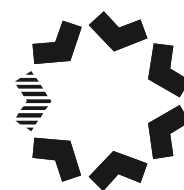


NATIONAL
COMPETITION
COUNCIL



Legislation Review
Compendium



February 2010

Sixth (final) edition

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The National Competition Council

The National Competition Council was established on 6 November 1995 by the Competition Policy Reform Act 1995 following agreement by the Australian Government and state and territory governments. It is a federal statutory authority which functions as an independent advisory body for all government third party access matters

Information on the National Competition Council, its publications and its current work program can be found on the internet at www.ncc.gov.au or by contacting NCC Communications on (03) 9285 7474.

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Abbreviations

| | |
|-------|--|
| ACCC | Australian Competition and Consumer Commission |
| ACIS | Automotive Competitiveness and Investment Scheme |
| ACT | Australian Capital Territory |
| agvet | Agricultural and veterinary |
| AHMAC | Australian Health Ministers Advisory Council |
| AHMC | Australian Health Ministers Conference |
| ANZFA | Australia New Zealand Food Authority |
| APVMA | Australian Pesticides and Veterinary Medicines Authority |
| APRA | Australian Prudential Regulation Authority |
| CBHL | Co-operative Bulk Handling Limited |
| CCA | Conduct Code Agreement |
| CIE | Centre for International Economics |
| CN | Competitive neutrality |
| COAG | Council of Australian Governments |
| CPA | Competition Principles Agreement |
| CRR | Committee on Regulatory Reform |
| CSO | Community Service Obligation |
| CTP | Compulsory Third Party |
| EPA | Environmental Protection Agency |
| GBE | Government business enterprise |
| GPO | General Post Office |
| LRP | Legislation Review Program |
| MCCA | Ministerial Council on Consumer Affairs |
| MIA | Murrumbidgee Irrigation Area |
| MRA | Mutual Recognition Agreement |

| | |
|---------|--|
| NCC | National Competition Council |
| NCP | National Competition Policy |
| NSW | New South Wales |
| NT | Northern Territory |
| OWP | Office of Water Policy |
| PAWA | Power and Water Authority |
| PBT | Public benefit test |
| PC | Productivity Commission |
| RIS | Regulatory/Regulation Impact Statement |
| SA | South Australia |
| SCAG | Standing Committee of Attorneys General |
| SCARM | Standing Committee of Agriculture and Resources Management |
| TAB | Totalizator Agency Board |
| TABCORP | Totalizator Agency Board Corporation |
| TPA | <i>Trade Practices Act 1974</i> |
| TTMRA | TransTasman Mutual Recognition Arrangement |
| WA | Western Australia |
| WRC | Water and Rivers Commission |
| UCCCMC | Uniform Consumer Credit Code Management Committee |

1 The National Competition Policy legislation review and reform program

° V # h V # h
agreements signed on 11 April 1995. These agreements were:

- the Competition Principles Agreement (CPA)
- the Conduct Code Agreement, and
- the Agreement to Implement the National Competition Policy and Related Reforms.

Under the CPA the Commonwealth Government and each state and territory government undertook to develop a review and reform schedule identifying all legislation within their jurisdiction that restricts competition (by June 1996) and to complete all reviews, and where appropriate, reforms (by 2000). On 3 November 2000, the Council of Australian Governments (COAG) extended the time for the review and reform program to 30 June 2002 (COAG 2000) and subsequently to 2005.

Under the NCP, the Council was asked to assess government their NCP commitments including on legislation review and reform. The Council undertook these assessments in 1997, 1999, 2001 and subsequently annually until 2005. The 2005 assessment was the final NCP assessment. As part of these assessments, the Council produced a legislation review compendium. The Council published the compendium at regular intervals to provide summary reports on progress.

This is the sixth and final edition of the legislation review compendium. The Council compiled this edition from state and territory NCP progress annual reports and legislation records. This final edition also incorporates comments by states and territories on a draft prepared by the Council.

In total, governments identified some 1800 regulating areas of economic activity for review under the NCP with each government reporting annually on its progress. The # restrictions found not to provide a community benefit removed. In aggregate terms, governments reviewed and where appropriate reformed around 85 per cent of their

¹ These

NCP website www.npc.ncc.gov.au #

² #

legislation review and reform commitments. C5 is

reproduced in appendix A.

nominated legislation. For priority legislation, the rate of compliance was around 78 per cent.³

Implementation of the legislation review and reform program required a substantial commitment by governments and proved to be pivotal in removing barriers to competition across such diverse activities as agricultural marketing, the professions, retail trading, transport and communications. It resulted in a material reduction in unwarranted competition restrictions. Governments introduced major reforms in tandem with systematically transforming a multitude of smaller productivity regulations. The smaller competition restrictions, which appeared relatively insignificant when viewed in

The principle guiding legislation review and reform

The guiding principle of legislation review and reform is outlined in clause 1 of the CPA. Governments agreed that legislation should not restrict competition unless it can be shown that:

- the benefits of the restriction to the community as a whole outweigh the costs, and
- the objectives of the legislation can only be achieved by restricting competition.

In addition, the CPA required that new legislation that restricted competition must meet this guiding principle. All governments now have legislation gatekeeping processes to assess new legislation against the CPA principles.

What is legislation that restricts competition?

Legislation affecting competition may directly or indirectly:

- govern the entry and exit of firms or individuals into or out of markets
- control prices or production levels
- restrict the quality, level or location of goods and services available
- restrict advertising and promotional activities
- restrict price or type of inputs used in the production process
- be likely to confer significant costs on businesses, or

³ Recognising the burden on governments from conducting reviews and implementing reforms, and that the greatest community benefit would arise from prioritising legislation with the greatest impact on competition, the Council nominated priority areas of regulation (NCC 2003, ch. 4). Through the NCP assessment process the Council identified around 800 pieces of priority legislation and monitored outcomes in a further 100 priority areas.

- provide advantages to some firms over others by, for example, sheltering some activities from the pressures of competition.

While there is almost no regulatory activity that is neutral in its implications for competition, the types of regulation which impact most directly are those which restrict entry to markets and those which restrict competitive conduct by participants in markets (Hilmer, Rayner and Taperell 1993, p. 191).

The terms of reference for reviews

The CPA provided guidance on the matters that should be taken into account in undertaking a review of restrictive legislation. Without limiting the terms of reference, reviews needed to:

- clarify the objectives of the legislation
- identify the nature of the restriction on competition
- analyse the likely effect of the restriction on competition and on the economy generally
- assess and balance the costs and benefits of the restriction, and
- consider alternative means of achieving the same result including alternative approaches.⁴

When assessing government processes, the Council found that transparent, robust and objective reviews, because these increase the likelihood of policy outcomes that are in the public interest. The Council also looked for governments to implement review recommendations expeditiously, unless a government could demonstrate that the recommendations were not in the public interest.

National reviews

dimension to effect on competition (or both). The CPA provided for national reviews of similar legislation where some or all jurisdictions agreed on terms of reference. The COAG Committee on Regulatory Reform facilitated identification of national reviews and agreement by jurisdictions on review arrangements.

The Council found that the conduct of national reviews was sometimes unsatisfactory, with protracted intergovernmental consultation slowing the finalisation of reviews and the implementation of reforms. A significant proportion of the legislation for which review and

⁴ See CPA subclause 5(9) Clause 5 is reproduced in appendix A of this compendium.

reform was assessed as incomplete by the Council in 2005 was subject to national processes.

Water industry legislation

Chapter 11 reports on progress by state and territory governments in reviewing a reforming legislation relating to the water industry. The chapter reports on both the work undertaken by governments as a result of the CPA legislation review and reform obligation and on actions by governments to address the water reform obligation.⁵ COAG agreed in 2003 to refresh the 1994 reform framework and provide a forward water reform program, reaching the Intergovernmental Agreement on a National Water Initiative in 2004.

The legislation review compendium

The compendium lists for each jurisdiction the legislation reviewed and reform action taken. The following summary information, provided by each government current to the end of 2005 is available:

- Name of legislation
- Agency the department, authority or Minister responsible for the legislation
- Major restriction the nature of the restriction(s) on competition
- Review activity the nature and status of review activity
- Reform activity a summary of the reforms implemented following the review

The compendium is a guide to programs and their progress, and does not replace the legislation review timetables or annual reports produced by each government.

Readers seeking further information about the NCP legislation review and reform program can visit the NCP website at www.ncp.ncc.gov.au.

⁵ This is the responsible government agency at the time of the legislation review and reform activity.

2 Australian Government

Agency nomenclature abbreviations

This nomenclature identifies the relevant agency at the time of the final (2005) National Competition Policy (NCP) assessment.

| | |
|-------|--|
| ACA | Australian Communications Authority |
| AG | Attorney-General's Department |
| C | Comcare |
| D | Department of Defence |
| DAFF | Department of Agriculture, Fisheries and Forestry |
| DCITA | Department of Communications, Information Technology and the Arts |
| DEH | Department of the Environment and Heritage |
| DEST | Department of Education, Science and Training |
| DEWR | Department of Employment and Workplace Relations |
| DFA | Department of Finance and Administration |
| DFAT | Department of Foreign Affairs and Trade |
| DHA | Department of Health and Ageing |
| DIMIA | Department of Immigration and Multicultural and Indigenous Affairs |
| DITR | Department of Industry, Tourism and Resources |
| DTRS | Department of Transport and Regional Services |
| DVA | Department of Veterans' Affairs |
| PMC | Department of the Prime Minister and Cabinet |
| T | Department of the Treasury |

Legislation review schedule: Australian Government

(*denotes not on the Australian Government's initial legislation review program)

Updated to December 2005

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|--|------------------------|
| A New Tax System (Family Assistance Administration) Act 1999* | | The Child Care Benefit is provided to families using 'approved' child care services. | The Government provided a public benefit case. It considered it necessary to approve providers of child care services to maintain the quality of services and that the conditions for approval are not unduly onerous and do not discriminate among providers. | |
| A New Tax System (Family Assistance) Act 1999* | | The Child Care Benefit is provided to families using 'approved' child care services. | The Government provided a public benefit case. It considered it necessary to approve providers of child care services to maintain the quality of services and that the conditions for approval are not unduly onerous and do not discriminate among providers. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|---|---|
| Aboriginal and Torres Strait Islander Heritage Protection Act 1984 | DEH | Provides for the Minister for the Environment and Heritage to protect areas and objects that are of particular significance to Indigenous Australians under the Indigenous traditions when these are not effectively protected under the laws of the relevant state or territory. | Evatt Review completed in 1996. Major review recommendations included: <ul style="list-style-type: none"> • establishment of national standards for the protection of indigenous heritage • separation of decisions on the issue of significance from the question of site protection • providing adequate protection for culturally sensitive information disclosed in the course of administering heritage protection legislation • promoting negotiated outcomes through mediation, and • establishment of an Indigenous Heritage Protection Agency/Office. | Recommendations taken into consideration when formulating the Aboriginal and Torres Strait Islander Heritage Protection Bill 1998. Bill introduced into the House of Representatives in April 1998 and after the 1998 election reintroduced into the House of Representatives in November 1998. The Opposition proposed amendments to the Bill in the Senate in November 1999, most of which were unacceptable to the Government. The Government consulted further with all major stakeholders over the next two years. The Bill lapsed when Parliament was prorogued prior to the 2001 election. The Government undertook further consultation with a view to reforming the Act. |
| Aboriginal Land Rights (Northern Territory) Act 1976 and Regulation | PMC | Provides for the granting of land to traditional Aboriginal owners and gives certain rights over granted land, including a veto over mineral exploration. | Review completed and report released publicly in August 1999. | The Government released an options paper on possible reforms in 2002 and, in response, the Northern Territory (NT) Government and the NT Land Council released a joint submission in September 2003 proposing reforms to the Act. The Government considering the final form of amendments to the Act. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---------------------------|---|---|
| Affirmative Action (Equal Employment Opportunity for Women) Act 1986 | DEWR | | Review by a five member independent committee completed in July 1998. | <p>The Government announced its response to the review on 16 December 1998, endorsing its main recommendations. Key decisions included the establishment of an Advisory Board and the introduction of a simpler reporting system to reduce the paperwork burden on business. Of those recommendations not supported, none was considered to be pro-competitive.</p> <p>The revised and renamed Equal Employment Opportunity for Women in the Workplace Act 1999 came into effect from 1 January 2000.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|---|---|
| <p>Agricultural and Veterinary Chemicals (Administration) Act 1992</p> <p>Agricultural and Veterinary Chemicals Code Act 1994</p> | DAFF | <p>Prohibits chemicals from being imported, supplied or held unless approved or exempt.</p> <p>Requires approval of chemicals solely by the National Registration Authority .</p> <p>Imposes same approval costs on low risk chemicals as on high risk chemicals.</p> <p>Provides for assessment services purchased from only certain authorities.</p> <p>Prohibits approval of chemicals unless National Registration Authority satisfied of appropriate efficacy.</p> <p>Licenses chemical manufacturers and analysts.</p> <p>Protects approval data from rivals unless compensation is paid.</p> | <p>National review of agricultural and veterinary chemicals completed in 1999. Review report released by the Standing Committee on Agriculture and Resources Management (SCARM) in March 1999. In relation to the National Registration Scheme, it recommended:</p> <ul style="list-style-type: none"> • retaining the monopoly on approval of chemicals • lowering of regulatory costs for low risk chemicals • including principles in the Code to guide inclusion/exclusion of chemicals in scheme • accepting alternative suppliers of assessment services • limiting of efficacy review to truth of claimed efficacy • recovering National Registration Authority costs via a simple flat rate sales levy and cost -reflective application fees • retaining licensing of veterinary chemical manufacturers • removing provision to licence of agricultural chemical manufacturers until case is made, and • applying the Trade Practices Act 1974 (TPA) third party access pricing to data protection provisions. | <p>An intergovernmental response , completed in 2000 , supported all recommendations except:</p> <ul style="list-style-type: none"> • removing the provision to license agricultural chemical manufacturers, and • limiting efficacy review. <p>Amendments to implement a number of review recommendations enacted in February 2003.</p> <p>Further reviews of fee setting, assessment services and licensing of agricultural chemical manufacturers completed. A revised fee and levy structure for the Australian Pesticides and Veterinary Medicines Authority (APVMA) introduced in the Agricultural and Veterinary Chemicals Legislation Amendment (Levy and Fees) Act 2005.</p> <p>In December 2003, the Government endorsed a framework for the provision of advice by the Department of Agriculture Fisheries and Forestry and the Department of Health and Ageing on human health risk management to APVMA. In May 2004 APVMA introduced a new quality assurance system for active constituents. The Agricultural and Veterinary Chemicals Legislation Amendment Bill (No.1) is intended to implement a regime of data protection.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|---|
| Anti-dumping Authority Act 1988 | AG | | | Act repealed in December 1998 following changes to the administration of the anti-dumping and countervailing investigations. |
| Anti-dumping legislation, Customs Act 1901 Pt XVB and Customs Tariff (Anti-dumping) Act 1975 | AG | Barrier to competition from low priced or discounted imports. | The Government is yet to finalise the timing or manner of review of legislation relating to anti-dumping and countervailing measures. | Reference to the Anti-dumping Authority Act 1988 deleted following the repeal of that Act. See the Anti-dumping Authority Act 1988. |
| Australian Maritime Safety Authority Act 1990 | DTRS | | Review completed in 1997. Review recommended that the safety regulatory functions of Australian Maritime Safety Authority continue to be undertaken by government and that the current administrative arrangements should continue (with the Board able to review the scope to contract out administrative activities). | Review recommendations implemented. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|--|
| Australian Postal Corporation Act 1989 | DCITA | Legislated monopoly for Australia Post for activities including letter delivery and inwards international mail. | <p>Review by the National Competition Council completed in 1998. Review recommended a package of reforms to open up letter delivery to more competition. Review recommended :</p> <ul style="list-style-type: none"> • reserving only household mail to Australia Post, and opening the delivery of business letters and international mail to competition • funding unprofitable business associated with Australia Post's universal service obligation from the budget • introducing access arrangements for post office boxes, and • introducing accounting separation for Australia Post's retail, reserved services and community services obligations operations. | <p>A 2000 amendment Bill included provisions which would have reduced Australia Post's monopoly protection from four times the standard letter rate to one times the standard letter rate and the weight restriction from 250g to 50g. The Bill would also have removed incoming international mail from the monopoly. The Government withdrew the Bill in March 2001 as it did not attract the support necessary for passage in the Senate.</p> <p>An alternative legislative package (the Postal Services Legislation Amendment Act 2004) enacted. This partly addressed the recommendations of the 1998 NCP review, providing for:</p> <ul style="list-style-type: none"> • expanded powers for the Australian Competition and Consumer Commission (ACCC) to inquire into disputes about bulk mail interconnection arrangements • expanded powers for the Australian Communications Authority to cost Australia Post's community services obligations and report on its service quality , and • the introduction of accounting transparency by Australia Post. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|---|---|
| <p>Australian Radiation Protection and Nuclear Safety Act 1998*</p> <p>Australian Radiation Protection and Nuclear Safety Regulations 1999*</p> <p>Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998*</p> | DHA | | Acts reviewed as part of a national review of radiation protection legislation. National review completed in 2001. Review found the legislative framework for radiation protection to be appropriate. | |
| <p>Bankruptcy Act 1966</p> <p>Bankruptcy (Registration Charges) Act 1997*</p> | AG | Trustee registration. | Review completed in December 1998. Review recommended that Insolvency and Trustee Service Australia continue to register bankruptcy trustees; and that a handover of the trustee registration function to the private sector be considered if and when that sector has an appropriate and adequate infrastructure in place. | <p>Ministerial approval of the recommendations occurred in 1999.</p> <p>Review recommended the status quo be maintained so no reform action.</p> <p>Insolvency and Trustee Service Australia is continuing to register bankruptcy trustees as there is no private sector infrastructure in place.</p> |
| Bills of Exchange Act 1909 | T | Act's objectives are to provide uniformity of law across Australia in relation to bills of exchange and promissory notes, to provide legal certainty by confirming the nature of bills of exchange and promissory notes as negotiable instruments and to promote efficiency in the market place which utilises bills of exchange and promissory notes as financial instruments. | Review, by a taskforce of officials, comprising representatives of the Department of Treasury, the Reserve Bank of Australia and the Attorney-General's Department, completed and final report released in August 2003. | Treasury consulted with industry. |
| Bounty (Books) Act 1986 | DITR | | Review completed. | Bounty ceased on 31 December 1997. |
| Bounty (Fuel Ethanol) Act 1994 | DITR | | Review completed. | Ethanol Bounty Scheme terminated. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|--|
| Bounty (Machine Tools and Robots) Act 1985 | DITR | | Review completed. | Bounty ceased on 30 June 1997. |
| Broadcasting Services Act 1992 Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992 Radio Licence Fees Act 1964 Television Licence Fees Act 1964 | DCITA | Licensing, entry barriers, content, antisiphoning rules, simulcasting requirement, spectrum allocation, restrictions on ownership, conduct, multichannelling and datacasting. | <p>Review by the Productivity Commission (PC) completed in March 2000. Review raised significant questions and made extensive recommendations for reform, including:</p> <ul style="list-style-type: none"> • separating licences granting access to spectrum from content-related licences that grant permission to broadcast and converting broadcasting licences to access fees • selling spectrum for new broadcasters competitively • converting licence fees for existing commercial radio and television broadcasters to fees that reflect the opportunity cost of the spectrum • permitting multichannelling and the provision of interactive services by commercial and national broadcasters • removing restrictions that prevent the entry of new broadcasters before the end of 2006 • freeing up spectrum by setting a final date for the end of simulcasting of standard and high definition digital television services, and by making the broadcasting of high definition services optional rather than mandatory, and • relaxing the antisiphoning rules. | <p>Departmental review of datacasting released on 10 December 2002. The Government announced that there would be no change to the rules on datacasters' broadcasting content, but has since authorised limited datacasting trials.</p> <p>The Broadcasting Amendment Act (No. 2) 2000, passed in November 2002, provided a new licensing framework for community television. The Broadcasting Services Amendment (Media Ownership) Bill 2002 did not pass the Senate. It provided for the repeal of specific restrictions on foreign ownership and empowers the Australian Broadcasting Authority to issue an exemption to the cross-media rules. In 2004, the Government extended the antisiphoning scheme until December 2010 and updated the list of events covered by the scheme. The Broadcasting Services Amendment (Anti-Siphoning) Act 2005 extended the automatic delisting period under the antisiphoning scheme from six to twelve weeks, providing greater flexibility for subscription television services and content rights holders. The Government announced further reviews on 10 May 2004.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|--|--|
| Census and Statistics Act 1905 | T | | Review completed in 1996 as part of the Small Business Deregulation Taskforce. | The Australian Bureau of Statistics required to reduce the cost of completing statistical returns by 20 per cent in 1996-97. Code of conduct for private sector statistical collection agencies. |
| Commerce (Imports) Regulations Customs (Prohibited Imports) Regulations Commerce (Trade Descriptions) Act 1905 | AG | Regulates the description of goods on labels or other markings applied to goods imported into or exported from Australia. | Review completed in November 2002. Review recommended: <ul style="list-style-type: none"> • retention of the Commerce (Trade Descriptions) Act with amendments to certain (mainly administrative) provisions, and • repeal of the Commerce (Imports) Regulations. Desktop review of the Customs (Prohibited Imports) Regulations commenced in 2004. | The Government response to the report is being developed. |
| Corporations Act 1989 | T | | The Government removed this Act from its LRP. | |
| Customs Act 1901 Regulation 11 (Prohibited exports of nuclear materials) | AG | | The Government removed this legislation from its LRP. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|------------------------------------|---------------|--|--|---|
| Customs Act 1901 Sections 154-161L | AG | <p>Provides the basis for determining the customs value of goods imported into Australia. Customs value is used to determine the duty payable on imported goods, to compile import statistics and also contributes to the collection of sales tax where this is payable at the time of importation. Customs value also contributes to the calculation of goods and services tax on imported goods.</p> <p>Legislation enacts Australia's obligations under the World Trade Organisation Customs Valuation Agreement.</p> | <p>Interdepartmental re view completed and released on 16 June 1999 . Review recommended:</p> <ul style="list-style-type: none"> sections 154 to 161L be repealed and redrafted in a 'plain English' format that incorporates the language and terms of the World Trade Organisation Agreement on Customs Valuation as far as possible and is consistent with that Agreement the redrafted legislation contain statements of its purpose and objectives the proposed new legislation make clear the statutory basis on which importers are required to self -assess the value of imported goods the legislation or its supporting material should clearly explain the principles which underpin import valuation procedures and the intent behind each of the provisions the Customs Service examine the feasibility of adopting a system of public valuation rulings, and the Customs Service introduce, at the same time the new legislation comes into effect, a public information program about the requirements for valuation of imports under the proposed new legislation. | <p>In early 2001, implementation of the review recommendations commenced with Customs seeking the necessary approvals for legislative amendments. Approvals obtained. The Prime Minister and relevant Ministers supported the amendment of the legislation.</p> <p>Customs commenced processes to amend the valuation provisions of the Customs Act (to give effect to the first four recommendations of the review).</p> <p>Customs is considering the feasibility of a system of public valuation rulings (recommendation five). Customs already provides a valuation advice service. Each piece of advice is provided only to the applicant for that advice. Most advice would not have general applicability, given that it is tailored to particular circumstances, including the contractual arrangements, of the applicant.</p> <p>Information to be provided to the public following enactment of the new legislation .</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|--|--|
| Customs Tariff Act 1995 Ę Automotive Industry Arrangements | DITR | Barrier to competition from automotive imports. | PC review of automotive assistance post 2005 completed in August 2002. | The Government announced its response to the PC review report in December 2002. Tariffs to be reduced from 15 per cent to 10 per cent in 2005 (as previously introduced), and from 10 per cent to 5 per cent in 2010 (with no further reductions until 2015). The Automotive Competitiveness and Investment Scheme (ACIS) extended to 2015 as a transitional industry support measure. On 14 October 2003, the ACIS Administration Amendment Act 2003 and Customs Tariff Amendment (ACIS) Act 2003 on 25 June 2003 assented to. These Acts enact the 2010 tariff reduction and give effect to the extension of ACIS. |
| Customs Tariff Act 1995 Ę Textiles Clothing and Footwear Arrangements | DITR | Barriers to competition from imports. | PC review on post-2005 assistance completed on 31 July 2003. | The Government announced its response to the inquiry on 27 November 2003. Recommendations relating to tariff reductions adopted. The announced package includes a \$747 million package of adjustment assistance. The Customs Tariff Amendment (Textile, Clothing and Footwear post-2005 Arrangements) Act 2004, which set tariffs in line with review recommendations, came into effect on 14 December 2004. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|---|--|
| Dairy Produce Act 1986 | DAFF | <p>Prohibits export of specified dairy products to specified markets unless under licence from the Australian Dairy Corporation.</p> <p>Imposes a tariff -quota on imported manufactured dairy products.</p> <p>Levies producers of milk for drinking and pays the proceeds to producers of milk for manufacturing - the Domestic Market Support Scheme.</p> | NCP review not required. Following various reforms, including the removal of the Domestic Market Support Scheme, the remaining restrictions relate solely to the allocation of European Union and United States concessional tariff-quota for cheese from Australia among Australian exporters. No less restrictive alternative is available to meet European Union and United States requirements. | <p>Domestic market supports sunsetted on 30 June 2000. Also from this date, the Australian Dairy Corporation ceased the single desk for sales of cheese to Japan.</p> <p>On 1 July 2003, amendments to the Act facilitated the merger of the Dairy Research and Development Corporation and the Australian Dairy Corporation into one Corporation Act company, Dairy Australia. The Act does not provide for the new privatised entity to undertake any single desk selling arrangements. Export control functions transferred from the Australian Dairy Corporation are now the responsibility of the Department. Regulations governing certain types of cheese products entering the regulated markets of the European Union and United States came into effect from 1 January 2004.</p> |
| Defence Act 1903 (Army and Airforce Canteen Services Regulations) | D | Provides for the establishment and operation of canteens to supply goods and services for members of the army and air force. This is a morale/welfare matter to enhance 'the combat capability of any deployed force'. The service operates in a commercial self-supporting way. Regulations do not contain competition restrictions of note. | NCP review not required. Subject to review to determine the financial viability of the canteen service and alternative supply of amenities to defence personnel. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|--|---|--|
| Defence Force (Home Loans Assistance) Act 1990 | D | Members can only obtain subsidised home loan assistance from the National Australia bank. The franchise was arrived at through a competitive tendering process to deliver a service to defence force members who enlisted after 1985 (essentially an employment condition). Hence, there was competition for the market. | NCP review not required. Under ongoing review. Options being assessed include opening the next tender to all financial institutions in addition to banks. | |
| Defence Forces Retirement Benefits Act 1948* Military Superannuation and Benefits Act 1991* | T | Limits on choice of funds. | The Government does not intend to provide a choice of fund for military personnel. The superannuation schemes operated under the Acts contain benefit features that are unique to the nature of military service. | The Government argued that attractive in-service death and invalidity benefits are required to attract and retain Defence Force personnel. The Government did not propose to alter defence sector superannuation arrangements. |
| Defence Housing Authority Act 1987 | D | Act does not contain direct or indirect anti-competitive provisions. The Defence Housing Authority is a designated government business enterprise and is therefore subject to Commonwealth competitive neutrality principles requiring it to operate in a commercial and competitively neutral manner. Moreover, in some circumstances, defence personnel can use competitive service providers. | NCP review not required. Review underway, focussing on administrative matters such as removing duplication and examining governance arrangements etc. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Disability Discrimination Act 1992 | AG | Regulates inputs used by organisations. To a minor extent, may impose obligations on some organisations and not their competitors. | PC review completed and report released on 14 July 2004. Review concluded that, although the Act has the potential to restrict competition in the Australian economy, current restrictions on overall levels of competition appear negligible. Review also found that the objectives of the Act can only be met by such legislation. | The Government accepted the review conclusion with respect to the NCP impact of the Act. |
| Dried Vine Fruits Equalization Act 1978 Dried Sultana Production Underwriting Act 1982 Dried Vine Fruits Legislation Amendment Act 1991 Regulations under the Australian Horticultural Corporation Act 1987 restricting the export of dried vine fruit | DAFF | The Dried Vine Fruits Equalization Act 1978 equalises returns from the export of dried fruit. The Dried Sultana Production Underwriting Act 1982 underwrites the production of sultanas. The regulations under the Australian Horticultural Corporation Act 1987 restrict the export of dried fruits. | Review not required. | Acts repealed. Regulations expired as part of horticulture industry regulation and structural reforms. New dried fruit export licensing arrangements now in place (quality standards, export credit insurance and statistical reporting) followed the preparation of a regulatory impact statement approved by DAFF. |
| Duty Drawback (Customs Regulations 129 -136B) and TEXCO (Tariff Export Concession Scheme) Ē Customs Tariff Act 1995, Schedule 4, Item 21, Treatment Code 421 | AG | | Review completed in 1997. | TEXCO and Duty Drawback integrated into a simplified and more accessible scheme Ē TRADEX. |
| Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 | DEST | Requires registration of providers of education to overseas students. | Review completed. | Act repealed and replaced in part by the Education Services for Overseas Students Act 2000. An independent evaluation of the operation of this Act commenced. |
| Employment Services Act 1994 (case management issues) | DEWR | | The Government removed this Act from its LRP. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Environmental Protection (Nuclear Codes) Act 1978 | DHA | | | Act repealed by the Australian Radiation Protection and Nuclear Safety (Consequential Amendments) Act 1998. The Australian Radiation Protection and Nuclear Safety Agency to oversee the codes. |
| Export Control (Unprocessed Wood) Regulations under the Export Control Act 1982 | DAFF | <p>Licensing of unprocessed wood exporters.</p> <p>Licensing of hardwood chip exporters.</p> <p>Maximum aggregate mass limits for woodchip exports.</p> | <p>Review, principally by officials, completed in July 2001. Review recommended the Government:</p> <ul style="list-style-type: none"> • remove export controls on sandalwood • remove export controls over plantation-sourced wood if reviews of plantation codes of practice for Queensland and the NT find these meet National Plantation Principles, and • either remove export controls over native forest-sourced hardwood chips, or allow such exports from non-Regional Forest Agreements regions under licence. | <p>The Government removed export controls on sandalwood and on plantation sourced wood except that from Queensland. The removal of export controls on wood from Queensland plantations is awaiting Government approval of a plantation code of practice for the state. The export of hardwood woodchips and other unprocessed wood from non-Regional Forest Agreements native forest remains subject to licensing.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Export Control Act 1982 (fish, grains, dairy, processed foods etc) | DAFF | Registration of processing premises. Inspection of premises and goods. Product standards. Charges and penalties for noncompliance. | Review of provisions related to fish, grain, dairy and processed food completed in February 2000. Review recommended: <ul style="list-style-type: none"> • introducing a three-tier model for export standards • harmonising domestic and international standards • retaining a monopoly on certification of exports, and • making monitoring and inspection contestable. | The Government accepted all the review recommendations, and progress has been made against each of them. The Australian Quarantine Inspection Service, in consultation with industry, progressing the implementation of the recommendations such as the review of export control orders to reflect the three-tier system and to provide for contestable monitoring and inspection arrangements. The Export Control (Meat and Meat Products) Orders 2005 and the Export Control (Dairy, Eggs and Fish) Orders 2005 follow reviews of earlier orders. The export control Order relating to game, rabbit and poultry meat soon to commence. In addition ministerial councils responsible for primary industries and food regulation developed new Australian Standards, such as the Australian Standard for Hygienic Production and Transportation of Meat and Meat Products for Human Consumption -that harmonise domestic and export requirements of food manufacturers. |
| Export Finance and Insurance Corporation Act 1991 Export Finance and Insurance Corporation (Transitional Provisions and Consequential Amendments) Act 1991 | DFAT | | The Government removed these Acts from its LRP. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Financial Corporations Act 1974 | T | | The Government removed this Act from its LRP. | |
| Financial system E comprehensive review of the regulatory framework | T | | Review completed in 1997. The Wallis Inquiry examined the Australian financial system, making recommendations on regulatory change. | The Government announced a package of reforms in September 1997. Suite of legislation passed in all jurisdictions in 1998 -99, and in 2001, in line with recommendations. |
| Financial Transactions Reports Act 1988 | AG | Principal object of the Act is to facilitate administration and enforcement of taxation laws. A further object is to facilitate the administration and enforcement of laws of the Commonwealth and Territories (other than taxation laws). | Review, by a taskforce of Government officials with a reference group of two non-government persons, completed. Review recommended a number of amendments to the Act and the Regulations. Those recommendations, together with a number of other legislative amendment proposals, were the subject of consultations. | Review recommendations are part of Australia's wider consideration of implementing new international standards on anti-money laundering and counter-terrorist financing. The Government endorsed the new international standards in December 2003, necessitating a review of Australia's anti-money laundering system and new measures intended to address terrorism financing. New legislation expected to be introduced to Parliament in 2006. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| <p>Fisheries Management Act 1991</p> <p>Fisheries Administration Act 1991</p> | DAFF | <p>Licensing of commercial fishers. Permits for fish receivers. Input controls on boats, gear and fishing methods. Output controls such as total allowable catches, individual transferable quota (transfer of which is subject to various restrictions), size limits, prohibitions on taking certain species and restrictions on by-catch.</p> | <p>Review completed in September 2002. Review recommended that the Government retain all existing restrictions available under the Act, subject to using the following controls as temporary measures only while longer term measures are developed and implemented:</p> <ul style="list-style-type: none"> • competitive total allowable catches, and • nontransferable fishing rights. <p>Review also confirmed that individual transferable quotas are the preferred management tool where it is feasible to set and enforce practical total allowable catches.</p> | <p>The Government referred the report to the wider review of Commonwealth fisheries policy. The Fisheries Minister tabled a report of this policy review, Looking to the Future, in Parliament on 25 June 2003. The report noted that:</p> <ul style="list-style-type: none"> • The Government will prepare a policy paper on pursuing economic efficiency and ecologically sustainable development in management of Commonwealth fisheries. • The Australian Fisheries Management Authority will continue to provide regulatory impact statements (RIS) when developing statutory management plans. • The Government will amend the Fisheries Management Act 1991 to clarify that management plans must include objectives that are consistent with those under the legislation, and include criteria and timeframes for performance review. <p>Australian Fisheries Management Authority to complete fisheries management plans for all major fisheries as soon as practicable, and implement the Government's cost recovery policy for Commonwealth - managed fisheries.</p> |

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| Food Standards Australia New Zealand Act 1991 (replaces the Australia New Zealand Food Authority Act 1991) | DHA | Establishes the Australia New Zealand Food Authority (ANZFA) (now Food Standards Australia New Zealand), which develops food standards, coordinates food surveillance and recall systems, and develops codes of practice with industry. | Blair Review of food regulation completed in 1998. Review recommended amending the Act to: <ul style="list-style-type: none"> clarify regulatory objectives, and require ANZFA, in carrying out its regulatory functions, to apply an NCP test. | Act amended by the ANZFA Amendment Act 1999 to address the key recommendations. |
| Food Standards Code (under the Food Standards Australia New Zealand Act 1991) | DHA | The Code sets standards for preparation, composition and labelling of food. | ANZFA developed a proposed new code including new standards on ingredient and nutritional labelling. It undertook regulatory impact analysis but the Office of Regulation Review found this analysis to be inadequate. A revised code since been developed. | New joint code adopted in November 2000. Transition arrangements completed in December 2002. |
| Foreign investment policy and associated regulation | T | | Review completed in September 1999. | On 3 September 1999, the Treasurer announced a number of foreign investment policy and administrative changes arising from the review. These changes reduce notification obligations on business and streamline the administration of foreign investment policy, while continuing to ensure that foreign investment is consistent with the interests of the Australian public. A number of changes required regulation, which took effect from September 1999. |
| General Insurance Supervisory Levy Act 1989 | T | | The Government removed this Act from its LRP. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Hazardous Waste (Regulation of Imports and Exports) Act 1989, Hazardous Waste (Regulation of Imports and Exports) Amendment Bill 1996 and related Regulations | DEH | Regulates the export, import and transit of hazardous waste. | <p>Review, by a taskforce of officials from Environment Australia, A G, the Department of Foreign Affairs and Trade, the Department of Industry, Science and Resources and the DHA and the Office of Regulation Review, completed. Taskforce supported by the Hazardous Waste Act Policy Reference Group, acting as a reference group of independent members.</p> <p>Draft review report discussed with stakeholders at a meeting of the Hazardous Waste Act Policy Reference Group in November 2000. The taskforce required that numerous changes be made and the final report received on 23 February 2001.</p> | <p>The Government response, released on 12 June 2001, agreed to most of the review recommendations.</p> <p>Amendments to the Hazardous Waste (Regulation of Exports and Imports) Act 1989 commenced on 16 October 2001, implementing some of the recommendations.</p> <p>Amendments made to the 'Australian Guide to Exporting and Importing Hazardous Waste: Applying for a Permit: Second Edition' implementing some other recommendations.</p> <p>Draft RIS to the Regulations discussed with stakeholders in September 2003 and the amendment process underway.</p> <p>Further recommendations to be implemented in amendments to the Organisation for Economic Co-operation and Development Decision Regulations.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Health Insurance Act 1973, Part IIA | DHA | Pathology collection centre licensing which affects entry to the market. | NCP review commenced in 2000 and completed in December 2002. Review found that, under the current funding arrangements, it is necessary to maintain the current legislative framework to achieve the Government's objectives. Review also found that the approved collection centre scheme may not be appropriate or sustainable in the longer term, but recommended deferring reforms in this area until 2005 to provide time to realise any benefits arising from the new arrangements. | Legislative changes introduced in June 2001 simplified the licensed collection centre scheme while retaining licensing. The Government and the pathology industry undertook to complete a review of the approved collection centre scheme in 2005-06. The DHA advised that it developed terms of reference for the review and will seek expressions of interest in undertaking the review. |
| Health Insurance Amendment Act (No. 2) 1996* | | Prevents new medical graduates from providing a service that attracts a Medicare rebate unless they hold postgraduate qualifications, are studying towards such qualifications or work in rural areas. | Mid-term review of provider number legislation completed in December 1999. Review recommended removing the sunset clause on the legislation and addressing some training issues. | Act amended in 2001 to remove the sunset clause. |

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| <p>Higher Education Funding Act 1988</p> <p>Vocational Education and Training Funding Act 1992</p> <p>Other regulation with similar effects to the Higher Education Funding Act 1988</p> | DEST | | <p>Review completed in 1998 as part of the West Review of Higher Education Financing and Policy. Proposed changes relate to the equal treatment of private and public institutions.</p> <p>The Australian National Training Authority, the Australian Government and the State and Territory Governments reviewed major components funded under the Vocational Education and Training Funding Act 1992. This Act is Commonwealth-State funding legislation, and does not directly affect business or restrict competition. Neither does it have a significant indirect impact on business.</p> | <p>The outcomes of the Higher Education Review announced by the Treasurer in the 2003-04 Budget. The Higher Education Support Act 2003, assented to on 19 December 2003, was new primary legislation for the Government's funding and regulation of the higher education sector. The Act:</p> <ul style="list-style-type: none"> • provides the framework for quality and accountability in the higher education sector • establishes the Australian Government Grants Scheme • provides for forms of financial assistance for higher education providers; establish the Student Learning Entitlement and the Australian Government Higher Education Record, which will include a unique student identifier • establishes the framework for Australian Government Scholarship Programmes • establishes the Higher Education Loans Programme, and • maintains relevant provisions from Chapter 6 of the Higher Education Funding Act 1988. It includes a miscellaneous provision which includes appropriating money from the Consolidated Revenue Fund. |
| Home and Community Care Act 1985 | DHA | | The Government removed this Act from its LRP. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Human Services and Health Legislation Amendment Act (No. 2) 1995* | | Prevents new medical graduates from providing a service that attracts a Medicare rebate unless they hold postgraduate qualifications, are studying towards such qualifications or work in rural areas. | Mid-term review of provider number legislation completed in December 1999. Review recommended removing the sunset clause on the legislation and addressing some training issues. | Act amended in 2001 to remove the sunset clause. |
| Imported Food Control Act 1992 and Regulations | DAFF | Requires imported food to meet Australian standards. Subjects imported food to risk-based inspection and testing. Only Australian Government Analytical Laboratories performs testing. | Review completed in 1998. Review recommended: <ul style="list-style-type: none"> recognising quality assurance processes of importers tailoring inspection rates and strategies to importer performance and agreements on certification and compliance, and permitting qualified laboratories to test imported food. | The Government accepted all the review recommendations in June 2000. Amendments to the Act passed. |
| Income Equalisation Deposits (Interest Adjustment) Act 1984 Loan (Income Equalisation Deposits) Act 1976 | DAFF | | Review completed. | These schemes replaced by the Farm Management Deposit Scheme in 1998. The new scheme is a commercially available arrangement operating through deposit taking institutions (such as banks, credit unions and building societies). |
| Industrial Relations Act 1988 | DEWR | | Review subsumed into major restructuring of industrial relations legislation. | Changes to structure for negotiating wages and conditions. Replaced by the Workplace Relations Act 1996. |
| Insurance (Agents and Brokers) Act 1984 | T | | The Government removed this Act from its LRP. | |
| Intellectual property protection legislation (Designs Act 1906, Patents Act 1990, Trade Marks Act 1995, Copyright Act 1968) | AG and DITR | Objective of each Act is to encourage investment in innovation and creative effort | Review by an independent committee completed in September 2000. Public consultation included releasing an issues paper and an interim report, receiving | In June 2000, the Government announced the decision to allow parallel imports of books, periodicals, printed music and |

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| and the Circuit Layouts Act 1989) | | for the benefit of society. | <p>submissions and consultation.</p> <p>Review committee presented its Report on Parallel Importing under the Copyright Act 1968 in June 2000 and its final report, Review of Intellectual Property Legislation under the Competition Principles Agreement (CPA), in September 2000.</p> | <p>software products (with the decision being informed, inter alia, by the June 2000 report noted above).</p> <p>The Government announced its response to the review on 28 August 2001, including:</p> <ul style="list-style-type: none"> • raising threshold tests for obtaining a patent to international standards, implementing a grace period to protect a patent application against invalidation by inadvertent or ill-timed public disclosure, and amending the Trade Marks Act 1995 to remove the impediment to the parallel importation of legitimately trademarked goods. The Government fast-tracked implementation of the more significant patent initiatives • accepting the recommendation to repeal copyright control over parallel importation, except in relation to films • accepting recommendations regarding the copyright term and the efficient operations of the Internet, and • deciding to consider best practice guidelines for the Government in commissioning works with regard to Crown ownership of commissioned works. <p>The Government did not accept the</p> |

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| | | | | <p>recommendation to remove the cap on royalties for broadcasting sound recordings, and accepted in part the Committee's recommendations regarding collecting societies, identifying existing as well as future actions to implement the Committee recommendations.</p> <p>Some of the recommendations implemented through various Acts and Regulations, while further legislation will be introduced during 2004. In November 2003, the Government announced a review of government ownership of copyright.</p> |
| Interactive Gambling Act 2001* | DCITA | Prohibition. | <p>The Government reviewed the Act in line with the statutory requirement under the Act, to consider the social and commercial impact of interactive gambling services, and the effectiveness of the Act in dealing with these effects. This work was not an NCP review. Review did not assess the costs and benefits of making it an offence to provide certain forms of interactive gambling services to customers physically located in Australia; rather, it examined issues related to whether the legislated framework was preventing the escalation of problem gambling resulting from new interactive gambling services.</p> | <p>Following the review, the Government announced that it would not take any specific regulatory action in relation to betting exchanges. The Government perceived the licensing and regulation of gambling services as a matter for the states and territories</p> |

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| International Air Service Agreements | DTRS | | Review by the PC completed in September 1998. Review combined with the review of International Air Services Commission (IASC) Act 1992. | Joint statement on 3 June 1999 by the Treasurer and Minister on international aviation policy. Reforms completed in May 2004 when the = 5 G 7 new policy statement came into force. Final administrative actions to implement changes to the IASC Act completed in 2004. |
| International Air Services Commission Act 1992 | DTRS | | Review by the PC completed in September 1998. Review combined with the review of International Air Services Agreements. | Joint statement on 3 June 1999 by the Treasurer and Minister on international aviation policy. Reforms completed in May 2004 when the IASC new policy statement came into force. Final administrative actions to implement changes to the IASC Act completed in 2004. |
| International Arbitration Act 1974 | AG | | Review completed. Act assessed as not restricting competition. | The Government accepted the review recommendations. |

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| Land Acquisition Acts (Land Acquisitions (Defence) Act 1968; Land Acquisition (Northern Territory Pastoral Leases) Act 1981 and Land Acquisition Act 1989 and Regulations) | DFA | <p>Land Acquisition Act sets out processes that the Commonwealth and its agencies must follow when acquiring or disposing of an interest in land. It also deals with entry on private land by Commonwealth officers and the regulation of mining on Commonwealth land. Act includes provisions for compulsorily acquiring an interest in land and for the arrangements for consequential payment of compensation.</p> <p>The Land Acquisition (Defence) Act 1986 facilitated the acquisition of public park land in New South Wales (NSW) for defence purposes and the Land Acquisitions (NT Pastoral Leases) Act 1981 used to compulsorily acquire two pastoral leases for subsequent inclusion in Kakadu National Park.</p> | Review by departmental officials reporting to an internal Steering Committee completed. Review advertised nationally and public comment sought from interested persons. Review identified some operational and administrative issues but concluded that the legislation substantially complies with competition policy principles. | No Government response to the report. |
| Life Insurance Supervisory Levy Act 1989 | T | | The Government removed this Act from its LRP. | |

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| Marine Insurance Act 1909 | AG | The Act sets out the legal requirements surrounding contracts for and policies of marine insurance. | Review by the Australian Law Reform Commission submitted to the Attorney - General on 30 April 2001 and tabled in Parliament on 22 May 2001. Review recommended minor changes, including bringing marine insurance brokers and agents into the financial services reform regulatory framework. The review found that the Act has no impact on competition in the insurance sector, and is not regulatory legislation. | The Government decided that no action on competition matters is required in relation to the Act. |
| Migration Act 1958 E sub-classes 120 and 121 (business visas) | DIMIA | | Review completed in 1997. | Amendments aimed at strengthening and streamlining the skilled entry programs came into effect November 1997. |
| Migration Act 1958 E sub-classes 560, 562 and 563 (student visas) | DIMIA | | Review completed in 1998. | Recommendations implemented to further deregulate student visa program without compromising the integrity of the immigration program. |
| Migration Act 1958 E sub-classes 676 and 686 (tourist visas) | DIMIA | | The Government removed this legislation from its LRP. | |
| Migration Act 1958, Part 3 (Migration Agents and Immigration Assistance) and Regulations | DIMIA | | Review completed in 1997. Review combined with that for Migration Agents Registration (Application) Levy Act 1992 and Migration Agents Registration (Renewal) Levy Act 1992. Review concluded that due to consumer protection concerns, voluntary self-regulation was not immediately achievable, and a transitional arrangement needs to be in place to enable the industry to prepare for self-regulation. | The Government accepted the review findings, and passed legislation to implement statutory self-regulation for two years then voluntary self-regulation. Statutory self-regulation extended to March 2003 after a review in 1999 found that the industry was not ready for voluntary self-regulation. |

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| Migration Agents Registration (Application) Levy Act 1992 Migration Agents Registration (Renewal) Levy Act 1992 | DIMIA | | Review completed in 1997. Review combined with that for Migration Act 1958 Part 3. | The Government decided to move the migration advice industry to statutory self-regulation. Legislation to give effect to this decision commenced in March 1998. |
| Moomba-Sydney Pipeline System Sale Act 1994 - Part 6 (access provisions) | T | | The Government removed this legislation from its LRP. | Legislation repealed. |
| Motor Vehicle Standards Act 1989 | DTRS | Provides a mechanism for setting national safety, emissions and anti-theft standards for road vehicles supplied to the Australian market. It applies to all new and imported vehicles. | Review completed in 1999. Recommended a number of changes to the administrative and legislative arrangements to improve clarity and efficiency. It recommended that the low volume scheme be maintained and extended to full volume manufacturers and some other modifications to the scheme should be made. The review also recommended changes to the vehicle import arrangements and cost recovery. The PC's subsequent 2002 review of post-2005 assistance to the automotive industry recommended retaining restrictions on the importation of used vehicles while the manufacturing industry made a transition to a lower assistance environment. The PC considered that unconstrained imports of second-hand vehicles would jeopardise the achievement of a viable domestic automotive production sector capable of operating in the long term without special treatment. | The Government announced changes on 8 May 2000. The Government accepted nearly all of the report recommendations except those relating to restrictions on imports of vehicles under the Low Volume Scheme. A new scheme, the Specialist and Enthusiasts Vehicle Scheme introduced. Some amendments commenced on 1 April 2002. |

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| Mutual Recognition Act 1992 | DEST and PMC | | <p>National review completed in July 1998. Review conducted by a working group of 7 c i b W] \ ` ` c Z ` 5 i g h f U `] U b ` ; Committee on Regulatory Reform (CRR), comprising representatives from the Commonwealth, NSW, Queensland (Chair) and Western Australia. The report, which covers both the NCP and Mutual Recognition Agreement (MRA) aspects of the review, is available on the internet at www.pmc.gov.au . Review found that the scheme is generally working well to minimise the impediments to freedom of trade in goods and services and to establish a truly national market in goods and services in Australia. The review data indicated that the MRA has increased competition and consumer choice, and reduced business costs. In relation to the NCP review, it was recommended that all existing (potentially anti -competitive) exceptions to the MRA be retained.</p> | <p>Jurisdictions generally supported the review's recommendations. In relation to the NCP aspect of the review, Queensland and Victoria had concerns about some recommendations.</p> <p>The recommendations of the review, and the concerns were taken up in the 2003 review of the MRA. The PC reviewed the Trans -Tasman Mutual Recognition Arrangement (TTMRA) and its internal Australian equivalent, the MRA . The PC report, released in October 2003, concluded that the MRA and the TTMRA have been effective overall in assisting the integration of the state, territory and New Zealand economies.</p> <p>CRR completed a report on the review of mutual recognition arrangements for COAG and the New Zealand Government, and COAG approved it out of session in May 2004. A subsequent report by the Cross Jurisdictional Review Forum submitted to the COAG Secretariat in February 2005. COAG 's decision will determine whether jurisdictions, including the Australian Capital Territory , will have to make legislative changes.</p> |

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| National Health Act 1953 (Part 6 and Schedule 1) Health Insurance Act 1973 (Part 3) | DHA | Community rating of private health insurance, preventing insurers from setting different terms and conditions for insurance on the basis of sex, age and health status. | Review of private health insurance by the PC completed in 1997. Review prevented from examining community rating. | The Government accepted most recommendations which were implemented by a succession of legislative changes from 1998. Lifetime Health Cover introduced in July 2000, amending community rating to permit a premium surcharge for new entrants based on age at entry. The Government introduced reforms in relation to podiatry services; elaborated on the need to balance carefully competition objectives with broader social and budgetary objectives; and committed to assessing the merits of further easing the product restrictions on a case by case basis (in response to industry representations). |
| National Residue Survey Administration Act 1992 and related Acts | DAFF | Provides for monitoring of chemical residue in many Australian agricultural food commodities. | Review, by a committee of officials, completed and made public. Review committee concluded that the legislation did not restrict competition and actually provided a substantial competitive benefit to Australian producers by facilitating local and international trade. The Government approved the report and its recommendations and it has been forwarded (out of session) to SCARM and the Standing Committee on Fisheries and Aquaculture for information. | Reform not required. |

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| National Road Transport Commission Act 1991 and related Acts | DTRS | The Act provides a statutory basis for the National Road Transport Commission, which is also governed by Heads of Government Agreements scheduled to the Act. The National Road Transport Commission's primary role is to advise the Australian Transport Council on reforms that will improve the safety, efficiency and reduce the administrative cost of road transport. | Review completed in 1997. Review recommendations focused on improving the National Road Transport Commission and the delivery of its outcomes. No changes were needed to address the requirements of the CPA. Australian Transport Council Ministers made recommendations to COAG in 1997. | <p>Following a review of the Act commencing in December 2001, Heads of Government agreed to the repeal of the Act and the establishment of a new body, the National Transport Commission, under the National Transport Commission Act 2003.</p> <p>The National Transport Commission commenced on 15 January 2004 with a focus on cooperative national regulatory reform with responsibilities for road, rail and intermodal transport. The Inter - Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport formalises the cooperative arrangements between the states, territories and the Australian Government and defines the role and responsibilities of the new Commission, the Australian Transport Council and jurisdictions.</p> |
| Native Title Act 1993 and Regulations | AG | Management of land tenure. | Review not required. | Since 1996, the competition policy issues (particularly in relation to issues faced by mining companies and in relation to pastoral leases) have been addressed through various developments, such as the Native Title Amendment Act 1998. Also, other mechanisms and fora are now in place to address emerging concerns about native title rights and mining tenements. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Navigation Act 1912 | DTRS | Regulates maritime matters (including ship safety, coastal trade, and the employment of seafarers and shipboard aspects of protection of the marine environment), wreck and salvage operations, passengers, tonnage measurement of ships, administrative measures relating to ships and seafarers, and processes (part VI) for engaging in coastal trade. | The Shipping Reform Group reviewed the coastal trade provisions of part VI of the Act in 1997. The rest of the Act was reviewed in two stages. The first stage was concerned with employment regulation in shipping. The second stage was a comprehensive review of the Act (excluding part VI) that was completed in June 2000. The review found that the benefits of regulating ship safety and environmental protection outweigh the costs of restrictions on competition, and that the alternative approaches to meeting shipping safety and environmental objectives would be impractical. | Following the 1997 review, the Government introduced measures to streamline processes and reduce compliance costs in coastal trade. The first stage of the review led to the Navigation Amendment (Employment of Seafarers) Bill 1998. The Bill would have removed the employment-related provisions that are inconsistent with the Workplace Relations Act 1996. The Bill was introduced to Parliament on 25 June 1998. The Senate rejected a significant number of items. The Bill was deferred. The Government announced its intention to introduce amendments to Section 286 of the Act and examined this Act and the Shipping Registration Act. The Government consulted with industry on amendments to the Navigation Act (in the Navigation Amendment Act 2005). |
| Nuclear Safeguards (Producers of Uranium Ore Concentrates) Charge Act 1993 and regulations | DFAT | Imposes a charge on uranium producers to recover cost of nuclear safeguards and protection activities. | Review by officials completed in 1997. Review recommended principally that the flat fee be replaced with an output-based fee. It also recommended removal of cap on fees paid by individual producers. | The Government announced its response in December 1997, accepting all recommendations but that to remove the fee cap. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|---|--|
| Ozone Protection Act 1989 Ozone Protection (Amendment) Act 1995 | DEH | Implement the provisions of the Montreal Protocol on Substances that Deplete the Ozone Layer. Regulates the phase out of ozone depleting substances, in some cases ahead of the Montreal Protocol requirements where consultations with industry determined a faster phase out was possible. | <p>Review completed in January 2001 and endorsed by the Minister for the Environment and Heritage in May 2001. Review recommended that:</p> <ul style="list-style-type: none"> the Ozone Protection Reserve be extended to include all applications, revenue and expenditure associated with ozone protection, including that associated with the National Halon Bank Environment Australia develop longer - term budgets for its ozone protection activities a fee be introduced for processing Section 40 exemptions under the legislation Commonwealth end -use powers be elaborated and exercised in a new part of the legislation the Commonwealth consider early extension of the legislation to ensure national consistency in ozone protection regulation across all States and Territories, in relation to supply and end-use, and noting widespread support from stakeholders, the Commonwealth should determine, upon direct and early advice from relevant agencies, whether the legislation should be extended to cover synthetic greenhouse gases used in Montreal Protocol industries. | <p>In a press release on the 2002 -03 Budget, the Minister for the Environment and Heritage announced measures in response to the review.</p> <p>Amend ments to the Ozone Protection Act 1989 and the Ozone Protection and Synthetic Greenhouse Management Act 1989 were passed in December 2003.</p> <p>The DEH and the Australian Greenhouse Office are implementing the amendments. The licensing system for synthetic greenhouse gases and equipment pre -charged with hydrochlorofluorocarbon or hydrofluorocarbon commenced on 1 April 2004. Consultation with fire protection, refrigeration and air - conditioning industries to establish end-use regulations and product stewardship arrangements.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|----------------------------|--|--|
| Parliamentary Contributory Superannuation Act 1948 | T | Limits on choice of funds. | Review completed. Review concluded that administration costs are trivial and that there are efficiencies. The scheme operated under this Act (an unfunded defined benefit scheme) is small (with minimal consequences arising from the lack of competition). | Choice of fund not to apply to parliamentarians. |
| Patents Act 1990, S198-202 (Patent Attorney registration) | DITR | | Review completed. | <p>In February 1997, the Government announced it would make changes to the Act including broadening the range of experience for qualifications in patents and removing restrictions to practice in trademarks and design.</p> <p>The Government announced its response to the review on 28 August 2001. The Patents Amendment Act 2001 amended the Patents Act 1990 to strengthen its novelty and inventiveness requirements. The introduction of a grace period for patents achieved through amendments to the Patents Regulations 1991. These amendments to the Act and Regulations commenced on 1 April 2002.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|--|--|
| Petroleum (Submerged Lands) Act 1967 | DAFF | Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme. | National review completed in 1999 -2000. Endorsed by the Australia New Zealand Minerals and Energy Council Ministers. Review's main conclusion was that the Petroleum (Submerged Lands) legislation is essentially pro -competitive and, to the extent that there are restrictions on competition (for example in relation to safety, the environment, resource management or other issues), these are appropriate given the net benefits to the community. Final report made public on 27 March 2001, following consideration by COAG 's CRR. | Two specific legislative amendments flowed from the review. One amendment addresses potential compliance costs associated with retention leases and the other expedites the rate at which exploration acreage can be made available to explorers. These amendments given effect by the Petroleum (Submerged Lands) Amendment Act 2002. Amendment and rewrites of the counterpart State and NT legislation to follow. |
| Petroleum Retail Marketing Franchise Act 1980 Petroleum Retail Marketing Sites Act 1980 | DITR | | | Both Acts will be repealed as part of the implementation of the Downstream Petroleum Reform Package (Oilcode). |
| Pig Industry Act 1986 and related Acts | DAFF | The Act established the Australian Pork Corporation whose functions include improving the production, consumption, promotion and marketing of pigs and pork both in Australia and overseas. | Work on the review suspended following advice from industry on a restructure of industry bodies, including the Australian Pork Corporation. | Act repealed and replaced by the Pig Industry Act 2001 which allows for the declaration of a pig industry services body, established under Corporations Law, responsible for the industry's strategic policy development as well as the industry's marketing and research and development services, formerly provided by the Australian Pork Corporation and the Pig Research and Development Corporation. |
| Pooled Development Funds Act 1992 | DITR | | Review completed in 1998. | Amendments were made through the Pooled Development Funds Amendments Act 2000. |
| Prawn Boat Levy Act 1995 | DAFF | | The Government removed this Act from its LRP. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|--|--|
| Prices Surveillance Act 1983 | T | <p>The Act assigns three specific functions to the ACCC:</p> <ul style="list-style-type: none"> • review price rises notified to the ACCC by certain organisations • undertake monitoring of prices or other matters for particular organisations, products or services, and • hold inquiries into price and other matters as directed by the Australian Government. | Review, by the PC, completed. Final report provided to the Government on 22 August 2001. | The Government accepted the recommendation that the Act be repealed and that limited new inquiry and monitoring functions be written into the TPA. An Act to give effect to the Government's response passed on 17 December 2003 and commenced on 1 March 2004. |
| Primary Industries Levies Act (and related Collection Acts) | DAFF | Legislation authorises the collection of statutory levies imposed on primary industries under separate legislation for specified purposes. | Review by officials completed in 2000. The review found, in general, that the benefits to the community of the present structure of levies legislation outweigh the costs and should be retained. Only some minor changes to the legislation and the guidelines were recommended, including a proposal that the guidelines indicate a preference for voluntary arrangements unless the free rider costs are assessed to exceed compliance, enforcement, administrative, and other costs. | An interdepartmental Committee formed to develop a Government response. The Minister approved the response on 20 December 2003. The Government considered that there was sufficient flexibility in these arrangements to accommodate the issues raised in the review report without the need to explicitly indicate a preference for voluntary levy arrangements in the legislation or the guidelines. Hence, amendments to existing legislation and guidelines were not required. |
| Proceeds of Crime Act 1987 and Regulations | AG | <p>Act's principal objects are:</p> <ul style="list-style-type: none"> • to deprive persons of the proceeds of, and benefits derived from the commission of offences against the laws of the Commonwealth or territories | Competition principles review of the Financial Transaction Reports Act 1988 completed in August 2000. review included a review of Division 4 of Part IV of the Proceeds of Crime Act as well as of Part III of the Financial Transaction Reports Act, both parts dealing with various obligations on financial institutions such as banks and | The Proceeds of Crime Act 2002 and the Proceeds of Crime Act (Consequential Amendments and Transitional Provisions) Act 2002 came into effect on 1 January 2003. The Proceeds of Crime Act 2002 strengthened Australian Government laws for the confiscation of the |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|----------------------------|---------------|--|---|---|
| | | <ul style="list-style-type: none"> • to provide for the forfeiture of property used in or in connection with the commission of such offences, and • to enable law enforcement authorities effectively to trace such proceeds, benefits and property. <p>Other objects of the Act are:</p> <ul style="list-style-type: none"> • to provide for the enforcement in the territories of forfeiture orders, pecuniary penalty orders and restraining orders made in respect of offences against the laws of the States • to facilitate the enforcement in Australia, pursuant to the Mutual Assistance Act, of forfeiture orders, pecuniary penalty orders and restraining orders made in respect of foreign serious offence, and • to assist foreign countries, pursuant to the Mutual Assistance Act, to trace the proceeds of, benefits derived from and property used in or in connection with the commission of foreign serious offences. | <p>like organisations to retain various records and documents. Division 4 of Part IV of the Proceeds of Crime Act, which imposes record retention obligations on financial institutions, is the only Part of the Proceeds of Crime Act which affects the business sector.</p> | <p>proceeds of crime.</p> <p>The Proceeds of Crime Act 2002 includes improved provisions for conviction based confiscation and also provides for a new civil forfeiture regime (namely forfeiture which does not require conviction of a criminal offence as a condition precedent). It also includes provisions for literary proceeds orders to prevent criminals exploiting their notoriety for commercial purposes.</p> <p>Among other things, the Proceeds of Crime Act (Consequential Amendments and Transitional Provisions) Act 2002 repealed Division 4 of Part IV of the Proceeds of Crime Act 1987 and replaced the repealed provisions by a new Part VIA which the Act inserted into the Financial Transaction Reports Act 1988.</p> <p>The Act includes provision for an independent review of the operation of the Act to be undertaken after the third year of its commencement (that is, as soon as practicable after 1 January 2006).</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|--|
| Protection of Movable Cultural Heritage Act 1986 | DCITA | | Review completed. | The Government implemented the review recommendations by amending the Act and regulations in December 1998 and May 1999. |
| Quarantine Act 1908 (human quarantine provisions) | DHA | Requires screening of goods and passengers entering Australia. | Departmental review of provisions relating to human quarantine completed in 1998. Review found minimal impact on competition, and public health benefits in excess of costs, but recommended some updating via a second phase review. The Government announced in July 1998 that it approved the report. | Act retained without reform. |
| Quarantine Act 1908 (in relation to plant and animal quarantine) | DAFF | Prohibits import of certain goods, animals and plants unless with a permit. | NCP review delayed pending the resolution of the challenges concerning Australia's quarantine regime in the World Trade Organisation. Any amendments arising from this review will be subject to analysis via a RIS. | |
| Radiocommunications Act 1992 and related Acts | DCITA | Licensing and spectrum allocation. | Review commenced in 1997. However, the NCP aspects of the review were not completed. The PC commenced a review of the Act in July 2001 and completed it in July 2002. The Government released the report on 5 December 2002. The report recommended legislative amendments to allow encumbered spectrum to be sold, to facilitate the conversion of apparatus licences to spectrum licences, to allow spectrum charges to be based on opportunity cost, to facilitate better use of spectrum for broadcasters, and to allow the Australian Communications Authority to re-assign spectrum licences three years before expiry. | The Government accepted the PC's recommendations on conversion of licences, selling encumbered spectrum and re-assigning spectrum licences, and it will consider the recommendations on broadcasters' use of spectrum. Of the 35 recommendations that were accepted, nine require legislative action to amend the Act. Anticipated to be considered in 2006. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|---|--|
| Rural Adjustment Act 1992 States and Northern Territory Grants (Rural Adjustment) Acts | DAFF | | Review completed in 1997. Review made a number of recommendations for future government programs to address rural adjustment. | Review recommendations addressed in the Government's package Agriculture – Advancing Australia announced on 14 September 1997. Consistent with the recommendations of the review, a range of other support schemes replaced the Rural Adjustment Scheme. |
| Safety, Rehabilitation and Compensation Act 1988* | C | Mandatory insurance, monopoly insurer and centralised premium setting. | Review completed in 1997. Review recommended introducing competition to Comcare. | No reforms introduced. |
| Shipping Registration Act 1981 | DTRS | Registration of ships and ship mortgages in Australia. | Review completed in 1997, recommending amendments to improve the efficiency of the legislation and reduce compliance costs. | The Government accepted the review recommendations. The shipping industry, however, raised concerns about implications on finance for shipping, particularly mortgage arrangements and the proposed amendments to the legislation did not proceed. The Maritime Legislation Amendment Bill 2005 provides for access to the register online and makes minor changes with respect to closing the registration of mortgages, but does not address the other key recommendations. |
| Spectrum Management Agency (SMA) - review of SMA's market-based reforms and activities.* | ACA | | Review by the PC completed. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|---|--|
| <p>Superannuation Act 1976</p> <p>Superannuation Act 1990</p> <p>Superannuation Guarantee (Administration) Act 1992</p> | T | Limits on choice of funds. | Review completed in 1997. | Following the 1997 review, the Government introduced legislation to Parliament to allow choice of fund for Australian Government employees. Amending legislation was defeated in the Senate in 2001. Legislation requiring employers to offer choice of funds was reintroduced to Parliament on 27 June 2002 and passed on 22 June 2004. |
| <p>Superannuation Industry (Supervision) Act 1993</p> <p>Superannuation (Resolution of Complaints) Act 1993</p> <p>Superannuation (Financial Assistance Funding) Levy Act 1993</p> <p>Superannuation (Self Managed Superannuation Funds) Taxation Act 1987</p> <p>Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act 1991</p> <p>Occupational Superannuation Standards Regulations Applications Act 1992</p> | T | First group of Acts are concerned with prudential supervision and supervision of the superannuation industry and the imposition of certain levies on superannuation funds and approved deposit funds. | NCP review by the PC completed on 10 December 2001. Review made various recommendations relating to the prudential supervision and regulation of the superannuation industry. | Interim response to PC review released by the Assistant Treasurer on 17 April 2002. The Government agreed to various recommendations, including one relating to simplifying compliance requirements and enhancing capital adequacy requirements. The Government subsequently released its response to another report of the Superannuation Working Group chaired by Mr Don Mercer. This paved the way for the Government to issue its final response to the PC report on 20 June 2003. Superannuation Safety Amendment Act 2004 to implement recommendations that all superannuation fund trustees be licensed and required to submit a risk management plan to Australian Prudential Regulation Authority. The Government also agreed to implement most of the PC's other recommendations (or take action largely consistent with those recommendations). |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|---|---|
| Torres Strait Fisheries Act 1984 | DAFF | Licensing of community and commercial fishers. Wide Ministerial powers to prohibit taking of certain species; prohibit taking fish under certain sizes; and impose a variety of input controls. Collection of a research and development levy. | Reviewed by Commonwealth and Queensland officials completed in 1999. Review recomm ended: <ul style="list-style-type: none"> • a new statement of objectives for the Act • maintaining the distinction between community and commercial fishing • retaining licensing of fishing, and • retaining wide Ministerial powers to regulate fishing. | Reform not required. |
| Trade Practices (Consumer Product Information Standards) (Care for clothing and other textile products labelling) Regulations | T | | Review completed in 1997. | The Government introduced a less prescriptive consumer product information standard. |
| Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations | T | | Review completed in 1998. | Regulations replaced by the Trade Practices (Consumer Product Information Standards) Amendment Regulations, requiring a list of ingredients and a nomenclature used by the United S tates and the European Union. |
| Trade Practices Act 1974 E 2D exemptions (local government activities) | T | Exempts the licensing decisions and internal transactions of local government bodies from Part IV of the TPA, which regulates restrictive trade practices. | Review by the PC commenced in late September 2001. Final report released on 12 December 2002. | The required legislative amendments incorporated into the Trade Practices Legislation Amendment Act 2006. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|---|--|
| Trade Practices Act 1974 – fees charged | T | Fees charged under the Act attempt to offset some of the costs of meeting the objectives of the Act through user charges. | Review completed. Review included in PC inquiry "Cost Recovery by Regulatory, Administrative and Information Agencies – including Fees charged under the TPA", which commenced in August 2000. The PC released the final report on 22 March 2002. The Commission found that current TPA charges (by the ACCC) appear to have little if any impact on competition and economic efficiency and hence are not inconsistent with the competition tests under the CPA. | The Treasurer and Minister for Finance joint press release of 14 March 2002 noted that this review completed its commitment under the LRP. |
| Trade Practices Act 1974 (including exemptions) – Part IIIA (access regime) | T | Provides a regime for third party access to services provided by significant infrastructure facilities. | Review, by PC, completed. Issues paper released on 11 October 2000 and a position paper released in March 2001. Final report provided to the Government on 3 October 2001. | The Government released its final response to the report on 20 February 2004. |
| Trade Practices Act 1974 (s 51(2) and s 51(3) exemption provisions) | T | Legislation provides for exemptions for a number of activities relating to intellectual property rights, employment regulations, export arrangements, and approved standards from many of the competition laws contained within Part IV of the TPA. | Review completed in 1999. The subject of a further review by the Intellectual Property and Competition Review Committee (the Ergas Committee), which forwarded its final report to the Government in September 2000. | <p>The Government is considering its response to the review of section 51(2) of the TPA.</p> <p>On 28 August 2001, the Government announced changes to section 51(3) of the Act in its response to the report of the Ergas Committee, which also examined section 51(3).</p> <p>The Government intends to amend the TPA by applying modified competitive conduct rules in Part IV (Restrictive Trade Practices) to intellectual property licensing transactions, and to exempt the Plant Breeders' Rights Act 1994 (Commonwealth) from the modified competitive conduct rules.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|---|---|
| Trade Practices Act 1974, Part X (shipping lines) | DTRS | Part X administered by Commonwealth as an industry specific legislated industry code which exempts shipping conferences from section 45 and 47 of TPA (with exception of third line forcing provisions). Conferences allow liner shipping companies to coordinate their services, set joint freight rates, pool earnings and costs, establish loyalty agreements with customers, rationalise capacity and restrict new entrants to the conference agreements. Australia's trading partners also exempt conferences from competition law. | PC review of Part X released by Commonwealth Government in September 1999. The PC concluded that restrictions in Part X are in the public interest because they result in Australian shippers obtaining quality services at the best possible prices and because there are no more efficient ways of achieving these results. The PC recommended various improvements to Part X to clarify the scope of the exemptions from the TPA with regard to land-based activities. These would extend the range of sanctions available to the Minister in the event of a breach of an undertaking by a conference. | The Trade Practices Amendment (International Liner Cargo Shipping) Act 2000 generally picked up the review recommendations. Act limits the exemption relating to rate setting by more clearly defining the service to which the exemption applies. Exemption covers terminal to terminal services solely for ocean transport and cargo handling at the terminal. Definition of terminal widened to include terminals away from ports where exports/imports are made/distributed. Exemptions do not apply to inland haulage rates. Act changed arrangements for stevedoring conferences. There are exemptions to endorse current stevedoring practices. Generally importers given similar countervailing protection from TPA. Act granted additional powers to the Minister and the ACCC to review agreements that may result in an unreasonable reduction in shipping services and/or an unreasonable increase in liner shipping freight prices. Act also repealed section that prohibited price discrimination. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|---|--|---|
| Tradesmen's Rights Regulation Act 1946 | DEWR | National recognition of metal and electrical trade skills developed informally. | Review completed in November 1998. Recommendations included repealing the Act. Also recommended that the Commonwealth Government vacate the domestic skills recognition field (and that Registered Training Organisations established under the Australian Recognition Framework undertake skill recognition on a free competition basis) and that detailed consideration be given to the implementation arrangements. | The Government accepted the review recommendations. Government consulted with industry about arrangements for domestic skills recognition and migration skills assessment. Act not repealed - |
| Veterans' Entitlement Act 1986 - Treatment Principles (s90) and Repatriation Private Patient Principles (s90A) | DVA | | The Government is examining whether a review of the two sets of principles is required. | |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|----------------------------|---------------|---|--|--|
| Wheat Marketing Act 1989 | DAFF | Prohibits the export of wheat except with the consent of the Wheat Export Authority or by Australian Wheat Board (International) Limited. | <p>Review by an independent committee (Irving Review) completed in 2000. Review found that introducing competition was more likely to deliver net benefits than continuing the export controls. However, it also found it would be premature to repeal the Act before a relatively short evaluation of new commercial arrangements. It recommended:</p> <ul style="list-style-type: none"> • retaining the export single desk until the 2004 review • incorporating NCP principles into the 2004 review • developing performance indicators for the 2004 review • moving from export consents to export licensing • removing for a three -year trial the requirement that the Wheat Export Authority consult Australian Wheat Board (International) Limited on applications to export of bagged and containerised wheat, and • removing for a three -year trial the requirement that the Wheat Export Authority obtain written approval from Australian Wheat Board (International) Limited for the export of durum wheat. | <p>In April 2001, the Government announced its acceptance of recommendations, except that it:</p> <ul style="list-style-type: none"> • declined to incorporate NCP principles in the 2004 review • retained the requirement for consultation with Australian Wheat Board (International) Limited on consents for export of bagged and containerised wheat, and • retained the requirement for written approval of Australian Wheat Board (International) Limited for export of durum wheat. <p>Act amended in July 2003. Changes included an objective for the Wheat Export Authority in undertaking its export control functions that gives effect to the position expressed by the government in its response to the NCP review.</p> <p>The 2004 review did not consider whether the single desk should continue. It addressed the performance indicators developed as part of the Government's response to the NCP review.</p> |

3 New South Wales

Agency nomenclature abbreviations

u (NSW)
legislation review timetable. This nomenclature identifies the relevant agency at the time of the final (2005) National Competition Policy (NCP) assessment.

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

Legislation review schedule: New South Wales

Updated to 5 December 2005

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|--|--|--|
| Agricultural Tenancies Act 1990 | Ag | Regulates the rights of agricultural landowners, tenants, share -farmers and other tenant related issues where the farmers have not made their own agreements; and provides for determination of disputes by compulsory arbitration. | <p>Review completed in 1999. Review recommended:</p> <ul style="list-style-type: none"> • rewriting the objectives of the Act to be environment protection, achieving certainty in tenancy agreements, and dispute resolution • providing for referral of the parties to mediation before starting an arbitration, and • providing for referral of disputes to courts of competent jurisdiction and for appeals to the Administrative Decisions Tribunal. | The Agricultural Tenancies Amendment Act 2001 implemented the recommended changes. |
| Agriculture and Veterinary Chemicals (New South Wales) Act 1994 | Ag | Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into state jurisdiction. See Commonwealth Agricultural and Veterinary Chemicals Code Act 1994. | National review of agricultural and veterinary chemicals completed in 1999. Review report released by the Standing Committee on Agriculture and Resources Management in March 1999. See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994. | NSW to implement legislative changes that are agreed by all jurisdictions following the national review. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|----------------------------|---------------|--|---|---|
| Air Transport Act 1964 | TS | Prohibits, in certain circumstances, the carriage by aircraft of passengers or goods from one place to another within NSW except if a licence is granted by the Minister. Amends certain Acts. | Review completed in 1999. Review report publicly available. | <p>In August 1999, the Government announced that it would pursue deregulation via administrative means. From 26 March 2000, restrictions on the number of airlines that operate on intrastate routes to and from Sydney Airport, with annual air patronage exceeding 20,000, were removed. These 17 routes account for 86% of all intrastate passenger journeys.</p> <p>In October 2002, the threshold for restrictions on routes to and from Sydney Airport was raised from 20,000 to 50,000 passengers annually. The services at or above the 50,000 passengers per annum level represent 10 routes and 76% of all intrastate passenger journeys. All services affected were already operating as single operator routes.</p> |
| Animal Research Act 1985 | Ag | Regulates the carrying out of animal research and the supply of animals for research. Requires that authorisations may only be granted for recognised research purposes involving research, teaching, testing and the production of biological products. | Review completed July 2002 and final report submitted to the Minister for Agriculture. Review recommended retention of the Act based on net public benefit grounds. | Reform not required. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---------------------------------|---------------|---|---|--|
| Apiaries Act 1985 | Ag | Requires beekeepers to register, with fees. Prohibits the sale or disposal of diseased bees or appliances, or importing of bees likely to spread diseases. Bees must be kept in identified hives. Beekeeping on premises can be prohibited or restricted. Inspectors can enter and inspect premises. | Review completed July 2002 (part of a generic review of all plant and animal disease legislation). Review recommended retention of the Act based on net public benefit grounds. | Reform not required. |
| Architects Act 1921 | C | Registration, entry requirements, reservation of title, disciplinary processes, business restrictions. | National review (except Victoria), conducted by the Productivity Commission (PC), completed in August 2000 and publicly released in November 2000. PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act. A states and territories working group led by NSW developed a national response to the PC review. The working group recommended amendments to existing legislation to remove elements deemed to be anti-competitive and not in the public interest. All jurisdictions accepted the approach of the working group. | Act repealed by the Architects Act 2003. New Act implemented the nationally agreed framework. |
| Australian Jockey Club Act 1873 | GR | Extends the period for which the trustees of the Randwick Racecourse are enabled to grant leases and to enable members of the Australian Jockey Club to sue and be sued in the name of the Chairman. | Review, in conjunction with the Sydney Turf Club Act 1943, completed in 1999. Current arrangements found to be in the public interest and retained. | Act retained without reform. The Government accepted the review's recommendation that the lease arrangements in respect of Crown land be reviewed again in the course of the 10-year NCP review cycle. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|------------------------------|---------------|--|--|---|
| Banana Industry Act 1987 | Ag | Empowers the Banana Industry Committee to regulate the quality of bananas produced in NSW and their subsequent transport to major intrastate markets, and impose compulsory charges on growers to fund industry service functions. | Review completed in 1998. Review recommended removing the Banana Industry Committee's power to regulate the marketing and transport of bananas. | The Banana Industry Amendment Act 2000 enacted. The Government's response: <ul style="list-style-type: none"> • allowed the retention of the Banana Industry Committee's power to provide industry service functions and impose compulsory charges on banana growers to fund these service functions • removed some obsolete and unexercised powers of the Banana Industry Committee, and • removed the Banana Industry Committee's transport direction power. |
| Biological Control Act 1985 | Ag | Makes provision for the biological control of pests in NSW. Complementary to Commonwealth legislation. | Deleted from review schedule as the 7 c i b W] ` ` c Z ` 5 i g h f U `] U b ` ; Committee on Regulatory Reform (CRR) determined that the legislation has no anti-competitive impacts. | No NCP related reform required. |
| Bookmakers Taxation Act 1917 | GR | Bookmakers are subject to scrutiny by the Bookmakers Revision Committee for probity and financial competence. A bookmaker may not operate without a current tax receipt issued by the Bookmakers Revision Committee. | See Racing Administration Act É omnibus review of racing and betting legislation. | Act repealed with effect from 1 July 2001. The taxation matters were transferred to the Betting Tax Act 2001 and the non-taxation matters - mainly dealing with Bookmakers Revision Committee procedures - were transferred to the Racing Administration Act 1998. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|--|--|--|
| Boxing and Wrestling Control Act 1986 | TSR | Conduct of professional boxing, provision for the Boxing Authority of NSW and definition of its functions, conduct of wrestling and amateur boxing contests. | Review completed in February 2002. The review's final report was submitted to the Minister for Sport and Recreation. | The Government considered that there is an inherent and broad public benefit in regulating participation in dangerous combat sports and that no legislative change is necessary. |
| Bread Act 1969 | IR | Restricts times for the baking and delivery of bread. Licensing of bread manufacturers. Certification of operative bakers. Standard bread size. Constitutes a Bread Industry Advisory Council. | Review completed. | Act repealed. |
| Building Services Corporation Act 1989 | FT | Licensing, registration, entry requirements (qualifications or pass exams, experience, age, character), the reservation of practice (building work, electrical wiring work, plumbing and drainage work, roof plumbing work, refrigeration work, air - conditioning work), business conduct (including insurance for building work over \$5000 from approved private insurer) and business licensing. | See the Home Building Act 1989. | Changed name to Home Building Act 1989. |
| Business Franchise Licence (Petroleum Products) Act 1987 | Tr | Provides for the licensing of people carrying on the business of selling certain petroleum products. | Review completed in 1997. | Act repealed. |
| Business Franchise Licence (Tobacco) Act 1987 | Tr | Provides for the licensing of people carrying on the business of selling tobacco. | Review completed in 1997. | Act repealed. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Business Licences Act 1990 | FT | Relates to business licences. | Review completed in 2001. Review recommended the Act be repealed. | Act repealed by the Business Licences Repeal and Miscellaneous Amendments Act 2001. |
| Business Names Act 1962 | FT | Regulates and controls the registration and use of business names. There are restrictions on names that can be registered, as well as restrictions relating to certain words or phrases. | Review completed in March 2002. Review recommended that the Act be retained with amendments to reduce some regulatory requirements on e-business to register names, and on other businesses to display their business names at premises. | The Government approved the review's recommendations in March 2002. The Business Names Act 2002 assented to on 29 November 2002. |
| Casino Control Act 1992 | GR | Establishes the Casino Control Authority and issues exclusive licence for Sydney casino. | Review completed in 1998. Review recommended that the current exclusive casino licence arrangements be maintained. The Government supported, in principle, the review's recommendations but referred the report to NSW Treasury for updating. The revised review reached broadly similar conclusions, citing compensation costs if the licence was terminated. | The Government endorsed the review's recommendations in October 2003. No legislative change necessary. |
| Cattle Compensation Act 1951 | Ag | Provides for the levy of a rate by Rural Lands Protection Boards with the proceeds of the levy being payable to the Cattle Compensation Fund and provides for payment of compensation to owners of cattle and carcasses of cattle destroyed because of disease. | Review not required. | Act repealed in April 2001 by the Cattle Compensation Repeal Act 2001. |
| Charitable Fundraising Act 1991 | GR | Regulates who may conduct or participate in charitable fundraising activities and the manner in which such activities are carried out. | See the Lotteries and Art Unions Act. | No change to legislation recommended, but Government agreed with the review recommendation to continue discussions between jurisdictions to explore opportunities for greater uniformity. |

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

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Commercial Agents and Private Inquiry Agents Act 1963 | Po | Licensing (commercial agents, private inquiry agents and their subagents), registration, entry requirements (qualifications, experience, good fame and character, fit and proper person, aged at least 18 years, not convicted of an offence punishable on indictment within past 10 years), the reservation of practice, disciplinary processes, business conduct (advertising must specify agent's name and place of business, maintain records, trust account, fidelity bonds). | <p>Review commenced by a working party in 1997. Review report recommended the Act should be repealed and replaced by new legislation. Recommended new legislation should involve business licensing (rather than occupational licensing) and should remove licensing for repossession agents and process servers.</p> <p>New NCP review commenced late 2001. Review's final report submitted to the Minister in April 2002. The review found that the Act provides a net public benefit by reducing costs to clients and reducing the risk of criminal activity or harm to the public. It found that regulatory objectives can only be achieved through a licensing system. It also found that: removing these restrictions that could not be justified in the public interest: the requirements for licensees to be in charge of a business; the distinctions between commercial agent and private inquiry agent licences; and certain compliance requirements for licence holders.</p> | The Commercial Agents and Private Inquiry Agents Act 2004 implemented review recommendations. |
| Commercial Vessels Act 1979 | TS | Regulates the use of certain vessels and of certain motors for propelling vessels; provides for marking of load lines and the carriage of certain equipment by vessels. | Review not required. | Act repealed and replaced by the Marine Safety Act 1998. |
| Construction Safety Act 1912 | IR | Provides for the regulation and inspection of construction work and consolidates the Acts controlling scaffolding and lifts. | Review completed as part of the Regulatory impact statement (RIS) for the Occupational Health and Safety Regulation 2001. RIS publicly available. | Act repealed and replaced by the consolidated Occupational Health and Safety Regulation 2001 which commenced on 1 September 2001. A range of prescriptive regulatory controls have been replaced by a performance-based, risk management approach. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Consumer Credit (NSW) Act 1995 | FT | Regulates the provision of consumer credit. | National review completed. The review concluded that the regulatory framework was justified in the public interest. The review also recommended amendments to broaden the scope of the Consumer Credit Code, and to enhance pre-contractual disclosure provisions. The review was endorsed by the Ministerial Council on Consumer Affairs (MCCA) in 2002. Outstanding activities are being progressed through the MCCA. | No NCP related reform required. |
| Conveyancers Licensing Act 1995 | FT | Licensing, registration, entry requirements (age, qualifications, training, experience), the reservation of practice (lawyers also able to provide these services), disciplinary processes and business conduct (record keeping, trust monies, receipts, professional indemnity insurance). | Review by officials completed in October 2001 and the report released publicly in August 2002. Review concluded that there is a continuing need to regulate the conveyancing industry in order to protect consumers, and that occupational licensing is the regulatory model that best achieves this objective. It recommended retaining the current boundaries for conveyancing work, but proposed a number of other reforms. These included: introducing competency standards and mandatory continuing education requirements; removing restrictions on multidisciplinary partnerships and incorporation of conveyancing practices (but retaining restrictions on partnerships and sharing of staff with real estate agents) and considering changes to the disciplinary system if problems with the current system are not resolved through the NSW Law Reform Commission's review of Part 10 of the Legal Profession Act. | The Government implemented the majority of the review recommendations in the Conveyancers Licensing Act 2003, which repealed the Conveyancers Licensing Act 1995. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Cooperatives Act 1992 (1) Cooperation Act 1923 (2) | FT | (1) Conduct. (2) Registration and conduct. | Review completed in 2001. Review recommended that section 43 of the Act be repealed to prevent third line forcing. | Legislation enacted in November 2001 to give effect to the review's recommendation. Treasurer's circular issued in September 2000 requiring Ministers to include analysis of wider public interest issues in applications for government guarantees under any Act authorising their issue. |
| Council of Law Reporting Act 1969 | AG | Constitutes a Council of Law Reporting to NSW and defines its powers, authorities, duties and functions. | Review completed. Review recommended Act be retained, but administrative changes to introduce competitive tendering for licence to publish reports. Publication of on-line reports open to anyone for a fee. | The Government implemented the review's recommendations administratively. |
| Country Industries (Payroll Tax Rebates) Act 1977 | RD | Allows rebates of payroll tax in respect of certain country manufacturing or processing industries. | Review not required. Taxation legislation is generally exempt from NCP review. | |
| Credit (Finance Brokers) Act 1984 | FT | Relates to the conduct of business of finance brokers. | Review completed in June 2001. Review recommended the repeal of the Act and the insertion of a new Part into the Consumer Credit Administration Act 1995 to regulate the conduct of finance brokers. It also recommended a number of amendments to improve the effectiveness of consumer protection. Report is publicly available. | In February 2002, the Government accepted the review recommendations, in principle, and issued an exposure Bill for further public consultation during 2002. The Consumer Credit Administration Amendment (Finance Brokers) Act 2003 enacted which repealed the Credit (Finance Brokers) Act 1984 with effect 1 August 2004 |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Dairy Industry Act 1979 | Ag | Vesting of milk in the Dairy Corporation. Farmgate price - setting for market milk. Market milk quota s. Licensing of farmers and processors. | Review completed in November 1997. Chair and industry members recommended retention of restrictions, subject to review again in 2003. Other government members recommended removal of restrictions within three to five years if national reform did not occur. | In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, NSW passed the Dairy Industry Act 2000, deregulating the industry from 1 July 2000. Food safety regulation integrated under the Food Production (Safety) Act 1998. |
| Dangerous Goods Act 1975 | IR | Restrictions on transport, storage and handling of explosives and other dangerous substances. | Review completed as part of the development of a new National Standard for the regulation of dangerous goods. | Legislative amendments involving the transport of dangerous goods commenced 20 April 1998 to give effect to the first module of reforms to national road transport law developed through the then National Road Transport Commission. The National Standard for the Storage and Handling of Dangerous Goods gazetted in March 2001. The Occupational Health and Safety Amendment (Dangerous Goods) Act 2003 passed in July 2003. It allows the Government to make regulations implementing the national standard. |
| Dental Practice Act 2001 | H | Restrictions on the employment of dentists by nondentists. | | Act repealed the Dentists Act 1989 and made minor amendments to the Dental Technicians Registration Act 1975. The passage of the National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004 removed ownership and employment restrictions. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Dental Technician Registration Act 1975 | H | Restrictions on entry, registration, title, practice, disciplinary provisions and advertising. | A RIS for the Dental Technicians Registration Regulation 2003 provided. | Act amended by the Dental Practice Act 2001 and Health Legislation Amendment Act 2004. |
| Dentists Act 1989 | H | Restrictions on entry, registration, title, practice, advertising, ownership and disciplinary provisions. | Final report completed in March 2001. Review recommended retaining title restrictions, replacing current 'total practice' restrictions with reserved core practices (to be inserted in the Public Health Act), removing restrictions on the employment of dentists and ownership of dental practices, retaining capacity to regulate advertising, and providing for the Minister to approve codes of professional conduct. | The Government accepted review recommendations with the exception of the recommendation to remove ownership controls. The Dental Practice Act 2001 repealed the Dentists Act 1989. The passage of the National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004 removed ownership and employment restrictions from the new Act. |
| Door to Door Sales Act 1967 | FT | Controls and regulates certain agreements relating to the sale or bailment of goods and the provision of services on credit. | See the Fair Trading Act 1987. | The Fair Trading Amendment Act 2003 repealed the Door to Door Sales Act 1967. |
| Dried Fruits Act 1939 | Ag | Regulated the dried fruits industry. Constitutes the NSW Dried Fruits Board. | Review not required as, on 1 July 1997, the Board resolved to advise the Minister for Agriculture that its affairs should be wound up. | Transitional arrangements made for the prune industry involve the making of a Prune Industry Marketing Order (expired 31/12/99) under the Marketing of Primary Products Act. Remaining sections of the Act repealed as of 1 July 2000. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Driving Instructors Act 1992 | R | Licensing, entry requirements (completed course, aged at least 21 years, may require test, medical exam, character), the reservation of practice (teach for monetary or other reward), business conduct (maintenance of records, regulations may make provisions for displaying identification and advertising). | Final report completed in September 2001. | Driving Instructors Amendment Act 2002 inserted a requirement for driving instructors' vehicles to be comprehensively insured, provided for the suspension of licences pending the outcomes of investigations of alleged improper instructor behaviour, clarified that the licensing regime applies to people providing training off-street or at private venues, removed restrictions on advertising and removes requirements for post-licence trainers (such as instructors providing advanced, defensive and recreational driving courses) to hold driving instructors' licences. |
| Electricity (Pacific Power) Act 1950 | EU | Provides for the constitution of Pacific Power and to define its principal objectives, powers, authorities, duties and functions. Amends and repeals certain other Acts. | Review not required. The Government announced the established of a new state-owned corporation from Pacific Power's generation business in May 2000. The new corporation, Eraring Energy, commenced operations in August 2000. | Act repealed by the Pacific Power (Dissolution) Act 2003. |
| Electricity Safety Act 1945 | FT | Provides for the development of electricity supply; confers certain powers, authorities, duties and functions on the Energy Corporation of NSW; provides for the regulation of the sale and hiring of electrical apparatus and amends certain Acts. | Review completed in March 2002. Review recommended: that the legislation be retained; that government intervention regarding consumer electrical articles and installations is warranted and should be retained; and that the provisions applying to the safety of second-hand consumer electrical articles be retained. | The Government approved the review recommendations in May 2002. No NCP-related changes required to the legislation. |
| Electricity Supply Act 1995 | EU | Regulates the supply of electricity in the wholesale and retail markets; sets out the functions of persons engaged in the conveyance and supply of electricity. | Review to be undertaken after trends in the fully contestable retail market become clear. The Act does not contain anti-competitive provisions. | Amendments made to the Act in late 2000 to facilitate the introduction of full retail contestability for all electricity customers in NSW from 1 January 2002. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Electricity Transmission Authority Act 1994 | EU | Establishes the NSW Electricity Transmission Authority and defines its functions. | Review not required . | Act repealed by s.5 of the Energy Services Corporations Amendment (TransGrid Corporatisation) Act 1998. |
| Employment Agents Act 1996 | FT | Restrictions on licensing, entry requirements (fit and proper person, aged at least 18 years, suitable premises, no previous cancellation), the reservation of practice and business conduct (separate licence for each premises, registered person in charge, no charge to jobseekers, maintenance of records, no misleading advertising). | Final report completed in February 2001. Review recommended that the requirement to be licensed as an employment agent be abolished. Review also recommended the repeal of the Act and the amendment of the Fair Trading Act 1987 to include specific consumer protection mechanisms in relation to the use of employment agents. | The Fair Trading Amendment (Employment Placement Services) Act 2002 repealed the Employment Agents Act 1996 and inserted specific consumer protection provisions relating to employment placement services into the Fair Trading Act. |
| Energy Administration Act 1987 | EU | Establishes the Ministry of Energy and the Energy Corporation of NSW, and defines its functions. | Review not required . | Licence and approval requirements repealed by Electricity Supply Act 1995. Sections 35A and 35B dealt with as part of the structural reform of the gas industry. |
| Entertainment Industry Act 1989 | IR | Licensing for entertainment industry agents, managers and venue consultants, maximum fees for entertainment industry agent. | Review completed in 2003 . Review recommended retention of existing arrangements. | The Government endorsed the review recommendations . No legislative change required. |
| Environmental Planning and Assessment Act 1979 | Env | Controls the uses to which land may be put. Sets procedures for the issue of planning permits and approval. | Not reviewed under the NCP. | The Government advised that it has initiated a number of reviews and reforms to streamline, simplify and enhance planning functions across state, regional and local domains. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Environmentally Hazardous Chemicals Act 1985 | Env | Provides for the control of the effect on the environment of chemicals and chemical waste. Constitutes the Hazardous Chemicals Advisory Committee. | Review completed in 1997. Dealt with under the Licence Reduction Program. | Act partially replaced by the Contaminated Land Management Act 1997. |
| Exhibited Animals Protection Act 1986 | Ag | Requirements for licences and permits, with fees. Restricts breeding and trading of some animals. Imposes best practice welfare standards. Imposes requirements for educational components. | Review completed and final report submitted to the Minister for Agriculture in August 2002. Act reviewed in conjunction with the Non Indigenous Animals Act 1987. It recommended retention of regulation on net public benefit grounds. | No NCP-related changes. |
| Exotic Diseases of Animals Act 1991 | Ag | Compulsory reporting of disease outbreaks. Prohibits or restricts the movement of animals, animal products and vehicles. Provides compensation for animals destroyed for disease-control. Bans introduction into the State of certain animals. Allows for destruction orders. Empowers inspectors to enter and search premises, and test and disinfect animals. | Review, as part of a generic review of all plant and animal disease legislation, completed in July 2002. Review recommended retention of the Acts based on net public benefit grounds. | No NCP-related changes. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Fair Trading Act 1987 | FT | Regulates the supply, advertising and distribution of goods and services and, in certain respects, the disposal of interests in land. | <p>Review, in conjunction with the Door to Door Sales Act 1967, completed in March 2002.</p> <p>Review found that the legislation was pro-competitive and that the regulatory arrangements for consumer protection have net public benefits. It recommended legislative amendments, however, to remove or reduce the effect of restrictions where these were not justified on public benefit grounds, including the removal of mandatory codes of practice for traders.</p> <p>Review also recommended repealing the Door to Door Sales Act, and amending the Fair Trading Act to streamline the existing disciplinary scheme, add consumer protections in relation to direct selling practices and change the existing consumer protection provisions to mirror those of the Trade Practices Act (TPA).</p> | The Government accepted the review recommendations in August 2002 and released the review report in September 2002. The Fair Trading Amendment Act 2003 assented to on 22 July 2003. |
| Farm Debt Mediation Act 1994 | Ag | The Act requires creditors to undertake mediation if a farmer chooses to exercise this statutory right; and requires that the mediator must be accredited. | <p>Review completed in December 2000. Review recommended the retention of mandatory requirements for mediation on farm debt, and also that:</p> <ul style="list-style-type: none"> • lenders be prohibited from enforcing mortgages for twelve months where found not to have participated in mandatory mediation in good faith, and • decisions of the Rural Assistance Authority in relation to mandatory farm debt mediation be subject to review by the Administrative Decisions Tribunal. | <p>The Government endorsed the review recommendations in November 2001 and enacted the NSW Farm Debt Mediation Amendment Act 2002.</p> <p>In May 2004 the Government introduced legislation to remove the twelve month penalty and administrative review provisions. This commenced on 6 July 2004.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Farm Produce Act 1983 | Ag | Makes provision for the registration and regulation of farm produce merchants and farm produce agents. | Review completed. Review recommended the Act be repealed. | Act repealed by the Farm Produce (Repeal) Act 1996. |
| Fertilisers Act 1985 | Ag | Requires registration of brand names for soil improving agents, composition standards and labelling. | Review, with other agricultural and veterinary (agvet) legislation, completed in 1998. Review recommended: <ul style="list-style-type: none"> removing brand name registration removing minimum content requirements, and retaining and strengthening of provisions relating to food safety, overseas market access requirements and environment protection. Examples include maximum composition standards for heavy metals and labelling requirements. | Act amended in November 1999 as recommended. |
| Fisheries Management Act 1994 | Ag | Licensing of fishers. Access to share managed fisheries by owning shares. Input controls on boats, gear, crew levels and fishing methods. Output controls such as total allowable catches, bag limits, size limits and prohibitions on taking certain species. | Review completed in 2001. Review found that many of the Act's provisions restrict competition, but collectively their benefits exceed their costs, and fishery management objectives can only be achieved by restricting competition. However it also found that the benefits of two restrictions – fish receiver registration fees and licensing for recreational charter fishing boats – may not exceed their costs, and recommended that they be evaluated further. A further review of these matters in 2004 found they were in the public interest. Review also recommended that the objects of the Act be amended to include the recognition of socio-economic benefits to the wider community. | The objects of the Act were changed by the Fisheries Management Amendment Act 2001. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Food Act 1989 | H | Provides for various food safety offences. Allows for the making of orders prohibiting or requiring conduct. | National review completed in 2000. It produced the model Food Bill – a uniform regulatory framework for states and territories. The Bill's core provisions adopt the Food Standards Code and set out various offences. Its noncore provisions include: <ul style="list-style-type: none"> • registration of all food businesses • approval of food premises, and • contestable provision of audit and laboratory services subject to approval of providers. | All states and territories agreed in November 2000 to adopt core provisions of the model Food Bill by November 2001. NSW introduced amendments in 2003 – the Food Act 2003 assented to in September 2003. |
| Friendly Societies Act 1989 | Tr | Provides for the formation, registration, management and regulation of friendly societies. | Review not required. | Act repealed. In 1999, NSW reached agreement with the Commonwealth regarding the transfer of prudential regulatory responsibilities for credit unions, building societies and friendly societies to the Commonwealth. The Friendly Societies Reform (NSW) Act 1999 gave effect to this transfer. |
| Friendly Societies Dispensaries Enabling Act 1945 | H | Enables Friendly Societies to operate pharmacies. | Review, as part of the national review of pharmacy legislation, completed in 1997. | Act repealed and relevant provisions incorporated into the Pharmacy Act 1964. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Funeral Funds Act 1979 | FT | Controls and regulates contributory and pre -arranged funeral funds. | <p>Review completed in November 2001. Review found that the impact of the legislation on competition was not significant. Review established a net public benefit case for retaining key consumer protections such as ensuring industry participants are of fit character and clarifying consumer rights in pre -paid contracts. Proposed new legislation would remove restrictions on funeral directors where these are not justified on public benefit grounds. These restrictions cover:</p> <ul style="list-style-type: none"> • the minimum and maximum numbers of fund directors and trustees • the nomenclature of funeral funds, and • a cap on management fees and benefits paid. | Funeral Services Amendment Act 2003 incorporated recommended reforms. |
| Funeral Services Industry (Days of Operation) Act 1990 | IR | Regulates the days of operation of businesses providing funeral, burial or cremation services. | Review not required . | Act repealed by the Funeral Services Industry (Days of Operation) Repeal Act 2000 with effect from 1 July 2000. |
| Gambling (Two -up) Act 1998 | GR | Act prescribes the rules of Two-up, and the circumstances under which it may be played. Two -up is permitted to be played on Anzac Day, in Broken Hill and at the Sydney casino. | Review completed. Retention of restrictions justified as being in the public benefit. | Reform not required. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Gaming and Betting Act 1912 | GR | Consolidates Acts relating to games, wagers and betting houses, the restriction of race meetings and the licensing of racecourses. | | Act repealed and remade in three parts to be separately reviewed: <ul style="list-style-type: none"> • Racing Administration Act 1998 • Gambling (Two -up) Act 1998, and • Unlawful Gambling Act 1998. Review of the Racing Administration Act and Gambling (Two -up) Act completed. See separate entries. Review of the Unlawful Gambling Act not required, as it is a criminal Act not subject to NCP. |
| Gaming Machine Act 2001 | GR | Harm minimisation measures, exclusive gaming machine investment licence granted to the NSW Totalizator Agency Board (TAB). | Departmental review completed and publicly released in June 2003 . Review found a net public benefit from the Act's harm minimisation measures. Review recommended the continuation of a statewide cap and venue caps, differential caps for clubs and hotels. | The exclusive investment licence repealed by the Gaming Machines Amendment Act 2004. |
| Gas Industry Restructuring Act 1986 | EU | Makes provision with respect to the structure of Australian Gas Light Company . | Review not required . | Act repealed by the Gas Supply Act 1996, which corporatised the Australian Gas Light Company . |
| Gas Supply Act 1996 | EU | | Act subjected to a far-reaching review to ensure that the regulatory framework would support a fully contestable retail market. | Major amendments made to the Act in 2001 to enhance consumer protection for small retail customers; to regulate the effective operation of the competitive gas retail market; and to promote convergence between the gas and electricity markets. NSW implemented full retail competition for all gas customers in January 2002. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--------------------------------|---------------|--|---|---|
| Government Guarantees Act 1934 | Tr | Validates certain guarantees given to certain banks, authorises the Treasurer to execute certain guarantees. | NCP review completed in 2000 and endorsed by the Government. Review concluded that, while there are no provisions which explicitly impose a restriction on competition, it is possible that the Act could be applied in such a way to potentially confer anti-competitive outcomes. The main means by which competition can be restricted is when guarantees are provided on behalf of a business that is operating in a competitive or contestable market. The guarantee, which would effectively lower borrowing costs, could confer an advantage to that particular business over its competitors. | Treasury Circular issued in line with the findings of the review, that proposals recommending a Government guarantee within the terms of the Act must address the wider public interest, including any impacts on competition. The circular included all of the matters to be taken into account in assessing the net public benefits as set out in clause 3 of the Competition Principles Agreement. |
| Grain Marketing Act 1991 | Ag | Establishes the NSW Grains Board, vests ownership of all barley, sorghum, oats, canola, safflower, sunflower linseed and soybeans grown in the State in the Grains Board, and confers upon it monopoly marketing rights. | NCP review by government/industry panel completed in July 1999. Review recommended that restrictions on: <ul style="list-style-type: none"> • all domestic sales be removed, by no later than 31 August 2001 for malting barley and by no later than 31 August 2000 for all other grains • export sales of feed and malting barley remain for only overseas markets where market power or access premiums can be demonstrated, to be reviewed again by 31 August 2004, and • export sales of all other grains be removed by 31 August 2001 for canola and by 31 August 2000 for sorghum, oats, safflowers, linseed and soybeans. | The Grain Marketing Amendment Act 2001 removed restrictions on all commodities except <ul style="list-style-type: none"> • domestic sales of malting barley • all export sales of feed and malting barley, and • all export sales of sorghum and canola. Restrictions on these items were retained until October 2005 and have now expired. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|-------------------------------------|---------------|---|---|---|
| Greyhound Racing Authority Act 1985 | GR | Establishes the controlling body for this code. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so. | Review, as part of omnibus review of racing and betting legislation, completed in 2001. See the Racing Administration Act 1998. | See the Racing Administration Act 1998. In March 2002, the Government approved a restructure of the Greyhound Racing Authority and Harness Racing in NSW, which separated the regulatory and commercial functions and phase d in the integration of regulatory functions of both codes into a single body. |
| Harness Racing Act 1977 | GR | Establishes the controlling body for this code. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so. | Review, as part of omnibus review of racing and betting legislation, completed in 2001. See the Racing Administration Act 1998. | See the Racing Administration Act 1998. In March 2002, the Government approved a restructure of the Greyhound Racing Authority and Harness Racing in NSW, which separated the regulatory and commercial functions and phase d in the integration of regulatory functions of both codes into a single body. |
| Hawkers Act 1974 | FT | Restrictions on licensing and business conduct. | Review completed. | Act repealed by the Pawnbrokers and Second Hand Dealers Act 1996. |

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

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Human Tissue Act 1983 | H | Restrictions relate to blood donation and the supply of blood products. Restricts the supply of blood to 'exempt suppliers', and requires the consent of donors and the completion of a donor's declaration form, and restricts the premises at which blood can be collected. | Review of blood donation and the supply of blood and blood products completed in 2001. Review recommended the retention of restrictions on the collection of homologous blood in the interests of public health. It also recommended the removal of restrictions on autologous blood. | The Health Legislation Amendment Act 2004 implemented the review recommendations. |
| Industrial Relations Act 1991 | IR | Restates and reforms the law concerning industrial relations. | Review completed in 1996. | Act repealed and replaced by the Industrial Relations Act 1996. Regulation of employment agents was separated from the Industrial Relations Act in to the Employment Agents Act 1996. The Employment Agents Act repealed in 2002. |
| Innkeepers Act 1968 | GR | Make provisions with respect to certain rights and liabilities of innkeepers and persons having dealings with innkeepers. Distinguishes between "inns" and other accommodation providers. It gives innkeepers limited liability with respect to guests' property. | Review completed in 2000. Review recommended that the current Act should be retained, as it is pro-competitive. However, if there were to be a new Act, it should be written in conjunction with other Australian jurisdictions. | The Government accepted the review's recommendation that the Act be retained. In addition, in February 2001, NSW forwarded the review's final report to the Tourism Ministers' Council. In July 2001 the H c i f] g a ' A] Q u j n g i l h Y f g D established an Inter -Departmental Committee to develop recommendations to attain consistent liability for innkeepers across Australia. |
| Land Development Contribution Act 1970 | IP | Levies a contribution in relation to certain land within the Sydney region. | Review not required. Act was introduced to collect contributions from developers who benefit from rezoning but has not been used to collect contributions for several years. | The subordinate legislation, which provided the power to collect contributions, repealed. The Government also agreed to repeal the Act. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Legal Profession Act 1987 | AG | Restrictions on licensing, registration, reservation of title and practice, disciplinary processes and business conduct (including professional indemnity insurance monopoly, advertising (must not be false, misleading or deceptive) and mandatory continuing legal education). | Review completed in 1998. Review recommendations included allowing incorporation of legal practice and allowing competition in professional indemnity insurance. | Reforms completed except in relation to professional indemnity insurance arrangements. NSW is considering these arrangements in the context of national processes. |
| Library Act 1939 (Library Regulation 1995) | A | Makes further provisions for the establishment, maintenance and management of libraries, library services and information services and creates certification scheme for librarians. | Review completed. | Certification scheme abolished. |
| Liquefied Petroleum Gas Act 1961 Liquefied Petroleum Gas (Grants) Act 1980 | EU | Regulates the supply of liquid petroleum gas. | Review completed in 1996. | Act repealed by the Gas Supply Act 1996. |
| Liquor Act 1982 – Part 1 of 2, Gambling | GR | Regulates the use and supply of gaming devices. | Preliminary review, in conjunction with the Registered Clubs Act 1976, completed. This work was then overtaken by the Government's Gaming Reform Package, announced on 26 July 2001. NCP principles were addressed as part of the policy development process. | The gambling provisions of this Act are covered by the Gaming Machines Act 2001. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Liquor Act 1982 È Part 2 of 2, Liquor Licensing | GR | Regulates the sale and supply of liquor and regulates the use of premises at which liquor is sold. Needs test is contained in s 45 which allows objection to the grant of a licence on the grounds that needs of the public can be met by existing facilities. | Combined review of liquor and club management provisions complete d. See the Registered Clubs Act 1976. Preliminary report completed. On 22 April 2002, the Government approved the release of a discussion paper outlining a range of possible reform options. | The Government introduced legislation in February 2004 to replace the needs test (relating to the grant of a licence) with a social impact assessment. |
| Local Government (Theatre and Public Halls) Amendment Act 1989 | LG | Amends the Local Government Act to make provision for approval and regulation of places of public entertainment and certain structures. | Review completed. | Dealt with under the Licence Reduction Program. Licence retained as issues of public safety outweigh costs. |
| Local Government Act 1993 | LG | Restrictions such as: <ul style="list-style-type: none"> • approval to operate businesses such as a mortuary or an undertakers business, and • the ability of councils to provide goods, services, and other facilities pursuant to section 24 of the Act. | Review completed in 2001. Review recommended the removal of a number of anti-competitive restrictions on both council businesses and other bodies. For example, the review recommended that the Act be amended to: <ul style="list-style-type: none"> • allow councils to vary fees for businesses and contestable regulatory activities in accordance with a predetermined costing methodology, and • lift restrictions on the use of revenue from community land. | Amending legislation (Local Government (National Competition Policy Review) Act 2003) implemented the review's recommendations. |
| Lord Howe Island Act 1953 Lord Howe Island Regulation 1994 | Env | Section 23 gives preference to Islanders who can buy property at valuation by Valuer General. | Final NCP review report completed in May 2000. | Act amended in line with the review recommendations in March 2004. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Lotteries and Art Unions Act 1901 | GR | Act imposes general restrictions that limit the opportunity to profit from the conduct of community gaming to charities and other non-profit organisations. | Review, in conjunction with the Charitable Fundraising Act 1991, completed. | The Lotteries and Art Unions Amendment Act 2003 introduced minor reforms, including in principle agreement to allowing 'foreign' lotteries by community-based organisations to be conducted in NSW, and removed the restriction on cash prizes for trade lotteries. |
| Lotto Act 1979 | GR | Regulates the conduct of lotto in NSW. | Review not required. See the Public Lotteries Act 1996. | Act repealed. |
| Marine (Boating Safety & Alcohol and Drugs) Act 1991 | TS | | Review not required. Act contained no restrictions on competition. | Act repealed and replaced by the Marine Safety Act 1998. |
| Marine Pilotage Licensing Act 1971 | TS | Provides for licensing of pilots. | Review not required. | Dealt with under Licence Reduction Program. Ten licences and permits abolished from 2 February 1997. Legislation subsequently repealed and replaced by the Marine Safety Act 1998. |
| Marine Safety Act 1998 | TS | Regulates the use of vessels, motors, marking of load lines and the carriage of certain equipment. Provides for licensing of pilots and navigation requirements. The Act repeals and consolidates the following legislation: Commercial Vessels Act 1979; Maritime Services Act 1935; Marine Pilotage Licensing Act 1971; Marine (Boating Safety & Alcohol and Drugs) Act 1991; and Navigation Act 1901. | Commencement of the Act delayed. NCP review of the Act completed in early 2004 found that the marine safety licences are in the public interest. | The Marine Safety Act 1998 was amended in March 2005 to apply provisions relating to alcohol that are consistent with those applying to road users. |
| Maritime Services Act 1935 | TS | Provides for the constitution of the Maritime Services Board of NSW and its powers. | Review not required. | Act repealed and replaced by the Marine Safety Act 1998. |

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| Marketing of Primary Products Act 1983 | Ag | Relates to the marketing of certain primary products and provides for the establishment of marketing boards in relation to certain of those products, and to enable the making of marketing orders. | NCP review completed in 1995. Review recommended removing the Rice Marketing Board's monopoly over domestic marketing but retaining its export monopoly. A further review in 2005 recommended the retention of both the domestic and export monopolies. | In November 2005, NSW passed legislation that maintained a single desk for exported rice, but permitted domestic competition through the introduction of an authorised buyer scheme. |
| Meat Industry Act 1987 | Ag | Licenses farmers and meat processors. | Review completed in 1998. | Licensing and inspection provisions were replaced by the Food Production (Meat Food Safety Scheme) Regulation 2000. |
| Medical Practice Act 1992 | H | Restrictions on entry, registration, title, practice and disciplinary provisions. | Review completed in December 1998. Review recommendations include insertion of an objectives clause, greater clarity for entry requirements and the disciplinary system. Recommended removal of business and practice restrictions. | The Medical Practice Amendment Act 2000 passed in line with review recommendations. |
| MIA Citrus Fruit Promotion Marketing Committee (established under the Marketing of Primary Products Act 1983) | Ag | The Act imposes a compulsory charge on producers of citrus in the Murrumbidgee Irrigation Area (MIA) to fund a range of industry service functions, such as pest control, research and promotion (ie. it has no vesting powers). | NCP review completed. Review found that the charge arrangements were justified and recommended retention of the committee. The Government decided that the committee should continue its role of providing various services to growers subject to limiting its role in representing the industry. | In March 1998, a grower poll supported the proposed arrangements and the Committee was re-established for a further four-year term. In March 2002, the Committee was re-constituted under the Agricultural Industry Services Act 1998. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| MIA Wine Grapes Marketing Board (established under the Marketing of Primary Products Act 1983) | Ag | Constitutes the MIA Wine Grapes Marketing Board - a statutory marketing authority responsible for the marketing of MIA wine grapes and representing the interests of growers. The main restrictions were vesting and price setting powers. | <p>First NCP review completed in 1996. Review recommended that the Board's vesting power not be continued beyond 30 November 1996 and that the Board become an industry service organisation, using existing powers under the Marketing of Primary Products Act 1983.</p> <p>In 2000, the Board proposed new powers and functions. This proposal was assessed in a second NCP review, completed in November 2001. It recommended that the Board have the power to set and enforce terms and conditions of payment to growers. The Board would also carry out industry service functions, funded through compulsory levies from growers. Its powers would not be extended beyond June 2007 without a further review.</p> | Following the second NCP review, the Government enacted the Wine Grapes Marketing Board (Reconstitution) Act 2003, which provides the Board with sunsetted powers to set terms and conditions of payment until 31 December 2007, in accordance with the recommendations of the NCP review. |
| Mines Inspection Act 1901 (1) Coal Mines Regulation Act 1982 (2) | MR | <p>(1) Makes provision for the regulation and inspection of mines, other than coal and shale mines, and regulates the treatment of the products of such mines.</p> <p>(2) Regulates coal mines (and oil shale and kerosene shale mines) and certain related places.</p> | Review completed as part of a general review of mine safety regulation. | <p>Coal Mines Regulation Act repealed and replaced by the Coal Mine Health and Safety Act 2002.</p> <p>Mines Inspection Act repealed and replaced by the Mine Health and Safety Act 2004.</p> |
| Mining Act 1992 | MR | Licensing of mineral exploration and extraction. | Licensing requirements dealt with under the Licence Reduction Program. Other restrictions considered in mine safety review. | Act amended following the enactment of the Coal Mine Health and Safety Act. |
| Monopolies Act 1923 | AG | Amends the law in relation to monopolies and restraint of trade. | Review completed. | Act repealed. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Motor Accidents Act 1988 Motor Vehicles (Third Party Insurance) Act 1942 | C | Mandatory insurance, licensing of insurers, file and write premium settings. | Review, in conjunction with the Motor Vehicles (Third Party Insurance) Act 1942, completed in 1997. Review recommended scheme design changes and insurers filing premiums with the Motor Accidents Authority. | Legislation passed in line with review recommendations. |
| Motor Dealers Act 1974 No 52 Motor Vehicles Repair Act 1980 | FT | Licensing (motor dealer, wrecker, wholesaler, motor vehicle parts reconstruction, car market operator, motor vehicle consultant), entry requirements (fit and proper person, sufficient financial resources, dealer qualifications and expertise or experience), the reservation of practice, disciplinary processes, business conduct (record keeping, motor dealers compensation fund). | Review completed. Review recommendations included: <ul style="list-style-type: none"> allowing licensees to operate from more than one place of business, and keeping registers of stock and parts only at one place of business where multiple locations are operated by one licensee. | The Government accepted the review recommendations, with amendments made by the Motor Trades Legislation Amendment Act 2001. |
| Motor Vehicle Sports (Public Safety) Act 1985 | TSR | Makes provision for the control and regulation of meetings for motor vehicle racing. | NCP review by the Centre for International Economics (CIE) completed in December 2002. The Government engaged the CIE to conduct a further evaluation of the costs and benefits of a co-regulatory model. The evaluation of the co-regulatory model completed in 2004. | Act amended by the Road Transport (General) Act 2005. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Murray Valley Citrus Marketing Act 1989 | Ag | <p>Constitutes a joint NSW - Victorian Murray Valley Citrus Marketing Board.</p> <p>Imposes a compulsory charge on citrus producers in the Murray Valley.</p> <p>Power (unused) to set minimum quality standards and minimum prices.</p> | <p>Joint review with Victoria completed in August 1999. Report recommended that:</p> <ul style="list-style-type: none"> legislation should continue to underpin the operations of the Board core functions which provide benefits of a 'public good' nature continue to be funded by a compulsory levy where growers vote this to be beneficial, and any future legislation should clearly reflect the purpose of the Board in facilitating marketing and enhancing technological innovation. | <p>The Victorian and NSW governments agreed in -principle to reconstitute the Board through an extra - territorial agreement. The Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002 established the necessary legislative structure. This completes the agreed NCP reforms.</p> |
| Murray Valley Wines Grapes Industry Development Committee and the Murray Valley Wine Grapes Industry Negotiation Committee (under the Marketing of Primary Products Act 1983) | Ag | <p>Collective bargaining to establish recommended contract prices and terms.</p> | <p>Joint review with Victoria completed in 1999.</p> | <p>The Murray Valley Wine Grapes Industry Negotiation Committee, whose term of office expired in November 1998, not renewed. The Murray Valley Wine Grapes Industry Development Committee was re - constituted as an Industry Service Committee under the Agricultural Industry Services Act 1998.</p> |
| National Parks and Wildlife Act 1974 | Env | <p>Consolidates and amends the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas, as well as the protection of certain fauna, native plants and Aboriginal relics.</p> | <p>Licensing under Act reviewed under the Licence Reduction Program. Review recommended retaining the licensing without modification.</p> | <p>No NCP related reform required.</p> |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|--|---------------|--|---|--|
| National Rail Corporation (Agreement) Act 1991 | TS | Approves and gives effect to an agreement between NSW, the Commonwealth and other States relating to the National Rail Corporation Ltd. | National Rail privatised in February 2002. During the pre-sale process, shareholders agreed to remove the restriction in s.7 of the Act which prevented the corporation from carrying intrastate freight. Further review not required. | Section 7 repealed in August 2000. |
| Navigation Act 1901 | TS | Provides for navigation signalling and mooring requirements for vessels in NSW, and safety requirements including seaworthiness. | Review not required. | Act repealed and provisions incorporated into the Marine Safety Act 1998. |
| Non Indigenous Animals Act 1987 | Ag | The Act restricts competition by requiring licences and permits, payment of fees. There are also restrictions on trading of higher-risk exotic animals and security standards. | Review, in conjunction with the Exhibited Animals Protection Act 1986, completed and final report submitted to the Minister for Agriculture in August 2002. Review recommended retention of the Act on net public benefit grounds. | Reform not required. |
| Noxious Weeds Act 1993 | Ag | Requires control of declared noxious weeds. Restricts the sale of declared noxious weeds. Restricts movement of material containing notifiable noxious weeds. Requires cleaning and inspection of agricultural machinery at the Queensland border. Regulates the supply of materials, equipment and services by local control authorities. | Review completed in October 1998. Review found that the objectives of the legislation can only be achieved by restricting competition, and that the Act should be retained on net public benefit grounds. Review recommended refinements to the regulation of noxious weeds to better achieve the Act's objectives of weed control. | The Noxious Weeds Amendment Act 2005 implemented the recommendations of the NCP review and removed the provisions that enable a local control authority to subsidise the costs of supply of materials and equipment. |
| NSW Lotteries Act 1990 | GR | Regulates the conduct of lotteries in NSW. | Review not required. | Act repealed and replaced by the NSW Lotteries Corporatisation Act 1996 and the Public Lotteries Act 1996. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
|---|---------------|---|--|--|
| NSW Lotteries Corporatisation Act 1996 | GR | Establishes the NSW Lotteries Corporation as a State-owned Corporation to develop, promote, conduct and otherwise participate in any lawful forms of gambling and gambling -related activities. | Act not listed for NCP review as part of the Government's 1996 legislation review schedule. Statutory review incorporating an assessment of NCP issues completed in December 2002. Review considered that there would be a net public cost in repealing the exclusive licence provisions before their expiry date. To reduce the period might undermine the licensee's financial viability. Also, lifting the restrictions in the absence of a national market would pose a significant competitive disadvantage to NSW and result in a transfer of lottery gaming activity and revenue to other states. | The Government endorsed the review recommendations. |
| Nurses Act 1991 | H | Restrictions on entry, registration, title, practice, disciplinary provisions and advertising. | Review completed. Review recommended that nurses and midwives continue to be regulated. However, it also recommended the relaxation of practice restrictions in the area of midwifery. A separate review of nurse practitioner provisions completed in 2000. | The Government approved the review recommendations. Amending legislation giving effect to the recommendations assented to in September 2003. NSW also enacted legislation allowing for advanced nurse practitioners to have limited prescribing and referring rights. |
| Nursing Homes Act 1988 | H | Provides for the licensing and control of nursing homes. | Review completed in March 2003. Review recommended repeal of the Act and the transfer of a provision relating to staff numbers to the Public Health Act 1991. | Act repealed by the Health Legislation Further Amendment Act 2004. |
| Occupational Health and Safety Act 1983 | IR | To secure the health, safety and welfare of persons at work and to amend certain other Acts. | Review completed as part of the RIS for the Occupational Health and Safety Regulations 2001. RIS publicly available. | Replaced by the Occupational Health and Safety Act 2000. A new consolidated Occupational Health and Safety Regulation 2001 enacted on 1 September 2001. A range of prescriptive regulatory controls have been replaced by a performance - based, risk management approach. |

| <i>Name of legislation</i> | <i>Agency</i> | <i>Major restrictions</i> | <i>Review activity</i> | <i>Reform activity</i> |
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| Optical Dispensers Act 1963 | H | Restrictions on registration, entry, title and disciplinary provisions. | Review not required. | Consideration of competition policy issues by the Commonwealth -State review of partially regulated occupations. |
| Optometrists Act 1930 | H | Restrictions on entry, registration, title, practice, disciplinary provisions and ownership. | Review completed in December 1999 and released in April 2001. Review recommendations included removing ownership restrictions, limiting reserved practice and extending prescribing rights. | Act repealed and replaced by the Optometrists Act 2002. The National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004 removed restrictions on the persons or bodies that may carry on the business of optometry. |
| Osteopaths Act 2001 | H | Restrictions on entry, registration, title, practice, disciplinary provisions and advertising. | Review of preceding legislation completed in January 2000. Review recommended separation of Acts, removal of minimum age criteria, reserved practice provisions to be moved to the Public Health Act, changes to administration and disciplinary processes and removal of most restrictions on advertising. | Osteopaths Act 2001 was new legislation in line with review recommendations. |
| Ozone Protection Act 1989 (renamed the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989) | Env | Empowers the regulation and prohibition of the manufacture, sale, distribution, use, emission, recycle, storing and disposal of stratospheric ozone depleting substances and articles, which contain those substances. | Review completed. Dealt with under the Licence Reduction Program. | Licensing under the Act retained. This licensing supports international environmental protection obligations. Australia became a signatory to the Montreal Protocol on Substances that Deplete the Ozone Layer on 8 June 1988. |
| Parking Space Levy Act 1992 | TS | To discourage car use in business districts by imposing a levy on off-street parking and using the revenue to develop infrastructure and encourage the use of public transport. | Review completed. | Act retained on the basis that competition restrictions were notional only. |

