

8 Tasmania

Agency abbreviations

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

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| DE | Department of Education |
| DED | Department of Economic Development |
| DHHS | Department of Health and Human Services |
| DIER | Department of Infrastructure, Energy and Resources |
| DOJIR | Department of Justice and Industrial Relations |
| DOPPS | Department of Police and Public Safety |
| DPAC | Department of Premier and Cabinet |
| DPIWE | Department of Primary Industries, Water and Environment |
| DTPHA | Department of Tourism, Parks, Heritage and Arts |
| EMB | Egg Marketing Board |
| FPB | Forest Practices Board |
| FT | Forestry Tasmania |
| HEC | Hydro-Electric Corporation (Hydro Tasmania) |
| IFC | Inland Fisheries Services |
| LC | Legislative Council |
| LGD | Local Government Division |
| MAIB | Motor Accidents Insurance Board |
| OCAFT | Office of Consumer Affairs and Fair Trading |
| PAHSMA | Port Arthur Historic Site Management Authority |

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| RBFB | Retirement Benefits Funds Board |
| T&F | Department of Treasury and Finance |
| TAO | Tasmanian Audit Office |
| TDIA | The Tasmanian Dairy Industry Authority |
| TGEB | Tasmanian Grain Elevators Board |
| TRA | Tasmanian Racing Authority |

Legislation review: Tasmania

Updated to February 2004

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|--|--|
| Adoption Act 1988 | DHHS | Business licensing, and service standards. | Minor review completed in 1998. Restrictive provisions justified as being in the public benefit. | Licensing restrictions were retained in order to protect against trafficking in children. |
| Agricultural and Veterinary Chemicals (Control of Use) Act 1995 | DPIWE | Prohibits use of chemicals unless registered under Code. Licenses spray contractors. Requires approval of indemnity insurance. | National review completed in 1999. | The recommendations from the national NCP review of the Agricultural and Veterinary Chemicals (Control of Use) Act 1995 were incorporated into the Agricultural and Veterinary Chemicals (Control of Use) Amendment Act 2003. The amendment Act received Royal Assent on 9 May 2003. |
| Agricultural and Veterinary Chemicals (Tasmania) Act 1994 | DPIWE | 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). Amendments to the Agvet Code at Commonwealth level incorporating the major recommendations of the review will automatically be adopted in Tasmania. | See the Australian Government Agricultural and Veterinary Chemicals Code Act 1994. |

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|--------------------------------------|---------------|--|--|--|
| Air Navigation Act 1937 | DIER | The Act applies Australian Government legislation to Tasmania with regard to air-traffic rules and the regulation of aerodromes. | Productivity Commission (PC) review of the International Air Services Agreement completed in 1998. This Act adopts by reference regulations made under the Commonwealth's <i>Air Navigation Act 1920</i> and applies them to air navigation and aircraft within the jurisdiction of the State of Tasmania. The Act was enacted following agreement between the Commonwealth and the States that there should be uniform rules throughout the Commonwealth applying to air navigation and aircraft. | The Australian Government issued a statement on international aviation policy in June 1999. |
| Alcohol and Drug Dependency Act 1968 | DHHS | Scheduling restrictions on the labelling, packaging and advertising of listed substances, and to whom a product may be sold and under what conditions. Licensing restrictions on the handling, storage and reporting requirements of controlled substances for wholesalers and retailers. | The Galbally Review of Drugs, Poisons and Controlled Substances issued a final report in January 2001 which concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. The report found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas. The final report was presented to the Australian Health Ministers Conference (AHMC) in early 2001. An Australian Health Ministers Advisory Committee (AHMAC) working party is examining the report and (with input from the Primary Industries Ministerial Council) providing recommendations to the Council of Australian Governments (CoAG). | The AHMC referred the review report to AHMAC to develop a draft response, in consultation with the Primary Industries Ministerial Council. AHMAC endorsed the draft response. Amending legislation is scheduled for introduction into Parliament in the Spring 2004 session, in line with COAG's decision that the outcomes of the national review should be implemented within 12 months from December 2003. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---------------------------------------|---------------|---|---|--|
| Aluminium Industry Act 1960 | T&F | Provides a company with a low interest loan, directs them to increase production capacity and restricts their ability to sell assets for a specified time period. | | Act repealed by the Legislation Repeal Act 1998. |
| Ambulance Service Act 1982 | DHHS | Restrictions relate to the requirement to obtain approval to operate a private ambulance service, and the level of fees that may be charged by 'approved' ambulance services. | Minor review completed in 1997. Restrictive provisions justified as being in the public benefit. | Act retained without reform. |
| Animal (Brands and Movement) Act 1984 | DPIWE | Imposes an obligation on all persons with cattle or sheep to brand them with registered earmarks. Pigs cannot be sold unless they are branded with a registered body tattoo. | Review completed. Review recommended that compulsory earmarking of cattle or sheep be removed. Following a reassessment of this recommendation by DPIWE, in the light of world events, these provisions were found to be in the public benefit. | Act retained without reform. |

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| Animal Farming (Registration) Act 1994 | DPIWE | Requires the registration of farmers of emus and fallow deer. | <p>Review completed in 1999. Review recommended sunseting of deer farmer registration after three years subject to:</p> <ul style="list-style-type: none"> the Parks and Wildlife Service developing new regulations to minimise the spread of deer into new areas of the State; and implementing permanent identification for farmed deer. <p>Subsequent investigation of permanent identification systems reveals that no suitable system is available. The Government has consequently decided to extend registration until February 2005 by which time a further review will have been completed.</p> | The Government considers that in Tasmania the deer farming industry is small and is a commercial option for very few operators. It agreed to re-examine the mechanisms available to regulate deer farming before February 2005. |
| Animal Health Act 1995 | DPIWE | Requires a licence for commercial artificial breeding. Enables the Minister to prohibit or restrict the movement of any animals into Tasmania from any other State. Protection of animal resources from the introduction of a disease, organism, variety or disorder. | Minor review completed. Review recommended the removal of certain restrictions on artificial breeding and the requirement to advise the Chief Veterinary Officer of the conduct of artificial breeding businesses or training in artificial breeding programs. | Review recommendations implemented through the Animal Health Amendment Act 2001 that was assessed under the legislation review program (LRP) gatekeeper requirements. |
| Animal Welfare Act 1993 | DPIWE | Prohibits persons from carrying out animal research unless it is carried out by an institution licensed under the Act. | Minor review completed. Review recommended retaining the licensing of institutions engaging in animal research. No reform recommended. | Act retained without reform. |

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|---|---------------|--|---|---|
| Apiaries Act 1978 | DPIWE | Requires bee-keepers to be registered. Provides that the Governor may by order declare that only certain bees can be brought into or kept in a certain area. | Review completed, recommending repeal of the Act. | Act repealed by the Legislation Repeal Act 2001. |
| Apple and Pear Industry (Crop Insurance) Act 1982 | DPIWE | Provides that growers must apply to the Fruit Crop Insurance Board for a crop insurance policy and pay the premium as gazetted. | Review completed. It recommended abolishing compulsory insurance for the apple and pear industry and repealing the Act. | An Act to provide for the repeal of this Act and the winding up of the scheme was passed by Parliament in November 1999. The insurance scheme was abolished on 30 June 2000 and the remaining provisions repealed in March 2001 upon satisfaction of all claims. |
| Architects Act 1929 | DPAC | Registration, entry requirements, reservation of title, disciplinary processes, business restrictions, and business licensing. | National review conducted by the PC completed in August 2000 (publicly released November 2000). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. | All of the recommendations arising from the review of the Act have been incorporated in the amendments to the Building Act 2000 and the Building (Consequential Amendments) Act 2003, the latter of which amends the Architects Act 1929 to provide for a broad role in the accreditation of architects under the Building Act. The Board of Architects Tasmania is a member of the Architects Accreditation Council of Australia, which supports the National Program of Assessment certification system for architects. |

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|---|----------------|--|--|---|
| Auctioneers and Real Estate Agents Act 1991 | DOJIR OCAFT | Auctioneers: licensing, registration, entry requirements (sufficient knowledge, fit and proper person), and business conduct (no misrepresentation, no bids by owners or collusion at auctions). | Review completed. Draft review report released for consultation. It found that there is no need to license general auctioneers, but that they should be subject to general trust accounting and record management requirements. The review also recommended that the power of the Auctioneers and Real Estate Agents Council to regulate the industry should be transferred to the Director of Consumer Affairs and Fair Trading. Real estate agents, as individuals responsible for services relating to the sale, purchase, lease and management of properties and businesses, will continue to be licensed. | Act to be repealed and replaced by new legislation in the autumn 2004 session to implement the recommended reforms. . |
| Australia and New Zealand Banking Group Act 1970 | DOJIR | Market entry. | | Act repealed by the Legislation Repeal Act 2000. |
| Bank Holidays Act 1919 | DIER | Restricts bank trading days. | Review not required. Removed from the LRP. | Act substantially amended to remove all anticompetitive provisions and those that impact on business. |
| Bank of Adelaide (Merger) Act 1980 | DOJIR | Market entry. | | Act repealed by the Legislation Repeal Act 2000. |
| Ben Lomond Skifield Management Authority Act 1995 | DPIWE | Imposes restrictions on commercial operations in the Ben Lomond Skifield area. | Minor review completed. Restrictive provisions assessed as being in the public benefit as part of the review of the National Parks and Wildlife Act 1970. | Act retained without reform. |

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| Biological Control Act 1986 | DPIWE | Makes provision for the biological control of pests in Tasmania. Complementary to Australian Government legislation. Act does not restrict competition. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release. | Deleted from review schedule as the CoAG Committee on Regulatory Reform (CRR) determined that the legislation has no anticompetitive impacts. | No reform required. |
| Botanical Gardens Act 1950 | DPIWE | Bylaws impose restrictions on commercial operations in the Botanical Gardens. | Review not required. | Restrictive by-laws made under the Act have been replaced by by-laws that do not restrict competition. |
| Building Act 2000 | DIER | Mandatory accreditation, entry requirements (including continuing professional development), the reservation of practice, disciplinary processes, business conduct (insurance). | New legislation. The regulatory impact statement (RIS) on the Building Bill 1999 was released in August 1999. The Act provides a framework for regulation of the building industry and details of the framework are being developed in consultation with the building industry. | Act received Royal Assent in December 2000, and commenced on 1 January 2003, following the completion of industry consultation. The new legislation has been assessed under the LRP gatekeeper requirements. |
| Building and Construction Industry Training Fund Act 1990 | DE | Mandatory accreditation, entry requirements (including continuing professional development), the reservation of practice, disciplinary processes, business conduct (insurance). | Minor review completed. | Act to be amended in the Budget 2004 session and will be assessed in accordance with the Government's Legislation Review Program. |

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| Burnie to Waratah Railway Act 1939 | DIER | Provides a particular company with a competitive advantage by giving them the authority to operate and maintain a railway (some on private land, the rest on Crown Land lease). | Review deferred pending proclamation of the Rail Safety Act 1997, because its safety and access provisions would negate the need for the 1939 Act. The Rail Safety Act was proclaimed. The Tasmanian Solicitor-General advised the Government that there is no need to repeal the 1939 Act because it guarantees third party access and does not contain any restrictions on competition. | Following the Solicitor-General's advice, the Government retained this Act unamended. |
| Business Names Act 1962 | DOJIR OCAFT | No person running a business may use a business name unless it is registered. Restrictions relate to business name registration, and are uniform across the country. | Minor review completed. Restrictive provisions justified as being in the public benefit. | |
| Casino Company Control Act 1973 | T&F | Restricts market entry. A casino licence can only be issued to a company specified in the Act. Prohibits the use of 'casino' in any business name unless they are in possession of a casino licence. Restricts ownership and control of casinos by foreign individuals and companies. | | Act repealed by the Legislation Repeal Act 2000. |
| Child Care Act 1960 | DE | Licensing. | | Provisions of this Act replaced Part 6 of the Child Welfare Act 1960 when the new Children, Young Persons and their Families Act was proclaimed in July 2000. Section 78 of the Child Care Act 2001, which repeals the Child Care Act 1960, commenced on 1 September 2003. |

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| Child Welfare Act 1960 | DE | Imposes licences for childcare operators and their premises, including restrictions on the number of children in care and the setting of premise standards. Sets standards for home-based care. | | When the Children, Young Persons and their Families Act was proclaimed in July 2000, one of its effects was to replace Part 6 of the Child Welfare Act 1960 with provisions within the Child Care Act 1960. The Child Care Act 2000 has in turn taken the place of that Child Care Act except in relation to boarding homes and day nurseries. |
| Chiropractors and Osteopaths Act 1997 | DHHS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | New legislation assessed under the Competition Principles Agreement (CPA) clause 5(5). Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer. | Act replaced the Chiropractors Registration Act 1982. |
| Chiropractors Registration Act 1982 | DHHS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | Review completed in 1997. | Act repealed and replaced by the Chiropractors and Osteopaths Registration Act 1997. |
| Christ College Act 1926 | DE | Provides for three schools and two trusts to be combined. It is effectively the constitution of the organisation. Provides a possible advantage not given to other schools. | Review not required. Act does not restrict competition <i>per se</i> . | This Act is to be removed from the LRP. |
| Classification (Publications, Films and Computer Games) Enforcement Act 1995 | DOJIR OCAFT | This Act is national legislation that prohibits the sale, hire, exhibition and production of certain materials and introduces a classification system for certain materials. | Minor review completed. Restrictive provisions justified as being in the public benefit. | Act retained without reform. |

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| Commercial and Inquiry Agents Act 1974 | DOJIR OCAFT | Licensing (commercial agents, commercial sub-agents, inquiry agents, process servers, security agents, security guards), entry requirements (suitable person, not convicted of an offence of dishonesty within past five years, financial reputation), the reservation of practice, disciplinary processes, business conduct (trust accounts, maintain records, audits). | Review completed. Public consultation involved issues paper, draft report and submissions. Draft report recommended maintaining most restrictions, but removing licensing requirements for process servers, making minor changes to entry requirements, retaining option of imposing education requirements, and moving responsibility for the granting, renewal, variation or refusal of a licence to the Commissioner for Corporate Affairs. | The Security and Investigations Agents Act 2002 repeals the Act. |
| Commercial Bank of Australia Limited (Merger) Act 1982 | DOJIR | Market entry. | | Act repealed by the Legislation Repeal Act 2000. |
| Commercial Banking Company of Sydney Limited (Merger) Act 1982 | DOJIR | Market entry. | Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | Act repealed by the Legislation Repeal Act 2000. |
| Companies (Acquisition of Shares) (Application of Laws) Act 1981 | DOJIR | | Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |
| Companies (Acquisition of Shares) (Tasmania) Code | DOJIR | | Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |

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|---|---------------|---------------------------|--|--|
| Companies (Application of Laws) Act 1982 | DOJIR | | Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |
| Companies (Tasmania) Code | DOJIR | | Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |
| Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981 | DOJIR | | Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |
| Companies and Securities (Interpretation and Miscellaneous Provisions) (Tasmania) Code | DOJIR | | Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |
| Companies and Securities (Miscellaneous Amendments) Act (No. 2) 1982 | DOJIR | | Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |
| Companies and Securities Legislation (Miscellaneous Amendments) Act 1982 | DOJIR | | Review not required. Act does not restrict competition per se. They have no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |

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| Companies Auditors and Liquidators Disciplinary Board Act 1982 | DOJIR | | Review not required. Act does not restrict competition per se. They have no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |
| Construction Industry (Long Service) Act 1997 | DIER | | The restriction on competition in this Act has been subject to a minor assessment and has been justified as being in the public benefit. | Act retained without reform. |
| Consumer Credit (Tasmania) Act 1996 | DOJIR | | 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. | The Consumer Credit (Tasmania) Amendment Act 2003 was passed to address the application of the Consumer Credit (Tasmania) Code to the sale of goods by instalment and the charging of a particular fee. The Statutory Rule (Proclamation) No. 18 of 2003 implements the recommendations regarding the mandatory provision of comparison rates in advertisements for consumer credit. The remaining issues arising from the National Competition Policy (NCP) review of the Uniform Credit Code are still under discussion by the Uniform Credit Code Management Committee, awaiting final agreement on the drafting of the amendment provisions. Any further changes will be subsequently considered by the Government. |
| Co-operative Housing Societies Act 1963 | T&F | Business licensing, and naming and conduct. | Review not required. Act does not restrict competition per se. | This Act was repealed by the Legislation Repeal Act 2003. |
| Co-operative Industrial Societies Act 1928 | DOJIR | Registration, and conduct. | | Act repealed by the Co-operatives Act 1999, that commenced in May 2000. |

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| Corporations (Tasmania) Act 1990 | DOJIR | Applies Australian Government Corporations Law within Tasmania. | | A package of Tasmanian legislation was passed in 2001 as a result of the new Australian Government Corporations Act 2001. The Australian Government Office of Regulation Review assessed that no RIS was necessary. |
| Cremation Act 1934 | DPAC | Licences crematoriums, reserves cremation to licensees, and methods of practise. | Minor review completed. | Following the commencement of a minor review, a decision was made to repeal and replace this Act with new legislation to include matters related to burials. The Burial and Cremation Act 2002 was proclaimed on 21 June 2002. |
| Criminal Code Act 1924 | DOPPS | Scheduling restrictions on the labelling, packaging and advertising of listed substances, and to whom a product may be sold and under what conditions. Licensing restrictions on the handling, storage and reporting requirements of controlled substances for wholesalers and retailers. | The Galbally Review of Drugs, Poisons and Controlled Substances issued a final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. The report found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas. The final report was presented to the AHMC in early 2001. An AHMAC working party is examining the report and (with input from the Primary Industries Ministerial Council) providing recommendations to CoAG. | See comments under the Alcohol and Drug Dependency Act 1968. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|----------------------------|---------------|---|--|--|
| Dairy Industry Act 1994 | TDIA | Vesting of milk in Tasmanian Dairy Industry Authority. Farmgate price-setting for market milk. Pooling of market milk returns. Licensing of farmers, processors, manufacturers and vendors. | <p>The Dairy Industry Review Group concluded in July 1999. It recommended against immediate deregulation of price and supply restrictions in favour of reform over 5 years. The recommendation was conditional on the outcome of the Victorian dairy review and the proposed national adjustment package.</p> <p>In regard to food safety, a review recommended that the TDIA continue to maintain milk quality standards until such time as a national system for food safety is implemented.</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, Tasmania passed the Dairy Amendment Act 2000 on 26 May 2000, deregulating the industry from 1 July 2000. |
| Dangerous Goods Act 1976 | DIER | Requires the licensing of persons manufacturing dangerous goods. Persons may not possess dangerous goods without complying with certain requirements and premises must comply with prescribed requirements. | | Act repealed and replaced by new dangerous goods legislation. The new legislation is based on the National Road Transport Commission's legislative model for transport of dangerous goods by road, which has been expanded to include the use, storage and handling of dangerous goods. The new legislation has been assessed under the LRP gatekeeper requirements. |
| Dangerous Goods Act 1998 | DIER | | New legislation. Review completed. | Conforms to national agreement. The new legislation is based on the National Road Transport Commission's legislative model for transport of dangerous goods by road, which has been expanded to include the use, storage and handling of dangerous goods. The new legislation has been assessed under the LRP gatekeeper requirements. |

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| Debits Tax Transfer Act 1990 | T&F | | Removed from the LRP. | |
| Dental Act 1982 | DHHS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | Clause 5(5) review completed in 2001. | Act repealed and replaced by the Dental Practitioner Act 2001 in April 2001. The new Act removed some restrictions on practice and all specific restrictions on advertising, and clarified that there are no restrictions on ownership, among other things. |
| Dental Practitioners Registration Act 2001 | DHHS | Restrictions on entry, title, registration, practice, and disciplinary provisions. | Assessed under new legislation 'gatekeeping' arrangements. | Act replaces the Dental Act 1982, Dental Prosthetists Registration Act 1996 and the School Dental Therapy Act 1965, removing some restrictions on practice and all specific restrictions on advertising, and clarifying that there are no restrictions on ownership, among other things. |
| Dental Prosthetists Registration Act 1996 | DHHS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | Tasmania assessed the new Dental Practitioner Act 2001 under clause 5(5) of the CPA. | Tasmania passed a new Dental Practitioner Act 2001 in April 2001, removing some restrictions on practice and all specific restrictions on advertising, and clarifying that there are no restrictions on ownership. |
| Devonport Airport (Special Provisions) Act 1980 | DIER | Provides for the granting of a lease or licence to use any part of the land, buildings or structures of the airport. | | Act repealed by the Port Companies Act 1997. |
| Dog Control Act 1987 | DPAC LGD | Prohibits kennels and the keeping of dogs for breeding purposes without a licence. Sets standards for dog breeders and imposes certain standards on all licensed kennels. Registration of dogs. | Review not required. | Act replaced by the Dog Control Act 2000 which received Royal Assent on 20 December 2000. New Act assessed under CPA clause 5(5). |

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| Don River Tramway Act 1974 | DIER | Provides a railway agreement giving a competitive advantage to a particular company, potentially acting to restrict competition. Gives the company authority to construct and operate a railway. | Review deferred pending proclamation of the Rail Safety Act 1997, because the safety and access provisions will negate the need for this Act. | Act repealed by the Legislation Repeal Act 2000. |
| Door to Door Trading Act 1986 | DOJIR OCAFT | Defines a prescribed contract and prohibited contractual terms. Details information to be incorporated under prescribed contracts. Limits the hours in which a dealer may call. | Minor review completed. Restrictive provisions justified as being in the public interest. | Act retained without reform. |
| Education Act 1994 | DE | Requires non-government schools to be registered. | Major review completed in December 2000. Review found the restrictions on competition were justified in the public benefit. | Act retained without reform. |
| Education Providers Registration (Overseas Students) Act 1991 | DE | Requires providers of education to overseas students to be registered and enables conditions to be imposed on the conduct of registered education services. | Major review completed in December 2000. Review found the restrictions on competition were justified in the public benefit. | Act retained without reform. |
| Egg Industry Act 1988 | DPIWE EMB | Licenses producers. Limits production via quotas. Vests ownership of second grade eggs in the egg marketing board. | Major review completed in July 1999. Review recommended removal of producer licensing, production quota, vesting and minimum quality standards. | The State Parliament passed a new Egg Industry Act 2002 that repeals the former Act and establishes a mandatory quality assurance scheme for producers with twenty or more hens. The quality assurance scheme provisions have been assessed in accordance with the gatekeeper arrangements. |

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|---|---------------|--|--|---|
| Electricity Consumption Levy Act 1986 | T&F | | Review not required. | Act repealed by the Hydro-Electric Corporation (Consequential and Miscellaneous Provisions) Act 1996. |
| Electricity Industry Safety and Administration Act 1997 | DIER | Licensing, registration, entry requirements (qualification, experience, suitable person, fit and proper person, nominated manager of electrical contracting business: licence and either experience or completed course), reservation of practice, disciplinary processes, business conduct (electrical contractor to have insurance). | Review not required. The Government advised by the department that the restrictive provisions of this Act are in the public benefit and in accord with uniform legislation existing in other States. | Act retained without reform. |
| Electricity Supply Industry Act 1995 | T&F | Requires licences for the generation, transmission, distribution or retailing of electricity. Can compel acceptance of conditions of a national electricity code and may impose restrictions on re-supply in contracts with very large users of electricity. | Government review completed in late 2001. | Review recommendations were either enacted or are redundant following passage of legislation enabling Tasmania's entry into the NEM. |
| Emu Bay Railway Act 1976 | DIER | Provides a competitive advantage by releasing a particular company from obligations as a common carrier (Common Carrier Act). Provides that the company is not entitled to any of the rights or privileges of a common carrier. | | Act replaced by the Rail Safety Act 1997 which has now been proclaimed. This Act was initially introduced without complying with the LRP. A subsequent Minor Assessment Statement was endorsed as complying with the LRP. |

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|---|----------------|--|--|--|
| Environment Protection (Sea Dumping) Act 1987 | DPIWE | Requires a permit to undertake waste dumping or incineration at sea. Essential provisions to prevent degradation of the environment. | | Act repealed by the Legislation Repeal Act 2000. |
| Environmental Management and Pollution Control Act 1994 | DPIWE | Requires a person carrying out a controlled activity to have authorisation and a TAFE certificate. Sets minimum standards for products in terms of air emissions. Restricts the importation of certain products. Essential provisions to prevent degradation of the environment. | Major review completed. All restrictions except one were found to be in the public benefit. | The Noise Regulations 1977, which contained the remaining restriction, were rescinded on 1 January 2004. The new Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004 will not contain restrictions of the type identified and will be subject to regulatory impact assessment. |
| Evidence Act 1910 | DOJIR | Restricts court room employment of shorthand writers to those who have been examined and licensed. | | This Act was repealed by the Evidence Act 2001 that was assessed under the LRP gatekeeper requirements as not restricting competition or having a significant negative impact on business. The new Act was proclaimed on 1 July 2002. |
| Fair Trading Act 1990 | DOJIR OCAFT | Motor vehicle traders - mandatory code of practice covering business conduct (written contracts, warranty, complaints system, no deception, no false representation, no misleading advertising). | Minor review of the motor vehicle dealers code of practice completed in 1998. Justified in the public interest the restrictive provisions requiring manufacturers to provide warranties for motor vehicles and establishing a system for dealing with customer complaints. | The Government endorsed the review conclusion. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|--|--|
| Fertilisers Act 1993 | DPIWE | Prohibits the sale of fertiliser unless the package has the prescribed label. Regulates the details to be included on the label. Sets standards for the composition of fertilisers. | Minor review completed. Review found the restrictions to be in the public interest. No reform recommended. | Act retained without reform. |
| Financial Institutions Duty Act 1986 | T&F | | Removed from the LRP. | |
| Financial Management and Audit Act 1990 | TAO | Requires the Auditor-General to be the auditor of the Treasurer, all Government Departments, statutory authorities and government business enterprises. | Minor review completed. The restrictions on competition arise from the Auditor General's power to audit all Government Departments and majority government-owned entities. | No legislative changes were required. However, administrative separation has been put in place between the Auditor General and the Tasmanian Audit Office, competitive tendering with the private sector has been increased to 27 per cent of total audit expenditure, and tender panels are formed to assess tender bids. |
| Fire Service Act 1979 | SFC | The formation of private fire brigades and salvage corps is prohibited unless authorised by the Tasmanian Fire Service. | Minor review completed. The sole restriction on competition relating to the creation of salvage corps has been justified as being in the public benefit. | Act retained without reform. |
| Firearms Act 1996 | DOPPS | | Minor review completed. Restrictions on competition contained in the Act justified as being in the public benefit. | Act replaced the Guns Act 1991. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|----------------|--|--|--|
| Fisheries Act 1959 | DPIWE IFC | Prohibits persons carrying out marine farming activities or fish processing without authorisation and/or licences. Requires licensing of private fisheries and restricts the methods and equipment for taking fish. Restricts the import of fish. Protection of a natural resource from unsustainable extraction and the introduction of a disease, organism, variety or disorder. | | Act repealed in May 1996. Repealing Acts, the Inland Fisheries Act 1995, the Living Marine Resources Management Act 1995, and the Marine Farming Planning Act 1995, included on the LRP timetable. |
| Flammable Clothing Act 1973 | DOJIR OCAFT | The requirement to mark or label prescribed clothing (children's nightwear) with the flammability of the garment. | Minor review completed. Restrictive provision justified as being in the public benefit. | Act retained without reform. |
| Florentine Valley Paper Industry Act 1935 | FT | Authorises the granting of exclusive timber, water and transport rights to one company. | Review completed and recommended that the power to license water rights be attached to the Water Management Act. | Licensing of water rights transferred to the Water Management Act. |
| Food Act 1998 (replaced the Public Health Act 1962) | DHHS | Various food safety offences. Food to meet prescribed food standards. Registration of premises and vehicles. Licensing of food manufacturers and sellers. | 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. Tasmania will replace this Act with the yet to be proclaimed Food Act 2003, which is based on the Model Food Act. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|----------------------------|---------------|---|---|---|
| Forest Practices Act 1985 | FPB | <p>Requires preparation and certification of forest practices plan before timber harvesting can start.</p> <p>Declaration of private timber forests.</p> <p>Prescribes forest practices under Forest Practices Code.</p> <p>Operators harvesting more than 100 000 tonnes per annum must submit a 3 year plan for approval by Forest Practices Board.</p> | <p>Review by Forest Practices Advisory Council completed in 1998. Review recommended no changes to the Act because restrictive provisions were found to be in the public benefit.</p> | <p>Act retained without reform.</p> |
| Forestry Act 1920 | FT | <p>Licensing of timber collection and of taking of other resources.</p> <p>Administrative discretion over how licences and produce are allocated and priced.</p> <p>Minimum supply of logs for veneer and sawmilling industries.</p> <p>Wood supply agreements to contain certain conditions.</p> <p>Permits to occupy and use State forest.</p> <p>Registration of timber workers.</p> | <p>Reviewed by an external consultant completed in 1998. Review noted that minimum supply restrictions are anticompetitive and recommended:</p> <ul style="list-style-type: none"> • simplifying the Act; and • removing certain conditions of wood supply agreements. <p>The minimum supply restrictions were found to be of public benefit during the process to establish a Regional Forest Agreement.</p> | <p>The Government removed all the restrictions other than the minimum supply levels, by way of the Forestry Amendment (Miscellaneous) Act 1999, which was assessed as complying with the requirements of the LRP.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|---|---|
| Friendly Societies Act 1888 | DOJIR | Requires friendly societies to be registered. Requires that two friendly societies conducting the business of a chemist must be within a distance of 11 km of the Hobart or Launceston GPO. | | Act repealed and replaced by the Friendly Societies Code. The Code has also been repealed. Friendly Society legislation now falls under Australian Government jurisdiction. |
| Futures Industry (Application of Laws) Act 1987 | DOJIR | | Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |
| Futures Industry (Tasmania) Code | DOJIR | | Review not required. Act does not restrict competition per se. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it cannot be repealed yet. |
| Gaming Control Act 1993 | T&F | Grants exclusive rights to specific companies to conduct casino operations and operate gaming machines in Tasmania. Requires gaming equipment to meet the approval of the Gaming Commission. Limitations on the availability of gaming to minors. | Minor review completed as part of a review of the State's gaming legislation. Review recommended that the Casino Company Control Act be repealed, that the Gaming Commission be given discretion to determine who was to be included on the roll of manufacturers and suppliers of gaming equipment and that the Commission be given greater discretion to approve a standard form of contract. | The Government agreed to the recommendations of the review group. The Casino Company Control Act was repealed in 2000 and the other two recommendations were implemented in June 2001. In 2003, the Government extended the exclusive licence to operate casinos and gaming machines to 2018. |
| Gas Franchises Act 1973 | DIER | Grants franchise holders (Hobart and Launceston Gas Companies) exclusive rights to supply gas by reticulation or in bulk in their respective franchise areas. | | Act repealed by the Gas Pipelines Access (Tasmania) Act 2000, which was assessed under the LRP gatekeeper requirements |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|----------------|--|---|---|
| Goldamere Pty Ltd (Agreement) Act 1996 | DED | | Removed from the LRP. | |
| Goods (Trade Descriptions) Act 1971 | DOJIR OCAFT | Requires labelling of footwear and textiles. Limits the materials that can be used in footwear and requires safety footwear to comply with Australian standards requirements. | Minor review completed. The key restrictive provision, the requirement for manufacturers to disclose the materials from which textile products are made, has been justified as being in the public benefit. | Restrictive provision relating to textile products retained. New regulations have been made which replace provisions regarding safety footwear. |
| Grain Reserve Act 1950 | DPIWE TGEB | Exempts the Tasmanian Grain Elevators Board from Council rates and protects it from being sued. | Review completed. | Two anticompetitive sections of the Act repealed. |
| Guns Act 1991 | DOPPS | Requires gun owners and firearm dealers to be licensed. Essential provisions to limit the availability of potentially dangerous goods such as guns. | | Act repealed on 13 November 1996. The repealing Act, the Firearms Act 1996, was reviewed under the LRP and the restrictions were assessed as being in the public benefit. |
| Hairdressers' Registration Act 1975 | DIER | Licensing, registration of hairdressers (hairdresser, master, principal), entry requirements, and business conduct (licensing of hairdressers' premises, premises compliance with prescribed requirements in relation to design, construction, furnishings and equipment). | An assessment of the legislation undertaken by the Department. Review recommended that the Act be repealed. | Act repealed by the Hairdressers Repeal Act 2002. |
| Henry Jones Limited (Huon Pine) Agreement Act 1978 | FT | Ratifies an agreement allowing a company to cut and take a specific quantity of Huon Pine. | | Act repealed by the Legislation Repeal Act 1998. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|----------------|---|--|--|
| Hire-Purchase Act 1959 | DOJIR OCAFT | Relates to hire purchase contracts taken out prior to introduction of Consumer Credit Code. Specifies the conditions of a legal hire-purchase agreement. It specifies the standards that must be met in writing a legal hire-purchase contract. | Review not required. | Act repealed by the Legislation Repeal Act 2000. |
| Historic Cultural Heritage Act 1995 | DTPHA | Places restrictions on building work on places of historic heritage significance that may affect historic cultural heritage. | Review, in conjunction with the Land Use Planning and Approvals Act 1993, completed. | A draft Bill will be prepared with the intention of introducing amending legislation into Parliament in late 2004. During consultation with Local Government, a number of serious concerns were raised with the draft, requiring significant further work. |
| HIV/AIDS Preventative Measures Act 1993 | DHHS | Provides for the approval of health care workers, restricts the manufacture and sale of HIV testing kits. Sets guidelines on medical and surgical procedures. | Minor review completed in 1998. Review justified the restrictive provisions as being in the public benefit. The restrictions relate to the licensing/approvals involved in areas associated with testing, counselling and treatment of AIDS sufferers. | Act retained without reform. |
| Hobart Bridge Act 1958 | DIER | Restricts the business of passenger ferry services on the Derwent River. Provides a contractual agreement effectively establishing a monopoly with one licensed operator, that is, it restricts market entry. | | Act repealed under the Legislation Repeal Act 1996. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|----------------|--|---|---|
| Hobart Town Gas Company's Act 1854 | DOJIR | Establishes the Hobart Town Gas Company to provide Hobart with gas powered street lights. Specifies conduct of the company and sets lighting standards to be met. | | Act repealed by the Gas Act 2000. |
| Hobart Town Gas Company's Act 1857 | DOJIR | Gives the company powers not afforded to potential competitors, such as entering premises, and recovering property on 24 hours notice. | | Act repealed by the Gas Act 2000. |
| Hospitals Act 1918 | DHHS | Licensing, requires certain qualifications to be held by hospital managers. | Review completed. Review recommends licensing private hospitals and day surgery facilities but not nursing homes. | The Government will consider a reform proposal in March 2004. It is expected that amending legislation will be introduced into Parliament in the spring 2004 session. |
| Housing Indemnity Act 1992 | DOJIR OCAFT | Requires builders to obtain an indemnity insurance policy before performing building work. | Review completed. Restrictive provisions justified as being in the public benefit. | The Housing Indemnity Bill 2003 was passed by Parliament on 6 November 2003. |
| Huon Valley Pulp and Paper Industry Act 1959 | FT | Provides the company with unlimited free water rights, restricts the water rights of the Huon Council (and its residents), rights over Crown land. Sets company conduct in relation to river bank degradation and water quality. | | Act repealed by the Legislation Repeal Act 1996. |
| Hutchins School Act 1911 | DE | Combines the Hutchins School and a trust and gives the school the power to lease land that it otherwise could not. Provides a possible advantage not given to other schools. | Review not required. | Act repealed by the Legislation Repeal Act 2000. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|------------------------|--|
| Hydro-Electric Commission (Doubts Removal) Act 1972 | HEC | Provides the Hydro-Electric Commission with the power to do all such acts, matters and things in relation to the specified area of Crown land as are necessary to construct and carry out works. | Review not required. | Act repealed on 6 November 1996. The repealing Acts were included on the LRP timetable: the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995. |
| Hydro-Electric Commission (Doubts Removal) Act 1982 | HEC | Provides the Hydro-Electric Commission with the power to do all such acts, matters and things in relation to the specified area of Crown land as are necessary to construct and carry out works. | Review not required. | Act repealed on 6 November 1996. The repealing Acts were included on the LRP timetable: the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995. |
| Hydro-Electric Commission Act 1944 | HEC | Market entry, competitive conduct, product service innovation. Prohibits the generation and/or transmission of electricity without the consent of the Hydro-Electric Commission (HEC). Establishes pricing rules and prohibits electrical wiring work and the sale of electrical fittings unless approved by the HEC. | Review not required. | Act repealed on 6 November 1996. The repealing Acts were included on the LRP timetable: the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995. |
| Ida Bay Railway Act 1977 | DPIWE | Confers Ida Bay Railway with an exemption from the provisions of the National Parks and Wildlife Act 1950 and the Railway Management Act 1935. | Review not required. | Act repealed in April 2001. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|---|
| Inland Fisheries Act 1995 | DPIWE IFC | Licensing of commercial fishers and fish farms. Registration of private fisheries, fish processors and sellers. Restricts the methods and equipment that can be used to take or kill fish. Limits the size and sex of fish that can be taken. Restricts the importation of fish. | Major review completed in December 2000. The review report, in the form of a RIS, concluded that most restrictions are justified, but recommended some simplifications such as abolishing certain licence classes. | Review recommendations were implemented by the Inland Fisheries Amendment Act 2002. |
| Iron Ore (Savage River) Agreement Act 1965 | DIER | | Review not required. | Act repealed. |
| Iron Ore (Savage River) Arrangements Act 1996 | DED | | Review not required. Act does not restrict competition <i>per se</i> . The Act provides indemnity for a past operator of the mine for environmental damage. | |
| Iron Ore (Savage River) Deed of Variation Act 1990 | DIER | | Review not required. | Act repealed by the Legislation Repeal Act 2001. |
| Land and Income Taxation Act 1910 | T&F | | Removed from the LRP timetable. | |
| Land Surveyors Act 1909 | DPIWE | Licensing, registration, entry requirements (age, good fame and character, competency (education, experience and exam)), the reservation of practice, disciplinary processes, and business conduct (number of supervised graduates, discretionary power for Surveyors Board to publish and enforce a scale of fees, survey practice standards). | Review completed in July 1999 and report released in December 2000. Review recommended retaining the following restrictions: registration, annual licensing, disciplinary processes, experience (but replacing two years of supervised training with appropriate course of postgraduate training) and minimum standards (but less prescriptive and more output focused). Review recommended removing the following restrictions: the number of graduates under supervision and power for the board to set fees. | The Government released a draft response for comment, proposing an alternative, less-restrictive, competency-based co-regulation model. In November 2002, Tasmania passed the Surveyors Act 2002 which implemented deregulation of the surveying profession to a greater extent than envisaged by the review. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|--|---|---|
| Land Tax Act 1995 | T&F | | Removed from the LRP. | |
| Land Use Planning and Approvals Act 1993 | DPIWE | Requires the observance of planning schemes by planning authorities in respect of all use or development within a certain area. Requires persons undertaking certain developments to apply to the planning authority for a permit. | Review completed in 2000. | The amendments recommended by the review were made through the Land Use Planning and Approvals Amendment Act 2001. |
| Land Valuation Act 1971 | DPIWE | Gives the Valuer-General a monopoly on the provision of valuation services to local government for the setting of valuations for the purpose of determining local rates. | Major review, in conjunction with the Valuers Registration Act 1974, completed. Review recommended tendering all statutory mass valuation work and retaining the role of the Valuer-General. The Valuer-General would be responsible for developing and monitoring valuation standards and information requirements, determining the length of the revaluation cycle, administering valuation lists, coordinating the collection of information, and being the avenue of appeal. The review also recommended greater administrative separation of the Valuer-General and Government Valuation Services, and the abolition of the Valuers Registration Board | The Government accepted the recommendations of the review. The Valuation of Land Act 2001 and the Land Valuers Act 2001 were passed by Parliament and replace these Acts. The new Acts were assessed under the LRP gatekeeper requirements. |
| Launceston Gas Company Act 1982 | DOJIR | Gives the Launceston Gas Company powers that are not available to potential competitors in the gas supply market. For example, they are given the power to 'break up public roads' without council approval, only needing to give 24 hours notice. | | Act substantially repealed, with remaining sections to be repealed once an accurate mapping of the pipeline network has been completed. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|----------------|--|---|--|
| Launceston Savings Investment and Building Society Act 1955 | DOJIR | Provides the Launceston Savings, Investment and Building Society with the power to invest in a specific property that it may not have been able to under the Building Societies Act 1876. | | Act repealed by the Legislation Repeal Act 1996. |
| Legal Profession Act 1993 | DOJIR | Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, and business conduct (including monopoly professional indemnity insurance, operation of mandatory trust accounts and advertising (power to Council of Law Society to make rules)). | RIS, released in April 2001, made preliminary recommendations to: remove the reservation of conveyancing; remove advertising and ownership restrictions; retain civil fee scales; improve the disciplinary system; and allow legal practitioners to arrange their own insurance. Review was completed in August 2001. | The Government is reconsidering the review in light of the current Standing Committee of Attorney Generals (SCAG) review of possible national laws. The Legal Profession Bill has been released for public consultation and it is anticipated that the Bill will be introduced into Parliament in the autumn 2004 session. The Government will shortly consider the remaining reforms. |
| Lending of Money Act 1915 | DOJIR OCAFT | Relates to money lending contracts taken out prior to introduction of Consumer Credit Code. Requires that money lenders be registered. | Review not required. | Act repealed by the Legislation Repeal Act 2000. |
| Liquor and Accommodation Act 1990 | T&F LC | Prohibits granting of a liquor licence in connection with supermarket activities. Regulates the sale of liquor. Minimum sale of 9 litres required for non hotel outlets. | Review completed in 2002. Review recommended removing the nine litre minimum sale requirement and the prohibition of sales from supermarket premises. | The Government has implemented the majority of the review recommendations but has retained the ban on the sale of packaged liquor from supermarket premises. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|--|--|
| Living Marine Resources Management Act 1995 | DPIWE | Licensing of fishers, handlers, processors and marine farmers. Input controls on gear, vessel operations, handling and storage standards. Output controls such as quotas, size and species limits. Prohibits importation of live fish into Tasmania. | Major review completed in January 2000. Review recommended retaining all restrictions as all restrictions were justified as being in the public benefit. | Act retained without reform. |
| Local Government (Highways) Act 1982 | DPAC - LGD | Provides for the creation, construction, maintenance and management of highways and establishes construction standards. Empowers Councils to make by-laws prohibiting the carriage of certain materials over local highways unless licensed. | Minor review completed. | Amending legislation was passed by Parliament in late 2001, and proclaimed on 1 June 2002. The by law making power of councils has been removed from this Act. |
| Local Government Act 1993 | DPAC LGD | Enables Councils to make by-laws in respect of any matter or thing, such as fees and licences and the execution of works, for which the Council has a function of power under this or any other Act. | Review completed. Minor restrictions were justified as being in the public benefit. | By-law making power of Councils has been removed as recommended by the review. |
| Local Government (Building and Miscellaneous Provisions) Act 1993 - (except in relation to health issues and Part III (subdivisions)) | DIER | Provides for the control of building and plumbing work, the setting of product and construction standards and application of the Building Code of Australia to Tasmania. | Assessed under the gatekeeper provisions. | Building provisions replaced by the Building Act 2000, assessed under the gatekeeper requirements. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|--|
| Local Government (Building and Miscellaneous Provisions) Act 1993 - (in so far as it relates to health issues) | DHHS | Prohibits cesspools and the inhabitation of houses that do not have sanitation facilities. Requires the registration of premises used for offensive trades (tanneries, etc), the licensing of night-soil disposal systems and places of public entertainment. | | Relevant provisions transferred to the Public Health Act 1997 which was assessed under regulatory gatekeeping arrangements. |
| Local Government (Building and Miscellaneous Provisions) Act 1993 (Part III) | DPIWE | Provides for the control of building and plumbing work, the setting of product and construction standards and application of the Building Code of Australia to Tasmania. Provides for the approval of subdivisions and restrictions on the use of water. | Review not required. | Legislation replaced by the Building Act 2000 assessed under the gatekeeper requirements. |
| Marine (Consequential Amendment Act) 1997 | DEIR | | New legislation assessed under CPA clause 5(5) gatekeeper provisions. | |
| Marine Act 1976 | DIER | Provided for the survey of marine vessels and equipment. Established standards for marine vessels and equipment through the adoption of national codes and standards. | | Act repealed on 30 July 1997 and replaced by the Marine and Safety Authority Act 1997, the Port Companies Act 1997, and the Marine (Consequential Amendment) Act 1997. These Acts were assessed under legislation gatekeeper requirements. |
| Marine and Safety Authority Act 1997 | | Marine safety arrangements. | New legislation assessed under gatekeeper provisions. | Act replaces the Marine Act 1976. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|--|--|
| Marine Farming Planning Act 1995 | DPIWE | Prohibition on marine farming outside marine farming zones. Requirement to have a lease to operate a marine farm. Prohibition on actions that are contrary to any marine farming development plan. Application for marine farming lease by invitation. | Review completed. Review recommended retaining all restrictions because they were found to be in the public benefit | Act retained without reform. |
| Meat Hygiene Act 1985 | DPIWE | Prohibits the operation of abattoirs and slaughterhouses without a licence and provides for conditions to be attached to licences. Prohibits persons from selling or bringing meat into Tasmania unless it is fit for human consumption. | Major review completed in 1999. | Amendments implementing reforms were introduced in 2001. |
| Medical Act 1959 | DHHS | Restrictions on entry, registration, title, practice, and disciplinary provisions. | | Act repealed on 21 August 1996 and replaced by the Medical Practitioners Registration Act 1996, which is included in LRP timetable. |
| Medical Practitioners Registration Act 1996 | DHHS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | Review completed. Review found that the registration of medical practitioners is justified in the public interest, but that the restrictions on the ownership of medical practices and controls on advertising were not. | The Government has accepted the review recommendations and amending legislation is expected to be introduced into Parliament in the autumn 2004 session. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Medical Radiation Science Professionals Registration Act 2000 | DHHS | Restrictions on entry, title, registration, and disciplinary provisions. | Review completed. | The Medical Radiation Science Professionals Registration Act 2000 passed in November 2000. New legislation implemented after assessment under CPA clause 5(5). The Act does not contain practice or advertising restrictions, but does contain requirements for professional indemnity insurance. |
| Mental Health Act 1963 | DHHS | Restricts the admission of involuntary mental patients to public hospitals only. | | Act repealed and replaced by the Mental Health Act 1996. |
| Mental Health Act 1996 | DHHS | | New legislation assessed under CPA clause 5(5) legislation gatekeeping provisions. | Act replaces the Mental Health Act 1963. This new Act addressed the restriction contained in the 1963 Act. |
| Merchant Seamen Act 1935 | DIER | Places restrictions on shipping crews through the adoption of International Labour Conventions. | | Act repealed by the Legislation Repeal Act 1998. |
| Metro Tasmania Act 1997 | DIER | | New legislation. Assessed under gatekeeper provisions. | |
| Metropolitan Transport Act 1954 | DIER | Places restrictions on the provision of public bus services within a 22 kilometre radius of the Hobart GPO and a 12 kilometre radius of the Launceston GPO. | | Act replaced by the Metro Tasmania Act 1997 and the Metro Tasmania (Transitional and Consequential Provisions) Act 1997. New legislation was assessed under gatekeeper provisions. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|----------------|---|--|---|
| Mineral Resources Development Act 1995 | DIER | Exploring or extracting minerals prohibited without licence. Term of exploration licences - 5 years. Term of extraction (mining) leases - up to 21 years. | Review by government/industry panel completed. Review recommended no change. | Act retained without reform. |
| Mining Act 1929 | DIER | | | Act repealed on 1 July 1996 and replaced by the Mineral Resources Development Act 1995. New Act included on the LRP timetable. |
| Mock Auctions Act 1973 | DOJIR OCAFT | Prohibits auctions where items are sold at a price lower than the highest bid, i.e. no kick backs allowed. | Review not required. | Act repealed by the Legislation Repeal Act 2000. |
| Motor Accidents (Liabilities and Compensation) Act 1973 | MAIB | Mandatory insurance, monopoly insurer, centralised premium setting. | Major review completed in 1997. Review recommended retention of the monopoly. Following the 1999 NCP assessment, the Government agreed to re-examine the issue. In considering its approach, Tasmania stated that it would consider the outcome of the Victorian review of its Compulsory Third Party (CTP) insurance. | The Tasmanian Government completed its examination of the Victorian review of the Transport Accident Commission and has decided not to alter the legislation. |
| Mount Dundas and Zeehan Railway Act 1890 | DIER | Sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway. | | Act repealed by the Legislation Repeal Act 1998. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|------------------------|--|
| Mount Dundas and Zeehan Railway Act 1891 | DIER | Sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway. | | Act repealed by the Legislation Repeal Act 1998. |
| Mount Lyell and Strahan Railway Act 1892 | DIER | Provides the company with the power to construct a railway through public and private lands. Specifies quality levels to be met in the construction of the railway. | | Act repealed by the Legislation Repeal Act 1996. |
| Mount Lyell and Strahan Railway Act 1893 | DIER | Specifies railway construction standards to be met by this railway. | | Act repealed by the Legislation Repeal Act 1996. |
| Mount Lyell and Strahan Railway Act 1896 | DIER | Provides the company with the power to alter the course of the railway through public and private lands. It provides the company with greater rights of acquisition than is available to other companies under the law. | | Act repealed by the Legislation Repeal Act 1996. |
| Mount Lyell and Strahan Railway Act 1898 | DIER | Restricts the ability of the company to set freight rates. As a monopoly provider of rail services to Strahan the Government empowered itself to oversee the private freight fees charged by the company. | | Act repealed by the Legislation Repeal Act 1996. |
| Mount Lyell and Strahan Railway Act 1900 | DIER | Provides the company with an extension to its rights over public and private lands. | | Act repealed by the Legislation Repeal Act 1996. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|--|--|--|
| Mount Read and Rosebery Mines Limited Leases Act 1916 | DIER | The Act authorises the issue of special leases and licences to the Company in order for it to acquire 'a more certain tenure of the lands, water and other rights'. The Company has sole rights to timber on any lands in the lease. | | Act repealed by the Mt Read and Rosebery Mines Limited Leases (Repeal) Act 1999. |
| National Parks and Wildlife Act 1970 | DPIWE | Provides for conditions to be placed on the commercial use of crown land and trade in wildlife, and limits the number and type of licences that can be issued. | Minor review completed. Restrictive provisions regarding the commercial use of Crown land, trade in wildlife and wildlife exhibitions and displays have been justified as being in the public benefit. | No reform required. |
| North Esk Regional Water Act 1960 | DPIWE | Provides the Rivers and Water Supply Commission with the exclusive right to supply certain 'water districts' from waterworks vested in the Commission. | | Act repealed by the Northern Regional Water (Arrangements) Act 1997. |
| North Mount Lyell and Macquarie Harbour Railway Act 1897 | DIER | Provides the company with the power to construct a railway through public and private lands. Specifies quality levels to be met in the construction of the railway. | | Act repealed under the Legislation Repeal Act 1996. |
| North Mount Lyell Mining and Railway Act 1901 | DIER | Provides the company with more land for its railway and retrospectively approves certain new railway constructions. Specifies the conduct and form of leasing arrangements that the company can enter into. | | Act repealed under the Legislation Repeal Act 1996. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---------------------------------------|---------------|---|--|---|
| Noxious Insects and Molluscs Act 1951 | DPIWE | Prohibits the importation into Tasmania of any noxious insect or mollusc, except for scientific purposes and with the prior approval of the Minister. Prohibits the sale of any infested animal or good. | Review not required. | Act repealed and replaced by the Plant Quarantine Act 1997. New legislation assessed under the new legislation gatekeeper obligation. |
| Noxious Weeds Act 1964 | DPIWE | Provides for the declaration of 'infected areas' and prohibits the movement of plants and animals from that area. Prohibits the importation of banned weeds and unidentified plants. Controls the importation of seeds, aquatic plants and animals. | Review not required. | Act repealed and replaced by the Weed Management Act 1999 that was assessed under the LRP gatekeeper requirements. |
| Nursing Act 1987 | DHHS | Restrictions on entry, registration, title, practice, and disciplinary provisions. | | Act repealed on 1 July 1996 and replaced by the Nursing Act 1995. New legislation is on the LRP. |
| Nursing Act 1995 | DHHS | Restrictions on entry, registration, title, practice, and disciplinary provisions. | Review completed in 1999. Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer. | The Nurses Amendment Act 1999 removes other restrictions. |
| Optometrists Registration Act 1994 | DHHS | Restrictions on entry, registration, title, practice, advertising, ownership, and disciplinary provisions. | Review completed. The key issues for the review were the extent of restrictions on the ownership of practices and on the advertising of services. | The Government has considered the review recommendations. The amending legislation will be introduced into Parliament in the autumn 2004 session. |
| Partnership Act 1891 | DOJIR | Restricts partners competing with the partnership. | Minor review completed and the restrictive provisions justified as being in the public benefit. | 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 1857 | DOJIR | Licensing, and business conduct. | Review not required. | Act repealed in 1996 by the Second-Hand Dealers and Pawnbrokers Act 1994. |
| Pay-roll Tax Act 1971 | T&F | | Act removed from the LRP. | |
| Pesticides Act 1968 | DPIWE | Provides for the registration of pesticides and prohibits their sale unless registered. Prohibits the sale of foodstuffs that contain pesticide residue above the permitted tolerance. Controls the packaging, labelling and use of pesticides. | Review not required. | Act repealed on 1 January 1997 by the Agricultural and Veterinary Chemicals (Control of Use) Act 1995, which is included on the LRP. |
| Petroleum (Submerged Lands) Act 1982 | DIER | Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme. | National review completed and endorsed by the Australia and New Zealand Minerals and Energy Council. Amendments are to be developed by the Commonwealth and reflected in state and territory legislation. It is anticipated that amending legislation will be introduced in the autumn or Budget 2004 sessions of Parliament. | The Government is awaiting the introduction of amendments by the Australian Government before amending its own legislation. |
| Petroleum Products Business Franchise Licences Act 1981 | T&F | | | Act repealed as a result of the High Court ruling of August 1997 that States are unable to collect franchise fees. |
| Petroleum Products Emergency Act 1994 | DOPPS | Provides for the licensing and prohibition of sale of petroleum products and the rationing of petroleum sales in an emergency. | Act removed from the LRP. The legislation requires that any restrictions must be justified in the public benefit, therefore no further justification was considered necessary. | No reform required. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|--|---|---|
| Pharmacy Act 1908 | DHHS | Restrictions on entry, registration, title, practice, advertising, business, ownership, 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> <p>State-based review completed in January 1998. This review did not encompass the ownership issues considered as part of the national review.</p> | The Government has considered the outcome of the national review and amending legislation will be introduced into Parliament in the Autumn 2004 session. |
| Physiotherapists Registration Act 1951 | DHHS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | Review completed in 1999. Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer. | Act repealed and replaced by the Physiotherapists Registration Act 1999. New legislation was implemented after assessment under LRP gatekeeper requirements. Business restrictions and licensing removed. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|--|--|
| Physiotherapists Registration Act 1999 | DHHS | Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions. | Review completed in 1999. Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer. | Act replaced the Physiotherapists Registration Act 1951. New legislation was implemented after assessment under LRP gatekeeper requirements. Introduces professional indemnity insurance requirement, and can provide for continuing professional education regulations. Maintains limited reserved practice (manipulation and electrical). Business restrictions and licensing removed. |
| Plant Diseases Act 1930 | DPIWE | Provides for the Governor to prohibit the introduction into Tasmania of any plant that is likely to introduce any disease or noxious organism. Prohibits the movement and export of diseased plants. | | Act repealed and replaced by the Plant Quarantine Act 1997 which was assessed under the LRP gatekeeper requirements. The new Act restricts competition but this was found to be necessary to avoid the introduction and spread of plant and animal pests and diseases. |
| Plant Protection Act 1994 | DPIWE | Minister may prohibit the sale of anything found in an 'infested area' and may prohibit any article, goods or material from being imported into Tasmania. Prohibits exportation of diseased plants unless in accordance with restrictions. | | Act repealed and replaced by the Plant Quarantine Act 1997. The latter Act was assessed under the gatekeeper requirements. Restrictions imposed were found to be necessary to prevent the spread of plant and animal pests and diseases. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|--|
| Plumbers and Gas-fitters Registration Act 1951 | DIER | Licensing, registration, entry requirements (qualification or experience, apprenticeship and exam), the reservation of practice (sanitary, mechanical services, water and backflow prevention plumbing, draining and roof plumbing, any other plumbing work, gasfitting), and disciplinary processes. | Review completed in October 1998. The Act restricts competition by requiring licensing and registration of plumbers and gasfitters, and specifying entry requirements, the reservation of practice for activities, and disciplinary processes. The review recommendations included reducing areas of reservation of practice; limiting the qualifications and experience required for registration to a demonstration of competence; implementing an appropriately constituted self-certification system; and amalgamating registration and plumbing inspection systems to reduce overlap and reduce the regulatory burden on plumbers. | Proposed new occupational licensing legislation is scheduled for introduction into Parliament in the autumn 2004 or Budget 2004 sessions. |
| Podiatrists Registration Act 1974 | DHHS | Restrictions on entry, registration, title, advertising, ownership, and disciplinary provisions. | Review completed in 2000. Review recommended that advertising and ownership restrictions be removed from the Act. | Act repealed on 1 July 1996 and replaced by the Podiatrists Registration Act 1995 which is included on the LRP timetable in place of this Act. |
| Podiatrists Registration Act 1995 | DHHS | Restrictions on entry, registration, title, and disciplinary provisions. | Review completed in 2000. Review recommended that advertising and ownership restrictions be removed from the Act. | Advertising and ownership restrictions removed from the Act in November 2000. A professional indemnity insurance requirement was introduced. |
| Poisons Act 1971 | DHHS | Requires the licensing of manufacturing and wholesale chemists, and restricts the sale or supply of narcotic or prohibited substances. Prohibits the sale of new drugs until they are classified. | Part of Galbally Review. Draft review report released 11 September 2000. Final review report given to the 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. | Amending legislation will be introduced into Parliament in the spring 2004 session, in line with COAG's decision that the outcomes of the National Review should be implemented within 12 months from December 2003. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|--|--|
| Police Offences Act 1935 | DOPPS | Requires the licensing of tanners, motor racing events, wood stacks, fund raising, money lending and boxing. | Minor review completed. | Two anticompetitive provisions repealed and those remaining have been justified as being in the public benefit. |
| Port Arthur Historic Site Management Authority Act 1987 | PAHSMA | Imposes restrictions on commercial operations in the Port Arthur Historic Site area. | Minor review completed. Restrictive provisions assessed as being in the public benefit as part of the review of the National Parks and Wildlife Act 1970. | Act retained without reform. |
| Port Companies Act 1997 | DIER | Establishes port authorities. | New legislation assessed under gatekeeper requirements. | |
| Port Huon Wharf Act 1955 | T&F | Restrictions on port access. | | Act repealed on 30 July 1997. |
| Primary Industry Activities Protection Act 1995 | DPIWE | Provides legal protection for established primary producers from a claim of nuisance from new adjoining subdivisions. | Minor review completed. Review found the restrictions to be in the public interest. No reform recommended. | No reform required. |
| Printers and Newspapers Act 1911 | DOJIR | Requires printed matter to carry printer's name and address. Prohibits the sale of printed matter that does not bear printer's name and address. | | Act repealed by the Legislation Repeal Act 1998. |
| Psychologists Registration Act 1976 | DHHS | Restrictions on entry, registration, title, advertising, and disciplinary provisions. | Review completed in 2000. Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer. | Act replaced by the Psychologists Registration Act 2000, which was assessed under gatekeeper requirements. |
| Psychologists Registration Act 2000 | DHHS | Restrictions on entry, registration, title, and disciplinary provisions. | New legislation was implemented after assessment under LRP gatekeeper requirements. | The new legislation removes restrictions on advertising and reservation of practice, and streamlines complaints and administration procedures. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|--|
| Public Health Act 1962 | DHHS | Prohibits persons other than medical practitioners from treating patients suffering from certain diseases. The Act prescribes food labelling requirements and sets food standards. Requires the registration of, and sets standards for, food premises. | Replacement legislation was subject to a CPA clause 5(5) review. | Act repealed and replaced by the Public Health Act 1997 and the Food Act 1998. The Australian Government has consulted with the states on national reviews relating to food regulation. As a result, the Food Act 1998 will be replaced by the yet to be proclaimed Food Act 2003, which is based on the Australian Government's Model Food Act. |
| Public Health Act 1997 | DHHS | | Assessed under legislation gatekeeper provisions. Australian Government is consulting with the States on national review of food regulation, including a review of the Australia and New Zealand Food Authority Council Act and the Model Food Act. | Act replaced the Public Health Act 1962. |
| Pulpwood Products Industry (Eastern and Central Tasmania) Act 1968 | FT | Ratifies an agreement. | | Act repealed by the Legislation Repeal Act 1995. |
| Racing Act 1983 | DIER | Provides for the licensing of thoroughbred horses and greyhounds and persons involved in this type of racing. Controls thoroughbred and greyhound racing in Tasmania. | | Following the restructure of the racing industry in 2000, new racing legislation is being drafted. The new legislation will be assessed under legislation gatekeeper requirements. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|---|--|
| Racing and Gaming Act 1952 (except in relation to minor gaming) | DIER | Requires the registration of bookmakers, bookmakers' clerks, racing clubs and race courses. Restricts race meetings, telephone sports betting, bookmaker betting activities and the appointment of officials. Prohibits proprietary racing. Limitations on the availability of gaming to minors. | | This Act is now called the Racing Regulation Act 1952. Following the restructure of the racing industry in 2000, new racing legislation has been drafted. Three new Bills replacing the racing aspects of this Act were introduced in the spring 2003 session of Parliament. It is expected that the Bills will be debated in the autumn 2004 session of Parliament. |
| Racing and Gaming Act 1952 (minor gaming) | T&F | | Minor review completed as part of review of the State's gaming legislation. | The gaming components of this Act have been transferred to the Gaming Control Act and were assessed under the legislation gatekeeper requirements. |
| Racing and Gaming Act 1952 (in so far as it relates to totalisator betting) | T&F DIER | Restrictions on totalisator betting. | The Tasmanian Government has agreed to the preparation of legislation that will transfer the regulation of TOTE Tasmania from the Racing Regulation Act 1952 to the Gaming Control Act 1993. The proposed new legislation will be assessed in accordance with Tasmania's gatekeeper provisions. | |
| Radiation Control Act 1977 Radiation Control Regulations 1994 | DHHS | Prohibits unlicensed dealings with radioactive materials and electronic products. Enables requirements to be imposed on premises and requires the registration of certain products and materials. | National review completed. Review recommended the continuation of a regulatory approach but with a move to an outcome based rather than prescriptive controls over the possession or use of radiation sources. | The Government has considered the outcomes of the review and legislation will be introduced into Parliament in the spring 2004 session. |
| Radiographers Registration Act 1971 | DHHS | Restrictions on entry, registration, title, practice, and disciplinary provisions. | | Act replaced by the Medical Radiation Technologists Registration Act 1999, which was assessed under legislation gatekeeper requirements. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|--|---|--|
| Railway Management Act 1935 | DIER | Legislation gave the Transport Commission the power to issue licences to reopen abandoned railways. Exempts railway buildings from planning laws. | | The Government no longer owns railways. Act repealed. |
| Railways (Transfer to Commonwealth) Act 1975 | DIER | Establishes a price fixing regime, whereby rail freight charges cannot be set at a level higher than those applying to railways of the Australian Government outside Tasmania. | | Act became redundant following the sale of Tasrail to the Australian Government and the return to State ownership of railway land in accordance with the Railways Agreement between the Australian Government and State Government. Repealed by the Legislation Repeal Act 1998. |
| Railways Clauses Consolidation Act 1901 | DIER | Authorises the construction of railways or tramways and sets fares, construction standards, rates and charges. | | Act repealed by the Legislation Repeal Act 2000. |
| Renison Limited (Zeehan Lands) Act 1970 | DPIWE | Vests certain land to Renison Limited. | | Act repealed by the Legislation Repeal Act 1998. |
| Retirement Benefits Act 1993 | RBFB | Limits on choice of funds. | | Choice of funds for new and existing contributors introduced. The Government moved to fund existing public scheme. |
| Roads and Jetties Act 1935 | DIER | Prohibits persons from moving vehicles or livestock so as to cross the side boundary of a limited access road without authority to do so. | Minor review completed. Review concluded that restrictions related to limited access provisions should be retained because they are in the public interest. | The Government accepted the review recommendations. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|----------------|---|--|---|
| Rules Publication Act 1953 | DOJIR | All Statutes and Statutory Rules to be sent to the Government Printer and shall be numbered, printed and sold by the Printer as prescribed. Provides Administrative Discretion to the Chief Parliamentary Counsel to decide who to appoint as the Government Printer. | | Restrictive provisions repealed by the Legislation Publication Act 1996 which was proclaimed in early 1998. The repealing legislation was assessed under the gatekeeper requirements as not restricting competition or impacting on business. |
| Sale of Condoms Act 1987 | DHHS | Requires the installers of condom vending machines to be licensed. Prohibits certain advertisements and the sale and supply of particular condoms. Requires that condoms meet certain standards. | Minor review completed. | Act repealed. |
| Sale of Hazardous Goods Act 1977 | DOJIR OCAFT | Enables the prohibition of the sale of certain products which are determined to be hazardous. | Minor review completed. Restrictive provisions justified as being in the public benefit. | Act retained without reform. |
| Salt-water Salmonid Culture Act 1985 Salt-water Salmonid Culture (Supplementary Agreements Validation) Act 1992 | DPIWE | Ratifies the Joint Venture Agreement which gives SALTAS a monopoly on the production of salmon smolt. | | Act repealed by the Legislation Repeal Act 1998. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|----------------|--|---|---|
| School Dental Therapy Service Act 1965 | DHHS | Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, can only treat children up to 16 years, and limits practice to the public sector. | | Act replaced by the Dental Practitioners Registration Act 2001. New legislation implemented after assessment under clause 5(5). Most restrictions on practice removed, including the limit on public sector employment. Remaining restrictions were justified as being in the public benefit. |
| Second-hand Dealers Act 1905 | DOJIR | Licensing, and business conduct. | Review not required. | Act repealed in 1996 by the Second-Hand Dealers and Pawnbrokers Act 1994. |
| Second-hand Dealers and Pawnbrokers Act 1994 | DOJIR OCAFT | Negative licensing (pawnbrokers, second-hand dealers, registration (notification at nearest police station), entry requirements (fit and proper person, not convicted of offence against the Act or offence involving dishonesty), the reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, redemption period of six months, auction of forfeited goods; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police). | Minor review completed. Review found restrictive provisions were justified in the public benefit. | The Government endorsed the review recommendation. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|--|--|
| Securities Industry (Application of Laws) Act 1981 | DOJIR | | Review not required. Act does not restrict competition. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | No reform required. |
| Securities Industry (Tasmania) Code | DOJIR | | Review not required. Act does not restrict competition. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990. | The Australian Securities Commission advises that it can not yet be repealed. |
| Seeds Act 1985 | DPIWE | Prohibits the importation of certain seeds and the sale of seeds if the quality of those seeds is less than prescribed, or if they are mixed with other seeds in the wrong proportion or with seeds which are infected. | Review not required. | The Seeds Amendment Act 1999 removed the restrictive provisions from this Act. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|-----------------------------|---------------|--|---|--|
| Shop Trading Hours Act 1984 | DIER | Major retailers (shops employing more than 250 people) are prohibited from trading during prescribed periods, these being Sundays, public holidays and weekdays after 6:00 pm, other than Thursday and Friday. | <p>Initial review recommending removal of restrictions reported in May 2000. The Government asked the review panel for an enhanced assessment of the public benefit of removing the restrictions, including more analysis of how removal of restrictions would affect the independent grocery sector and rural and regional Tasmania.</p> <p>The review panel consulted further with key stakeholders and commissioned additional market research on household shopping patterns. The supplementary review report confirmed the finding of the original review that the removal of restrictions on shop trading hours would lead to a substantial increase in retail sector employment in all regions of Tasmania. The report also found that removal of the restrictions would not affect the viability of the vast majority of independent grocery stores in either rural or urban areas.</p> | Legislation removing restrictions in line with review recommendations commenced operation on 1 December 2002. |
| Stamp Duties Act 1931 | DIER | | Act removed from the LRP. | |
| Stock Act 1932 | DPIWE | Requires a licence for commercial artificial breeding. Enables the Minister to prohibit or restrict the movement of any animals into Tasmania from any other State. | | Act repealed on 1 September 1996 and replaced by the Animal Health Act 1995, which has been included on the LRP. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|--|--|--|
| Stock, Wool, and Crop Mortgages Act 1930 | DOJIR | Provides for the registration of mortgages against stock, wool and crops by the Office of Consumer Affairs. Specifies what can be mortgaged and how it is to be done. | Review completed. It found all restrictions to be in the public interest. No reform recommended. | No reform required. |
| Substandard Housing Control Act 1973 | DHHS | Provides for the closure of substandard rental accommodation and for rental control over certain premises. | | Act is expected to be repealed following further assessment of the Residential Tenancy Act 1997 and the Public Health Act 1997 to ensure that these Acts can address the issues currently regulated by the Substandard Housing Control Act 1973. |
| Sunday Observance Act 1968 | DIER | Prohibits certain business activities (particularly property transactions) on Sundays. | Review not required. | Act repealed by the Sunday Observance (Repeal) Act 1997. |
| Survey Co-ordination Act 1944 | DPIWE | Prohibits the erection of a structure, building or any other erection that is likely to be mistaken for a standard permanent mark on a mountain, hill or elevated land without the approval of the Surveyor-General. | | Act to be reviewed during 2004, with the intent of removing the restrictive provisions, and new legislation is expected to be ready by spring 2005. |
| Tasmanian Government Insurance Act 1919 | T&F | Establishes the Tasmanian Government Insurance Office (TGIO) and prohibits it from trading in life insurance. Specifies business practices and standards. | | Act repealed. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|--|--|
| Tasmanian Harness Racing Board Act 1976 | DPIWE TRA | Provides for the registration of all harness racing trainers and drivers. Controls harness racing in Tasmania. | Racing Industry Review completed in 1997. | Act repealed and replaced by the Racing Amendment Act 1997 as a result of the Racing Industry Review. The Racing Amendment Act was assessed under the gatekeeper requirements as not restricting competition or impacting on business. |
| Tasmanian Public Finance Corporation Act 1985 | T&F | Provides for the Treasurer to direct a State authority to exclusively source loans from Tascorp. | Minor review completed. Restrictive provisions justified as being in the public benefit. | Act retained without reform. |
| Taxi and Luxury Hire Car Industries Act 1995 | DIER | | Major review completed in April 2000. Review recommended an annual tender for new licences up to 5-10 per cent; retention of maximum fare for rank/hail market only; and free entry to the hire car market subject to a A\$5000 licence fee. | The Taxi and Luxury Hire Car Industries Amendment Act 2003 was passed by Parliament during the spring 2003 session. The amendments are expected to be proclaimed by mid-March 2004. This legislation provides for tendering of additional perpetual taxi licences and for a new category of licence for wheelchair accessible taxis. |
| Taxi Industry Act 1995 | DIER | Provides for the licensing of taxis and places restrictions on their operation. Limits the number of taxi licences available. Act was amended in 1999 to become the Taxi and Luxury Hire Car Industries Act 1995. | | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|--|
| Teachers Registration Act 2000 | DE | Licensing, registration, entry requirements (teacher training and one years experience or sufficient education and experience in the opinion of the Board, and good character - Board to take into account any conviction and behaviour of the applicant or any other matter), reservation of practice (teaching in government and non-government schools), disciplinary processes. | New legislation assessed under gatekeeper provisions. RIS prepared. | Legislation commenced on 1 January 2002. |
| The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1985 | T&F | Provides financial assistance to extend the life of the mine and to establish a rehabilitation agreement. | | Act repealed by the Legislation Repeal Act 1996. |
| The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1987 | T&F | Provides financial assistance to further extend the life of the mine and to ensure continuation of the rehabilitation agreement. | | Act repealed by the Legislation Repeal Act 1996. |
| The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1992 | T&F | Ratifies and implements a deed of variation with respect to the continuation of operations of a particular company. Grants certain environmental degradation exemptions to the company. | | Act repealed by the Legislation Repeal Act 1998. |
| Therapeutic Goods and Cosmetics Act 1976 | DHHS | The Act provides for the control of therapeutic goods and cosmetics. | | Act replaced by the Therapeutic Goods Act 2001. This legislation was assessed under the LRP gatekeeper requirements as not restricting competition or impacting on business. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|--|--|--|
| Threatened Species Protection Act 1995 | DPIWE | Prohibits trade in protected flora and fauna. Provides for protection orders prohibiting certain activities and exemptions from those orders. Specifies conduct of Government agencies, business enterprises, authorities and bodies in relation to sustainable development. | Minor review completed. Restrictive provisions were justified as being in the public benefit. | Act retained without reform. |
| Tobacco Products (Labelling) Act 1987 | DHHS | Prescribes regulations for the packaging of tobacco products and requires warning notices to be displayed on tobacco products. | | Act repealed by the Public Health Act 1997. |
| Traffic Act 1925 | DIER | Licensing of public vehicles (cars, carriers, omnibuses, hire cars and charter buses), conditions to be placed on licences, licensing of driving instructors. | Act substantially reviewed in terms of the restrictive provisions of Part III, by the independent Committee of Review into Public Vehicle Licensing in Tasmania, chaired by Mr David Burton (the 'Burton Review'). | The anticompetitive provisions in Part III replaced by the Passenger Transport Act 1997, the Passenger Transport (Consequential and Transitional) Act 1997 and the Traffic Amendment (Accreditation and Miscellaneous) Act 1997. All these Acts were assessed as complying with the requirements of the LRP. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|----------------|---|--|---|
| Travel Agents Act 1987 | DOJIR OCAFT | Licensing and compulsory consumer compensation fund. Defines what does and does not constitute the business of a travel agent. | Part of national review of travel agent legislation, coordinated by WA. Final review report by the Centre for International Economics (CIE) released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. In November 2002, the MCCA decided to maintain the Travel Compensation Fund, but consider establishing a risk-based premium structure and making prudential reporting arrangements more equitable. It recommended each participating jurisdiction review and amend its entry qualifications to ensure uniformity. | Tasmania will move to implement the MCCA recommendations. A national review of the Act has been completed and a final report released. National working parties have been appointed to assess the report's findings and to provide recommendations concerning their implementation. The majority of the review recommendations have already been implemented in Tasmania. The only outstanding issue is in relation to qualifications of licensed agents. Progress on this issue is dependent on the progress of the national working party. |
| Trustee (Insured Housing Loans) Act 1970 | T&F | Prescribes the power to approve insurers and provides that trustees can only invest in a housing loan if that housing loan is insured by an approved insurer. | | Act repealed by the Trustee Amendment (Investment Powers) Act 1997, which was assessed under the LRP gatekeeper requirements. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|----------------------------|---------------|---|---|--|
| Trustee Act 1898 | DOJIR T&F | Regulates the types of investments that trustees can and cannot make. | | Restrictive provision replaced in 1997 with a 'prudent person' approach to trustee investments. This provision was progressed through the LRP gatekeeper requirements and assessed as non-restricting or impacting on business. The Act will ultimately be repealed. |
| Trustee Banks Act 1985 | T&F | Restricts the establishment of Trustee Banks and provides a regulatory framework for Trustee Banks that can affect their competitive conduct. | | Act repealed by the Trust Bank Sale Act 1999. |
| Trustee Companies Act 1953 | DOJIR | Provides for the establishment of trustee companies. Prohibits specific actions in relation to loans. Prohibits trustee companies from engaging in any business unless expressly authorised in the Act. | National review of trustee companies legislation is being undertaken by SCAG. This process has been delayed by the Australian Government's decision in early 2003 not to allow APRA to prudentially supervise trustee companies. Further negotiations in relation to an appropriate regulatory model are being progressed through SCAG. | Reform progress is pending on SCAG negotiations. |
| TT-Line Gaming Act 1993 | T&F | Grants a licence to a State shipping company to conduct gaming operations. Specifies how gaming is to be conducted and which games can be played. Limitations on the availability of gaming to minors. | Minor review completed. Restrictions determined to be in the public benefit. | Act retained without reform. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| United Milk Products Ltd (Amalgamation) Act 1981 | DED | Special Act to allow the amalgamation of two companies and two co-operative industrial societies into one single company. Not practicable under the Companies Act 1962, therefore this special Act was passed. | | Act repealed by the Legislation Repeal Act 1998. |
| Universities Registration Act 1995 | DE | Requires institutions wanting to operate as universities to be registered and enables conditions to be imposed on their conduct. | Minor review completed in 1998. Restrictions relating to the registration and accreditation of private universities are to be retained as they are considered to be in the public benefit. | Act retained without reform. |
| Valuers Registration Act 1974 | DPIWE | Licensing, registration, entry requirements (education and experience or 10 years experience, good fame and character), the reservation of title and practice, disciplinary processes, business conduct (conduct that may result in deregistration includes professional misconduct, taking excessive amounts of alcohol and drugs, suffering from a mental disorder or committing an offence). | Major review, in conjunction with review of the Land Valuation Act 1971, completed. | The Government accepted the recommendations of the review. The Valuation of Land Act 2001 was passed by Parliament and repeals the Land Valuers Act 2001 and the Valuers Registration Act 1974. The new Acts were assessed under the LRP gatekeeper requirements and came into effect on 28 June 2002. |
| Van Dieman's Land Company's Waratah and Zeehan Railway Act 1895 | DIER | The Act sets out a railway agreement providing a competitive advantage to a particular company; gives authority to construct and operate a railway and prescribes the construction standards that must be met. | | Act retained without reform. The Tasmanian Solicitor-General advised that there is no need to repeal this Act because it guarantees third party access and does not contain any restrictions on competition. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Van Dieman's Land Company's Waratah and Zeehan Railway Act 1896 | DIER | The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met. | | Act retained without reform. The Solicitor-General advised that there is no need to repeal this Act because it guarantees third party access and does not contain any restriction on competition. |
| Van Dieman's Land Company's Waratah and Zeehan Railway Act 1948 | DIER | The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met. | | Act retained without reform. The Tasmanian Solicitor-General advised the Government that that there is no need to repeal this Act because it guarantees third party access and does not contain any restriction on competition. |
| Vermin Destruction Act 1950 | DPIWE | Prohibits the keeping and intrastate transportation or importation into Tasmania of vermin and rabbits without a permit. | Review completed. Review recommended removal of all restrictions on competition. | Act replaced by the Vermin Control Act 2000, which was assessed under legislation gatekeeper provisions and found not to restrict competition. |
| Veterinary Medicines Act 1987 | DPIWE | Provides for the registration of veterinary medicines. Prohibits their sale unless they are registered and packaged in accordance with requirements. Requires animals treated with prescribed medicines to be marked in a manner approved by the Registrar. | | Act repealed in January 1997 by the Agricultural and Veterinary Chemicals (Control of Use) Act 1995, which was included on the LRP. |
| Veterinary Surgeons Act 1987 | DPIWE | Licensing of veterinary surgeons and hospitals, reservation of practices, and reservation of title. | Minor review completed in 2000. | Reforms implemented in 2002. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Vocational Education and Training Act 1994 | DE | Requires training providers to be registered in order to offer accredited courses. Provides for compulsory training agreements for training undertaken in respect of a declared vocation. | Major review completed. Review issued a RIS in July 2000. This supported restrictions except for provisions governing vocational placement arrangements which it argued should be replaced with an administrative arrangement. | Amendments arising from the review of the Act were enacted through the Vocational Education and Training Amendment Act 2003, which was proclaimed on 17 November 2003. |
| Wee Georgie Wood Steam Railway Act 1977 | DIER | The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met. | Review deferred pending proclamation of the Rail Safety Act 1997, because its safety and access provisions would negate the need for the 1997 Act. | Act repealed by the Legislation Repeal Act 2000. |
| Weights and Measures Act 1934 | DOJIR OCAFT | Requires the licensing of weigh bridges and public weigh bridge operators. Specifies requirements for pre-packed articles and other products. | | Act repealed and replaced by State-based uniform trade measurement legislation, the Trade Measurement Act 1999, which was assessed under the LRP gatekeeper requirements. Any restrictions in the 1999 legislation were assessed as being in the public benefit. A national review of trade measurement legislation is nearing completion. |
| Wellington Park Act 1993 | DPIWE | Imposes restrictions on commercial operations in the Wellington Park area. | Minor review completed. Restrictive provisions assessed as being in the public benefit as part of the review of the National Parks and Wildlife Act 1970. | Act retained without reform. |
| Wesley Vale Pulp and Paper Industry Act 1961 | FT | Ratifies a financial agreement providing a particular company with a competitive advantage, potentially acting to restrict competition. | Review completed. | Act amended by the Water Management Act 1999. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Whales Protection Act 1988 | DPIWE | Requires a permit to trade in any whale products, or to take/interfere with whales. | Minor review completed. Review found restrictions to be in the public interest. | No reform required. |
| Workers' (Occupational Diseases) Relief Fund Act 1954 | DIER | Compels employers in certain industries to contribute to the Workers (Occupational Diseases) Relief Fund. | Review not required. Act does not restrict competition. | No reform required. |
| Workers' Rehabilitation and Compensation Act 1988 | DIER | Mandatory insurance, and multiple licensed insurers. | The Tasmanian Parliament established a Joint Select Committee to examine the further reform of this legislation. The committee submitted its final report in May 1998. Minor amendments were recommended, mainly related to scheme design. These have been passed by Parliament. | Changes to scheme design passed through Parliament. These changes have not compromised the competitive nature of the scheme and, therefore, no further review is required. |
| Workplace Health and Safety Act 1995 | DIER | Establishes a code of practice with respect to workplace health and safety. Sets health, safety and welfare standards. Regulates workplaces and work practices. | The Labour Ministers' Council has undertaken a review of the National Occupational Health and Safety Commission (NOHSC). On 30 May 1997, the Labour Ministers' Council agreed on a new direction for the NOHSC and a new role for the Council in approving any new occupational health and safety standards. The Workplace Health and Safety Act 1995 is consistent with occupational health and safety legislation in all other jurisdictions and gives effect to Ministerial decisions on national uniformity. Any restrictions in the Act were also addressed by the RIS prepared in relation to the Workplace Health and Safety Regulations 1998. | No reform required. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Wynyard Airport (Special Provisions) Act 1982 | DIER | Provides for the granting of a lease or licence to use any part of the land, buildings or structures of the airport. | | Act repealed by the Port Companies Act 1997. |