

# 7 South Australia

## Agency abbreviations

The following abbreviations are used in the ‘Agency’ column of the South Australian legislation review timetable.

AIS	Department of Administrative and Information Services (Office for Government Enterprises)
BMT	Department of Business, Manufacturing and Trade
ECS	Department of Education and Children’s Services
EH	Department of Environment and Heritage
FEEST	Department of Further Education, Employment, Science and Technology
HS	Department of Human Services
J	Justice (Attorney-General) Department
P&C	Department of Premier and Cabinet
PIR	Department of Primary Industries and Resources
T&F	Department of Treasury and Finance
TUP	Department of Transport and Urban Planning

## Legislation review: South Australia

*Updated to February 2004*

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Advances to Settlers Act 1930	T&F	Restricts market conduct.	Review not required. Act to be repealed.	Cabinet approved repeal in August 2002. Repeal Bill passed May 2003.
Agricultural and Veterinary Chemicals (South Australia) Act 1994	PIR	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 Act 1955	PIR	Requires chemicals to be sold with registered label.  Requires chemicals to be used as per label or Ministerial directions.	Act to be replaced by new legislation. Review of legislative proposal found all proposed restrictions to be in the public interest.	The Agricultural and Veterinary Products (Control of Use) Act has been passed and regulations are being finalised.
Agricultural Holdings Act 1891 (The)	PIR	Restricts market conduct.	Review completed in 1999. Review recommended repeal.	Legislation passed in April 2000 to repeal the Act.
Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986	PIR	Barrier to market entry and restricts market conduct.	Review, in conjunction with the Soil Conservation and Land Care Act 1989, completed in 1997. Review recommended retention of all existing restrictions.	Act retained without reform.

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Apiaries Act 1931	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed in September 1998.	Act repealed by Schedule 2 of the Livestock Act 1997 and replaced by regulations under the Livestock Act 1997 and the Primary Industries Funding Schemes Act 1998.
Architects Act 1939	TUP	Registration, entry requirements, reservation of title, disciplinary processes, business conduct (including advertising - accuracy), business licensing, and advertising restrictions.	National review conducted by the Productivity Commission (PC) completed in August 2000 and publicly released in November 2000. (Previous State review completed, with results to be reconsidered following PC review outcomes). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act.  A States and Territories working group is developing a national response to the PC review.	Legislation being prepared.
Authorised Betting Operations Act 2000		Exclusive licences, operations, barrier to entry, licensing, and market conduct.	Omnibus review is completed. Review found that removal of the Totalisator Agency Board (TAB) exclusive licence would involve significant compensation costs.	

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Barley Marketing Act 1993	PIR	Vests ownership of all barley and oats grown in South Australia in the Australian Barley Board (ABB).	<p>National Competition Policy (NCP) review by Centre for International Economics (CIE) completed in 1998 jointly with Victoria. Review recommended that SA:</p> <ul style="list-style-type: none"> <li>• remove the domestic barley marketing monopoly;</li> <li>• remove the oats marketing monopoly;</li> <li>• retain the export barley marketing monopoly for only the 'shortest possible transition period'; and</li> <li>• restructure the Australian Barley Board as a private grower-owned company.</li> </ul> <p>Second review in 2003 by Prof David Round et al recommended 'controlled deregulation' in which the single desk is exposed to competitive challenge through reform - along the lines of Western Australia's Grain Marketing Act - whereby ABB Grain Ltd would retain a principal barley export licence and, a year after the passage of reform legislation, an independent authority would license barley exports by other marketers that the authority determines do not threaten the price premiums that ABB Grain Ltd achieves as a result of its market power.</p>	<p>Act amended in 1999 to remove the monopoly on domestic barley and oats from 1 July 1999, and export barley from 1 July 2001. The Board was transferred into grower ownership on 1 July 1999. It has no regulatory powers. In 2000, the Government moved to amend the Act to remove the export monopoly sunset (thus continuing the export monopoly).</p> <p>Further reform following Round review under consideration.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Benefit Associations Act 1958	T&F	Restricts market conduct.	Desktop review completed in December 1999. Review found that the Act provided a net public benefit but recommended investigation of whether other existing legislation could be amended to encompass the consumer protection role provided by the Act (probably the Fair Trading Act). This investigation has taken place and Cabinet will consider recommendations shortly.	
Branding of Pigs Act 1964	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed June 2000.	Act will be repealed by Schedule 2 clause 1(c) Livestock Act 1997. Proclamation to occur prior to July 2003. The Act will be replaced by new regulations in the Livestock Act. The requirement to brand pigs will be retained for disease tracing purposes. Fire and paint brands may be retained although electronic devices and tags will replace these identification methods in the future for product integrity and disease tracing purposes.
Brands Act 1933	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed September 1998.	Act repealed by Schedule 2 clause 1(c) Livestock Act 1997 (proclaimed 2003) and replaced by regulations under that Act. The requirement to brand pigs will be retained for disease tracing purposes.
Building and Construction Industry Training Fund and Levy Collection Act 1990 and Regulations	FEEST	Differential treatment in regard to the imposition of the training levy depending on industry sector and construction work threshold.	Review completed. Involved intra and inter agency consultation. Recommended restrictions be retained.	Act retained without reform.

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Building Work Contractors Act 1995	J	Licensing (building work contractors), registration (building work supervisors), entry requirements (for contractors: qualifications, experience, sufficient business knowledge and experience and financial resources, fit and proper, not bankrupt within last ten years; for supervisor: qualifications and experience), the reservation of practice, disciplinary processes, business conduct (written contracts, product or service standards, statutory warranty).	Review completed. The panel's supplementary issues paper released in October 2001 for public and industry comment. The part of the review dealing with the financial resources requirements for contractors and mandatory building indemnity insurance was omitted from the final report released by the Government. This area was referred back to the review panel for reconsideration in light of the collapse of HIH, one of only two providers of building indemnity insurance in South Australia. The finalisation of the Supplementary Review of the financial resources and building indemnity insurance requirements has been deferred pending completion of the national reform process. The national working party intends to report recommendations to the Ministerial Council for Consumer Affairs by mid-2003 and reforms are expected to be implemented in the second half of 2003.	The final report released by the Government made recommendations relating to reducing the financial reputation requirements for contractors. The changes, which overlap the national review, focus on reducing builder insolvency rates. These recommendations will be considered together with the reform recommendations arising from the national review.
Bulk Handling of Grain Act 1955	PIR	SA Co-operative Bulk Handling Limited granted sole right to receive and deliver grain subject to obligations to charge uniform prices and to receive all grain tendered.	Review completed in 1998. Review recommended repeal.	Act repealed in 1998.
Business Names Act 1996	J	Registration of business names.	Desktop review completed in 1998. No reform recommended.	Act retained without reform.
Carriers Act 1891 (The)	J	Restricts market conduct.	Review completed in 1999. Involved public consultation.	Act repealed in 1999.

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Casino Act 1997	T&F	Exclusive licence, and controls on operations of licence holder.	Omnibus review of SA gambling legislation found that removal of exclusivity would involve significant compensation costs.	The Government accepted the review recommendations and undertook to review the case for exclusivity toward the end of the exclusivity period.
Cattle Compensation Act 1939	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed in September 1998.	Act repealed by Schedule 2 of the Livestock Act 1997 and replaced by regulations under the Livestock Act 1997 and the Primary Industries Funding Schemes Act 1998.
Children's Protection Act 1993	HS	Restricts market conduct - requires mandatory notification.	Review completed in 1999. Review found that restrictions in the Act are unjustified and may limit the ability to appoint an officer best suited to needs of the child.  The 2002-03 Child Protection Review recommended further amendments to the Act.	Cabinet approved drafting of amendments to the Act in August 2000. These are anticipated to be introduced into parliament in the second half of 2004.
Children's Services Act 1985 and Regulations	ECS	Barrier to market entry and restricts market conduct.	Review completed in 2000. No reform recommended. Government has endorsed review recommendation.	Legislation retained without reform.
Chiropractors Act 1950	HS	Restrictions on entry, registration, title, practice, advertising, ownership, business licensing, and disciplinary provisions.	Review completed in January 1999. Review recommended removing ownership and advertising restrictions and limiting reserved practice.	Cabinet approved drafting amendments and a draft Bill has been prepared. The Government intends to undertake public consultation on the draft Bill before introducing it to Parliament in 2004.
Chiropractors Act 1991	HS	Restrictions on entry, registration, title, practice, advertising, insurance, business licensing, ownership, and disciplinary provisions.	Review completed in 1999. Review recommended removing ownership restrictions and amending practice reservation and advertising codes.	Cabinet approved drafting of amendments to the Act. An amending Bill has been drafted. After undertaking public consultation on the Bill, the Government plans to introduce it to Parliament in 2004.

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Citrus Industry Act 1991	PIR	Restricts market conduct.	NCP review completed in 2001. Review recommends repeal of the Act and public benefit functions to be undertaken by an industry association funded under the Primary Industries Funding Schemes Act 1998.	A consultation Bill to amend the Citrus Industry Act to remove anti competitive elements is currently under development. It is proposed that the amended Citrus Act will sunset in December 2004 or March 2005 to be replaced by an industry managed structure.
Coast Protection Act 1972	EH	Restricts market conduct.	Review completed in December 1999. Involved public consultation. No NCP reform recommended.	Act retained without reform.
Collections for Charitable Purposes Act 1939	T&F	Restricts market conduct by requiring collectors to be licensed.	Desktop review completed in November 1999. Review found that the Act provided a net public benefit and thus no reforms were recommended.	Act retained without reform.
Commercial Vehicles (Hours of Driving) Act 1973	TUP		Review completed in 1997.	Act repealed.
Construction Industry Training Fund Act 1993	FEEST	Restricts market conduct.	Review completed in 1997. Involved public consultation. No NCP reform recommended. Act to be reviewed again in 2003.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit (South Australia) Act 1995	J	Barrier to market entry and restricts market conduct.	National review completed. Review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. Review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs (MCCA) endorsed the final report in 2002 and referred it to the Uniform Credit Code Management Committee which is facilitating the resolution of some issues.	A Working Party of the Uniform Consumer Code Management Committee has been formed to progress implementation.
Controlled Substances Act 1984	HS	Controls on labelling, packaging, advertising and sales of listed substances.	Part of Galbally Review. Draft review report completed 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 final review report to the Australian Health Ministers Advisory Council (AHMAC) to prepare a draft response, in consultation with the Primary Industries Ministerial Council. AHMAC endorsed the draft response, and the Council of Australian Governments (CoAG) was expected to receive the final response in spring 2003.
Conveyancers Act 1994	J	Licensing, registration, entry requirements (qualifications, no convictions for offences of dishonesty), the reservation of practice, disciplinary processes, business conduct (professional indemnity insurance, trust accounts, ownership), and business licensing.	Review completed in 1999. Review involved public consultation. Review recommendations included: changing entry requirements in relation to fitness and propriety; removing ownership restrictions (but introducing requirement that a director of an incorporated company must not unduly influence a registered conveyancer); and removing the requirement that the sole object of a conveyancing company is carrying on business as a conveyancer.	Amendments to implement recommendations were introduced in Parliament in late 2000 but the Bill lapsed. The current Government is consulting with stakeholders on this issue and intends to introduce a new Bill to Parliament in 2004.

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Cooper Basin (Ratification) Act 1975	PIR	Ratifies the contract for the supply of gas by Cooper Basin producers to AGL.	Review completed in 1996. Review found substantial public benefits in continuing previously granted concessions and exemptions on grounds of sovereign risk.	Some amendments being considered. Draft legislation awaiting comments.
Cremation Act 1891	J	Barrier to market entry and restricts market conduct.	Review completed in 1999.	Amending legislation passed and operational in February 2001 (52 of 2000). Amendments abolished licences and removed need for Health Commission approval prior to Development Act approval and funeral directors possible monopoly.
Criminal Law Consolidation Act 1935 Section 82A	J	Requires pregnancy terminations to be performed in prescribed hospitals.	Review not required. Cabinet approved removal from the legislation review program (LRP).	
Crown Lands Act 1929	EH	Restricts market conduct.	Review completed in December 1999. Involved public consultation. Only trivial restrictions on competition. No NCP reforms recommended. The non-financial conditions be removed pursuant to the Minister's power in s.9(f), and a rationalisation of the leasing and licensing arrangements of the land tenure system in SA by way of legislative change in order to ensure efficiency and cost effectiveness.	No NCP reforms required. Removal of barriers to more cost efficient processes and repeal of superfluous provisions approved.  Cabinet approved the drafting of a re-write of the Crown Lands Act 1929 on the 20 January 2003. Draft Bill has been introduced into Parliament.

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Dairy Industry Act 1992	PIR	Vests milk in Dairy Authority of SA. Sets farmgate price for market milk and pools market milk returns. Licenses farmers, processors and vendors.	Review of price-setting restrictions by officials completed in 1999. Review recommended removal of these.  Food safety provisions remain under review by officials who have developed a discussion paper for new primary industry 'food safety' legislation that would incorporate provisions for the dairy industry.	In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, SA passed the Dairy Industry (Deregulation of Prices) Amendment Act 2000 on 1 June 2000, deregulating the industry from 1 July 2000.  Reform of food safety-related licensing provisions awaiting outcome of review.
Dairy Industry Assistance Act (Special Provisions) Act 1978	PIR		Review completed in 1999. Review recommended repeal of the Act.	Legislation passed in April 2000 repealing the Act. Yet to be proclaimed.
Dangerous Substances Act 1979	AIS	General duty of care in keeping, handling, conveying, using or disposing of dangerous substances; and licences to keep and convey dangerous substances.	Review, in conjunction with the Explosives Act 1936 and the White Phosphorus Matches Prohibition Act 1915, completed in 1999. Review found that the benefits of restrictions outweigh the costs. No reforms recommended.	The Act is consistent with national standards for transportation of dangerous goods. South Australia intends to introduce legislation that will widen the application of national standards under the Act to include the storage and handling of dangerous goods and the transport of explosives.
Deer Keepers Act 1987	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed.	Act repealed by Schedule 2 clause 1(e) of the Livestock Act 1997 and replaced by regulations under that Act and the Primary Industries Funding Schemes Act.

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Dentists Act 1984	HS	Restrictions on entry, registration, title, practice, ownership, advertising, business, and disciplinary provisions.	Review completed in February 1999. Review recommendations included changing the disciplinary process, introducing paraprofessional registration and removing some areas of reserved practice. The review also recommended the removal of ownership restrictions.	Act repealed and replaced by the Dental Practice Act 2001, which commenced in June 2003. New Act retains limits on ownership and related restrictions, contrary to review recommendations. Amendments of limits on ownership are being considered for introduction in 2004.
Development Act 1993	TUP	Controls the uses to which land may be put. Sets procedures for the issue of planning permits and approval.	Review completed in July 1999. Review recommendations included: requiring Crown developments to be subject to building rules and fire safety requirements consistent with those for private buildings; allowing private certification of private development; and removing the obligation for planning authorities to obtain independent advice for noncomplying developments.	Majority of recommendations have been implemented. Public interest justification provided where recommendations not accepted.
Discharged Soldiers Settlement Act 1934	EH	Restricts market conduct.	Review completed in December 1999. Involved public consultation. Review recommended repeal of legislation.	Cabinet approved the repeal of the Act on the 20 January 2003. A repeal Bill is to be introduced.
Dried Fruits Act 1993	PIR	Restricts market conduct.	Review completed. Review recommends repeal of Act and voluntary industry development fund under Primary Industries Funding Schemes Act.	Cabinet has approved drafting of a Bill to repeal the Dried Fruits Act.

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Education Act 1972 and Regulations	ECS	Barrier to market entry and restricts market conduct.  Provides for registration of non-government schools and for registration of non-government schools wishing to enrol overseas students.  Teacher licensing, registration, entry requirements (qualification, experience, fit and proper person), reservation of practice, and disciplinary processes.	Review completed in July 2000. Review involved public consultation. No reform recommended.	The Government endorsed the review recommendation. Legislation retained without reform.
Electrical Products Act 1988	PIR	Restricts market conduct.	Review completed.	The Electrical Products Act 2000 passed at end of 2000. Came into operation 1 October 2001. Regulations also passed.
Electricity Act 1996	T&F	Restricts market entry and market conduct.	Review completed in September 2000. Review involved public consultation. No reforms recommended as Act facilitates regulation of electricity supply in SA in conjunction with other national electricity market reforms.	
Electricity Corporation Act 1994	T&F	Restricts market entry and market conduct.	Review completed in September 2000. Review involved public consultation. No reforms recommended as Act facilitates establishment of state owned corporations in SA in conjunction with other national electricity market reforms.	
Emergency Powers Act 1941	P&C	Barrier to market entry and restricts market conduct in wartime.	Desktop review completed in December 1998. Review recommended repeal of the Act.	Cabinet approved repeal August 2002. Repeal Bill passed in May 2003.

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Employment Agents Registration Act 1993	AIS	Licensing, entry requirements (fit and proper, manager with sufficient knowledge and experience to manage business), the reservation of practice, and business conduct (maintenance of records, no misleading advertising).	Review completed in October 2000. Review involved public consultation. Review recommended the removal of licensing, that controls be placed on fee charging arrangements and that a mandatory industry specific code of conduct be developed.	The Minister is considering the review report in conjunction with the Queensland approach to reforms.
Enfield General Cemetery Act 1944	TUP	Restricts market conduct. Exemption from section 586 of Local Government Act.	Review completed in July 1999. Involved public consultation. Review recommended certain sections of the Act be amended to remove the competitive advantage or disadvantage.	Review recommendations implemented through the Adelaide Cemeteries Authority Act 2001, which came into operation 1 January 2002.
Environment Protection Act 1993	EH	Barrier to market entry and restricts market conduct.	Review completed in 1999. Public consultation. No NCP reform recommended.	
Explosives Act 1936	J	Barrier to market entry and restricts market conduct.	Desktop review completed in December 1999. Act centres around safety and does not provide primary economic control of the industry. No reforms recommended.	Act retained without reform.

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Fair Trading Act 1987		Regulation of the supply, advertising and distribution of goods and services	<p>SA completed an NCP review during 2002. Review report recommended retaining all provisions of the Act for their net public benefit, but highlighted some trivial restrictions on competition for consideration in a forthcoming general review of the Act:</p> <ul style="list-style-type: none"> <li>• increasing the door-to-door sales threshold from \$A50 to \$A100;</li> <li>• reviewing the need to retain fair reporting provisions when sufficient time has elapsed, to ascertain the adequacy of the Australian Government Privacy Act;</li> <li>• considering the repeal of the s. 40 requirements on the clarity of the price information on ticketed prices; and</li> <li>• repealing, or increasing the level of certainty in, third party trading scheme provisions.</li> </ul>	
Family and Community Services Act 1972	HS	Barrier to market entry and restricts market conduct of foster care agencies.	Review completed in 1999. For profit sector prohibited from competing for grant allowances	<p>Cabinet approved drafting of amendments to the Act. The Bill was rejected by the House of Assembly in 2001.</p> <p>The Child Protection Review recommends a review of this Act and the Competition Policy Review amendments will be referred to this review. The Review will commence in 2003/4 and it is anticipated will conclude in 2004, with legislative amendments tabled in Parliament in the first half of 2005.</p>

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Financial Institutions (Application of Laws) Act 1992	J		Review not required.	Act repealed by the Financial Sector Reform (South Australia) Act 1999.
Firearms Act 1977	J	Restriction of ownership of and dealing in firearms.	Desktop review completed in July 1999. No reform recommended.	Act retained without reform.
Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) Act 1987	PIR	Imposes on remaining licence holders the cost of compensating those who surrendered their licences.	Review by officials completed in 1999. Act has achieved the objective of reducing licence numbers.	Act to be repealed once settlement with remaining licensee is finalised.
Fisheries (Southern Zone Rock Lobster Fishery Rationalisation) Act 1987	PIR	Licensees may not transfer their licences. Imposes on remaining licence holders the cost of compensating those who surrendered their licences.	Review by officials completed. Act has achieved the objective of reducing licence numbers.	Act repealed.
Fisheries Act 1982	PIR	Licensing of fishers and fish farmers. Registration of boats and fish processors. Input controls on gear and fishing methods. Output controls such as catch limits, size limits and prohibitions on taking certain species.	Review by officials completed in October 2002. It recommended the Government: <ul style="list-style-type: none"> <li>remove the prohibition on any person from holding more than one fishery licence;</li> <li>further review the prohibition in the marine scale fishery on persons other than vessel masters from holding fishery licences, and issues such as the case for stronger property rights, licence tenure, corporate and foreign ownership of commercial fishing licences, and permanent transfer of quota; and</li> <li>refer other restrictions in specific fisheries to the respective industry consultative committee.</li> </ul>	In November 2003 the Government removed the prohibition on fishers holding more than one licence. Other recommendations remain under consideration.
Flinders University of South Australia Act 1966		No restrictions on competition.	Review not required.	Act retained without reform.

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Food Act 1985	HS	Specifies an offence to manufacture or sale food that does not meet prescribed standard.	National review completed in 2000 (see the NSW Food Act 1989).	All States and Territories agreed in November 2000 to adopt core provisions of the model food bill by November 2001. A new Food Act was passed in July 2001.
Foot and Mouth Disease Eradication Fund Act 1958	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed June 1998.	Act repealed by the Livestock Act 1997 and replaced by new Part 5 of the Livestock Act.
Forestry Act 1950		Exclusive control and management of State forests by Forestry SA.  Licensing of timber collection and taking of other resources.  Administrative discretion over how licences and produce are allocated and price.	Review not required. Act not considered to restrict competition.	
Freedom of Information Act 1991	AIS	The Government's ability to refuse access to information which relates to categories of exempt documents specified in Schedule 1 of the Freedom of Information Act, in particular documents affecting the economy of the State, documents affecting financial or property interests and documents affecting business affairs.	Desktop review completed in September 2000. The Act promotes competition by enabling access to official information on a regulated basis. No reform recommended.	The review report was noted in Cabinet on 28 August 2000. Act retained without reform.
Friendly Societies (South Australia) Act 1997		Restricts market conduct.	Review completed in 1997. Deleted from LRP.	Act repealed and replaced the Friendly Societies Act 1919, and subsequently repealed by the Financial Sector Reform (South Australia) Act 1999.

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Friendly Societies Act 1919	J	Restricts market conduct.	Review completed.	Act repealed and replaced by the Friendly Societies (SA) Act 1997, subsequently repealed by the Financial Sector Reform (South Australia) Act 1999.
Fruit and Plant Protection Act 1992	PIR	Restricts market conduct.	Review completed. Review recommended restrictions on competition should be retained on the basis of the net public benefit.	Cabinet accepted the review recommendation.
Fruit and Vegetables (Grading) Act 1934	PIR	Product standard restricts market conduct.	Review completed. Review recommended repeal of the Act.	Act repealed.
Gaming Machines Act 1992	T&F	Gaming machines are restricted to licensed clubs, hotels and the Casino and there are controls on the number of machines allowed in licensed venues; granting of an exclusive monitoring licence to the Independent Gaming Corporation and an exclusive supply and service licence to the State Supply Board.	Part of an omnibus review of SA gaming legislation completed in 2003. For gaming machines, the review recommended that: <ul style="list-style-type: none"> <li>the restriction on gaming machine licences being issued to only hotels and clubs is justified on a harm minimisation basis;</li> <li>the role of the State Supply Board as the single gaming machine supplier and service licensee should be removed and a more competitive market structure should be developed; and</li> <li>venues should be able to transfer the right to operate gaming machines (without breaching the venue cap).</li> </ul>	The Government accepted a number of the review recommendations but has not passed amending legislation. The Government intends to retain the State Supply Board as a monopoly supplier of gaming machines on the basis that this allows regulatory standards to be met, but does not restrict venues in their dealings with gaming machine manufacturers.
Garden Produce (Regulation of Delivery) Act 1967	PIR	Restricts market conduct.	Review completed. Review recommended repeal of the Act.	Act repealed.
Gas Act 1997	PIR	Provides for separate licences to operate pipelines and to undertake gas retailing.	Review completed in 1999. Review found restrictions to be in the public interest.	Act retained without reform.

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Government Financing Authority Act 1982	T&F	May restrict market conduct of government business enterprises.	Review completed in 1998. Although technically there may be a restriction on 'market conduct' of Government Business Enterprises (GBEs) in being required to utilise SA Financing Authority's services, this is insignificant and there is no impact on private sector market conduct. The review found that there was a net public benefit and no reforms were recommended.	Act retained without reform.
Hairdressers Act 1988	J	Negative licensing, entry requirements (qualifications), and reservation of practice (washing, cutting, colouring, setting, permanent waving or other treatment of a person's hair or the massaging or other treatment of a person's scalp for fee or reward).	Review completed in 1999. Review involved public consultation. Review recommended reducing the scope of work reserved for hairdressers and reviewing the Act in three years with view to its repeal.	The Government endorsed the review recommendations. Parliament passed legislative amendments in March 2001.
Harbours and Navigation Act 1993	TUP	Governs harbour operations (market conduct).	Review completed in 1999.	Intergovernmental agreement to develop nationally consistent legislation. The Government intends to make amendments progressively until 2005, as national standards are agreed.
Heritage Act 1993	EH	Restricts market conduct.	Review completed in 1999. Review involved consultation with stakeholders. No NCP reform recommended.	
Highways Act 1926	TUP	Restricts market entry.	Review completed in 1998.	Relevant provisions of the Act repealed in 2000.
Housing Improvement Act 1940	HS	Barriers to entry and restricts market conduct.	Review completed in March 1999. Involved public consultation. Restrictions were assessed as trivial. One minor clarification to section 45 recommended.	Cabinet approved drafting on 26 June 2000. The amendment will be introduced into Parliament in 2003.

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Impounding Act 1920	PIR	Discretionary power for council to establish a pound.	Desktop review completed in December 2000. Review recommended repeal of Act and replacement with modern scheme.	
Independent Gambling Authority Act 2001	T&F	Regulation of casino and gaming machines licensees.	Omnibus review under way. All gambling legislation, including Bills before the Parliament, to be reviewed.	Operations directly address harm minimisation probity issues. Provides public benefit without restricting competition.
Industries Development Act 1941	BMT	Section 24, which contains provisions for making Regulations, may be in conflict with Trade Practices Act. There are no regulations currently under the Industries Development Act. Sections 14, 14a, 16a and 19a allow the Government to provide guarantees, loans, grants, land, equipment or the services of various professionals to businesses that SA seeks to attract to that State.	Review completed in July 2002. Notes that there are currently no regulations under section 24 of the Act, and that a proposal to create any such regulations would need to be accompanied by a NCP review demonstrating a net public benefit. Review report acknowledges that sections 14, 14a, 16a, 19 and 24 may enable decisions to be made that are anticompetitive or discriminatory.	The Government accepted the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Agents Act 1994	J	Licensing (agents, not sales representatives who are negatively licensed), registration, entry requirements (qualifications, no conviction for an offence of dishonesty, not an undischarged bankrupt or no suspension or disqualification from practising an occupation, trade or business), the reservation of practice, disciplinary processes, business conduct (provisions for maximum fees in regulations (but not used currently), indemnity fund, trust account), and business licensing.	Review (involving public consultation) completed. Review recommended that legal practitioner qualifications be sufficient for registration as a land agent (subject to legal practitioners demonstrating competence in appraisal) and adopting national competency standards for agents and sales representatives (when agreed by the Standing Committee of Attorneys-General (SCAG)).	The Government endorsed the review recommendation, which has been implemented administratively.
Land and Business (Sale and Conveyancing) Act 1994	J	Business conduct of agents, conveyancers and vendors of property for sale of land or small business (information provision, cooling-off, subdivided land, relationship between agent and principal, preparation of conveyancing instruments, representations).	Review completed in 1999. Review involved public consultation. Review recommended no reform.	The Government endorsed the review recommendation.
Land Valuers Act 1994	J	Negative licensing, entry requirements (qualifications or membership of various professional associations), the reservation of practice, and disciplinary processes.	Review completed in 1999. Review concluded that the current qualification requirements are too onerous in relation to the postgraduate qualifications and that the Government should consider re-examining the current requirements and broadening the number and type of acceptable qualifications.	The Government endorsed the review recommendations. Awaiting a national training package to be approved — can be given effect administratively.
Landlord And Tenant Act 1936	J	Restricts market conduct.	Review completed in 1999.	Relevant provisions repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practitioners Act 1981	J	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, and business conduct (including monopoly professional indemnity insurance).	Review completed in October 2000. Review recommended considering opening up further areas of legal work to competition with nonlawyers, monitoring national developments in relation to business structures and retaining the professional indemnity insurance monopoly.	The former Government indicated that it would monitor developments regarding multidisciplinary practices over the next two years and retain the professional indemnity insurance monopoly. A Bill to implement other reforms lapsed at the State election.  In July 2001 the Government adopted the review recommendations in full. The recommendations (except for the issue of multi-disciplinary practices, which is being progressed as part of the national model laws project) have been incorporated into a draft Miscellaneous Amendment Bill which was passed in December 2003.
Liquor Licensing Act 1985	J	Legislation contains a proof-of-need test requiring licence applicants to demonstrate that a consumer need exists for the grant of a licence; and a requirement that only hotels and retail liquor stores devoted to sale of liquor exclusively may sell liquor.	Review completed in 1996. Review recommended: <ul style="list-style-type: none"> <li>removal of several restrictions including a requirement that the licensing authorities take account of the impact of a new licensee on existing licence holders;</li> <li>retention of restrictions proof of need test and requirement that liquor can only be sold from stores devoted entirely to liquor sales; and</li> <li>further review of liquor licensing arrangements in 3 or 4 years (when impacts of less regulated approaches in other jurisdictions are clear).</li> </ul> Further review under way. Draft review published in April 2003.	Reform followed 1996 review recommendations. Several restrictions on the sale of liquor were removed by the Liquor Licensing Act 1997. The new Act retains the concept of 'proof of need' to contain the number of outlets and also retains the requirement that liquor can only be sold from stores devoted entirely to liquor sales.  The Government is considering the 2003 review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Licensing Act 1997	J	Proof of need test requiring applicants to demonstrate a consumer need exists for the grant of a licence.  Only hotels and retail liquor stores devoted exclusively to the sale of liquor may sell liquor.	New legislation following SA's review of its Liquor Licensing Act 1985. See the Liquor Licensing Act 1985.	See the Liquor Licensing Act 1985.
Loans to Producers Act 1927	T&F	Restricts market conduct.	Review not required. Act to be repealed.	Repeal Bill passed in May 2003.
Local Government Act 1934	TUP	Restricts market conduct and product and service standards.	Review completed in 1999, except for the cemetery provisions for which, in turn, a competition review was commenced in early 2000 that was subject to targeted consultation. A final report on the cemetery provisions is currently in preparation.	NCP review of the Local Government Act 1999 (repealing most of Local Government Act 1934) completed and provided to the National Competition Council (NCC).  Provisions remaining in the Local Government Act 1934 are either progressively being repealed, or being considered as part of other legislation reviews (with the intent of being transferred to or being integrated into appropriate functional legislation).  NCP review of cemetery provisions completed in 2002.  Recommendation of NCP cemeteries review to repeal cemetery provisions included in Statutes Amendment and Repeal (National Competition Policy) Bill 2002, passed in May 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lottery and Gaming Act 1936	T&F	Barrier to market entry and restricts market conduct.	<p>Omnibus review completed in 2003. Review recommended retaining the effective exclusivity of the Lotteries Commission's licence because exclusivity:</p> <ul style="list-style-type: none"> <li>• ensures a wide distribution network that includes regional South Australia;</li> <li>• provides for the highest probity standards;</li> <li>• maximises the revenue available to the community; and</li> <li>• provides low lottery entry costs compared with those in the ACT where there is competition between lottery suppliers.</li> </ul>	The Government accepted that revoking exclusive licences would not be in the public interest.
Manufacturing Industries Protection Act 1937	J	Exempts some industries from legal requirements applying to competitors.	Review completed March 1999. Public consultation.	Act repealed in 1999.
Margarine Act 1939	PIR	Restricts market conduct.	Review completed. Review recommended repeal.	Act repealed.
Marginal Dairy Farms (Agreement) Act 1971	PIR	Restricts market conduct.	Review completed in 1999. Review recommended repeal of the Act.	Legislation repealing Act passed in April 2000.
Maritime Services (Access) Act 2000	AIS	Provides regime for third party access to channels, defined common user berths, berths adjacent to grain handling facilities and grain handling facilities (belts). Provides for the regulation of prices in respect to certain essential maritime services provided by the private port operator.	New legislation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Meat Hygiene Act 1994	PIR	Requires accreditation of meat processors. Requires meat inspectors and auditors to enter an agreement with the Minister.	Review completed in 2000. Review recommended extension to cover rabbit meat and retail within the scope of the Act.	A Bill incorporating amendments based on the review recommendations will be introduced in 2004.
Medical Practitioners Act 1983	HS	Restrictions on entry, registration, title, practice, advertising, business, and disciplinary provisions.	Review completed in 1999. Review recommended removing ownership restrictions, registering medical students, requiring declaration of commercial interests and requiring practitioners to have professional indemnity insurance.	New legislation introduced in May 2001. The Bill lapsed following the announcement of the State election. After consultation, a new Bill will be introduced to Parliament in early 2004.
Mines And Works Inspection Act 1920	PIR	Mine inspector may order the cessation of mining.	Review completed in December 2002.	The Act will be repealed following amendments to the Mining Act.
Mining Act 1971	PIR	Mining prohibited without licence. Term of exploration licences - 5 years. Term of extraction (mining) licences - 21 years (renewable).	Review completed in December 2002.	
Motor Accident Commission Act 1992	T&F	No restrictions on competition - restrictions contained under Part 4 of the Motor Vehicles Act.	See the Motor Vehicles Act 1959.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicles Act 1959	TUP	Barrier to market entry and restricts market conduct. Mandatory insurance, monopoly insurer, centralised premium setting.	Review into tow truck operators, motor driving instructors and compulsory third party insurance completed. Compulsory third party insurance review completed in 1998, recommending removing the monopoly and controls on premiums. Second review completed in 1999, rebutting previous review's recommendations. Government issued both reviews for public consultation in early 2001.	Uniform national motor vehicle registration and driver licensing legislation implemented July 2001.  The Government announced retention of mandatory insurance, the sole provision of insurance by the Motor Accident Commission and community rating. Minor legislative amendments with respect to Compulsory Third Party (CTP) insurance were passed in October 2002.  The Government is considering the review recommendations regarding tow truck operators and motor driving instructors. Consultation with the tow truck industry and key stakeholder groups commenced in January 2004.
National Electricity (South Australia) Act 1996	T&F	Restricts market entry and market conduct.	Review completed in September 2000. Review process involved consultation with other jurisdictions. No reforms recommended as sole object is to implement a national electricity market.	
National Parks and Wildlife Act 1972	EH	Restricts market conduct.	Review completed in December 1999. recommending minor procedural reforms.	Reforms introduced via the National Parks and Wildlife (Miscellaneous) Amendment Act 2000 (in operation 24 August 2000).
Native Vegetation Act 1991	EH	Restricts market conduct.	Review completed December 1999. Public consultation. Reform recommended.	Reform implemented by the passage through Parliament in late 2002 of the Native Vegetation (Miscellaneous) Amendment Bill 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Natural Gas (Interim Supply) Act 1985	PIR		Review completed in 1997. Review recommended repeal of certain parts of the legislation restricting the use and production of gas amongst other things. Balance of Act can be repealed by proclamation.	Key restrictions repealed 1996.
Natural Gas Pipelines Access Act 1995	PIR	Establishes access regime for access to natural gas pipelines in SA.	Review completed in 1997.	Act repealed by s50 of the Gas Pipelines Access (SA) Act 1997. However, for transitional purposes, the Act continues until access arrangements are set under the National Gas Access Code and any continuing arbitration proceedings are finalised.
Noxious Insects Act 1934	PIR	Restricts market conduct.	Review completed in 2000. Review recommended no reform.	
Nurses Act 1984	HS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1998. The Review made a number of recommendations that provide greater clarity and accountability and remove the power to restrict advertising.	Act repealed and replaced by the Nurses Act 1999.
Nurses Act 1999	HS	Restrictions on entry, registration, title, practice, and disciplinary provisions.	New legislation (see the Nurses Act 1984).	New legislation passed in line with recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Occupational Health Safety and Welfare Act 1986	J	Restricts market competition.	Review completed in November 2000. Involved public consultation.	The Government considering the review recommendations. A legislative review of the Occupational Health, Safety and Welfare Act 1986 has recently been completed and a final report with recommendations has been prepared and submitted to Government. It is not appropriate to proceed with the NCP review of this Act until the outcomes of the legislative review have been finalised.
Occupational Therapists Act 1974	HS	Restrictions on entry, registration, title, and disciplinary provisions.	Review completed in 1999. Review recommended maintaining registration requirements.	The Government is consulting publicly on a draft Bill which it expects to introduce to Parliament in 2004.
Opal Mining Act 1995	PIR	Mining for precious stones without authority prohibited. Term of exploration permits - 1 year. Term of extraction permit - 3 months renewable for 12 months.	Review completed in December 2002.	
Optometrists Act 1920	HS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in April 1999. Review recommendations include extending coverage to include optical dispensers, removal of restriction on training providers and the introduction of a code of conduct.	A Cabinet submission seeking approval for the recommendations and approval to draft amendments has been prepared. The Government expects to introduce the amending Bill to Parliament in 2004.
Outback Areas Community Development Trust Act 1978	TUP	Restricts market conduct.	Review completed. Crown Solicitor's Office found no restrictions to competition.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Passenger Transport Act 1994	TUP	Restrictions on taxi licence numbers (free entry to hire car market).	Review completed in November 1999 and released November 2000. Review recommended: <ul style="list-style-type: none"> <li>retention of existing restrictions (the Act limits the number of new general taxi licences that the Passenger Transport Board can issue in a particular year to 50, although none has been issued); and</li> <li>reliance on competition from hire cars, with removal of some restrictions.</li> </ul>	The Government is considering the review.
Pastoral Land Management and Conservation Act 1989	PIR	Restricts market conduct.	Review completed in December 1999. Review identified no major issues but recommended that the Government review and develop a policy on access arrangements to pastoral lands. A significant paper on public access to pastoral lands is in the final stages of preparation.	Public Access Strategy Scoping Study Report (Katnich Report) released in May 2002. Endorsed by the Pastoral Board.  Minister Hill opened 10 new Public Access Routes on pastoral leases in July 2002. The Pastoralist Public Access Working Group has finalised protocols for members of the public to seek consent to access pastoral leases and provide guidelines to pastoralists on how deal with enquiries.
Petroleum (Submerged Lands) Act 1982	PIR	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	The Government is awaiting the introduction of amendments by the Australian Government before amending its own legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum Act 1940	PIR	Regulates onshore exploration for and development of petroleum reserves. Barrier to market entry and restricts market conduct.	Reviewed in 1999.	Act repealed and replaced by the Petroleum Act 2000 and regulations. New Act incorporates principles proposed by the ANZMEC Petroleum sub-committee in regard to acreage management. The SA Government directed efforts at facilitating new explorers entering the Cooper Basin and to encourage the development of a voluntary access code for access to production facilities.
Petroleum Products Regulation Act 1995	T&F	Barrier to market entry and restricts market conduct.	Review completed mid-2001. Review found the Act created a barrier to entry that protected industry participants without a net public benefit.	The Government is drafting legislation to phase out the restrictions by June 2004.
Pharmacists Act 1991	HS	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing and disciplinary provisions.	<p>National review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.</p> <p>CoAG referred the national review to a senior officials working group, which recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies).</p>	South Australia is considering the recommendations of the CoAG senior officials working party.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Phylloxera and Grape Industry Act 1995	PIR	Restricts market conduct.	Review completed in June 2000. Review recommended no reform.	
Physiotherapists Act 1991	HS	Restrictions on entry, registration, title, practice, advertising, ownership and disciplinary provisions.	Review completed in February 1999. Recommendations include publication of a code of conduct without advertising restrictions, amended definitions of areas of practice protected, removal of requirement to register business names, removal of ownership restrictions, prohibition of undue influence, demonstration of continuing competence and removal of advertising and unprofessional conduct provisions from code of ethics prior to adoption of a code of conduct.	Cabinet approved drafting amendments in August 2000. Consultation has been completed and the draft Bill was released for public consultation in 2003. The bill will be released to Parliament in the first half of 2004.
Plumbers, Gas Fitters and Electricians Act 1995	J	Licensing (contractors), registration (workers), entry requirements (for contractor: qualifications, experience, not undischarged bankrupt, fit and proper, sufficient business knowledge and experience and financial resources; for worker: qualifications and experience), the reservation of practice (for plumbing: water, sanitary or draining work or the installing or testing of backflow prevention devices), and disciplinary processes.	NCP review completed in February 2003. Review recommended retaining the present licensing and registration regimes for plumbing, gas fitting and electrical contractors and workers. The conclusion of the review was that continued regulation under the Act is justified because the benefit from protecting of public health and safety, and against consumer loss, is perceived to exceed the costs of regulation. The review considered alternative forms of regulation, including reliance on the common law, general consumer protection legislation, the insurance market and negative licensing, but none was considered to be a satisfactory option.	The review identified certain trivial restrictions on competition and proposed amendments, but these are not required changes for Competition Principles Agreement (CPA) clause 5 compliance. The review report is with the Minister for consideration. If Cabinet endorses the reform recommendations then a Bill to implement the change is expected to be drafted and introduced to Parliament.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poultry Meat Industry Act 1969	PIR	Prohibits processing of chickens unless from approved farms and under an agreement approved by the industry committee.	Review completed in 1994. Review recommended that producers seek Australian Competition and Consumer Commission (ACCC) authorisation for collective bargaining with each processor, and that the Government repeal the Act.	Act repealed in July 2003 by the Chicken Meat Industry Act 2002 (see separate reference). The new Act introduced two key new restrictions: <ul style="list-style-type: none"> <li>• compulsory arbitration of disputes arising in negotiation of growing agreements; and</li> <li>• compulsory mediation and arbitration of disputes arising over failure by processor to offer grower a new growing agreement.</li> </ul>
Prevention of Cruelty to Animals Act 1985	EH	Requires licences for teaching and research involving animals.	Review completed in 1999. Public consultation. Reforms recommended.	Reforms introduced via the Prevention Of Cruelty To Animals (Miscellaneous) Amendment Act 1999 (in operation from 1 February 2000).
Prices Act 1948	J	Restricts market conduct.	Review completed. Review recommended the removal of a number of restrictive provisions but retains price controls for infant foods, returns of unsold bread, towing, recovery, storage and quoting for repair of motor vehicles and the carriage of freight to Kangaroo Island.	The Government enacted amendments in line with review recommendations in 2000.
Psychological Practices Act 1973	HS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1999. Review recommended removing advertising and practice restrictions.	Cabinet approved drafting amendments to the Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public & Environmental Health Act 1987	HS	Restricts market conduct.	Review completed. Review identified qualifications for authorised officers as an intermediate restriction, particularly as the qualifications approved administratively only includes 1 current SA course.	The Minister endorsed the review. The requirement for qualifications for authorised officers will be addressed in a broad review of the Act.  A consultation draft Bill is scheduled for 2003. Discussions are occurring with educational bodies and the professional organization on alternative courses for approval.
Public Corporations Act 1993	T&F	The Act technically "restricts" the market conduct of public corporations established under the Act in order to limit the Government's ownership risks. However, these restrictions do not limit market entry or conduct of private sector participants. The Act is the preferred model of corporatisation and is consistent with the objectives of National Competition Policy and competitive neutrality principles.	Review completed in 1998. Review found that there was a net public benefit and no reforms were recommended.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Trustee Act 1995	J	Statutory powers and duties not applicable to private trustees.	Review completed in August 2000. Involved public consultation.	A Bill was introduced into Parliament and was before the Legislative Council in December 2001 when Parliament was prorogued on the calling of the last election. The review was based on the structural elements of the former Government's corporatisation proposal. The Government has decided not to adopt the corporatisation proposal. A report is being written to identify restrictions on competition in the present Act that were identified in the previous review and those not examined because the earlier review was limited to the now rejected structural model.
Racing Act 1976	EH	Barrier to market entry and restrictions on market conduct.	Review completed in January 2000.	Act repealed and replaced by the Authorised Betting Operations Act 2000. This Act is included in the omnibus review of gambling legislation.
Radiation Protection and Control Act 1982 Ionizing Radiation Regulations 2000 Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991	HS	Creates barrier to market entry and restricts market conduct.	National review completed, with 19 recommendations (including to make provision for protection of the environment, make legislative coverage of non-ionising radiation, allow certification of third party (non-government) inspectors for x ray machines testing). The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) consulted with jurisdictions on the recommendations.  A desktop review of provisions unique to the SA legislation (particularly regarding uranium mining) is in progress.	AHMAC accepted the recommendations and an implementation plan. SA will adopt the recommendations according to timetable in implementation plan.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Road Traffic Act 1961	TUP	Barrier to market entry and restricts market conduct.	Desktop review under way.	National legislation implemented.
Roxby Downs (Indenture Ratification) Act 1982	PIR	Authorises behaviour contrary to TPA.	Desktop review completed in May 2000. It found no more than trivial restrictions on competition and recommended no reform.	
Rural Industry Adjustment (Ratification of Agreement) Act 1990	PIR		Review completed in December 1998. Review recommended repeal of the Act.	Legislation passed in April 2000 to repeal the Act.
Rural Industry Adjustment and Development Act 1985	PIR		Review completed in June 2000. Review recommended no reform.	
Rural Industry Assistance Act 1985	PIR		Review completed in March 1999. Review recommended repeal of the Act.	Legislation passed in April 2000 to repeal the Act.
SA Ports (Disposal of Maritime Assets) Act 2001	AIS			New legislation.
Sandalwood Act 1930	EH	Caps the quantity of naturally-occurring sandalwood harvested from Crown and private land.  Licensing the harvesting of sandalwood.  Individual licences capped at 10 per cent of the total limit	Reviewed in 1999. Review recommended repeal of the Act.	Act repealed (7 of 2001), effective 5 April 2001.
Santos Limited (Regulation of Shareholdings) Act 1989	PIR	Restricts any one shareholder from having more than a 15 per cent shareholding in Santos Limited.	In September 2000 the Government announced an independent review of the Act. On 11 July 2001, the Government announced that it had considered the findings of the independent review and resolved to make no change to the Act.	The benefits of the restrictions outweighed the costs and the objectives of the legislation could be achieved only through restrictions on competition. The main reason is the importance to South Australia of gas supply from the Cooper Basin where Santos has a majority interest in the production of gas.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Second-Hand Dealers and Pawnbrokers Act 1996	J	Negative licensing (pawnbrokers, second-hand dealers for all goods except cars), registration (that is, notify police), entry requirements (not convicted dishonesty offence in past five years, not undisclosed bankrupt/insolvent), the reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, selling of unredeemed goods; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification (unless sale by phone), cooperation with police).	Review completed in 1998. No reform recommended.	The Government endorsed the review recommendation.
Second-Hand Vehicle Dealers Act 1995	J	Barrier to market entry, and business conduct.	Review completed. Recommendation for audits; entitlement criteria for licensing distinction between summary and indictable offences for dishonesty.	Amendments passed by Parliament in October 2001.
Security and Investigation Agents Act 1995	J	Barrier to market entry (private inquiry agents, security providers), market conduct.	Report completed in January 2003. Review supported retention of licensing and other minor changes that do not impact on competition.	Act retained without reform.
Seeds Act 1979	PIR	Restricts market conduct.	Review completed, recommending no reform.	
Shearers Accommodation Act 1975	J	Restricts market conduct.	Review completed in March 1999. Involved public consultation.	Act repealed in 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Shop Trading Hours Act 1977	AIS	Significant restrictions, including: controls on the hours during which shops may open; variation in allowed opening hours based on the day of the week; and variation in permitted opening hours vary depending on shop location, size and products sold.  Monday-to-Saturday trading hours are restricted. Sunday trading by large stores is prohibited in Adelaide outside the central business district, where hours are restricted.	Review completed in 1998. Report not released by the Government.	Limited changes took effect from June 1999. From October 2003, Sunday trading (between restricted hours) is extended to suburban areas and larger stores may trade until 9 p.m. on weeknights.
Soil Conservation and Land Care Act 1989	PIR	Restricts market conduct.	Review, in conjunction with the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, completed. Review recommended no NCP-related reforms.	
South Australian Film Corporation Act 1972	TUP	Restricts market conduct in granting sole and exclusive right to produce Government films.	Review completed in February 2000. Involved public consultation. No reform recommended.	
South Australian Health Commission Act 1976	HS	Barrier to market entry and restricts market conduct of private hospitals.	Review completed in 1999. Final report awaiting outcome of Health Complaints Bill introduced into Parliament 29 March 2001, then lapsed. Health and Community Services Complaints Bill introduced into Parliament in July 2002.	Amendments to the Act will be undertaken following the passage of the Health and Community Services Complaints Bill, and the outcomes of the Generational Health Review.
South Australian Housing Trust Act 1995	HS	Restricts market conduct.	Review completed in 1999. No reform recommended.	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 Australian Motor Sport Act 1984 (formerly the Australian Formula One Grand Prix Act 1984)	P&C	The Board is not subject to the same laws as private sector competitors.	Review under way.	
South Australian Museum Act 1976	TUP	Restricts market conduct in relation to meteorites.	Desktop review completed in May 1997. No reform recommended.	
South Australian Ports Corporation Act 1994	T&F	Restricts market conduct and market entry.	Divestment of Ports Corporation occurred in November 2001. The South Australian Ports (Disposal of Maritime Assets) Act 2000 includes a provision to enable the Governor to repeal the SA Ports Corporation Act 1994.	Parliament passed legislation for the lease/sale of the corporation in December 2000. The corporation was sold in November 2001. The Act was repealed on 5 September 2002.
Southern State Superannuation Act 1994	T&F	Limits on choice of funds.	Desktop NCP review. A full NCP review has not been conducted. Restrictions considered by SA to be trivial. No reform recommended.	Act retained without reform.
Starr-Bowkett Societies Act 1975	J		Identified at national level.	Payments through these societies now completed. Last Starr-Bowkett Society recently deregistered. The repeal Bill was passed in 2003. Prohibition on Starr-Bowkett Societies to be relocated into Fair Trading Act. Restriction has little impact and justified on basis of net public benefit.
State Clothing Corporation Act 1977	AIS	Protects sheltered workshops.	Review completed.	Corporation sold in 1995-96. The Act was amended to repeal most of original Act including all reference to sheltered workshops.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
State Lotteries Act 1966	AIS	Restricts market conduct.	<p>Part of the omnibus review completed in 2003. Review recommended retaining the effective exclusivity of the Lotteries Commission's licence because exclusivity:</p> <ul style="list-style-type: none"> <li>• ensures a wide distribution network that includes regional South Australia;</li> <li>• provides for the highest probity standards;</li> <li>• maximises the revenue available to the community; and</li> <li>• provides low lottery entry costs compared with those in the ACT where there is competition between lottery suppliers.</li> </ul>	The Government accepted that revoking exclusivity would not be in the public interest.
State Supply Act 1985	AIS	Provides for the State Supply Board to control or guide the acquisition of goods and services by the Government.	Review completed in May 2001. Review Panel comprised representatives of the Departments of Administrative and Information Services and Premier and Cabinet.	
Stock Act 1990	PIR	Barrier to market entry and restricts market conduct.	Review completed in 1996.	Act repealed by the Livestock Act 1997.
Stock Foods Act 1941	PIR	<p>Requires stock foods to be sold with label or certificate specifying chemical analysis.</p> <p>Prohibits feeding seed grain to stock.</p>	See the Agricultural Chemicals Act 1955.	See the Agricultural Chemicals Act 1955.
Stock Medicines Act 1939	PIR	Requires stock medicines to be registered.	See the Agricultural Chemicals Act 1955.	See the Agricultural Chemicals Act 1955.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stony Point (Liquids Project) Ratification Act 1981	PIR	Authorises behaviour contrary to TPA.	Review completed in 2000. No reform recommended. Final review forwarded to Council in January 2002.	No reform is planned. Many of the objects of the Act have now been achieved. The review concluded that given that many of the benefits to the producers constituted past or historic benefits, there was no significant continuing effect that would amount to a restriction on competition. No reform was recommended.
Supported Residential Facilities Act 1992	HS	Barrier to market entry and restricts market conduct.	Review completed in 1998. No reform recommended.	Act retained without reform.
Survey Act 1992	AIS	Licensing, registration, entry requirements (education, experience, fit and proper), the reservation of title (and derivatives), the reservation of practice, disciplinary processes, business conduct (including ownership restrictions), and business licensing.	Review completed in 1999 and the report released in 2002. Review recommended removing restrictions on companies and partnerships, and adding new provisions to make it an offence for any person to exert undue influence over a licensed surveyor to provide a service in an inappropriate or unprofessional manner.	A draft Bill containing these reforms was prepared for introduction to Parliament in 2003. The Government has not yet introduced the Bill.
Swine Compensation Act 1936	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed. Review recommended repeal.	Act repealed by Schedule 2 of the Livestock Act 1997 and replaced by regulations under that Act and the Primary Industries Funding Schemes Act 1998.
Tobacco Products Control Act 1986	HS	Restricts market conduct.		Act repealed and replaced by the Tobacco Products Regulation Act 1997 which was subject to a clause 5(5) review.
Tobacco Products Regulation Act 1997	HS		New legislation. Subject to CPA clause 5(5) analysis before introduction.	Act replaced the Tobacco Products Control Act 1986.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Measurement Act 1993	J	Restricts market conduct.	National review under way. The review committee's final report will be presented to MCCA in late 2003 or early 2004.	
Trade Measurement Administration Act 1993	J		National review under way.	
Trade Standards Act 1979	J	Restricts market conduct.	Review completed. No reforms recommended.	The Government endorsed the review recommendations. Act retained without reform.
Travel Agents Act 1986	J	Licensing and compulsory consumer compensation fund.	Part of national review of travel agent legislation, coordinated by WA. A final review report by CIE was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but consider establishing a risk-based premium structure and making prudential reporting arrangements more equitable. It recommended that each participating jurisdiction review and amend its entry qualifications to ensure uniformity.	SA is implementing the recommendations arising from the national review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Companies Act 1988	J		<p>Reviewed under the SCAG, Parliamentary Counsel Committee with NSW as lead agency.</p> <p>National group released a discussion paper predicated on the assumption that there would be a national model Bill and that Australian Prudential Regulatory Authority (APRA) would supervise all trustee companies. A Report on 'next steps' and on the discussion paper outcomes was presented to SCAG in March 2002. However, the review was waiting on a reply from the Prime Minister relating to the Australian Government's position on APRA being the regulator. This was delayed, apparently pending consideration of the HIH Royal Commission's Report. The Australian Government wrote to Ministers in early 2003 saying that APRA is no longer available as a supervisor for trustee companies.</p>	SCAG is still to decide on the exact nature of the model Bill.
Unauthorised Documents Act 1916	P&C	Barrier to market entry and restricts market conduct. Restricts use of State insignia and official emblems and licensing of the State's commercial emblem.	Desktop review completed in December 1998. Review recommended that the Act be retained in its present form.	Act retained without reform.
University of Adelaide Act 1971		No restrictions on competition	Review not required.	Act retained without reform.
University of South Australia Act 1990		No restrictions on competition	Review not required.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Veterinary Surgeons Act 1985	PIR	Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, and controls on business names.	Review completed in 2000.	New legislation is before Parliament.
Vocational Education, Employment and Training Act 1994	FEEST	Registers training providers and accredits training courses.	Review completed in April 2000. Review concluded that public benefits of restrictions outweigh costs.	Act retained without reform.
War Service Land Settlement Agreement Act 1945	EH	Restricts market conduct.	Review completed in December 1999. Involved public consultation. No NCP reform recommended.	Act retained without reform.
Wheat Marketing Act 1989	PIR	Imports Australian Government Act into State jurisdiction, and imposes a levy on wheat sales to fund grain research and the Grain Section of the South Australian Farmers Federation.	Desktop review completed. Review recommended no change.	
White Phosphorus Matches Prohibition Act 1915	J	Barrier to market entry and restricts market conduct.	Review completed in April 1999.	Statutes Law Revision Bill 2003 introduced into the House of Assembly on 23 May 2003. Includes repeal of the Act.
Wilderness Protection Act 1992	EH	Restricts market conduct.	Review completed in December 1999. Review recommended no reform.	
Wine Grapes Industry Act 1991	PIR	Restricts market conduct — indicator price calculation, terms and conditions of payment, and excludes wine grapes processors who have not paid in full for fruit purchased in the immediately preceding vintage.	Review by KPMG completed in 1999 recommended repeal of the Act. Further review by officials recommended removal of indicator price provisions, and amendment to allow opt-out from regulation of terms and conditions of payment (and therefore the exclusion provision)	Alternatives to the exclusion provision, such as access to factoring finance, are being explored.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workers Rehabilitation and Compensation Act 1986	T&F	Mandatory insurance, monopoly insurer, and centralised premium setting.	An interagency NCP review completed in mid-2002. Review recommended minor changes to the Act. Review argued that statutory monopoly provision of workers compensation insurance has net public benefits.	The Government is considering the review in the context of two other reviews that it has recently received. One of these reviews relates to governance arrangements in the WorkCover Corporation, and the other to workers compensation and occupational health and safety systems.