nature of, and consequences of entering, a lease agreement.	The Act was amended, including amendments to provide for the introduction of pre-lease certificates as recommended by the NCP review. The Retail Shop Leases Amendment Act 2000 was assented to in June 2000 and commenced on 1 July 2000. Sections dealing with unconscionable conduct commenced on 24 June 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Retirement Villages Act 1988 and Regulation 1989	DTFT&WID	Provides the registration procedure for retirement village schemes with applicants required to meet prescribed requirements. Provision for exemption from some requirements for religious or charitable organisations that may confer a competitive benefit. The Act also provides for a statutory charge and encumbrances over village land for the benefit of residents but which may impede business conduct. Price controls relate to service charges payable by residents. Other potential restrictions on business conduct also exist.	Reduced NCP review completed in July 1999.	A draft Bill was released for public comment and anticompetitive provisions were subject to a Public Benefit Test prior to introduction. The new Bill was assessed against NCP obligations and passed in 1999, retaining some restrictions on competition. These include: retention of entry requirements for village operators; business conduct requirements more stringent but provide greater clarity for operators and residents; and statutory charge requirements less stringent than current legislation.
Sale of Goods Act 1896 Sale of Goods (Vienna Convention) Act 1986	DTFT&WID	Legislation contains certain stipulations relating to the sale or purchase of goods that affect rights and remedies of buyers and sellers.	Short form report completed indicating legislation did not contain anticompetitive provisions.	Act retained without reform.
Sawmills Licensing Act 1936 and Sawmills Licensing Regulation 1965	DPI&F	Licensing of sawmills at absolute discretion of the State's forestry corporation. Licences specify maximum productive capacity of mills.	Review completed in 2000.	Act to be repealed (without replacement legislation) in early 2004. The Government argues it does not in practice restrict competition.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sea Carriage of Goods (Queensland) Act 1930	T	Requires that before a voyage the shipping carrier must exercise due diligence to: make the ship seaworthy; properly crew, equip, and supply the ship; and make holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for reception, carriage and preservation of goods.		Act repealed by the Transport Legislation Amendment Act 2000.
Second-hand Dealers and Collectors Act 1984 and Regulation 1994	DTFT&WID	Licensing (second-hand dealers for not exempt goods), registration, entry requirements (aged over 18 years, not mentally incapacitated, fit and proper person, not convicted of fraud or dishonesty offence in past five years), the reservation of practice, disciplinary processes, business conduct (prescribed records, holding goods for prescribed period, requirement that seller provide identification, cooperation with police).	Combined minor departmental review of pawnbrokers and second-hand dealers legislation under way. Review made one recommendation specific to second-hand dealers: to repeal provisions requiring collectors to be licensed.	The Government accepted the review recommendations but delayed implementation to allow time to simplify the legislation by consolidating the two Acts. The consolidating legislation (the Second-hand Dealers and Pawnbrokers Bill 2003) was introduced to Parliament in August 2003 and received assent on 22 October 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Security Providers Act 1992 and Regulation 1995	DTFT&WID	Licensing (security officers, private investigators, crowd controllers where services are for reward (not in-house security officers)), entry requirements, and the reservation of practice.	Minor departmental review completed, and final public benefit test report released in August 2002. The public benefit test recommended retaining occupational licensing for security providers. In addition, it recommended that the Office of Fair Trading assess whether the current disqualifying offences remain current; investigate the impacts of requiring disclosure of criminal offences irrespective of whether a conviction was recorded; give further consideration to adopting national competency-based training standards; inquire into the costs and benefits of removing insurance agents' exemption from the licensing requirement; consider amending the definition of crowd controller, consider expanding the licensing requirements to cover alarm installers, lock smiths, security consultants, security trainers, CCTV monitoring staff and 'cash-in-transit' officers.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
South Bank Corporation Act 1989, and Regulation and By-laws 1992, South Bank Corporation Amendment Regulation 1992	DP&C	The primary purpose of the legislation is the development and provision of public parkland and facilities within the declared South Bank area. Various provisions in the Act modify or exclude the operation of certain other statutes (e.g. the South Bank Corporation is exempt from local government rates). Other provisions could be used to grant special privileges to lessees in the declared area (e.g. the exclusive right to deal in particular products). Arguably, the legislation could confer commercial advantages on businesses located within the South Bank compared to competitors outside the declared area.	<p>Departmental review completed in February 2000. Review considered several provisions, including a public benefit assessment of the exemption provided in the legislation from the application of the Residential Tenancies Act 1994 and the Retail Shop Leases Act 1994. Review report formally signed off by the Premier and was provided to the Treasurer for endorsement in January 2000.</p> <p>The Review Committee recommended that the provisions exempting the South Bank Corporation from stamp duty on land transfers within the Corporation area, interim exemption from the Integrated Planning Act 1997; exemption from the Dividing Fences Act 1953; and giving the Act priority over other legislation if there is a conflict, were in the public interest and should be retained.</p>	<p>The Committee did recommend that it be made clear the exemption under section 39D of the Act relating to consumer/tenant protection legislation such as the Residential Tenancies Act 1994 and the Retail Shop Leases Act 1994 only apply to the perpetual leases between the Corporation and the perpetual lessees. Legislative amendments to clarifying this issue and various issues of unrelated substantive reform were proclaimed on 27 June 2003.</p> <p>To ensure that businesses within the Corporation precinct are not advantaged or disadvantaged compared to their competitors outside the precinct, these Acts will continue to apply to normal commercial leases between the perpetual lessees as landlords and their commercial and residential tenants.</p>
Speech Pathologists Act 1979	H	Restrictions on entry, title and advertising.	Part of Queensland health professions review process, which recommended retaining title protection and entry restrictions, but removing other unnecessary anticompetitive restrictions.	Act replaced by the Speech Pathologists Registration Act 2001.
Speech Pathologists Registration Act 2001	H	Restrictions on title and entry.	New legislation, considered by the gatekeeper process.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
State Housing Act 1945 and Regulation 1986, State Housing (Freeholding of Land) Act 1957, and Interest Rate Orders under these Acts	DH	Legislation contains various provisions that confer advantages or privileges on the Queensland Housing Commission that are not available to other housing providers (e.g. Commission land is not rateable, securities executed under the Acts are not subject to stamp duty etc). Pricing Orders relate to maximum interest rates on advances and purchase prices under contracts entered into in terms of various schemes under the Housing Act and for purchase price of certain land under the Housing (Freeholding of Land) Act.	Review completed in November 2001. PBT Plan approved by Treasury in December 1999. Review advertised and submissions called, closed 31 January 2000. Targeted stakeholder consultation occurred in February-March 2000. The review was considered in conjunction with a wider review of the Act and review findings endorsed in December 2001.  The Review concluded that the exemption from payment of rates by Queensland Housing Commission should be removed where persons purchase an interest in residential property under instalment contracts and where the Commission remains owner.	Amending legislation implementing recommendation commenced on 1 July 2002. New Housing Act 2003 commenced on 1 January 2004, and retained similar provisions concerning exemption from rates by Department (replacing the Commission) and payment of rates by persons with instalment contracts.
State Transport (People-movers) Act 1989	T	Provides for licensing and agreements for the installation of people movers and also contains provisions which can override local government planning schemes.	Queensland Transport undertook a public benefit test in early 2003 that found that the two people mover licences in place do not restrict competition for the carriage of people because alternative means of transport are available.	The Government is retaining the Act to preserve the legal rights of the two existing licensees. Amendments were introduced by the Transport Operations (Road Use Management) and Another Act Amendment Act 2003, and ensure ecological compliance and do not entail any restrictions on competition. The amendments commenced on 22 October 2003.
State Transport Act 1960 and Regulation 1987	T	Restrictions in regard to the carriage of goods by road.	Review completed in 1998.	Act repealed by the Transport Operations (Road Use Management) Act. Any future legislative control of restricted goods will be via regulation and subject to public benefit test requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sugar Industry Act 1991, Sugar Industry Regulation 1991 and Sugar Industry (Assignment Grant) Guideline 1995	DPI&F	Vests ownership in the Queensland Sugar Corporation of all sugar produced in the State. Local boards control cane production areas and allocation of cane to mills.	<p>A joint Australian Government, Queensland Government and industry review (the Sugar Industry Review Working Party) of this Act and the Sugar Milling Rationalisation Act 1991, completed in 1996. Review recommended:</p> <ul style="list-style-type: none"> <li>• retaining the domestic and export monopolies subject to export parity pricing of domestic sales;</li> <li>• permitting growers to negotiate individually with mills once collective agreements expire; and</li> <li>• removal of the Australian Government's sugar tariff.</li> </ul>	<p>The Australian Government removed the tariff on sugar imports from mid-1997. The Queensland Government set the price of domestic raw sugar sales by the Queensland Sugar Corporation on the basis of export parity pricing.</p> <p>Act repealed and replaced by the Sugar Industry Act 1999, which brought in a range of other reforms including:</p> <ul style="list-style-type: none"> <li>• some which allow more scope for growers to negotiate individually with mills; and</li> <li>• structural reforms of the corporation and bulk sugar terminals.</li> </ul>
Sugar Milling Rationalisation Act 1991	DPI&F	The Act is intended to provide a framework for rationalisation of milling operations but may in fact give rise to unintended restrictions on development of new mills.	Review, in conjunction with the Sugar Industry Act 1991, completed in November 1996.	Act repealed and replaced by the Sugar Industry Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Superannuation (Government and Other Employees) Act 1988</p> <p>Superannuation (State Public Sector) Act 1990</p> <p>State Service Superannuation Act 1972</p> <p>Parliamentary Contributory Superannuation Act 1970</p> <p>Police Superannuation Acts 1968 and 1974</p>	TR	Limits on choice of funds. All Queensland public servants must be members of QSuper. QSuper can use multiple managers, but to date has chosen to use only the one manager — the Queensland Investment Corporation (QIC), which outsources some of its funds management.	Following a review in 2000, a second review completed in 2003 argued that current arrangements are superior to alternatives in maximising benefits for public sector members.	The Government has not changed QSuper's position as a sole provider of superannuation to public servants.
<p>Surveyors Act 1977 and Regulations 1992</p>	DNRM&E	Licensing, registration, entry requirements (education, experience, good fame and character), the reservation of title and practice, disciplinary processes, and business conduct (including business name approval, fee setting, professional indemnity insurance, ownership restrictions).	<p>Review completed in November 1997. Recommendations included retaining registration, removing business name approval and fee setting by the Surveyors Board of Queensland, and removing requirement that directors of bodies corporate have qualifications. The Government accepted these recommendations.</p> <p>An exposure draft of a Bill was released in August 2002. Written responses were received from surveying industry groups and individual surveyors.</p>	<p>The draft Bill was modified to address issues raised during the consultation process. The Surveyors Bill 2003 was introduced to Parliament on 27 May 2003 and was passed by Parliament and assented to in October 2003.</p> <p>The new Act retains the current model for regulating surveyors based on competency rather than qualifications, and makes other reforms based on the outcomes of the review and consultation. Regulations to give effect to the amendments are expected to be introduced by end-June 2004 with the Act commencing at that time.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tobacco Products (Licensing) Act 1988	TR	Legislation provides for the licensing of tobacco wholesalers and retailers and requires premises used for these purposes to be specified by licensees. It also requires the keeping of sales records (ie for the purposes of calculating the quantum of fees payable by a licensee).	Review not required as the High Court decision (Ha & Lim v NSW) removes anticompetitive effect of the Act. Only transitional provisions remain which have no NCP implications.	
Tow Truck Act 1973 and Regulation 1988	T		Reduced NCP review completed in 1999. Review found a public benefit justification for consumer protection and industry regulation provisions in the Act.	Legislative amendments introduced in 1999 strengthen consumer protection provisions and retain industry regulatory provisions. New legislation commenced 1 July 1999.
Trade Measurement (Administration) Act 1990	DTFT&WID		Review completed. Restrictions found to be in the public interest.	Final report endorsed by the Treasurer in February 2002. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Measurement Act 1990	DTFT&WID		<p>National review by inter-jurisdictional committee with Queensland as the lead agency. The review is being undertaken in two stages.</p> <p>Stage 1, which was carried out by an independent consultant, completed. The consultant concluded that most restrictions were justified, but that further investigation was warranted on the restriction on the sale of non-prepacked meat.</p> <p>A working party report on the meat issue was presented to the Standing Committee of Officials on Consumer Affairs in November 2003. SCOCA is expected to report to the Ministerial Council on Consumer Affairs (MCCA) out of session.</p> <p>The final public benefit test report has recommended that Trade Measurement Victoria (TMV) undertake within 12 months a review of the definition of meat to:</p> <ul style="list-style-type: none"> <li>• determine whether the definition of meat should expressly include seafood and poultry; and</li> <li>• clarify when specialised meat products cease to be meat for the purposes of the restriction.</li> </ul>	<p>Following MCCA's endorsement of the public benefit test report and approval of its public release and the finalisation of the TMV's review of the definition of meat, States and Territories are expected to make uniform legislative changes.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trading (Allowable Hours) Act 1990 and Regulation 1994	DIR	Restrictions on Monday-to-Saturday trading hours for 'nonexempt' shops (that is, shops not predominantly selling nominated goods and services). Sunday trading by nonexempt shops prohibited outside major city areas and some tourist areas. Exempt shops and independent shops (shops engaging 20 or less persons at one location or less than 60 or less statewide) have unrestricted trading. Hardware shops may trade within prescribed hours on Sundays.	<p>Review not required. The Queensland Industrial Relations Commission (QIRC) will determine applications for extended trading hours.</p> <p>The QIRC can extend hours having regard to a list of factors prescribed in section 26 of the Act (locality, needs of small, medium or large business, tourism and population, the public interest, alleviation of traffic congestion, any other matters). The Queensland Government made submissions to the QIRC to alert it to the public interest factors in the CPA and the Government's support for them in relation to trading hours.</p>	The Government also introduced amendments to the Act providing uniform Sunday trading hours for nonexempt stores in the south east Queensland area to take effect on 1 August 2002. In addition, the QIRC process exists to determine further applications for extended hours.
Transport Infrastructure (Rail) Regulations 1996 under the Transport Infrastructure Act 1994	T	Legislation not initially scheduled for review. Includes rail safety regulations that could restrict competition.	Queensland Transport's review report completed in March 2003 following consultation with the rail industry and relevant government agencies. The report accounted for the recommendations of the NSW inquiry into the Glenbrook rail accident. The report concluded that net benefits for the community arise from the safety accreditation that applies to railway managers and operators.	Amendments to the Act's safety provisions were introduced to Parliament in June 2003 in the Transport Infrastructure and Another Act Amendment Bill 2003. This legislation was passed on 8 September 2003, assented on 18 September 2003 and commenced on 1 December 2003.
Transport Infrastructure Act 1994 - Transport Infrastructure (Ports) Regulations 1994	T	Harbour towage restrictions.	Public Benefit Test report finalised. Review concludes allowing individual ports flexibility and discretion for exclusive towage licensing if local conditions warrant.	The Government accepted all recommendations. Amending legislation passed in November 2002.

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<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Infrastructure Act 1994 - Transport Infrastructure (Ports) Regulations 1994	T	Restrictions on port activities outside prescribed port limits.	Review completed. Review argued there is a public benefit justification for retaining the current regulatory regime. Therefore, no legislative amendments are proposed. Public notification of findings occurred in December 2001. Review of the provisions is proposed in 10 years.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Infrastructure Act 1994, Transport Infrastructure (State Controlled Roads) Regulation 1994, Transport Infrastructure (Railways) Regulation 1994	DMR	Legislation deals with the development and management of transport infrastructure strategies and programs in regard to road transport, rail transport and ports. Identified restrictions (actual and potential) on competition include: the continuation of Queensland Rail's (QR) monopoly on haulage of export coal (i.e. effectively a statutory monopoly for 5 years before access provisions apply consistent with provisions of Part IIIA of the TPA), the accreditation requirement for the management and/or operation of a railway (with automatic interim accreditation provided for QR and other existing rail operators/managers), the requirement for tug operators in certain ports to obtain approval from the relevant Port Authority and a power for the Queensland Government to impose restrictions on the development of port infrastructures outside of designated existing Queensland ports.	<p>Review not required. An examination of the relevant sections of the legislation and associated departmental policies did not identify any legislative restrictions requiring review, but did identify three policies requiring further consideration. These policy issues include limitations on services able to be provided at access points to limited-access roads, road-side advertising and delivery of Main Roads work by local government.</p> <p>As policy issues, these matters fall outside of the NCP legislation review requirements. Nevertheless, Main Roads reviewed these policies internally, in consultation with Queensland Treasury.</p> <p>In addition, the Department conducted a complete review of the operational aspects of the advertising policy, which included a TPA assessment.</p>	<p>In relation to the Services Centres Policy, Main Roads has reviewed and amended the Policy, which included consideration of various Trade Practices Act issues. Main Roads is finalising the policy, and is expected to completed this work by the end of March 2003.</p> <p>Main Roads is currently finalising the reviews of the advertising policy and the delivery of Main Roads' work by local government.</p> <p>Also in relation to the delivery of Main Roads' work by local government the department, together with the Local Government Association of Queensland, has developed and is in the process of implementing an arrangement called the Main Roads and Local Government Road Management and Investment Alliance. The Alliance involves a shift by Main Roads and local government away from an ownership model to one where they jointly manage the district/local road network for the benefit of road users, the more efficient use of resources, and joint management of employment issues.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Operations (Marine Safety) Act 1994 and Regulation 1995	T	Legislation provides for a regime of marine safety that is consistent with the Uniform Shipping Laws Code and which, as a general rule, only applies to matters outside the reach of the Australian Government Navigation Act (notably pilotage in Queensland waters which is compulsory in a declared pilotage area). The only identified restriction on competition beyond the uniform standards relates to the holding of licences for piloting a ship.	Review completed in May 1999. Review recommended some procompetitive legislative changes to take effect at the end of a three year transition period for transfer of responsibility for pilotage services from the Department of Transport to port authorities. Recommendations included retaining licensing of marine pilots by the Queensland Government (for safety and environmental reasons), each port authority to determine service delivery arrangements for its ports (including "in-house" provision and competitive tendering) and removal of price controls (with prices determined by each port authority subject to Queensland Competition Authority oversight arrangements).	Legislative amendments, giving each port authority the power to determine service delivery arrangements and pilotage fees within its port, took effect on 1 July 2001.  Further amendments in October 2002 provided for the Queensland Government to resume the role of providing pilotage services for all Queensland ports except Brisbane, to ensure continuity of service and training. The Queensland Competition Authority and the Australian Competition and Consumer Commission were consulted on the transition.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Operations (Passenger Transport) Act 1994 and Regulation	T	Licensing arrangements for taxis, limousine services, inland air services, scheduled urban bus services and school transport. Market entry restrictions apply in respect of various public passenger services, for example giving exclusive rights to operators to provide a specific kind of public passenger service in a specific area. Quantitative restrictions (number of licences) apply in respect of taxi service areas. Regulation also provides for price control over taxi fares (ie maximum fares) and other service requirements.	Review by a steering committee comprising senior officers from Queensland Transport, Queensland Treasury and Department of Premier and Cabinet completed and report published September 2000. Concluded that service contracts and the existing system of market entry restrictions for taxis, buses and air services are largely justified, but there are some areas where improvements could be made. The report recommended that market entry restrictions be retained for those areas of the limousine industry that compete directly with the taxi industry, but that the remainder of the limousine industry be deregulated. Policy positions being developed following community consultation of findings.	Reforms to regulation of the taxi and limousine sector were approved by the State Government in August 2003, and implementation is under way. The Government has approved that high luxury limousines and specialty, veteran and classic vehicles will be able to operate without a licence.

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Travel Agents Act 1988	DTFT&WID	Licensing and compulsory consumer compensation fund.	Part of national review of travel agent legislation, coordinated by WA. A final review report by Centre for International Economics (CIE) was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Consultant 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. Supplementary consultation under way.	The Western Australian Department of Consumer and Employment Protection prepared a proposed response to the national review and liaising with the CoAG Committee on Regulatory Reform (CRR). In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but consider establishing a risk-based premium structure and making prudential reporting arrangements more equitable. It recommended that each jurisdiction review and amend its entry qualifications to ensure uniformity, so as to address problems identified by the review.
Trustee Companies Act 1968	DJAG	Restricts the provision of certain services in relation to deceased estates and the maintenance of minors and other legally incapable persons, to certain statutory trustee companies (i.e. those cited in a schedule to the Act) and also prescribes a maximum commission chargeable against the estate.	Combined review being undertaken by all jurisdictions in conjunction with the development of new uniform trustee company legislation. Discussion paper released in May 2001. This review is being co-ordinated by NSW. A draft Trustee Corporations Bill and NCP report was prepared on the basis that the Australian Government, through the APRA will undertake prudential supervision of trustee companies in accordance with a previous agreement between the States and the Australian Government. The Australian Government declined to do so in early 2003. Some States and Territories have asked the Australian Government to reconsider this decision.	Timing of legislative changes is subject to endorsement by Standing Committee of Attorneys General (SCAG).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>University of Southern Queensland Act 1989</p> <p>University of Southern Queensland (Investment) Statute 1993 and similar legislation regarding Central Queensland University, Queensland University of Technology, James Cook University of Northern Queensland, University of Queensland, Griffith University, and Sunshine Coast University College</p>	DE&A	<p>Legislation provides for the constitution, powers and operations of each university. Legislation contains certain restrictions on the University's activities, notably in respect of application of revenue (regardless of source) to specific university purposes, external approval requirements (i.e. from Government) for borrowing and variation of terms of trusts and gifts, and limitation of investment activities. These could be construed as restricting the university from taking commercial advantage of opportunities for investment or other revenue raising business incidental to university functions.</p>	<p>Departmental review completed. Separate and similar Acts modelled on James Cook University of North Queensland Act 1997 passed under gatekeeping arrangements in 1997-98 for each university. All of the Acts have been rewritten and passed by the Queensland Legislative Assembly early in 1998. All Acts were assented to by 12 March 1998 and are to commence on various dates to be fixed by proclamation.</p>	<p>The Treasurer endorsed the review recommendations in August 2001. Existing regulatory regime retained in the public interest.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Valuers Registration Act 1992 and Regulation	DNRM&E	<p>Licensing, registration, entry requirements (education, five years practical experience and exam or certificate of competence, good name and character, fit and proper), the reservation of title and practice, disciplinary processes, business conduct (including advertising).</p> <p>The Act provides for the registration of valuers and for a Code of Professional Conduct.</p>	<p>Departmental review completed in October 1999. Review found deregulation in medium to long term is likely to deliver net public benefit, but in short term is a risk to infrequent users of valuers. Review recommended retaining registration (with further review in three years) and removing other geographic and price control restrictions.</p>	<p>Queensland advised that proclamation and implementation of changes to the Act and Regulations were completed by 1 May 2002. The amending legislation provided for:</p> <ul style="list-style-type: none"> <li>• broadening the membership of the Valuers Registration Board to include two business and community representatives in addition to three registered valuers;</li> <li>• the introducing of competency-based renewal for the registration of valuers and the listing of specialist retail valuers in addition to the existing requirements for first-time registration (suitable academic or demonstrated adequate experience for registration as a valuer, or demonstrated experience for listing as a specialist retail valuer); and</li> <li>• removing the anticompetitive restriction on trading that the board might have placed on a specialist retail valuer.</li> </ul>
Veterinary Surgeons Act 1936 and Regulation 1991, and various Orders in Council	DPI&F	<p>Registration of veterinary surgeons, reservation of practice, advertising restrictions, ownership restrictions, and controls on business names.</p>	<p>Review completed in 1999. Review recommended:</p> <ul style="list-style-type: none"> <li>• retaining registration, practice reservation and approval of premises; and</li> <li>• removing of restrictions on ownership, advertising and business names.</li> </ul>	<p>Act amended accordingly in October 2001.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Vocational Education, Training and Employment Act 1991 and Regulation	DET	Creates a statutory monopoly of the State Training Council in regard to the administration of apprenticeship and traineeship schemes and to the Accreditation Council in regard to certain courses and training programs.	<p>Minor review carried out on the then proposed new Bills (VET Bill and TAFE Institutes Bill) to replace this Act with a view to undertaking full review after 18 months. These Bills were never introduced. A reduced NCP review was undertaken of the proposed new Training and Employment Act 2000 which replaced the legislation referred to above. The review concluded that the restrictions in the new Act were minimal and justifiable. The review was completed in April 2000.</p> <p>In 2001, a review of the Training and Employment Act 2000 was undertaken and the legislation was renamed the Vocational Education and Training Act 2000. The review identified operational abnormalities that required minor legislative change.</p>	<p>The Training and Employment Act operated from June 2000. Providers are required to be registered only when they wish to deliver nationally recognised training. The volume of course accreditation has diminished as providers use more national training packages. The Act also delivers increased flexibility and ensures specific requirements can be properly negotiated between employers, apprentices and registered training bodies.</p> <p>The objectives of the legislative changes incorporated into the Vocational Education and Training Act 2000 were to:</p> <ul style="list-style-type: none"> <li>• emphasise the importance of vocational education in the training system,</li> <li>• give effect to the decision made by the Ministerial council associated with the Australian National Training Authority to bring about greater consistency across Australia's vocational education and training system; and</li> <li>• increase retention of young people in education or training.</li> </ul>

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Wagering Act 1998	TR	TAB licence.	<p>The Racing Industry Taskforce examined statutory monopoly of Queensland TAB and this was addressed in developing the Wagering Act.</p> <p>A review of the Queensland gambling legislation was completed in December 2003. The review recommended that the current restrictions on competition be retained because they are in the public interest. The Government endorsed that recommendation.</p>	Act retained without reform.
Wine Industry Act 1994 and Regulation 1995	DTFT&WID	The Act contains licensing provisions for wine producers and other restrictions on such things as blending.	<p>Departmental review completed in July 1999. Review recommended:</p> <ul style="list-style-type: none"> <li>• the single 'producer' licence be replaced with two-tier licensing system that provides for licensing of both 'producers' and 'merchants'; and</li> <li>• removal of restrictions on blending as the Australian Government sets standards in this area.</li> </ul>	The Wine Industry Amendment Bill 2000, implementing the review recommendations, was introduced into Parliament in August 2000. This Bill lapsed in January 2001, but was reintroduced on 22 March 2001, assented to on 7 June 2001, and commenced by proclamation on 1 July 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
WorkCover (Queensland) Act 1996 and Regulation 1997 (replacing the Workers' Compensation Act 1990 and Regulation 1992)	DIR	Mandatory insurance, monopoly insurer, centralised premium setting.	NCP review completed in December 2000. Main findings of the review were that WorkCover remain publicly underwritten; Q-COMP and WorkCover become completely separate entities; self-insurance criteria be maintained for another three years; cost-capping for private hospital, medical and rehabilitation costs be maintained; and Q-COMP review the conditions that can be imposed on the use of allied health professional and rehabilitation service providers including the matter of mandatory referral by a medical practitioner. The Government endorsed the review findings in May 2001.	<p>The Government legislated the Workers' Compensation and Rehabilitation Act 2003, replacing the WorkCover (Queensland) Act 1996 and Regulation 1997 to establish Q-COMP as a separate entity from 1 July 2003.</p> <p>The matters of the outsourcing of claims management by WorkCover and the review of the criteria for self-insurance licensing were identified in the NCP review process as matters for further consideration. The Government at that time deferred these reviews for three years in order that the impact of the successive changes then only recently introduced to the scheme could be assessed. The review of these competition elements of the Queensland workers' compensation scheme will now proceed for completion in the 2004-05 financial year.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workplace Health and Safety Act 1995 and Regulation 1997	DIR	Licensing/registration, and business conduct.	The only part of this legislation identified as anticompetitive in the endorsed PBT Plan is Part 3 - Prescribed Occupations. Review examines the requirements for a person to hold a certificate or be a trainee in order to perform a prescribed occupation. There are three categories of prescribed occupations - certificates under the National Certification standard, Certificates under the National Certification Guidelines and Prescribed occupations unique to Queensland. Final review report forwarded to Queensland Treasury for consideration.	<p>The review report outlines that the continuation of regulatory requirements for certificates issued under the National Certification Standard is justified and that no further reform will be pursued. Regulatory requirements in relation to certificates for demolition and asbestos removal have been reformed - no further reform is considered necessary.</p> <p>A National Transition Steering Group established to oversee the progress of work-related licensing issues across Australia (Stairway to licensing and beyond). Reforms associated with certificates issued under the National Guidelines are under way and being implemented through the work of the Steering Group.</p>