

National Competition Policy Implementation in Queensland

Queensland Legislation Review Timetable



A QUEENSLAND GOVERNMENT POLICY STATEMENT JULY 1996

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TABLE OF CONTENTS

Introd	duction	5
1	Purpose	5
2	Background	
3	Development of Queensland Review Timetable	
4	Coverage of Legislation	6
5	Legislation forming part of joint or "co-operative" Commonwealth-State	
	regulatory or administrative arrangements	7
6	Local government local laws and planning schemes	7
7	Development of public interest test methodology	7
8	Conduct of NCP legislation review exercises	
9	Other Review Arrangements for Queensland Legislation	9
Attac	hment 1:	
G	uidelines for Identifying "Measures that Restrict Competition" for the Purposes	
	f Queensland Legislation Review Exercise.	11
Attac	hment 2:	
	ueensland Legislation Identified (as at 1 June 1996) as Forming Part of Joint or	
	Co-operative" Commonwealth-State Regulatory Arrangements for the Purposes	
of	f NCP Legislation Review	13
A 44 1	Lorent O	
	hment 3:	
	chedule of Identified Restrictions on Competition in Portfolio Legislation and	1.4
PI	roposed Timing of Reviews to Meet the Requirements of NCP	14
	of Schedule	
P	ORTFOLIO/DEPARTMENT	
	onsumer Affairs Office (Department of Justice)	
	orrective Services	
	ocal Government & Planning	
	ducation	
	mergency Services	
	nvironment	
	amily, Youth & Community Care	
	lealth	
	raining & Industrial Relations	
	ıstice	
	lines & Energy	
	atural Resources	
	remier & Cabinet	
	rimary Industries	
	ourism, Small Business & Industry	
	ffice of Racing (Police Portfolio)	
	ransport and Main Roads	
	reasury	
Pı	ublic Works & Housing	70

INTRODUCTION

1. Purpose

The purpose of this timetable is to meet the requirements of Clause 5(3) of the Competition Principles Agreement of the National Competition Policy which obligates Queensland and the other participating jurisdictions to develop a timetable for the review, and where appropriate the reform, of legislation containing measures that restrict competition.

2. Background

In April 1995, the Commonwealth and all State/Territory Governments signed a set of agreements to implement a National Competition Policy (NCP). Under the policy, each participating jurisdiction is committed to implementing a series of competition reforms within specified time frames in accordance with a common set of principles.

One of these obligations is that each participating jurisdiction develop a timetable by mid 1996 for review, and where necessary reform, by the year 2000, of all legislation that contains measures that restrict competition. NCP requires that legislation that restricts competition be reformed unless it can be shown, as a result of the review process, that:

- (i) the benefits of the restriction to the community as a whole (ie, not just to a particular sector, industry or interest group) outweigh the costs of the restriction often called the "public benefit" test; and
- (ii) the objectives of the legislation can only be achieved by restricting competition (which in turn implies that proper consideration is given to all feasible alternatives).

In terms of the NCP agreements, the specific requirements in regard to legislation review are to:

- (i) publish a timetable by mid 1996 listing all legislative measures that restrict competition and specifying when that legislation is to be reviewed over the period up to the year 2000;
- (ii) subject all proposals for new legislation that restricts competition to the public benefit test:
- (iii) where legislation that restricts competition is retained after the initial review, to subject that legislation to a further review at least once every 10 years; and
- (iv) report annually to the National Competition Council (NCC) on progress in implementing the review timetable.

Subsequently, it has been agreed between the Commonwealth and States/Territories that all reviews should be completed, and implementation of the appropriate reform programs be commenced (or, at the very least, be endorsed by the relevant Government) by 31 December 2000.

The Queensland Government recognises two key deadlines in regard to the legislation review component of NCP. Firstly, there is a need to review existing legislation that restricts competition completed by 31 December 1999 (or, at the very latest, by 30 June 2000 in particular cases where an extension into the first six months of the year 2000 has been approved by the Queensland Government). Secondly, implementation of any necessary reforms stemming from the reviews (or, at the very least, official Government endorsement of those reforms), is required by 31 December 2000.

3. Development of Queensland review timetable

In Queensland, the process for developing a review timetable was co-ordinated by the National Competition Policy Unit within the Treasury Department. This process commenced in December 1995 with a request by the NCP Unit for each department to identify measures that restricted competition in Acts and subordinate legislation which they administered.

The guidelines developed by the NCP Unit to assist departments in such measures, are set out in Attachment 1. Essentially, the 11 categories of actual or potential restrictions set out in these guidelines cover what was included in the two broad types of measures that restrict competition: (namely barriers to entry into a market and restrictions on competition within a market), as identified in the Report of the Independent Committee of Inquiry into National Competition Policy (the "Hilmer Report") of August 1993.

Based on the Treasury guidelines, departments were requested to provide data on relevant legislation to the NCP Unit, together with an indicative time for review of that legislation over the period to the year 2000.

On the basis of this information, a review timetable schedule has been prepared which includes a summary of the identified measures that restrict competition. This is set out in Attachment 3. Some of the nominated review dates may be altered as a result of further negotiations with departments, relevant stakeholders, and the NCP agencies in the other jurisdictions, particularly in regard to legislation that might ultimately be the subject of some form of either national or inter-jurisdictional review.

4. Coverage of legislation

As well as Acts of Parliament, the Queensland NCP legislation review exercise will cover "subordinate legislation" as defined in section 9 of the *Statutory Instruments Act 1992* (which includes instruments such as regulations, ordinances, rules, by-laws, orders in council and proclamations) and also local government laws made under the *City of Brisbane Act 1924* and the *Local Government Act 1993*.

However, it is not intended that the review exercise will include administrative arrangements, policies or procedures of departments and regulatory agencies, except where such arrangements, policies or procedures are promulgated as subordinate legislation.

5. Legislation forming part of joint or "co-operative" Commonwealth-State regulatory or administrative arrangements

There is Queensland legislation in a number of areas designed to give effect to the State's participation in joint or "co-operative" Commonwealth-State regulatory arrangements. It is assumed that any review that may be necessary under NCP will be co-ordinated at the national level, in which case the relevant Queensland legislation will be reviewed in accordance with any timetable negotiated between the Commonwealth and the States/Territories and in accordance with any pre-existing inter-Governmental agreements that underpin national regulatory arrangements.

The principal pieces of legislation in this category are listed in Attachment 2. Additional legislation may be added to this list following publication of review timetables by the Commonwealth and the other jurisdictions and any subsequent discussions on the subject of inter-jurisdictional regulatory arrangements.

6. Local government local laws and planning schemes

Local government laws will be included in the NCP legislation review exercise. The Department of Local Government and Planning (DLG&P) will review the set of model local laws made under the *Local Government Act 1993*, while individual local governments will be asked to review their own specific local laws in accordance with a methodology which will be agreed between Treasury, the Local Government Association of Queensland (LGAQ), DLG&P and the Business Regulation Review Unit (BRRU) of the Department of Tourism, Small Business and Industry. This will be co-ordinated with a general review of local laws required under the *Local Government Act*.

However, at this stage, it is not proposed to include local government planning schemes in the initial NCP review exercise, but rather it is intended to phase in NCP review requirements over time as part of a general review process for local planning schemes (currently set out in the *Local Government (Planning and Environment) Act 1990, ie.* local planning schemes can run for 10 years but have to be reviewed after seven years in accordance with the requirements of that Act).

Review arrangements for local planning schemes will also be considered as part of a current review of previous public submissions on the draft Planning, Environment and Development Assessment (PEDA) Bill commissioned by the Minister for Local Government and Planning.

7. Development of public interest test methodology

The Queensland Government is in the process of developing an appropriate benefit-cost methodology to be used to assess the public interest in legislation review exercises. This will include both a "User's Guide" type document setting out the guidelines for assessing costs and benefits for various NCP purposes, including legislation review, and a software package to assist departments to work through the process.

It is also the intention that a modified version of the guidelines and software package will also be developed for review of local government laws and local government planning schemes.

8. Conduct of NCP legislation review exercises

The Queensland Government recognises that a number of different legislation review processes could be employed in view of the likely volume of reviews to be conducted within a comparatively short time frame. Accordingly, there is the possibility that not all departments will have adequate resources available to undertake several reviews (and particularly major ones) simultaneously, and recognising that some reviews will inevitably be more complex and sensitive than others.

The possible review processes for Queensland legislation (all of which will need to include the eventually agreed public interest test methodology) include:

- (i) internal review by the relevant line department (where it would be desirable for the review to be carried out a central policy/legislation reform unit that is independent from that part of the department which actually administers the legislative arrangements that are under review);
- (ii) review by a specialist legislation review agency such as the Business Regulation Review Unit (BRRU) of the Department of Tourism, Small Business and Industry;
- (iii) review by a formal inter-departmental committee, especially in cases where more than one department is involved in the administration of the legislation or where one or more of the "central agencies" (such as Treasury and the Department of the Premier and Cabinet) wish to be directly involved in the review process;
- (iv) review by a formally constituted review committee (as is the case with the sugar industry review underway at present), comprising representatives of parties affected by the legislation in question (including community groups where appropriate) as well as representatives of the relevant department/s chaired by a suitably qualified or "independent" chairperson;
- (v) review by a suitably qualified external (ie, private sector) consultant engaged by the relevant department after consultation with NCP Unit and BRRU; and
- (vi) national review by either the National Competition Council (NCC) or by other means including by way of external consultants jointly appointed by the participating jurisdictions, by State/State or State/Commonwealth review committees or by other means as might be proposed.

The review process and terms of reference to be employed for each particular review will be negotiated on a "case by case" basis between the relevant department and the NCP Unit which will also consult with BRRU and the State Development Co-ordination Branch of the Department of the Premier and Cabinet, prior to seeking formal Government endorsement.

The NCP agreements require that the terms of reference of an NCP legislation review exercise must enable the review to:

- (i) clarify the objectives of the legislation;
- (ii) identify the nature of the restriction on competition;
- (iii) analyse the likely effect of the restriction on competition and on the economy generally;
- (iv) assess and balance the costs and benefits of the restriction; and
- (v) consider alternative means for achieving the same result, including non-legislative approaches.

It is the Queensland Government's intention that, regardless of the review process employed, each review exercise will incorporate an appropriate program for consultation with, and input from, relevant stakeholders.

9. Other Review Arrangements for Queensland Legislation

As a quite separate exercise to the NCP legislation review requirements, the Business Regulation Review Unit (BRRU) of the Department of Tourism, Small Business and Industry also has a role to assist all departments in the preparation of Regulatory Impact Statements for significant new or amended subordinate legislation, taking into account economic, social and environmental considerations.

Furthermore, the Queensland Government's proposed Small Business Policy will require a review of all regulations, licences, etc affecting business and where possible to reduce such regulation. This policy flows on from the recently completed Systematic Review of Business Legislation and Regulations program administered by BRRU.

The Queensland Government proposes to establish an industry task force, comprising representatives of the major industry and small business bodies, to oversee a review of regulation and licensing imposts on business. The review process, which will also be administered by BRRU, will involve wide consultation with the business community. The industry task force will be responsible for preparing the recommendations to the Government on specific measures to reduce the regulatory burden.

The complete details of the review arrangements to be implemented to give effect to the Small Business Policy will shortly be announced by the Queensland Government.

Under Part 7 of the *Statutory Instruments Act 1992*, subordinate legislation (such as regulations) expires on the 10th anniversary of the day of its making unless a regulation is made under that Act exempting the legislation from expiry. However, as per section 61 of the Act, subordinate legislation made on or before 30 June 1987 will not expire until 1 July 1997. The grounds for exemption, as per section 56 of the Act, are fairly limited.

The drafting of subordinate legislation is carried out by the Office of the Parliamentary Counsel, a statutory office located within the Premier's portfolio.

While the "automatic expiry" provisions of the *Statutory Instruments Act* apply to virtually all subordinate legislation and not only to legislation required to be reviewed under NCP, these provisions have been taken into account in developing the NCP legislation review timetable insofar as subordinate legislation is concerned. In the event that any of the expiring legislation is proposed to be remade, it will be subject to NCP legislation review principles **prior** to making the legislation *ie.*, any measure that restricts competition will be subject to a public interest test.

The Queensland Government recognises that it is particularly important from a resource perspective to minimise duplication or overlap relating to the various review processes. Accordingly, the NCP Unit will liaise closely with BRRU and the Office of the Parliamentary Counsel to ensure that the Government's review processes under National Competition Policy, the *Statutory Instruments Act* and the proposed Small Business Policy are properly co-ordinated.

ATTACHMENT 1

GUIDELINES FOR IDENTIFYING "MEASURES THAT RESTRICT COMPETITION" FOR THE PURPOSES OF QUEENSLAND LEGISLATION REVIEW EXERCISE

In December 1995, and following endorsement by the NCP Steering Committee, departments were asked to identify legislative provisions, in both primary and subordinate legislation, that provide for any of the following, namely:

- (i) an outright prohibition in regard to any particular business activity;
- (ii) a statutory monopoly, namely where a body specified in the legislation is created or given powers, either State-wide or in a particular locality, as the sole participant allowed to engage in a particular business activity;
- (iii) licensing or registration requirements for persons or bodies wishing to engage in a particular business activity and which operate on the basis of either limiting the number of participants or limiting participation to those persons or bodies that meet defined standards, qualifications or training or to those who hold membership of a particular occupational or professional organisation;
- (iv) allocation of quantitative entitlements, quotas or franchises among participants engaging in a particular business activity;
- (v) requirements for prescribed quality or technical standards to be observed, or for specified equipment to be used, in regard to a particular business activity, other than those requirements that apply generally in regard to public/workplace health and safety;
- (vi) price control provisions, whether by way of setting, or prescribing a process for determining, the maximum/minimum prices or charges for a specified good or service or the maximum/minimum rates of commission, agency or fees for any good or service;
- (vii) restrictions on the conduct of a business relating to matters such as hours of operation, size of premises, provision of specified facilities, geographical area of operation, advertising or promotion, sector-specific operation (eg, retail vs wholesale), type of good or service allowed to be offered for sale, etc;
- (viii) the nomination of a particular person or body as the sole or preferred customer or supplier in regard to a particular business activity;
- (ix) measures that have the effect of conferring a benefit on a particular person or body engaged in a particular business activity, relative to other parties engaged in the same activity, including prescribing technical specifications or standards that can only be met by a particular operator, prescribing different requirements for public sector vis a vis private

sector operators or making financial assistance available (including the waiver of various State or local government charges or fees as well as direct assistance measures such as a grant or subsidy) if a business is carried on at a particular place or in a particular manner;

- (x) the allocation of licences or other authorities which either allow the holder access to natural resources (including water, minerals, forests and fisheries) [see also **note** below] or which create rights, or permit specified activities, denied to non-holders (for example, licences to dispose of waste material in a particular manner); and
- (xi) restrictions that have the effect of limiting or preventing participation in a particular business activity by interstate or overseas participants, for example by way of preferential purchasing arrangements for State-based suppliers, statutory restrictions on supply or purchase arrangements outside the Queensland market and product standards that differ significantly from interstate or international standards.

Note:

Following subsequent consideration of the matter of restrictions on access to natural resources, the following principles have been adopted in deciding if there is a restriction on competition, namely:

- 1. Only restrictions that exist in Acts and regulations are to be considered in deciding if there is a restriction.
- 2. Crown ownership or control of the resource, and licensing schemes* to regulate access to those resources are **not** restrictions per se.
- 3. Limits on the number of licences issued, or on the amount of the resource attached to a license, are restrictions, unless required for legitimate resource management purposes.**
- 4. Conditions imposed, or discrimination in the issuing, renewal or transfer of licences **are** restrictions unless for legitimate resource management purposes or for reasons associated with normal commercial dealings *eg.* financial position and previous non-performance of applicants.
- 5. Non-license conditions prescribed in legislation relating to harvesting and use of the resource (eg. closed seasons, harvesting methods, etc.) **are** restrictions unless for legitimate resource management purposes.
- * "licence" includes permits, allocations and all other methods for controlling access to natural resources vested in, or under the control of, the Crown in the right of the State of Queensland.
- ** "resource management purposes" means ensuring a natural resource is managed in an ecologically sustainable way in accordance with recognised scientific evaluations.

ATTACHMENT 2

QUEENSLAND LEGISLATION IDENTIFIED (AS AT 1 JUNE 1996) AS FORMING PART OF JOINT OR "CO-OPERATIVE" COMMONWEALTH-STATE REGULATORY ARRANGEMENTS FOR THE PURPOSES OF NCP LEGISLATION REVIEW.

- Corporations (Queensland) Act 1990
- Consumer Credit (Queensland) Act 1994 and the Consumer Credit Code
- Financial Institutions Act 1992 and the Financial Institutions Code
- Securities Industry (Application and Laws) Act 1981
- Futures Industry (Application of Laws) Act 1986
- Trade Measurement Act 1990
- Agricultural and Veterinary Chemicals (Queensland) Act 1994
- Biological Control Act 1987
- Food Standards Regulation 1994 under the Food Act 1981 (which adopts the National Food Standards Code)
- Workplace Health and Safety (Lead) Compliance Standard under the Workplace Health and Safety Act 1995
- that part of the Standard Building Law under the Building Act 1975 which adopts The Building Code of Australia
- legislation that provides for the adoption of provisions from the Commonwealth's Classification (Publications, Films and Computer Games) Act 1995 namely the Classification of Computer Games and Images (Interim) Act 1995, the Classification of Films Act 1991 and the Classification of Publications Act 1991
- Mutual Recognition Act 1992
- Wheat Marketing (Facilitation) Act 1989

ATTACHMENT 3

SCHEDULE OF IDENTIFIED RESTRICTIONS ON COMPETITION IN PORTFOLIO LEGISLATION AND PROPOSED TIMING OF REVIEWS TO MEET THE REQUIREMENTS OF NATIONAL COMPETITION POLICY.

NOTES:

- 1. The list of legislation cited for review has been compiled on the basis of legislation which is on the statute book or which is before the Parliament of Queensland as at 30 June 1996. Any legislation enacted subsequent to that date which is required to be included in the NCP review arrangements will be cited in revised schedules which will be published in the annual reports by the Queensland Government on progress towards implementing the legislation review element of NCP. The publication of these annual reports is another requirement of the NCP Agreements.
- 2. There is no legislation currently (ie. as at 30 June 1996) identified for NCP legislation review in respect of the Department of Police, the Department of Economic Development and Trade and the Office of Sport.
- 3. Review dates generally refer to the period 1 July in the first cited year to 30 June in the second cited year, except in the case of 1998-1999 where the review period may extend to 31 December 1999 for certain reviews. However, the workers' compensation legislation is set down for review in the period 1 July 1999 to 30 June 2000 in accordance with a policy decision of the Queensland Government to accept a recommendation in this regard stemming from a review into workers' compensation arrangements (the Kennedy Inquiry) which reported in July 1996.
- 4. The proposed review dates may be altered in some cases depending on Government review priorities over time, the outcome of negotiations with the other jurisdictions in regard to legislation that may be suitable for some form of national or interjurisdictional review and the outcome of consultation with relevant stakeholders in regard to proposed NCP legislation review arrangements.

Queensland Legislation Review Timetable

Portfolio/Department: Consumer Affairs Office (Dept.Justice)

Legend
OP - outright prohibition
SM - statutory monopoly
SM - Licensing or registration
QE - quantitative entitlements
QE - pricing registration
CE - quantitative entitlements
QC - quantitative entitlements

Legislation					Natur	Nature of Restriction	iction					Proposed
	ОР	SM	LR	ЭО	αт	PR	ЭВ	PS	MB	N.R.	RO	Review Timing
Auctioneers and Agents Act 1971 & Auctioneers and Agents Regulation			`		`	`	,				,	1996-1997
1986	Legislatie vehicle d the State maximum review. R	Legislation covers a range vehicle dealers, commercial the State or resident within maximum prescribed fees a review. Regs expire 1/7/97.	range of o mercial age within 65k I fees and c	ccupations nts, auction ms of State harges. Sim	including li neers and p boundary ilar legisla	censing and astoral hou which poten tion exists i	d specific bi se corporat tially restri n most othe	Legislation covers a range of occupations including licensing and specific business conduct requirements for real estate agents, my vehicle dealers, commercial agents, auctioneers and pastoral house corporations. Certain licenses requirements limited to residen the State or resident within 65kms of State boundary which potentially restricts interstate participants. Price restrictions relate to maximum prescribed fees and charges. Similar legislation exists in most other jurisdictions and hence could be considered for nareview. Regs expire 1/7/97.	luct require n licenses e participa ms and her	ments for r requiremen nts. Price r ice could be	eal estate a ts limited to estrictions r considerec	Legislation covers a range of occupations including licensing and specific business conduct requirements for real estate agents, motor vehicle dealers, commercial agents, auctioneers and pastoral house corporations. Certain licenses requirements limited to residents of the State or resident within 65kms of State boundary which potentially restricts interstate participants. Price restrictions relate to maximum prescribed fees and charges. Similar legislation exists in most other jurisdictions and hence could be considered for national review. Regs expire 1/7/97.
Co-operative and Other Societies Act 1967 & Co-operative and Other			>			`	`	`				1996-1997
Societies Regulation 1968	Similar la only rela member on through, operative national	Similar legislation exists in oth only relate to prescribing maximember requiring the member through, or purchase of service operative Associations Act whin national working party with the	xists in oth ibing maxii we member to gervice of service ns Act which rty with the	er States in num divides o have spec s from, the h contains objective o	Similar legislation exists in other States in regard to formation, registration only relate to prescribing maximum dividends payable on members' shares. member requiring the member to have specified dealings only with the societhrough, or purchase of services from, the society. Review of Act needs to toperative Associations Act which contains a similar regulatory framework national working party with the objective of developing uniform legislation.	formation, 1 on membe gs only wii view of Act view of Act gulatory fr	egistration rs' shares. h the sociel needs to b amework. C egislation.	Similar legislation exists in other States in regard to formation, registration and operation of co-operative societies. Pricing provision only relate to prescribing maximum dividends payable on members' shares. Act permits a co-operative society to contract with a member requiring the member to have specified dealings only with the society for a fixed period, for example requiring sale of produthrough, or purchase of services from, the society. Review of Act needs to be co-ordinated with review of Primary Producers Cooperative Associations Act which contains a similar regulatory framework. Co-operatives legislation also subject to consideration by national working party with the objective of developing uniform legislation.	on of co-op a co-opera d period, fc ted with rev s legislatio	verative soc tive society vr example v view of Prit n also subje	ieties. Prici to contract requiring sc nary Produ ect to consi	Similar legislation exists in other States in regard to formation, registration and operation of co-operative societies. Pricing provisions only relate to prescribing maximum dividends payable on members' shares. Act permits a co-operative society to contract with a member requiring the member to have specified dealings only with the society for a fixed period, for example requiring sale of produce through, or purchase of services from, the society. Review of Act needs to be co-ordinated with review of Primary Producers Co-operative Associations Act which contains a similar regulatory framework. Co-operatives legislation also subject to consideration by national working party with the objective of developing uniform legislation.

Legislation					Nature	Nature of Restriction	ction					Proposed
	ОР	SM	LR	ä	ΩТ	PR	BC	PS	MB	N.	RO	Review
Business Names Act 1962 & Business Names Regulation 1986							,				`	1998-1999
0	Requirem restrict in applies a review. R	Requirement that a person car restrict interstate or overseas papplies a common set of requi review. Regs expire 1/7/97.	verson canno overseas pa t of require 1/7/97.	ot carry on rticipants. ments. Sim	not carry on business in Queensland under a business name unless it is registered under that Act or participants. Other provisions may be seen as restrictions on business conduct although legislation rements. Similar legislation exists in most other jurisdictions and hence could be considered for na	Queenslan sions may l ion exists ir	d under a b ve seen as r n most other	usiness na estrictions yurisdictic	ne unless i on business ns and her	t is register s conduct a nce could be	ed under th Ithough leg considered	Requirement that a person cannot carry on business in Queensland under a business name unless it is registered under that Act could restrict interstate or overseas participants. Other provisions may be seen as restrictions on business conduct although legislation applies a common set of requirements. Similar legislation exists in most other jurisdictions and hence could be considered for national review. Regs expire 1/7/97.
Fair Trading Act 1989 and Fair Trading Regulation 1989					,		,		,			1997-1998
	Legislatic interests mirrors P either nat	n intended of consumer art IV of th	Legislation intended to provide for a statutory minimum standard of conduct engaged in by persons offering goods and services, in t interests of consumer protection. Similar legislation exists in the other jurisdictions. State and Territory fair trading legislation in p mirrors Part IV of the Trade Practices Act and, in this sense, forms part of a national uniform scheme and should be considered for either national or some other form of interjurisdictional review.	for a statut Similar le, actices Act rm of intery	ory minimu gislation ex and, in this urisdiction	n standard ists in the c sense, forr il review.	of conduct ither jurisdi ns part of a	engaged ir ctions. Stc national 1	by person ite and Ter niform sch	s offering g ritory fair t eme and sh	oods and se rading legi: ould be con	Legislation intended to provide for a statutory minimum standard of conduct engaged in by persons offering goods and services, in the interests of consumer protection. Similar legislation exists in the other jurisdictions. State and Territory fair trading legislation in part mirrors Part IV of the Trade Practices Act and, in this sense, forms part of a national uniform scheme and should be considered for either national or some other form of interjurisdictional review.
Funeral Benefit Business Act 1982 & Funeral Benefit Business			1				,		,		1	1997-1998
Regulation 1989	Legislatic jurisdictic	Legislation limits registration jurisdictions (inc.Victoria and	gistration of toria and	of corporatic NSW).	ns and pro	vides for bu	siness cond	uct require	ments. Sim	ilar legislat	ion exists i	of corporations and provides for business conduct requirements. Similar legislation exists in some other NSW).
Hawkers Act 1984 & Hawkers Regulation 1994			,				,					8661-2661
	Legislatic registerea considere	Legislation provides for licens registered charity or sale by th considered for national review	Legislation provides for licensing of hawkers and business conduct requirements. Act does not apply to certain businesses (such as a registered charity or sale by the actual maker of the goods). Similar legislation exists in most other jurisdictions and hence could be considered for national review.	g of hawke actual mal	rs and busi ær of the g	ness conduc vods). Sim	t requireme lar legislat	nts. Act do ion exists i	es not app 1 most othe	ly to certair er jurisdicti	businesses	Legislation provides for licensing of hawkers and business conduct requirements. Act does not apply to certain businesses (such as a registered charity or sale by the actual maker of the goods). Similar legislation exists in most other jurisdictions and hence could be considered for national review.

Legislation					Natur	Nature of Restriction	iction					Proposed
	O _O	SM	2	ä	ΔŢ	PR	BC	S3	MB	NR	RO	Review Timing
Invasion of Privacy Act 1971 & Invasion of Privacy Regulations	,		`				`		:			6661-8661
9861	Legislatic intention advertisir	Legislation requires licensing of credit reporting agents and prohibits advertising and exhibiting of listening devices that has the intention of promoting their sale and use. Other jurisdictions may have legislation dealing with some aspects of credit reporting eg advertising of listening devices, which could be suitable for national review. Regs expire 1/7/97.	licensing of ig their sale ng devices,	credit repo e and use. (which coul	orting agen Other jurisa d be suitab	ts and proh lictions may le for natio	ibits advert have legiss nal review.	ising and lation deal Regs expir	exhibiting cing with soile 1/7/97.	of listening me aspects	devices that of credit rep	has the porting eg.
Land Sale Act 1984 & Land Sale Regulation 1989							\ \		`			1996-1997
	Legislatic responsib plans app	Legislation contains various provisions relating to process of sale of land via registrable instrument of transfer and rights and responsibilities of vendors and purchasers. Queensland currently the only State that prohibits sale of unregistered land before si plans approved under seal of relevant local authority.	various pro ndors and p r seal of re	wisions relo ourchasers. Ievant loca	ting to pro Queenslan authority.	cess of sale d currently	of land vi	ia registrab ite that pro	le instrume hibits sale	nt of transf of unregiste	er and righ red land be	ovisions relating to process of sale of land via registrable instrument of transfer and rights and purchasers. Queensland currently the only State that prohibits sale of unregistered land before survey elevant local authority.
Mercantile Act 1867	`						`					1998-1999
	Restrictio legislatio	Restrictions relate to duration legislation exists in most other	duration o nost other j	f partnersh urisdictions	ips and pro	hibits parti could be c	of partnerships and prohibits partnerships in certain businesses (jurisdictions and hence could be considered for national review.	certain bus or national	inesses (bai review.	nking and i	nsurance on	of partnerships and prohibits partnerships in certain businesses (banking and insurance only). Similar jurisdictions and hence could be considered for national review.
Partnership (Limited Liability) Act							,		:	:		1998-1999
Liability) Regulation 1993	Legislatic could be	Legislation contains certain restrictions relating to limited partners. Similar legislation exists in most other jurisdictions and hence could be considered for national review.	certain rest for nationa	rictions rel I review.	ating to lin	nited partne	rs. Similar	legislation	exists in m	ost other ju	risdictions	and hence
Loan Fund Companies Act 1982			`				/		`			6661-8661
	Legislati conferrin shares in jurisdicti	Legislation contains numerous provisions relating to business conduct and which may limit participation or have the effect of conferring competitive benefits on some participants (for example, a loan fund company which has a lien over any loan entitlement; shares in a company is prohibited from selling its shares but otherwise can enforce the lien). Similar legislation exists in most other jurisdictions and hence could be considered for national review.	numerous p re benefits (is prohibit ce could be	rovisions r on some pa ed from sel.	elating to b rticipants (ling its sha 1 for nation	usiness cor for exampl res but othe	iduct and w e, a loan fu rrwise can e	hich may l nd compan mforce the	imit partici y which ha lien). Simil	pation or h s a lien ove ar legislati	provisions relating to business conduct and which may limit participation or have the effect of on some participants (for example, a loan fund company which has a lien over any loan entitited from selling its shares but otherwise can enforce the lien). Similar legislation exists in most ne considered for national review.	provisions relating to business conduct and which may limit participation or have the effect of on some participants (for example, a loan fund company which has a lien over any loan entitlements or ted from selling its shares but otherwise can enforce the lien). Similar legislation exists in most other se considered for national review.

Legislation					Natur	Nature of Restriction	riction					
	OP	SM	LR	ä	ΩT	R	BC	PS	MB	A.	RO	Review
Partnership Act 1891	/											6661-8661
	Prohibiti legislatio	Prohibitions relate to conduct legislation exists in most other	Prohibitions relate to conduct of business outside of the partnership except where consent of otlegislation exists in most other jurisdictions and hence could be considered for national review.	f business c urisdictions	outside of to s and hence	he partners: could be c	hip except v	where const or national	ent of other review.	of business outside of the partnership except where consent of other partners is obtained. Similar jurisdictions and hence could be considered for national review.	obtained.	Similar
Sale of Goods Act 1896 & Sale of Goods (Vienna Convention) Act						`	>		`			1998-1999
1986	Legislatic sellers.Si	n contains nilar legisl	Legislation contains certain stipulations relating to sale or purchase of goods that affect rights and remedies of buyers and sellers.Similar legislation exists in most other jurisdictions and hence could be considered for national review.	ulations res in most oth	lating to sa ier jurisdici	le or purch ions and h	ase of good	ls that affer be consider	st rights an ed for natic	d remedies mal review.	of buyers a	pu
Credit Act 1987 & Credit Regulations 1988						`	•		>			1997-1998
	Legislatic controllin legislatio	Legislation contains numerous controlling price or conferring legislation could be considerea		rovisions r competitive as part of a	elating to l benefits on 1 multi-Stat	usiness coi some parti e regulatioi	iduct and w cipants Sir 1 scheme ar	hich may l nilar provi: nd hence cc	imit partici sions exist i uld be com	provisions relating to business conduct and which may limit participation or have the effect of competitive benefits on some participants. Similar provisions exist in most other legislation. Old's as part of a multi-State regulation scheme and hence could be considered for national review.	ave the effe er legislatio national rev	ct of n. Qld's riew.
Travel Agents Act 1988 & Travel Agents Regulations 1988			`		_		`					1997-1998
	Provides also a sigunder Aci	for the lice matory to N) and hence	Provides for the licensing of travel agents and business conduct requirements. Similar legislation exist in the other jurisdictions. (also a signatory to National Participation Agreement to set up a Travel Compensation Fund (contributions from licensees required under Act) and hence any review of legislation needs to be co-ordinated on a national basis.	vel agents (rticipation , v of legisla	and busines Agreement tion needs t	ss conduct) to set up a	equirement. Travel Con tinated on c	s. Similar spensation 1 national	legislation Fund (cont. basis.	exist in the ributions fro	e other juris om licensee,	Provides for the licensing of travel agents and business conduct requirements. Similar legislation exist in the other jurisdictions. Qld also a signatory to National Participation Agreement to set up a Travel Compensation Fund (contributions from licensees required under Act) and hence any review of legislation needs to be co-ordinated on a national basis.
Hire Purchase Act 1959	`					`	`					1998-1999
	Legislatio regard to includes could be	Legislation provides for rights regard to HP agreements. One includes option to purchase the could be considered for nation	Legislation provides for rights and responsibilities of owners and hirers under hire purchase agreements and conduct requirements i regard to HP agreements. One specific type of transaction prohibited (ie. entering into agreement for bailment of goods which includes option to purchase them so as to constitute a HP agreement). Similar legislation exists in the other jurisdictions and hence could be considered for national review.	nd respons pecific type n so as to c review.	ibilities of	owners and tion prohit HP agreen	hirers und ited (ie. er. vent). Simili	er hire pur tering into ar legislati	chase agree agreement on exists in	ments and c for bailmer the other ji	conduct req nt of goods urisdictions	and responsibilities of owners and hirers under hire purchase agreements and conduct requirements in specific type of transaction prohibited (ie. entering into agreement for bailment of goods which 2m so as to constitute a HP agreement). Similar legislation exists in the other jurisdictions and hence al review.

Legislation					Nature	Nature of Restriction	iction					Proposed
,	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO	Review Timing
Mobile Homes Act 1989 & Mobile Homes Regulation 1994						`	`					1997-1998
	Contains maximum	particular 1 fees for se	requirement rvices in re	s relating t gard to sal	Contains particular requirements relating to agreements between owners and occupiers of mobile maximum fees for services in regard to sale of a mobile home. NSW may have similar legislation.	ts between e home. NS	owners and W may ha	l occupiers ve similar l	of mobile I egislation.	nome sites.	Regulations	Contains particular requirements relating to agreements between owners and occupiers of mobile home sites. Regulations provide for maximum fees for services in regard to sale of a mobile home. NSW may have similar legislation.
Pawnbrokers Act 1984 & Pawnbrokers Regulation 1984			`		,		,		`			8661-2661
	Provides hence con	Provides for licensing of pawn hence could be considered for	ig of pawnb idered for n	brokers and bus	Provides for licensing of pawnbrokers and business conduct requirements. Similar legislation exists in most other jurisdictions and hence could be considered for national review.	nduct requi	rements. Si	milar legis	lation exist.	s in most ot	her jurisdic	tions and
Profiteering Prevention Act 1948					`	,	,		`			1998-1999
	Similar le Future of	egislation n f Act could	nay exist in be influence	other juriss ed by the d	Similar legislation may exist in other jurisdictions but in Queensland the provisions of this Act Future of Act could be influenced by the development of a prices oversight regime under NCP.	in Queensl of a prices	and the pro	visions of egime unde	his Act hav r NCP.	ve not been	utilised for	Similar legislation may exist in other jurisdictions but in Queensland the provisions of this Act have not been utilised for many years. Future of Act could be influenced by the development of a prices oversight regime under NCP.
Primary Producers Co-operative Associations Act 1923 & Primary			`			,	\	`				1996-1997
Producers Co-operative Association Regulations 1987	Queensla in the oth association rules of in needs to	Queensland is only State with in the other States is included associations/societies.Pricing prules of individual co-operativneeds to be co-ordinated with	State with s included is Pricing prooperative ooperative in attention to the prooperative in a the transfer of	eparate leg n generic la rovisions or association hat of the C	Queensland is only State with separate legislation dealing with primary producer co-operative associations as coverage of such bod in the other States is included in generic legislation relating to the formation, registration and operation of co-operative associations/societies. Pricing provisions only relate to prescribing maximum dividends payable on member's shares. Act permits the rules of individual co-operative associations to require producer-members to sell all produce through the association. Review of Act needs to be co-ordinated with that of the Co-operative and Other Societies Act which contains a similar regulatory framework.	ling with p lating to the prescribing producer-	rimary prode formation maximum members to Societies	tucer co-op a, registrati dividends j sell all pr tct which c	erative assson and operagable on and operagable on oduce throut ontains a s	ociations as ration of co member's s igh the asso imilar regul	coverage cooperative hares. Act pciation. Reaction.	separate legislation dealing with primary producer co-operative associations as coverage of such bodies in generic legislation relating to the formation, registration and operation of co-operative provisions only relate to prescribing maximum dividends payable on member's shares. Act permits the e associations to require producer-members to sell all produce through the association. Review of Act that of the Co-operative and Other Societies Act which contains a similar regulatory framework.

Legislation					Nature	Nature of Restriction	iction					Proposed
	ОР	SM	LR	9e	ΩТ	PR	BC	PS	MB	R.	RO	Review
Retirement Villages Act 1988 & Retirement Villages Regulation			`		`	,	`		`		:	1996-1997
6861	Provides for exemp provides provides provides price con legislation	for registra tion from s for a statut trols relate n exists in r	Provides for registration procedure for retirement village schemes with applicants required to meet prescribed requirements. Prov for exemption from some requirements for religious or charitable organisations which may confer a competitive benefit. Act also provides for a statutory charge and encumbrances over village land for the benefit of residents but which may impede business co Price controls relate to service charges payable by residents. Other potential restrictions on business conduct also exist. Similar legislation exists in most other jurisdictions and hence could be considered for national review.	ure for reti ments for and encuml harges pay urisdictions	rement villa religious or religious or rances over vable by ress and hence	ige schemes charitable village la idents. Ott	with appli organisati nd for the b ner potentia onsidered f	cants requi ons which enefit of re I restriction	red to meet may confer ssidents but ns on busine review.	prescribed a competiti which may sss conduct	requiremer ve benefit. impede bus also exist.	Provides for registration procedure for retirement village schemes with applicants required to meet prescribed requirements. Provision for exemption from some requirements for religious or charitable organisations which may confer a competitive benefit. Act also provides for a statutory charge and encumbrances over village land for the benefit of residents but which may impede business conduct. Price controls relate to service charges payable by residents. Other potential restrictions on business conduct also exist. Similar legislation exists in most other jurisdictions and hence could be considered for national review.
Second-hand Dealers and Collectors Act 1984 & Second-hand Dealers			,				\ \	:	`			1997-1998
and Collectors Regulation 1994	Provides, certain go charity). may be li dealer's l review.	for licensin sods and ar Various res mited to a sicense and	Provides for licensing of persons involved in certain activities but excludes others (eg. definition of "second hand goods" includes certain goods and articles but excludes other products while Act does not apply to collecting or dealing in second hand goods by a charity). Various restrictions on business conduct such as dealer's licenses limited to a single premises or locality, collector's licens may be limited to a specific part of the State and limitations on holding of different licenses (ie. a licensed collector cannot hold a dealer's license and vice versa). Similar legislation exists in most other jurisdictions and hence could be considered for national review.	s involved i vcludes oth business co t of the Sta Similar leg	in certain a er products onduct such te and limit gislation exi	ctivities but while Act as dealer at ations on kists in most	excludes o does not ap s licenses li solding of d other juris	thers (eg. c ply to colle mited to a ifferent lice dictions an	lefinition of citing or decing or decing or decing premses (ie. a . d. hence coud hence coud	"second he aling in sec ises or loce licensed conficensed consider the consider of the consider is a second to the consider of the consideration of the	md goods" ond hand g ulity, collect llector cann dered for n	Provides for licensing of persons involved in certain activities but excludes others (eg. definition of "second hand goods" includes certain goods and articles but excludes other products while Act does not apply to collecting or dealing in second hand goods by a charity). Various restrictions on business conduct such as dealer's licenses limited to a single premises or locality, collector's licenses may be limited to a specific part of the State and limitations on holding of different licenses (ie. a licensed collector cannot hold a dealer's license and vice versa). Similar legislation exists in most other jurisdictions and hence could be considered for national review.
Security Providers Act 1992 & Security Providers Regulation 1995			`				\ \ \		`			1997-1998
	Provides , services a considere	Provides for licensing of perso services are for reward (ie. ex considered for national review	Provides for licensing of persons engaged in business of supplying security officers, private investigators or crowd controllers where services are for reward (ie. excludes in-house security officers). Similar legislation in most other jurisdictions and hence could be considered for national review.	s engaged i udes in-hou	in business	of supplyin officers). S	g security c imilar legis	sticers, pri lation in m	vate irvestig ost other ju	edors or cr risdictions	owd contro and hence (llers where ould be

Corrective Services Portfolio/Department:

Legend	On the last the second

OP - outright prohibition
SM - statutory monopoly
LR - licensing or registration
QE - quantitative entitlements
QT - quality/acchnical standards

PR - pricing restrictions
BC - business conduct restrictions
PS - preferred supplier/customer
MB - measures that confer a benefit
MR - natural resources permits/incenes
RO - restrictions on out-of-State parties

Legislation					Natur	Nature of Restriction	iction					Proposed
,	OP	SM	LR	QE	ΩТ	PR	ВС	PS	MB	NR	RO	Review Timing
Corrective Services Act 1988 and		`										1996-1997
(Administration) Act 1988	Legislati communi operatior review w preparati	Legislation arguably gives the Queensland Corrective Services Commission monopoly powers in respect of the provision of prisons a community corrections centres. However, the legislation authorises the QCSC to engage other parties to conduct any part of its operations (which underpins contract management arrangements for a number of correctional facilities). Legislation currently under review with the intention of introducing substantially revised legislation during 1996-1997. NCP issues will be addressed during the preparation of that legislation.	gives the { ns centres. nderpins co ntion of intr egislation.	Queensland However, i ntract mam oducing su	Corrective the legislati tgement arr bstantially 1	Services Cc on authoris angements j evised legis	ommission 1 es the QCS for a numb slation duri	nonopoly p C to engag er of correc ng 1996-15	owers in re e other par. tional facil 97. NCP is	spect of the ties to cond ities). Legi sues will be	provision of the transposition of the transposition currical addressed	Legislation arguably gives the Queensland Corrective Services Commission monopoly powers in respect of the provision of prisons and community corrections centres. However, the legislation authorises the QCSC to engage other parties to conduct any part of its operations (which underpins contract management arrangements for a number of correctional facilities). Legislation currently under review with the intention of introducing substantially revised legislation during 1996-1997. NCP issues will be addressed during the preparation of that legislation.

Portfolio/Department: Local Government & Planning

Legend	PR - pricing restrictions
OP - outright prohibition	BC · business conduct restrictions
SM - statutory monopoly	PS - preferred supplier/customer
LR - licensing or registration	MB - measures that confer a benefit
QE - quantitative entitlements	NR - natural resources permits/licenses
Of mothershark and and and	

Legislation		:			Natur	Nature of Restriction	riction		:			Proposed
	ОР	SM	LR	QE	QT	PR	BC	PS	MB	S.	RO	Review Timing
Local Government (Harbour Town Zoning) Act 1990									`			6661-8661
	Legislatic applicatic	on specific i on of the Ac	Legislation specific to one location but could be seen to con application of the Act to bypass normal approval processes.	ion but cor normal ap	uld be seen proval proc	to confer a esses.	competitive	g advantage	on the own	ers of the s	ite through	Legislation specific to one location but could be seen to confer a competitive advantage on the owners of the site through the possible application of the Act to bypass normal approval processes.
Local Government (Planning and Environment) Act 1990					`		`					To be determined
	Current & Assessme, PEDA Bi authorisa imposed i a particu (and whele submissio	Current heavily prescriptive re Assessment (PEDA) Bill which PEDA Bill has not proceeded, authorisation provisions in Act imposed in individual planning a particular type of commercia (and whether any of it needs to submissions on the PEDA Bill.	Current heavily prescriptive regulatory arrangements were to be superseded by the proposed Planning, Environment and Developmen Assessment (PEDA) Bill which would have introduced a performance-based planning and development assessment regime. However, PEDA Bill has not proceeded pending a review of public submissions on the draft legislation. Current general planning scheme authorisation provisions in Act not considered to be anti-competitive in intent but potential exists for anti-competitive restrictions to limposed in individual planning schemes made under the Act. Only one provision in current Act is specifically directed at constrainin a particular type of commercial business (namely a supermarket style outlet which also retails petrol). The future of this legislation (and whether any of it needs to be subject to NCP review) will be influenced on the outcome of the current review of public submissions on the PEDA Bill.	ulatory arr. would have ending a re not conside schemes mc business (n	angements view of pul red to be a ade under ti namely a su to NCP rev	were to be a performulic submiss nit-competiin he Act. Only permarket siew) will be iew) will be	superseded ance-based vions on the tive in inter y one prov tyle outlet	by the prop planning an planning an draff legis. It but poten vision in cur which also.	ulatory arrangements were to be superseded by the proposed Planning, Environment and Dewould have introduced a performance-based planning and development assessment regime. I ending a review of public submissions on the draft legislation. Current general planning schoot considered to be anti-competitive in intent but potential exists for anti-competitive restric schemes made under the Act. Only one provision in current Act is specifically directed at cobusiness (namely a supermarket style outlet which also retails petrol). The future of this legue subject to NCP review) will be influenced on the outcome of the current review of public	ing, Environ rent genera genera yr anti-comp specifically. I'he fut current rev	nment and real regime I planning petitive ress directed at ure of this riew of pub	Current heavily prescriptive regulatory arrangements were to be superseded by the proposed Planning, Environment and Development Assessment (PEDA) Bill which would have introduced a performance-based planning and development assessment regime. However, PEDA Bill has not proceeded pending a review of public submissions on the draft legislation. Current general planning scheme authorisation provisions in Act not considered to be anti-competitive in intent but potential exists for anti-competitive restrictions to be imposed in individual planning schemes made under the Act. Only one provision in current Act is specifically directed at constraining a particular type of commercial business (namely a supermarket style outlet which also retails petrol). The future of this legislation (and whether any of it needs to be subject to NCP review) will be influenced on the outcome of the current review of public submissions on the PEDA Bill.

Legislation					Natur	Nature of Restriction	iction					Proposed
	ОР	SM	LR	QE	QT	PR	BC	PS	MB	NR.	RO	Review Timing
Building Act 1975 and relevant subordinate legislation including the			`		`						i	1998-1999
Standard Building Law & Building Regulations 1991	Legislatica qualifica covered t	Legislation most recently reviewed in 1994-95 and deals primarily with structural, fire, health and amenity issues. It contains qualification requirements of other industry participants ar covered by the QBSA legislation. The national Building Code developed by the Australian Building Codes Board is incorporat the Standard Building Law. Any review of building code requirements should be on a national basis.	mtly review ments for bu legislation g Law. Any	ed in 1994 uilding sur The natic review of	-95 and dea veyors but l mal Buildin building co	ils primaril icensing an g Code dev de requiren	v with struc d qualificai eloped by t	tural, fire, tion require he Australi I be on a n	health and ments of ot an Building ational bass	amenity iss her industry Codes Boc	ues. It con v participan ırd is incor	Legislation most recently reviewed in 1994-95 and deals primarily with structural, fire, health and amenity issues. It contains qualification requirements of other industry participants are mostly covered by the QBSA legislation. The national Building Code developed by the Australian Building Codes Board is incorporated into the Standard Building Law. Any review of building code requirements should be on a national basis.
Sewerage and Water Supply Act 1949, Sewerage and Water Supply			`									1997-1998
Regulation 1987 & Standard Water and Sewerage Laws	Act admi	Act administered jointly with Department of Natural resources - refer entry under DNR Acts for details.	uty with De	partment c	of Natural re	sources - 1	efer entry 1	ınder DNR	Acts for de	tails.		
Local Government Act 1993, City of Brisbane Act 1924 & Local	1	•										1997-1999
Government Finance Standard 1994	Prime pu essentiall of Brisba Act on a exclusive superann of joint la co-ordina	Prime purpose of legislation is to establish the framework for the constitution, planning and operations of local government (ie. essentially is "enabling" legislation). Current Local Govt Act stems from detailed review of older legislation dating back to 1936. Ci of Brisbane Act currently under revision to bring into line with the Local Govt Act. Intention is to review the provisions of the 1993 Act on a rolling basis over the next few years. Only two current provisions in the Act appear to be anti-competitive, namely the exclusive right for a local government to operate a river ferry service and a prohibition on a local government operating its own superannuation scheme outside of a statutory scheme for all local governments. Review of relevant provisions will need to of joint local government water supply boards under Local Govt Act and other water-related local government functions will need to co-ordinated with review of similar provisions in the Water Resources Act and urban water board legislation administered by Dept. Natural Resources.	islation is t mg" legislati ently under s over the n local goveri ne outside c ment water	o establish ion). Curre revision to text few yet ment to oj of a statuto supply boa lar provisi	is to establish the framework for the constitution, planning and operations of local government (ie. clation). Current Local Govt Act stems from detailed review of older legislation dating back to 1933 fer revision to bring into line with the Local Govt Act. Intention is to review the provisions of the line next few years. Only two current provisions in the Act appear to be anti-competitive, namely the vernment to operate a river ferry service and a prohibition on a local government operating its own de of a statutory scheme for all local governments. Review of relevant provisions relating to the opier supply boards under Local Govt Act and other water-related local government functions will ne imilar provisions in the Water Resources Act and urban water board legislation administered by D	ork for the line with the line with the wo current er ferry ser for all local ocal Gost.	constitutio is from det. le Local Go provisions vice and a , governmen Act and oth	n, planning ailed review wt Act. Inte in the Act c prohibition uts. Review er water-re ad urban w	and operal v of older le ntion is to ppear to be on a local of relevant lated local	tions of loc gislation d review the p governmen provisions governmen legislation	al governme ating back i provisions c etitive, nam t operating relating to f functions	Prime purpose of legislation is to establish the framework for the constitution, planning and operations of local government (ie. essentially is "enabling" legislation). Current Local Govt Act stems from detailed review of older legislation dating back to 1936. City of Brisbane Act currently under revision to bring into line with the Local Govt Act. Intention is to review the provisions of the 1993 Act on a rolling basis over the next few years. Only two current provisions in the Act appear to be anti-competitive, namely the exclusive right for a local government to operate a river ferry service and a prohibition on a local government operating its own superannuation scheme outside of a statutory scheme for all local governments. Review of relevant provisions will need to be of joint local government water supply boards under Local Govt Act and other water-related local government functions will need to be co-ordinated with review of similar provisions in the Water Resources Act and urban water board legislation administered by Dept. Natural Resources.

Legislation					Natur	Nature of Restriction	iction					Proposed
	ОР	SM	· LR	QE	ΩТ	PR	ВС	PS	MB	Z.	RO	Review
Local Government Local Laws (formerly By-laws) made under the	, .				Restricti	Restrictions to be identified	dentified			:		1997-1999
Local Government Act 1993	Local go being der applicati Dept of I potential laws maa notably ti	Local government local laws being developed by the Qld T application of the NCP packa Dept of Local Gov't and Plat potential candidates for the a laws made under the Local G notably the Health Act and th	Local government local laws to be reviewed by each local government (inc Brisbane City) in accordance with a review methodology being developed by the Qld Treasury NCP Unit and a State/Local Government Working Group established to develop proposals on tapplication of the NCP package to local government in Queensland. Model local laws under Local Government Act to be reviewed Dept of Local Gov't and Planning. Review exercise for local laws will initially be targeted at the 17 Local Governments identified potential candidates for the application of competitive neutrality principles under NCP. Review of local laws will also include those laws made under the Local Govt Act that implement powers and functions delegated to local government under other legislation, notably the Health Act and the Traffic Act.	be reviewe asury NCP to local ge ng. Review lication of t Act that ii Traffic Act.	d by each l. Unit and a overnment i v exercise fc competitive mplement p	ocal govern State/Loca n Queensla n local law neutrality _i owers and	ment (inc l I Governme nd. Model is will initi principles i functions c	Brisbane C ent Workin; local laws ally be tar; under NCP.	to be reviewed by each local government (inc Brisbane City) in accordance with a review methodology reasury NCP Unit and a State/Local Government Working Group established to develop proposals on tage to local government and every methodolocal laws under Local Government and the reviewed ining. Review exercise for local laws will initially be targeted at the 17 Local Governments identified application of competitive neutrality principles under NCP. Review of local laws will also include those over that implement powers and functions delegated to local government under other legislation, ie Traffic Act.	dance with ablished to al Governme 17 Local Governme romant und roment und	a review m develop pro ent Act to b overnments will also in er other leg	Local government local laws to be reviewed by each local government (inc Brisbane City) in accordance with a review methodology being developed by the Qld Treasury NCP Unit and a State/Local Government Working Group established to develop proposals on the application of the NCP package to local government in Queensland. Model local laws under Local Government Act to be reviewed by Dept of Local Gov't and Planning. Review exercise for local laws will initially be targeted at the 17 Local Governments identified as potential candidates for the application of competitive neutrality principles under NCP. Review of local laws will also include those laws made under the Local Govt Act that implement powers and functions delegated to local government under other legislation, notably the Health Act and the Traffic Act.

Portfolio/Department: Education

Legend	PR - pricing restrictions
OP - outright prohibition	BC - business conduct restrictions
SM - statutory monopoly	PS - preferred supplier/customer
LR - licensing or registration	MB - measures that confer a benefit
QE - quantitative entitlements	NR - natural resources permits/licenses
OT - quality/technical standards	RO - restrictions on out-of-State parties

Legislation					Natur	Nature of Restriction	iction					Proposed
	OP	SM	LR	QE	то	PR	ВС	PS	MB	NR	RO	Review
Education (Capital Assistance) Act 1993							`		``			1998-1999
	Act limits jeopardis deposits/i	s provision e the econc investment	Act limits provision of certain funding assistance to jeopardise the economic viability of non-affiliated sc deposits/investment of CAA capital assistance funds.	unding assı iy of non-aj ital assistai	istance to su ffiliated sch nce funds.	chools affili ools, Also L	ated with trimitations r	wo nominat egarding ty	ed Capital . pe of finam	Act limits provision of certain funding assistance to schools affiliated with two nominated Capital Assistance Authorities which could jeopardise the economic viability of non-affiliated schools. Also limitations regarding type of financial institutions which can receive deposits/investment of CAA capital assistance funds.	tuthorities ions which	Act limits provision of certain funding assistance to schools affiliated with two nominated Capital Assistance Authorities which could jeopardise the economic viability of non-affiliated schools. Also limitations regarding type of financial institutions which can receive deposits/investment of CAA capital assistance funds.
Higher Education (General Provisions) Act 1993					,							6661-8661
`	Act essen education	tially provi 1 (tertiary)	des for acci degree cour	reditation c ses. Similc	Act essentially provides for accreditation and monitoring procedures to address s education (tertiary) degree courses. Similar legislation exists in the other States.	ing procedu n exists in 1	ires to addi the other St	ess standar ates.	ds and mos	Act essentially provides for accreditation and monitoring procedures to address standards and modes of delivery in regard to higher education (tertiary) degree courses. Similar legislation exists in the other States.	ry in regar.	d to higher
Grammar Schools Act 1975							`					8661-2661
	Act impo interventi schools (e	oses a Gove on measure eg. borrowi	rnment apt is (such as ing and inv. Current le	roval meck the capacit estment pra	Act imposes a Government approval mechanism for establishment of a grammar school and provides for intervention measures (such as the capacity to withhold or grant assistance funds) and controls/limitations schools (eg. borrowing and investment practices). These may restrict the ability of such schools to compete secondary education. Current legislative arrangements under review by Interdepartmental Working Group.	stablishmer ld or grant se may resti under revis	nt of a gran assistance j rict the abi. ew by Inter	nmar school funds) and e lity of such departmente	l and provic controls/lim schools to al Working	Act imposes a Government approval mechanism for establishment of a grammar school and provides for various Government intervention measures (such as the capacity to withhold or grant assistance funds) and controls/limitations on activities of grammar schools (eg. borrowing and investment practices). These may restrict the ability of such schools to compete in the overall market for secondary education. Current legislative arrangements under review by Interdepartmental Working Group.	ous Govern activities o _j the overall	ment f grammar market for

Legislation					Natur	Nature of Restriction	iction					Proposed
	OP	SM	LR	QE	ΩT	PR	BC	PS	MB	N.	RO	Review Timing
Education (Teacher Registration) Act 1988, Education (Teacher			`		`							6661-8661
Board of Teacher Registration By-	Legislatic (includin; necessar)	on provides g private sı ı to meet co	Legislation provides for registration arrangements and eligibility requirements for primary and secondary school teaching staff (including private schools). Prescription of minimum professional teaching standards and quality assurance measures seen as necessary to meet community expectations in respect of teaching staff.	tion arrans scription o	gements an f minimum 'n respect o	d eligibility professiona f teaching s	requireme I teaching taff	nts for prin standards a	ıary and sı md quality	econdary sc assurance 1	hool teachi neasures se	ng staff en as
Education (General Provisions) Act 1989 & Education (General	,		`		`		`					1998-1999
Provisions) Regulation 1989	Legislation institution facilities such as rapproval uniform of	on covers a ans (such as and specify egulating that and accred yuality stan,	Legislation covers a range of maters including: approval of school curricula; approval and recognition of higher educational institutions (such as a university); accreditation of higher education awards; restrictions on the commercial use of State educational facilities and specifying the powers and proceedings of Parents and Citizens Associations (including comparatively minor restriction such as regulating the items permitted to be sold in a school canteen or tuckshop). Substantive provisions in regard to curricula approval and accreditation of higher education awards do not prohibit private sector providers but rather are designed to establish uniform quality standards of education service delivery.	aters incluc p); accreditu ers and pro mitted to b, igher educa	ting: appro ation of hig sceedings of e sold in a ttion award	val of schor her educati f Parents a school cani s do not pr.	ol curricula on awards; nd Citizens een or tuck ohibit prive	t; approval : restriction Association (schop). Sub:	and recogn s on the co rs (includin stantive pro roviders bu	nition of hig mmercial u. 1g comparal visions in r t rather are	her educati se of State e tively minor egard to cu	Legislation covers a range of maters including: approval of school curricula; approval and recognition of higher educational institutions (such as a university); accreditation of higher education awards; restrictions on the commercial use of State educational facilities and specifying the powers and proceedings of Parents and Citizens Associations (including comparatively minor restrictions such as regulating the items permitted to be sold in a school canteen or tuckshop). Substantive provisions in regard to curricula approval and accreditation of higher education awards do not prohibit private sector providers but rather are designed to establish uniform quality standards of education service delivery.
University of Southern Queensland Act 1989 & University of Southern Queensland (Investment) Statute 1993 and similar legislation in respect of the Central Queensland University, the Queensland							`					1998-1999
University of Technology, the James Cook University of North Queensland, the University of Queensland, the Griffith University and the Sunshine Coast University College	Legislatic Universit approval activities other rev university considero	Legislation provides for construites, notably approval requirements (ie. fro activities. These could be consother revenue raising business university is established. Furth consideration by Government.	Legislation provides for constitution, powers and operations of a particular University. Legislation contains certain restrictions on the University's activities, notably in respect of application of revenue (regardless of source) to specific university purposes, external approval requirements (ie. from Government) for borrowing and variation of terms of trusts and gifts, and limitation of investment activities. These could be construed as restricting the University from taking commercial advantage of opportunities for investment of other revenue raising business incidental to university functions but have to be considered in light of the public purpose for which a university is established. Further work by Education Dept. on proposed rewrites of each University Act dependant on policy consideration by Government.	tion, power n respect of Governmes ued as rest. ncidental to r work by E	rs and oper f applicatio tt) for borr ricting the university	ations of a n of revenu owing and University f functions b	particular e (regardle variation o, rom taking ut have to posed rew	University. ss of source f terms of t. commercia be consider	Legislation) to specifi rusts and g l advantage ed in light i University	n contains c ic university ifts, and lin e of opportu of the publ.	ertain restr purposes, nitation of i unities for i, ic purpose) dant on pol	Legislation provides for constitution, powers and operations of a particular University. Legislation contains certain restrictions on the University's activities, notably in respect of application of revenue (regardless of source) to specific university purposes, external approval requirements (ie. from Government) for borrowing and variation of terms of trusts and gifts, and limitation of investment activities. These could be construed as restricting the University from taking commercial advantage of opportunities for investment or other revenue raising business incidental to university functions but have to be considered in light of the public purpose for which a university is established. Further work by Education Dept. on proposed rewrites of each University Act dependant on policy consideration by Government.

Legislation	;				Natur	Nature of Restriction	riction					Proposed
	OP	SM	LR	OE	QT	PR	ВС	PS	MB	N. R.	RO	Review
Education (Overseas Students) Bill 1996			`									To be determined (for Act)
	New legi. for the re Council i	slation to p egistration (in regard to m which ext	rovide for to generation of the marker	he registrai 1 and traini 1 ang of Aust 1/97. Simila	tion of educ ng courses. ralian educ r legislation	cation servic for oversea cation and t	ce providers s students raining cou	in respect Gives effect rses oversea SW, WA, S	of training to a decisi as. Intendec A, Tasmani	New legislation to provide for the registration of education service providers in respect of training courses for overseas students a for the registration of education and training courses for overseas students. Gives effect to a decision of the Australian Education Council in regard to the marketing of Australian education and training courses overseas. Intended to replace Commonwealth legislation which expires on 1/7/97. Similar legislation already in place in NSW, WA, SA, Tasmania and ACT.	overseas s ustralian E Commonw	New legislation to provide for the registration of education service providers in respect of training courses for overseas students and for the registration of education and training courses for overseas students. Gives effect to a decision of the Australian Education Council in regard to the marketing of Australian education and training courses overseas. Intended to replace Commonwealth legislation already in place in NSW, WA, SA, Tasmania and ACT.

Port

Portfolio/Department:	nt:	Emergenc	gency	y Services	vices			Legend OP - outr ON - stat SM - stat LR - lice QE - qua	Legend OP - outright prohibition SM - statutory monopoly LR - licensing or registration QE - quantitative entitlements QT - quality/rechnical standards		PR - pricing restrictions BC - business conduct restrictions PS - preferred supplier/customer MB - measures that confer a benefit NR - natural resources permits/licenses RO - restrictions on out-of-State parties	estrictions austomer fer a benefit ermits/licentes of-State parties
Legislation					Natu	Nature of Restriction	iction			:		Proposed
	ОР	SM	LR	QE	αт	PR	BC	PS	MB	NR.	RO	Review
Ambulance Service Act 1991							`	`				1998-1999
	Various r ambulanc ambulanc	Various restrictions effectively ambulance operators (for exan ambulance operator from adve	Various restrictions effectively confer a competitiv ambulance operators (for example, restrictions on ambulance operator from advertising its services).	confer a co ole, restrici tising its s	confer a competitive advantage on Queensland Ambulance Service compared to any potential private uple, restrictions on the use of the words "Ambulance Service" and "Ambulance" may prevent a privatertising its services).	tvantage on use of the	Queenslan words "Aml	d Ambulan vulance Ser	ce Service c	ompared to Ambulance'	any potent ' may prevei	Various restrictions effectively confer a competitive advantage on Queensland Ambulance Service compared to any potential private ambulance operators (for example, restrictions on the use of the words "Ambulance Service" and "Ambulance" may prevent a private ambulance operator from advertising its services).
Fire Services Act 1990							`	`				1998-1999
	Various r the prote available	Various restrictions restrict p the protection of persons and p available to private operators	restrict po sons and p	tential com roperty fro ind which c	Various restrictions restrict potential competition in the fire services "market" (for example, by conferring extensive powers relative protection of persons and property from fire on "authorised fire officers" of metropolitan and rural fire brigades which are not available to private operators and which could expose them to claims relating to property damage in the course of fighting a fire).	the fire ser tuthorised f them to cl	vices "mark ire officers" aims relativ	et" (for ex ' of metrop 18 to prope	umple, by co olitan and r rty damage	onferring ex wral fire br in the cour	tensive pow igades whic se of fightir	Various restrictions restrict potential competition in the fire services "market" (for example, by conferring extensive powers relating to the protection of persons and property from fire on "authorised fire officers" of metropolitan and rural fire brigades which are not available to private operators and which could expose them to claims relating to property damage in the course of fighting a fire).

Portfolio/Department: Environment

PR - pricing restrictions
BC - business conduct restrictions
PS - preferred supplier/customer
MB - measures that confer a benefit
NR - natural resources permits/licenses
RO - restrictions on out-of-State parties

Legend
OP - outright prohibition
SM - statutory monopoly
LR - licensing or registration
QE - quantitative entitlements
QT - quality/technical standards

Legislation					Natur	Nature of Restriction	riction					Proposed
	dO	SM	LR	ΘE	ат	PR	ВС	PS	MB	A.	RO	Review
Canals Act 1958 & Canals Regulation 1992				`	`					`		1998-1999
)	Legislatic commenc	on relates t _e es. Relevan	o the constr t provisions	uction, mai	intenance as ssorbed into	nd use of ci the propos	mals, inclu. ed Plannin	ding requir. 3, Environn	ement for a rent and D	Legislation relates to the construction, maintenance and use of canals, including requirement for approval before construction commences. Relevant provisions may be absorbed into the proposed Planning, Environment and Development Assessment Bill.	ore construc Assessment	tion Bill.
Contaminated Land Act 1991 & Contaminated Land Regulation							`					1996-1997
1661	Legislatic	on categoris	ses land acc	cording to 1	risk of contc	ımination a	nd restricts	certain lan	o uo sesn pi	zertain sites.	Currently	Legislation categorises land according to risk of contamination and restricts certain land uses on certain sites. Currently under review.
Environmental Protection Act 1994 & Environmental Protection			`				`		`	`		1998-1999
(Interim) Regulation 1995	Legislatic approval for certan recently r regulatio	Legislation designed to prapproval requirements (wh for certain substances) apprecently reported to the Oregulations. Further consinestriction on competition.	to protect ats (which c ss) apply fo the Queens, considerati tition.	Queenslanc Ould be iss r certain sp land Gover ion is requi	d's environn ued subject pecified envi nment on th	nent while e to complias ronmentall; ie efficiency ify the exter	allowing for nce conditic v relevant b s, practicali, nt to which	ecological ms, for exa usiness acti y and fairn these regul	ly sustaina, mple, presc ivities. A M ness of the l atory arran	Legislation designed to protect Queensland's environment while allowing for ecologically sustainable development. Licensing and approval requirements (which could be issued subject to compliance conditions, for example, prescribing allowable levels of discharg for certain substances) apply for certain specified environmentally relevant business activities. A Ministerial Advisory Committee recently reported to the Queensland Government on the efficiency, practicality and fairness of the licensing provisions in the Act and regulations. Further consideration is required to identify the extent to which these regulatory arrangements represent an actual restriction on competition.	nent. Licens able levels tvisory Con visions in i	Legislation designed to protect Queensland's environment while allowing for ecologically sustainable development. Licensing and approval requirements (which could be issued subject to compliance conditions, for example, prescribing allowable levels of discharge for certain substances) apply for certain specified environmentally relevant business activities. A Ministerial Advisory Committee recently reported to the Queensland Government on the efficiency, practicality and fairness of the licensing provisions in the Act and regulations. Further consideration is required to identify the extent to which these regulatory arrangements represent an actual restriction on competition.

					Natur	Nature of Restriction	iction					Proposed
	8	SM	R	ä	PQ.	A.	BC	PS	MB	N.	RO	Review
Nature Conservation Act 1992, Nature Conservation (Wildlife)			,			: :	`			`		1998-1999
ora	Legislation and permi pet shops plants, per considerat	Legislation contains extensive and permit arrangements appi pet shops selling commercial i plants, permits for commercia consideration is required to ic that go beyond what is requir	Legislation contains extensive provisions for the conservation of wildlife (flora and fauna) related to ecological sustainability. Land permit arrangements apply for a range of commercial and recreational activities involving wildlife (inc. for example, licens pet shops selling commercial birds and nurseries selling certain restricted plants, licensing the harvesting of macropods and proplants, permits for commercial activities involving wildlife, such as filming, etc). Prior to any NCP review commencing, further consideration is required to identify whether there are any restrictions in the various species Conservation Plans in place at that go beyond what is required for legitimate natural resource management purposes.	ovisions for ovisions for a range des and nur activities in tiff whether for legitim	r the conse of commer of commer series sellii wolving wii r there are ate natural	rvation of recial and rage certain rallife, such any restric resource m	vildlife (flo) ecreational estricted pla as filming, tions in the	ra and faur activities i ants, licens etc). Prior various sp purposes.	na) related myolving wi ing the har to any NC: ecies Conse	to ecologica ildlife (inc.) J vesting of n P review col rrvation Pla	il sustainab for example tacropods c mmencing, ,	Legislation contains extensive provisions for the conservation of wildlife (flora and fauna) related to ecological sustainability. Licensing and permit arrangements apply for a range of commercial and recreational activities involving wildlife (inc. for example, licensing of pet shops selling commercial birds and nurseries selling certain restricted plants, licensing the harvesting of macropods and protected plants, permits for commercial activities involving wildlife, such as filming, etc). Prior to any NCP review commencing, further consideration is required to identify whether there are any restrictions in the various species Conservation Plans in place at that time that go beyond what is required for legitimate natural resource management purposes.
Queensland Heritage Act 1992 & Old Heritage Regulation 1992							`		`			1998-1999
	Legislation Council a	n provides , pproval req	Legislation provides for the conservation of Queensland's cultural heritage and is currently to Council approval required before any development allowed on heritage-registered properties.	servation of e any devel	f Queenslar opment all	nd's cultura owed on he	l heritage t ritage-regis	nd is curre	ntly under erties.	internal rev	iew. Currei	Legislation provides for the conservation of Queensland's cultural heritage and is currently under internal review. Currently, Heritage Council approval required before any development allowed on heritage-registered properties.
Coastal Protection and Management Act 1995							•					1998-1999
	Recently e commercic declaratio of Act will currently	enacted legi al developi in of contro I also be aj being revie	Recently enacted legislation provides for the conservation, rehabilitation and management of the coast. Impacts upon coastal commercial development (housing, resorts, hotels/motels, recreational facilities and other land uses) through coastal plans and declaration of control districts which can restrict or prohibit certain developments or specify certain mandatory requirements. Of Act will also be affected by the proposed Planning, Environment and Development Assessment Bill (the future of that legislat currently being reviewed by the Qld Government).	vides for th ng, resorts, which can ra te proposed Qld Govern	e conserva hotels/moi estrict or p Planning, ment).	tion, rehabs tels, recreat rohibit cert Environme	ilitation and ional facilii ain develop nt and Dev	d managem ties and otl ments or sp elopment A	ent of the c rer land uss recify certa ssessment l	oast. Impac es) through in mandatoi 3ill (the futt	ts upon coc coastal pla ry requirem ure of that	Recently enacted legislation provides for the conservation, rehabilitation and management of the coast. Impacts upon coastal commercial development (housing, resorts, hotels/motels, recreational facilities and other land uses) through coastal plans and declaration of control districts which can restrict or prohibit certain developments or specify certain mandatory requirements. Operation of Act will also be affected by the proposed Planning, Environment and Development Assessment Bill (the future of that legislation is currently being reviewed by the Qld Government).
Beach Protection Act 1968 and						į	•					6661-8661
<u> </u>	Legislatio property f	n provides from erosio	Legislation provides for the regulation and provision of advice in respect of activii property from erosion and encroachment of tidal water. Regulations expire 1/7/97.	ulation and nachment of	provision (tidal wate	of advice ir r. Regulati	respect of	activities q 1/7/97.	ffecting the	coast, and	to minimis	Legislation provides for the regulation and provision of advice in respect of activities affecting the coast, and to minimise the damage to property from erosion and encroachment of tidal water. Regulations expire 1/7/97.

Legislation					Natur	Nature of Restriction	iction					Proposed
	dO	NS	LR	OE	QΤ	PR	ВС	PS	MB	A.R.	RO	Review
Harbours (Reclamation of Land) Regulation 1979 & Marine Land (Dredging) By-Laws under the Harbours Act 1955 (sections 91-93)				,	•					,		Not proposed (but see note below)
	Legislatis works am Planning, Harbours	Legislative provisions set out works and the issue of permit Planning, Environment and D Harbours Act itself). No revie	s set out ce of permits j rnt and Der No review	rtain exteri Or dredginy velopment A is proposec	nal approva g) pending ssessment l t unless a f	l requireme the outcome 3ill. This re urther exter	nts for acti : of the Qu gulation cc ssion of the	vities in tid zensland Ge ontinues in e	al waters (s vvernment's xxistence un of these pro	Legislative provisions set out certain external approval requirements for activities in tidal waters (such as land reclamation and hu works and the issue of permits for dredging) pending the outcome of the Queensland Government's consideration of the proposed Planning, Environment and Development Assessment Bill. This regulation continues in existence until 1/7/98 (despite the repeal of Harbours Act itself). No review is proposed unless a further extension of the operation of these provisions is considered necessary.	l reclamati on of the p despite the onsidered n	Legislative provisions set out certain external approval requirements for activities in tidal waters (such as land reclamation and harbour works and the issue of permits for dredging) pending the outcome of the Queensland Government's consideration of the proposed Planning, Environment and Development Assessment Bill. This regulation continues in existence until 1/7/98 (despite the repeal of the Harbours Act itself). No review is proposed unless a further extension of the operation of these provisions is considered necessary.

Portfolio/Department: Family, Youth & Community Care

PR - prioing restrictions
BC - business conduct restrictions
PS - preferred supplied/customer
MB - measures that confer a benefit
NR - natural resources permited/nesses
RO - restrictions on out-of-State parties

Legand
OP - outright prohibition
SM - statutory monopoly
LR - iteensing or registration
QE - quantitative entitlements
QT - quality/technical standards

Legislation					Natur	Nature of Restriction	iction					Proposed
	OP	NS	רצ	OE	ат	PR	ВС	PS	MB	NR	RO	Review Timing
Child Care Act 1991, Child Care (Child Care Centres) Regulation	`		`		`		,					1997-1998
1991 & Child Care(Family Day Care) Regulation 1991	Legislatic and presc levels, mc Operation dangerou	on provides ribes matte ximum caț 1 of child c	Legislation provides for licensing of child care ser and prescribes matters such as qualifications of ch levels, maximum capacity and food and safety stan Operation of child care facilities prohibited in cerdangerous chemicals are manufactured or stored).	ng of child qualificatic ood and sa, ss prohibite actured or	Legislation provides for licensing of child care services (eg. kindergartens, limited hours care centres,etc) and family day care cand prescribes matters such as qualifications of child care personnel; building and physical environment standards, minimum su levels, maximum capacity and food and safety standards for child care facilities and required content for child care programs. Operation of child care facilities prohibited in certain locations (eg. premises adjacent to a place where flammable materials or dangerous chemicals are manufactured or stored).	s (eg. kind care person ds for chilc locations (ergartens, l. nnel; buildis I care facili eg. premise	imited hour ng and phy. ties and rec is adjacent	s care centi sical enviro tuired conti to a place	res,etc) and nment stan. ent for chilc where flami	family day dards, minii 1 care progi nable mater	Legislation provides for licensing of child care services (eg. kindergartens, limited hours care centres,etc) and family day care centres and prescribes matters such as qualifications of child care personnel; building and physical environment standards, minimum staffing levels, maximum capacity and food and safety standards for child care facilities and required content for child care programs. Operation of child care facilities prohibited in certain locations (eg. premises adjacent to a place where flammable materials or dangerous chemicals are manufactured or stored).

Portfolio/Department: Health

PR - pricing restrictions
BC - business conduct restrictions
PS - preferred supplier/customer
MB - measures that confer a benefit
NR - natural resources permits/licenses
RO - restrictions on out-of-State parties

Legend
OP - outright prohibition
SM - statutory monopoly
LR - licensing or registration
QE - quantitative entitlements
QT - quality/technical standards

Legislation					Natur	Nature of Restriction	iction					Proposed
	OP.	SM	LR	QE	ОΤ	PR	ВС	PS	MB	NR.	RO	Review
Cremation Act 1913 & Cremation Recordation 1987	,		`			`						1998-1999
	Crematio establishe cremator currently	Cremation legislation in most oth established crematoria. Removal crematoria). Certain other provis currently due to expire on 4/7/97.	n in most o ia . Remov other prov ire on 4/7/9	ther jurisdi al of certai isions of th	ictions has s n restriction iis legislatic	similar prov 1s in Decem on currently	visions rega ıber 1993 (. under revi	rding proh. ie repeal of ew (ie medi	ibition on c licensing c cal certific	Cremation legislation in most other jurisdictions has similar provisions regarding prohibition on cremation at places other than established crematoria . Removal of certain restrictions in December 1993 (ie repeal of licensing and establishment provisions for crematoria). Certain other provisions of this legislation currently under review (ie medical certification requirements). Regulation currently due to expire on 4/7/97.	places othe ment provi zments). Re	r than sions for gulation
Fluoridation of Public Water Supplies Act 1963 & Fluoridation								`				1996-1997
of Public Water Supplies Regulation 1964	Only rest	Only restriction is prescription	rescription	of particule	ar brand of	testing equ	ipment. Reş	of particular brand of testing equipment. Regulation to be reviewed by 1/7/97.	be reviewec	l by 1/7/97.		
Food Act 1981, Food Hygiene Regulations 1989 & Food Standards			`				`					Not proposed
Negulation 1774	Food Sta amended currently agreed in	Food Standards Regulation adop amended from time to time by the currently finalising draft uniform agreed in principle to adopt when separate State-based NCP review.	ulation ad to time by t draft unifor to adopt wh	opts the na he National m national sen finalise	itional Fooc Il Food Auti food hygiel d. Accordin	l Standards hority. Fooc ne regulatic gly, it is no	Code, mac d Hygiene l ms which a r proposed	te under the Regulations Il jurisdicti to subject t	e National 1 not part of ons, includi	Food Standards Regulation adopts the national Food Standards Code, made under the National Food Authority Act (Cwlth), as amended from time to time by the National Food Authority. Food Hygiene Regulations not part of a formal national scheme but N currently finalising draft uniform national food hygiene regulations which all jurisdictions, including Queensland, have previously agreed in principle to adopt when finalised. Accordingly, it is not proposed to subject the current Qld regulatory arrangements to separate State-based NCP review.	ity Act (Cv ational schu and, have p ory arrange	Food Standards Regulation adopts the national Food Standards Code, made under the National Food Authority Act (Cwlth), as amended from time to time by the National Food Authority. Food Hygiene Regulations not part of a formal national scheme but NFA currently finalising draft uniform national food hygiene regulations which all jurisdictions, including Queensland, have previously agreed in principle to adopt when finalised. Accordingly, it is not proposed to subject the current Qld regulatory arrangements to separate State-based NCP review.

Legislation					Natur	Nature of Restriction	riction					Proposed
	дО	SM	LR	OE	ΩT	PR	BC	PS	MB	R R	RO	Review Timing
Health (Nursing Homes) Regulation 1982 under the Health Act 1937	-		,		`		`		`			1996-1997
	Prescripti framewor in NSW, i	ive legislati k (policy pa Victoria an Commonwe	ion pertaini. osition endc d SA for th. alth-State o	ng to nursi. rsed by pre e licensing verlap. Reg	ng homes re rvious Govt, and monitoi ulation cur	viewed in) with built ring of nur rently to ex	Prescriptive legislation pertaining to nursing homes reviewed in 1994. The review proposed new legislation based on a non-licensi framework (policy position endorsed by previous Govt) with building provisions to be transferred to the Building Code. Legislation in NSW, Victoria and SA for the licensing and monitoring of nursing homes. Review may be affected by current investigations into areas of Commonwealth-State overlap. Regulation currently to expire on 1/7/97.	eview propons to be to Review mc/97.	osed new le ansferred t vy be affech	gislation be o the Build ed by curre	ased on a n ing Code. L nt investiga	Prescriptive legislation pertaining to nursing homes reviewed in 1994. The review proposed new legislation based on a non-licensing framework (policy position endorsed by previous Govt) with building provisions to be transferred to the Building Code. Legislation also in NSW, Victoria and SA for the licensing and monitoring of nursing homes. Review may be affected by current investigations into areas of Commonwealth-State overlap. Regulation currently to expire on 1/7/97.
Private Hospitals Regulation 1978 under the Health Act 1937	``		`>				`,		`			1996-1997
	Review co in all Star review. R	ommenced i tes for the egulation c	Review commenced in 1994 revi in all States for the licensing an review. Regulation currently to	iew but pol. id monitori. expire on I.	icy position ng of privat 77/97. Cons	on licensir e hospitals idered to b	iew but policy position on licensing of private hospitals not yet determined and monitoring of private hospitals as well as building standards. Victorian le expire on 1/7/97. Considered to be a possible candidate for national review.	e hospitals building sta ecandidate	not yet dete ındards. Vi for nation	ermined by ctorian legi il review.	Governmer istation cur	Review commenced in 1994 review but policy position on licensing of private hospitals not yet determined by Government. Legislation in all States for the licensing and monitoring of private hospitals as well as building standards. Victorian legislation currently under review. Regulation currently to expire on 1/7/97. Considered to be a possible candidate for national review.
Health (Poisons - Fumigation) Regulation 1973 and Div 7 of Part			,									1997-1998
4 of the Health Act 1937	Provides ; with fumi	for licensin gators to e	ig of both fi	umigators a 7/98 (note:	nd pest con licensing p	trol operal rovisions f	Provides for licensing of both fumigators and pest control operators. Similar regulations exist in the other States. Reg with fumigators to expire on 1/7/98 (note: licensing provisions for pest control operators are set out in the Act itself).	regulation rol operato	s exist in the rs are set o	he other Sta rut in the A	rtes. Regula ct itself).	Provides for licensing of both fumigators and pest control operators. Similar regulations exist in the other States. Regulation dealing with fumigators to expire on 1/7/98 (note: licensing provisions for pest control operators are set out in the Act itself).
Skin Penetration Regulations 1987 under the Health Act 1937			`									1997-1998
	Review in codes of p drafted w	Review in 1995 recommended r codes of practice for tattooing, drafted will take NCP legislati	mmended ratatooing, P legislatio	epeal of pre acupunctur n review pr	scriptive lic 2, ear pierci inciples inte	censing arr ing etc., bu o account.	Review in 1995 recommended repeal of prescriptive licensing arrangements. New regulatory arrangements will provide for enforceal codes of practice for tattooing, acupuncture, ear piercing etc., but licensing of premises will be maintained. Codes of practice being drafted will take NCP legislation review principles into account. Current regulation to expire on 1/7/98.	New regult of premises julation to	tory arrang will be ma expire on L	gements wil intained. C 77/98.	l provide fo odes of pra	Review in 1995 recommended repeal of prescriptive licensing arrangements. New regulatory arrangements will provide for enforceable codes of practice for tattooing, acupuncture, ear piercing etc., but licensing of premises will be maintained. Codes of practice being drafted will take NCP legislation review principles into account. Current regulation to expire on 1/7/98.
Hyperbaric Chamber Therapy Regulations 1989 under the Health			<u> </u>									1997-1998
Act 1937	Minor res	triction (ie.	. regulation	restricts p	ıssession ar	rd use of a	Minor restriction (ie. regulation restricts possession and use of a compression chamber).	n chamber)				

Legislation			<u> </u>		Natur	Nature of Restriction	iction					Proposed
	ОР	SM	R	g E	ТΩ	PR	ВС	PS	MB	S S	RO	Review
Therapeutic Goods & Other Drugs Regulations 1982 under the Health	/			i	`	į	•					1997-1998
Act 1937	Regulatio contains packaginy on condo except wh	Regulations currently restrict contains other restrictions in reackaging to include warning on condom vending machines except where approval is obtaineredealed earlier and replaced	y restrict a ctions in re warning i machines a al is obtaii	dvertising, gard to cer abels that s md carrying ned from th	Regulations currently restrict advertising, including publication and labelling, of therapeutic goods and drugs (including cigarettes) contains other restrictions in regard to certain goods (eg. regulating the composition and labelling of soap and requiring cigarette packaging to include warning labels that smoking is a health hazard). Regulations also prohibit certain activities (namely advertisin on condom vending machines and carrying on the business of preparing second-hand or used bottles for therapeutic goods packagin except where approval is obtained from the Chief Health Officer). Regulation currently "sunsetted" to expire on 1/7/98 but could be repeated earlier and replaced by legislation adopting the Commonwealth's Therapeutic Goods Act 1989.	ublication a leg. regular thealth haz iness of pre ith Officer)	nd labelling ing the con ard). Regul paring secc Regulation	s, of therap position ar ations also md-hand or 1 currently	eutic goods id labelling prohibit ce used bottl "sunsetted" Goods Act	and drugs of soap an rtain activii zs for thera to expire o	(including d requiring ties (namely peutic good n 1/7/98 bu	Regulations currently restrict advertising, including publication and labelling, of therapeutic goods and drugs (including cigarettes) and contains other restrictions in regard to certain goods (eg. regulating the composition and labelling of soap and requiring cigarette packaging to include warning labels that smoking is a health hazard). Regulations also prohibit certain activities (namely advertising on condom vending machines and carrying on the business of preparing second-hand or used bottles for therapeutic goods packaging except where approval is obtained from the Chief Health Officer). Regulation currently "sunsetted" to expire on 1/7/98 but could be repeated earlier and replaced by legislation adopting the Commonwealth's Therapeutic Goods Act 1989.
Poisons Regulations 1973 under the Health Act 1937			`		`		`					Not proposed
	Current h sale of po certain d New regu Queensla	reavily pressions and coisons and pressions and pressions are pressions are not NCP lessions.	criptive reg certain dru rohibiting being dev	Current heavily prescriptive regulatory arrang sale of poisons and certain drugs, specifying tertain drugs, and prohibiting the possession, New regulations are being developed which w Queensland NCP legislation review timetable.	Current heavity prescriptive regulatory arrangements (which includes licensing of persons involved in the manufacture, handling and sale of poisons c sale of poisons and certain drugs, specifying requirements for the manufacture, handling, identification, storage and sale of poisons c certain drugs, and prohibiting the possession, sale or use of certain poisons and drugs) are in the latter stages of an extensive review New regulations are being developed which will, to the extent that they contain any restrictions on competition, be included in the Queensland NCP legislation review timetable.	which inc ents for the use of cert e extent th	tudes licens manufactu un poisons at they cont	ing of perss re, handlin, and drugs) ain any ress	ons involvec g, identifica are in the trictions on	l in the mai tion, storagi tatter stages competition	nufacture,hi ze and sale s of an exte n, be inclua	Current heavity prescriptive regulatory arrangements (which includes licensing of persons involved in the manufacture, handling and sale of poisons and certain drugs, specifying requirements for the manufacture, handling, identification, storage and sale of poisons and certain drugs, and prohibiting the possession, sale or use of certain poisons and drugs) are in the latter stages of an extensive review. New regulations are being developed which will, to the extent that they contain any restrictions on competition, be included in the Queensland NCP legislation review timetable.
Health Services (Public Hospitals Fees and Charges) Regulation 1992									`			1996-1997
under the Health Services Act 1991	Certain p etc) to cii Health Se	Certain provisions limit the abii etc) to circumstances where the Health Services Act is reformed	mit the ab s where the is reformed	ility of a He re is no pr 1.	Certain provisions limit the ability of a Health Authority to provide private "ancillary services" (eg. physiotherapy, speech pathology, etc) to circumstances where there is no private practitioner. Provision is likely to be repealed when subordinate legislation under the Health Services Act is reformed.	ity to provi ioner. Prov	ide private ision is like	'ancillary s ly to be rep	ervices" (eg realed wher	. physiothe subordina	rapy, speeci te legislatio	Certain provisions limit the ability of a Health Authority to provide private "ancillary services" (eg. physiotherapy, speech pathology, etc) to circumstances where there is no private practitioner. Provision is likely to be repealed when subordinate legislation under the Health Services Act is reformed.

Legislation					Natur	Nature of Restriction	iction					Proposed
	ОР	SM	LR	ЭÖ	αт	PR	BC	PS	MB	A.	RO	Review Timing
Mental Health Act 1974		*										To be determined
	Statutory patients (a decision n	Statutory monopoly provisio patients (except where a Co decision making legislation.	provision re re a Court i slation.	fers to con directs othe	ferral on th rwise). Fut	e Public Tr ure of prov	ust Office e	of sole resp dant on Go	onsibility fo	r managem position on	ent of estati assisted an	Statutory monopoly provision refers to conferral on the Public Trust Office of sole responsibility for management of estates of specified patients (except where a Court directs otherwise). Future of provision dependant on Government's position on assisted and substitute decision making legislation.
Nursing Act 1992 & Nursing By-Law 1993		·	<u> </u>				`					6661-8661
	Apart fron midwifery be registe	Apart from licensing midwifery and psychi be registered nurses.	of register. iatric nursii	ed and enre	olled nurses ttion also re	, legislation equires that	n authorise: permanent	individual head and	Apart from licensing of registered and enrolled nurses, legislation authorises individuals to practice certain types of nursing (ie. midwifery and psychiatric nursing). Legislation also requires that permanent head and teaching staff of a hospital nursing schoo be registered nurses.	e certain ty If of a host	ves of nursi	Apart from licensing of registered and enrolled nurses, legislation authorises individuals to practice certain types of nursing (ie. midwifery and psychiatric nursing). Legislation also requires that permanent head and teaching staff of a hospital nursing school must be registered nurses.
Juvenile Smoking Suppression Act 1905	,											Not proposed
	Act prohii on sales t purchase (covered b	bits sale of o age 18, r of tobacco, by Common	Act prohibits sale of cigarettes to persor on sales to age 18, restrict vending mac purchase of tobacco products. Current le (covered by Commonwealth regulations).	to persons i ing machin lurrent legi ilations).	under age 1 ses to licens slation, and	6. Propose ed premise: I proposed	ed to be rep s and restri new legisla	rlaced by n ct certain n tion, does t	Act prohibits sale of cigarettes to persons under age 16. Proposed to be replaced by new legislation which will extend the prohib on sales to age 18, restrict vending machines to licensed premises and restrict certain marketing practices that may encourage the purchase of tobacco products. Current legislation, and proposed new legislation, does not contain restrictions on cigarette adverti (covered by Commonwealth regulations).	on which wa actices that restrictions	il extend th may encou on cigarett	Act prohibits sale of cigarettes to persons under age 16. Proposed to be replaced by new legislation which will extend the prohibition on sales to age 18, restrict vending machines to licensed premises and restrict certain marketing practices that may encourage the purchase of tobacco products. Current legislation, and proposed new legislation, does not contain restrictions on cigarette advertising (covered by Commonwealth regulations).

Legislation OP SM LR QE QT PR BC PS MB NR RO Timing Timing
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Queensland Health Practitioner Legislation currently the subject of a review conducted by Queensland Health:

- Dental Technicians and Dental Prosthetists Act 1991 & Dental Technicians and Dental Prosthetists By-Law 1992.
- Occupational Therapists Act 1979 & Occupational Therapists Regulation 1981.
- Pysiotherapists Act 1964 & Pysiotherapists Regulation 1965.
- Podiatrists Act 1969 & Podiatrists By-Law 1988.
- Psychologists Act 1977 &Psychologists By-Law 1993.
- Speech Pathologists Act 1979 & Speech Pathologists By-Law 1982.
- Medical Act 1939, Medical Regulation 1990, Medical Call Service By-Law 1984 & Medical Board of Queensland By-Law 1990.
- Dental Act 1971 & Dental By-Law 1988.
- Pharmacy Act 1976 & Pharmacy By-Laws 1985.
- Optometrists Act 1974 & Optometrists By-Law 1984.
- Chiropractors and Osteopaths Act 1979 & Chiropractors and Osteopaths By-Law 1990.

APPENDIX B

			Type of	Control		
Profession	Company structure with controlling interest by registrants	Practice in own name or in association of like practitioners with practice name approved by board	Company name only approved by board	Registrant only ownership & no provision for incorporation or company structures	Registrant only ownership with provision for company ownership provided all company members are registrants	No statutory controls
Chiropractic & Osteopathy	X					
Dental Technology & Prosthetics	X					
Occupational Therapy		х				
Speech Pathology		Х				
Podiatry*		Х				
Psychology			X			
Medicine			х			
Dentistry			x			
Pharmacy				х		
Optometry					х	
Physiotherapy						х

^{*} The Podiatry Act also contains a specific provision prohibiting the opening of a podiatry practice by a person who is not a podiatrist.

Portfolio/Department: Training & Industrial Relations

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SM - statutory monopoly
LR - licensing or registration
QE - quantitative entitlements
QT - quality/technical standards

PR - pricing restrictions
BC - business conduct restrictions
PS - preferred supplier/customer
MB - measures that confer a benefit
MR - natural resources permisflicenses
RO - restrictions on out-of-State parties

Legislation					Natur	Nature of Restriction	iction			:		Proposed
	O	SM	LR	QE	ΩT	PR	BC	PS	MB	N. R.	RO	Review Timing
Workers' Compensation Act 1990 & Workers' Compensation Regulation 1992		`				`		•				1999-2000 (both for the current and for any replacemen t
	Provision States als Compens Governm Compens	for a statu io have legi ation Autho ent has rece ation Arran	Provision for a statutory monopoly relates to issuing of we States also have legislation to govern the operation of thei Compensation Authorities currently working towards natio Government has recently (8/7/96) announced that it has en Compensation Arrangements in Queensland which includes a three years with a further review at the end of that time.	oly relates overn the o ntly workin s) announce Queenslan iew at the e	to issuing of peration of g towards y ed that it he which inc. I which inc. Ind of that t	of workers' their respe tational cor is endorsed tudes the re	accident in ctive worke isistency be the recomi	surance onl rs' comp sc tween the i nendations the current i	y by the W. hemes with ndividual ju of the Kenn monopoly a	Provision for a statutory monopoly relates to issuing of workers' accident insurance only by the Workers' Compensation Board. States also have legislation to govern the operation of their respective workers' comp schemes with the Heads of Workers' Compensation Authorities currently working towards national consistency between the individual jurisdictions. The Queensland Government has recently (8/7/96) announced that it has endorsed the recommendations of the Kennedy Inquiry into Workers' Compensation Arrangements in Queensland which includes the retention of the current monopoly accident insurance arrangemen a three years with a further review at the end of that time.	pensation I of Workers The Queer into Worker	Provision for a statutory monopoly relates to issuing of workers' accident insurance only by the Workers' Compensation Board. Other States also have legislation to govern the operation of their respective workers' comp schemes with the Heads of Workers' Compensation Authorities currently working towards national consistency between the individual jurisdictions. The Queensland Government has recently (8/7/96) announced that it has endorsed the recommendations of the Kennedy Inquiry into Workers' Compensation Arrangements in Queensland which includes the retention of the current monopoly accident insurance arrangements for a three years with a further review at the end of that time.

Legislation		į			Nature	Nature of Restriction	iction					Proposed
•	OP	SM	뭐	QE	ΤO	PR	BC	PS	MB	Ä.	RO	Review Timing
Workplace Health and Safety Act 1995 & Workplace Health and Safety Regulation 1995			`				`					1998-1999 for Act, 1996-1997 for Reg.
	WH&S Re activities) National underpin	WH&S Regulation sunsetted activities) embodies an agree National Occupational Healt underpin the operation of the	WH&S Regulation sunsetted to 30/6/97. Part 4 of Reg (licensing/registration requirements for persons engaging in particular bu activities) embodies an agreed national scheme for certification of users and operators of industrial equipment developed by the National Occupational Health and Safety Commission. Work proceeding on the development of various compliance standards to underpin the operation of the Act and to replace current heavily prescriptive arrangements.	30/6/97. Pa ational sch nd Safety C 11 and 10 re	rt 4 of Reg eme for cer ommission. place curre	(licensing/stification of Work pro	registration f users and ceeding on rescriptive	requireme operators the develop arrangeme	nts for pers of industria oment of va nts.	ons engagii equipment rious comp	ng in partic developed liance stanc	to 30/6/97. Part 4 of Reg (licensing/registration requirements for persons engaging in particular business d national scheme for certification of users and operators of industrial equipment developed by the h and Safety Commission. Work proceeding on the development of various compliance standards to Act and to replace current heavily prescriptive arrangements.
Trading (Allowable Hours) Act							`					6661-8661
Regulation 1994	Legislatio closures (has comm may influ	Legislation regulates the allo closures (eg. Anzac Day and has commissioned a review o may influence the timing of ti	Legislation regulates the allowable trading hours of different types of shops (especially retail outlets) including provisions for certain closures (eg. Anzac Day and bank holidays) and was subject to extensive review process during 1993-1994. Queensland Governmen has commissioned a review of the matter of extended (night) shopping hours in the retail sector. The outcome of this review exercise may influence the timing of the NCP review of Act. Trading hours restrictions apply in most other jurisdictions.	ble trading nk holidays, te matter of NCP review	hours of di and was s extended (fferent type ubject to ex night) shop ading hours	s of shops (densive reviping hours restriction	especially iew process in the retai	retail outle during 199 il sector. Th	is) includin, 93-1994. Ç ve outcome iurisdiction	g provision Jueensland of this revi	Legislation regulates the allowable trading hours of different types of shops (especially retail outlets) including provisions for certain closures (eg. Anzac Day and bank holidays) and was subject to extensive review process during 1993-1994. Queensland Government has commissioned a review of the matter of extended (night) shopping hours in the retail sector. The outcome of this review exercise may influence the timing of the NCP review of Act. Trading hours restrictions apply in most other jurisdictions.
Private Employment Agencies Act			`			`						6661-8661
Agencies Regulation 1989	Legislatio that can t industry i to nursing	Legislation provides for licen that can be charged to emplo industry in a similar manner. to nursing agencies).	1 8 8	g and oper ss. New legi ISW, SA an	ational requisidation awa	urements re uiting introd have legislo	egarding pr duction into ution in reg	ivate emplo the Parlia ard to priv	yment ager ment also p ate employn	icies, inclu provides for nent agents	ling restric regulation (and Victo	Legislation provides for licensing and operational requirements regarding private employment agencies, including restrictions on fees that can be charged to employees. New legislation awaiting introduction into the Parliament also provides for regulation of the industry in a similar manner. NSW, SA and WA also have legislation in regard to private employment agents (and Victoria in regard to nursing agencies).

Proposed	Review Timing	1998-1999	neeship nderway. ion and ent) as
	RO		ip and trai currently u nal Educat ies Agreem
	NR		apprentices} f the Act is nal Vocatio ng Authorit
	MB	`	Creation of a statutory monopoly relates to State Training Council in regard to administration of apprenticeship and traineeship schemes and Accreditation Council in regard to certain courses and training programs. A review of the Act is currently underway. Other jurisdictions have broadly similar legislation to give effect, as with the Qld Act, to the National Vocational Education and Training Statement which forms part of a national scheme for training (Australian National Training Authorities Agreement) as provided for under the Australian National Training Authority Act.
	PS		d to admini 2 programs. e Qld Act, tralian Nati
riction	BC		cil in regarand training, as with thaining (Ausset.
Nature of Restriction	PR		Creation of a statutory monopoly relates to State Training Council schemes and Accreditation Council in regard to certain courses and Other jurisdictions have broadly similar legislation to give effect, a Training Statement which forms part of a national scheme for train provided for under the Australian National Training Authority Act.
Natui	ΩT		o State Tra urd to certa gislation to national sc
	QE		ty relates to ncil in rega y similar le s part of a i an Nationa
	LR	`	ory monopo itation Cou iave broad! which form: he Australi
	SM	`	of a statute and Accred isdictions P Statement for under t
	ОР		Creation schemes Other jun Training provided
Legislation		Vocational Education, Training and Employment Act 1991 &	Vocational Education, Training and Employment Regulation 1991

Portfolio/Department: Justice

PR - pricing restrictions
BC - business conduct restrictions
PS - preferred supplier/customer
MB - measures that confer a benefit
NR - natural resources permits/licenses
RO - restrictions on out-of-Siate parties

Legend
OP - outright prohibition
SM - statutory monopoly
LR - licensing or registration
QE - quantilative entitlements
QT - quality/lechnical standards

Legislation					Natur	Nature of Restriction	iction					Proposed
	dO	SM	LR	QE	αт	PR	ВС	PS	MB	NR	RO	Review
Legal Practitioners Act 1995	`	`	`			`	`				-	1998-1999
	This Act prohibitii wishing t legal bus solicitors solicitors procedur	consolidate ng conveyai to be admiti iness), the i nad the Le and barris es). Review	s relevant pacing other led as barri. Costs Act I. gal Practin ters, and re timing and	rovisions f, than by ba sters and so 867 (prescrioners Act, ioners Act, ggistration)	This Act consolidates relevant provisions from other legislation namely the Supreme Court Acts 1867 and 1921 (relating respectivel prohibiting conveyancing other than by barristers, solicitors and certified conveyancers, and registration requirements for persons wishing to be admitted as barristers and solicitors), the Legal Assistance Act 1965 (contains certain restrictions on the conduct of a legal business), the Costs Act 1867 (prescribes a process for determining maximum prices to be charged for legal services by solicitors) and the Legal Practitioners Act Amendment Acts 1938 and 1968(respectively relating to restricted practising requirements solicitors and barristers, and registration requirements for solicitors and barristers including qualifications and administrative procedures). Review timing and extent will be influenced by general review of the legal profession by COAG Working Group.	gislation n titors and c Legal Ass sss for dete Acts 1938 c for solicit	amely the 5 sertified cor. istance Act rmining ma md 1968(r. ors and bar ral review c	hapreme Coi weyancers, 1965 (contr ximum pric sspectively r risters incli	urt Acts 18t and registre iins certain es to be che elating to r iding qualij	77 and 1921 restrictions reged for leg estricted pr fications and	(relating) ements for jour the congal services actising req d administr	This Act consolidates relevant provisions from other legislation namely the Supreme Court Acts 1867 and 1921 (relating respectively to prohibiting conveyancing other than by barristers, solicitors and certified conveyancers, and registration requirements for persons wishing to be admitted as barristers and solicitors), the Legal Assistance Act 1965 (contains certain restrictions on the conduct of a legal business), the Costs Act 1867 (prescribes a process for determining maximum prices to be charged for legal services by solicitors) and the Legal Practitioners Act Amendment Acts 1938 and 1968 (respectively relating to restricted practising requirements for solicitors and barristers including qualifications and administrative solicitors will be influenced by general review of the legal profession by COAG Working Group.
Queensland Law Society Act 1952, Queensland Law Society Rule		`	`				`					1998-1999 (for Act)
(Indemnity) Rule 1987 & Continuing Legal Education Rule	Legislati issued by annual le insurance	Legislation requires annual pro issued by the Queensland Law , annual levy into a fidelity guar insurance with QLS Master Poi influenced by the outcome of th	annual pra sland Law : delity guar Master Pol tcome of th	ictising cert Society. Cel antee fund, icy or an ii	Legislation requires annual practising certificates for persons directly or indirectly practising law (ie. a solicitor) which can only be issued by the Queensland Law Society. Certain business conduct requirements also prescribed (inc. practitioners required to pay an annual levy into a fidelity guarantee fund, to undertake various educational programs and practice courses and to take out indemnity insurance with QLS Master Policy or an insurer approved by QLS). Law Society Rules expire 1/7/97. Review timing and extent will b influenced by the outcome of the current review of the legal profession by a COAG Working Group.	persons dir ss conduct e various e wed by QL legal profe	ectly or ina ducational, S). Law Soc assion by a	lirectly prac ts also press programs a ciety Rules o COAG Wor	tising law (zribed (inc. nd practice zapire 1/7/9 king Group	ie. a solicit practitione courses and 7. Review t	or) which c rs required d to take ou iming and	Legislation requires annual practising certificates for persons directly or indirectly practising law (ie. a solicitor) which can only be issued by the Queensland Law Society. Certain business conduct requirements also prescribed (inc. practitioners required to pay an annual levy into a fidelity guarantee fund, to undertake various educational programs and practice courses and to take out indemnity insurance with QLS Master Policy or an insurer approved by QLS). Law Society Rules expire 1/7/97. Review timing and extent will be influenced by the outcome of the current review of the legal profession by a COAG Working Group.

Legislation					Natur	Nature of Restriction	iction					Proposed
	ОР	SM	LR	QE	αT	PR	BC	PS	MB	A A	RO	Review
Trustee Companies Act 1968					/	/			`			1997-1998
	Legislatio and the m schedule i legislatio	n restricts taintenance to the Act) n has been	access into of minors c and also pr approved by	a particula and other l escribes a v the Stand	r market, r egally inca maximum c iing Commi	Legislation restricts access into a particular market, namely by limiting the provision of certain services in relation to deceased e and the maintenance of minors and other legally incapable persons, to certain "statutory" trustee companies (ie. those cited in a schedule to the Act) and also prescribes a maximum commission chargeable against the estate. New uniform trustee companies legislation has been approved by the Standing Committee of Attorneys-General.	miting the parts to certa chargeable rneys-Gener	provision oj in "statutor against the ral.	f certain se y" trustee c estate. Ne	rvices in rel companies (w uniform t	ation to del ie. those cit rustee comp	Legislation restricts access into a particular market, namely by limiting the provision of certain services in relation to deceased estates and the maintenance of minors and other legally incapable persons, to certain "statutory" trustee companies (ie. those cited in a schedule to the Act) and also prescribes a maximum commission chargeable against the estate. New uniform trustee companies legislation has been approved by the Standing Committee of Attorneys-General.

Portfolio/Department: Mines & Energy

ortfolio/Department: Mines & Energy	nt:	ines {	k Ene	rgy				Legend OP - outri SM - state LR - licen QE - quai	Legend OP - outright prohibition SM - statutory monopoly LR - licensing or registration QE - quantitative entitlements QT - quality/technical standards		PR - pricing restrictions BC - business conduct restrictions PS - preferred supplier/customer MB - measures that confer a benefit NR - natural resources permits/ficenses RO - restrictions on out-of-State parties	estrictions asstomer for a benefit ermits/licenses of-State parties
Legislation					Natur	Nature of Restriction	iction					Proposed
	OP	SM	LR	ØE	QT	PR	BC	PS	MB	NR R	RO	Review
Electricity Act 1994 & Electricity Regulation 1994			`		`	`	`	`	`			1996-1997 for Act, 1998-1999 for Regs
	Legislatic transmiss activities Electricit and move as electri	Legislation contains extensive provisions relating to the conduct of the industry including the issuing of authorities for generation, transmission and supply entities; powers (inc "reserve Ministerial powers") about electricity pricing and restrictions on the trading activities of transmission and generation authorities and supply entities. Review needs to be in the context of the draft National Electricity Code, and co-ordinated with requirements under the COAG agreements on the establishment of a national electricity ma and moves towards a national grid and national market for electricity. Regulation provides for the licensing of electrical workers (as electricians) and electrical contractors All jurisdictions have legislation pertaining to the particular circumstances of their electridustry.	extensive properties properties sion and gel co-ordinal interioral gelectrical co	rovisions re	lating to the new receive authorities authorities authorities authorities autional mark	we conduct of Ministerial and supply e under the C et for electrions have to	of the indus powers") a mities. Rev OAG agree icity. Regu	try includii ibout electriew needs t ments on ti lation prov	g the issuiticity pricing to be in the he establish ides for the the particity the particity of the particit	ng of author g and restric context of t ment of a n licensing o ular circum	rities for ge ctions on the he draft Na ational elec f electrical stances of t	Legislation contains extensive provisions relating to the conduct of the industry including the issuing of authorities for generation, transmission and supply entities; powers (inc "reserve Ministerial powers") about electricity pricing and restrictions on the trading activities of transmission and generation authorities and supply entities. Review needs to be in the context of the draft National Electricity Code, and co-ordinated with requirements under the COAG agreements on the establishment of a national electricity market and moves towards a national grid and national market for electricity. Regulation provides for the licensing of electrical workers (such as electricians) and electrical contractors All jurisdictions have legislation pertaining to the particular circumstances of their electricity industry.

Legislation			 - -		Natur	Nature of Restriction	iction					Proposed
	QO.	SM	LR	QE	αт	PR	ВС	PS	MB	NR R	RO	Review
Gas Act 1965 & Gas Regulations 1989		`	`	`	`	`	`		`			1996-1997 for Act, 1998-1999 for Regs
	Provision that area, Legislatic has the p trade in g as per Ql safety.	s of Act rel and requi n also ena ower to rec ças. Other j d Gas Regs	ating to gr rement for bles quantii ommend pr urisdiction i, is the lice	anting gas Governmei tative restri ice restrict, s have legis msing of pe	Provisions of Act relating to granting gas franchises (effectively an exclusive right to lay pipes in an area and thus to supply gas to that area) and requirement for Government approval for large gas contracts establishes a virtual statutory monopoly situation. Legislation also enables quantitative restrictions to be placed on supply of gas in certain (emergency) situations while Gas Tribunal has the power to recommend price restrictions. Gas Act and Regs are to be reviewed as part of the COAG agreement on free and fa trade in gas. Other jurisdictions have legislation pertaining to the particular circumstances of their gas industry. A common provisi as per Qld Gas Regs, is the licensing of persons engaged in gas installation and servicing which is considered essential for public safety.	(effectively for large g placed on let and Regining to the ged in gas	an exclusiv as contracts supply of g s are to be e particular installation	e right to la e establishe as in certai reviewed a circumstar and servici	ty pipes in s a virtual s a virtual s part of th s part of their ces of their ng which is	an area am statutory me cy) situation e COAG ag gas indust considerea	d thus to su onopoly sitt ns while Go greement on ry. A com I essential f	Provisions of Act relating to granting gas franchises (effectively an exclusive right to lay pipes in an area and thus to supply gas to that area) and requirement for Government approval for large gas contracts establishes a virtual statutory monopoly situation. Legislation also enables quantitative restrictions to be placed on supply of gas in certain (emergency) situations while Gas Tribunal has the power to recommend price restrictions. Gas Act and Regs are to be reviewed as part of the COAG agreement on free and fair trade in gas. Other jurisdictions have legislation pertaining to the particular circumstances of their gas industry. A common provision, as per Qld Gas Regs, is the licensing of persons engaged in gas installation and servicing which is considered essential for public safety.
Gas Suppliers (Shareholdings) Act	/			:			,					1997-1998
	Prohibitio takeover) understoc	on relates t and hence od to apply	o a statutoi restricts ov in regard t	y limitatioi vnership of o same con	Prohibition relates to a statutory limitation on level of ownership of shares in a nominated gas supplier (ie to prevent a corporate takeover) and hence restricts ownership of a gas utility although it only relates to one company at present. Similar restriction understood to apply in regard to same company in NSW.	f ownership y although iW.	of shares i	n a nominc tes to one c	ited gas suf	pplier (ie to present. Sin	prevent a o nilar restrio	orporate tion
Explosives Act 1952 & Explosives Regulation 1955	•		,									6661-8661
0	Legislatic sale and	on provides use of expl	for the issi osives. Cer	ve of licenc tain explos	Legislation provides for the issue of licences for various activities in the importation and exportation, man sale and use of explosives. Certain explosives that are considered dangerous to the public are prohibited.	us activitie e considere	s in the imp d dangerou.	ortation an s to the pul	d exportation dic are pro	on, manufa hibited.	cture, carri	Legislation provides for the issue of licences for various activities in the importation and exportation, manufacture, carriage, storage, sale and use of explosives. Certain explosives that are considered dangerous to the public are prohibited.

					No.	04 0						
Legislation					Natur	Nature of Restriction	ICTION					Proposed
	ОР	SM	LR	QE	QT	PR	ВС	PS	MB	NR	RO	Review Timing
Coal Industry (Control) Act 1948 & Orders made under that Act				,		1	,	`				1996-1997
	Legislatic most of w regulate j identified coal mine	Legislation contains a range most of which are currently, regulate prices for the sale, I identified "live" restriction, r coal mines (but which only r mining operations). Legislati	a range of irrently dor ie sale, pur iction, nam h only rela Legislation	Legislation contains a range of essentially "reserve por most of which are currently dormant and have been for regulate prices for the sale, purchase or resale of coal identified "live" restriction, namely certain Orders issu coal mines (but which only relates to 3 small mines in mining operations). Legislation currently under review.	"reserve po we been fo sale of coa Orders isss all mines in	of essentially "reserve powers" relating to the regulation of the industry by the Queensland Coal Boan dormant and have been for some time (including, for example, powers to compulsory acquire coal, to burchase or resale of coal and to regulate the opening, closing and abandonment of coal mines). Only namely certain Orders issued under the Act requiring certain users of coal to only purchase from specifiates to 3 small mines in the South-east of the State and therefore does not affect the major export coin currently under review.	ing to the r (including ulate the op ie Act requi	egulation of for example of for example of or example of or example of or iring certai.	of the indussole, powers sing and ab in users of α herefore do	ry by the Q andonment coal to only es not affec	ueensland sory acquir of coal mi purchase f	Legislation contains a range of essentially "reserve powers" relating to the regulation of the industry by the Queensland Coal Board, most of which are currently dormant and have been for some time (including, for example, powers to compulsory acquire coal, to regulate prices for the sale, purchase or resale of coal and to regulate the opening, closing and abandonment of coal mines). Only one identified "live" restriction, namely certain Orders issued under the Act requiring certain users of coal to only purchase from specific coal mines (but which only relates to 3 small mines in the South-east of the State and therefore does not affect the major export coal mining operations). Legislation currently under review.
Liquid Fuel Supply Act 1984				,			,		`			1997-1998
	Purpose obeen active commercia	Purpose of Act is to regulate t been activated. Similar legisla commercial business activities.	regulate th ar legislati activities.	e distributic on exists in	on of liquid the other S	Purpose of Act is to regulate the distribution of liquid fuels (petrol,diesel, LPG) in times of shortage/emergency but, to date, has v been activated. Similar legislation exists in the other States. At present the Qld legislation does not have any practical impact on commercial business activities.	ol,diesel, Ll esent the Q	oG) in time Yd legislati	s of shorta, on does noi	ze/emergenc have any	y but, to d practical i	the distribution of liquid fuels (petrol,diesel, LPG) in times of shortage/emergency but, to date, has never ation exists in the other States. At present the Qld legislation does not have any practical impact on s.

Portfolio/Department: Natural Resources

PR - prioring restrictions
BC - business conduct restrictions
PS - preferred supplierCustomer
MB - measures that confer a benefit
MR - natural resources permite/licenses
RO - restrictions on out-of-State parties

Legend
OP - outright prohibition
SM - statutory monopoly
IR - licensing or registration
QE - quantitative entitlements
OT - quality/technical standards

Legislation					Natur	Nature of Restriction	riction					Proposed
	ОР	WS	LR	ЭÖ	αт	PR	ВС	PS	MB	S S	RO	Review Timing
Land Act 1994							`					1996-1997
	Legislatic potential Provision	Legislation provides for the administration and managem potential restriction identified, namely prohibition on corprovision currently subject to review by Qld Government.	for the adnidentified, v	ninistration ıamely prol view by Ql	and manaş hibition on İd Governm	gement of n corporation ent.	on-freehola 1s holding f	l lands and verpetual le	the legal cr ases for grc	Legislation provides for the administration and management of non-freehold lands and the legal creation of freehold land. Only one potential restriction identified, namely prohibition on corporations holding perpetual leases for grazing or agricultural purposes. Provision currently subject to review by Qld Government.	eehold lanc icultural pi	l. Only one urposes.
Surveyors Act 1977 and Surveyors Regulation 1992			•				`					1996-1997
	Act provi conjuncti of the Cr	Act provides for regulation of the practice of surveying and for regi conjunction with the Valuers Registration Act. Regulation of cadas of the Crown guaranteeing title to land based on cadastral surveys.	ulation of ti Valuers Re steeing title	he practice gistration , to land ba	of surveyin Act. Reguli sed on cade	g and for r ution of cae ıstral surve	egistration dastral surv ys.	of surveyor, eyors consi	s. Legislatic dered essen	Act provides for regulation of the practice of surveying and for registration of surveyors. Legislation currently subject to review in conjunction with the Valuers Registration Act. Regulation of cadastral surveyors considered essential in view of long standing praof the Crown guaranteeing title to land based on cadastral surveys.	subject to of long sta	Act provides for regulation of the practice of surveying and for registration of surveyors. Legislation currently subject to review in conjunction with the Valuers Registration Act. Regulation of cadastral surveyors considered essential in view of long standing practice of the Crown guaranteeing title to land based on cadastral surveys.
Valuers Registration Act 1992 and			``				,	,				1996-1997
1992	Act provides f Surveyors Act.	Act provides for registration of Surveyors Act.	istration of	valuers an	d for a Coa	le of Profes.	sional Con	duct. Curre	ntly subject	reluers and for a Code of Professional Conduct. Currently subject to review in conjunction with the	1 conjunctio	on with the

Legislation		:			Natur	Nature of Restriction	iction					Proposed
	ОР	SM	LR	QE	ΩT	PR	BC	PS	MB	NR R	RO	Review Timing
Metropolitan Water Supply and Sewerage Act 1909, Sewerage and Water Supply, Act 1909, & the		/	,			:	`					1997-1999
Standard Sewerage and Water Supply Laws	Legislatii managem drainage codes are Brisbane can be us	Legislation prescribes requirements relating to water supply plumbing, sanitary plumbing and drainage, sewer installation and the management of water supply, sewerage and drainage utilities. Licensing requirements relate to persons undertaking plumbing and drainag drainage work. Standard Sewerage and Water Supply Laws are administered by local governments. National plumbing and drainag codes are in the process of being adopted in all jurisdictions. MWS & S Act also provides for the control and supply of water in the Brisbane metropolitan area to be the sole responsibility of the Brisbane City Council and prescribes the purposes that domestic wa can be used for Legislation to be reviewed in conjunction with the implementation of the agreed COAG water reforms.	s requirement supply, se dard Sewer cess of bein in area to bistantial islation to to	ents relating werage and age and Wo g adopted in the sole in	g to water s I drainage uer Supply in all jurisa esponsibili in conjunc	upply plum utilities. Lic Laws are a lictions. MY ty of the Br tion with th	bing, sanit ensing req dministerec VS & S Act isbane City	ary plumbii uirements r I by local g also provii Council ai	ments relating to water supply plumbing, sanitary plumbing and drainage, sewer installation and the sewerage and drainage utilities. Licensing requirements relate to persons undertaking plumbing and erage and Water Supply Laws are administered by local governments. National plumbing and draina ing adopted in all jurisdictions. MWS & S Act also provides for the control and supply of water in to be the sole responsibility of the Brisbane City Council and prescribes the purposes that domestic woo be reviewed in conjunction with the implementation of the agreed COAG water reforms.	nage, sewer sons undert National L	installatio aking plum humbing an supply of voses that do reforms.	Legislation prescribes requirements relating to water supply plumbing, sanitary plumbing and drainage, sewer installation and the management of water supply, sewerage and drainage utilities. Licensing requirements relate to persons undertaking plumbing and drainage drainage work. Standard Sewerage and Water Supply Laws are administered by local governments. National plumbing and drainage codes are in the process of being adopted in all jurisdictions. MWS & S Act also provides for the control and supply of water in the Brisbane metropolitan area to be the sole responsibility of the Brisbane City Council and prescribes the purposes that domestic water can be used for Legislation to be reviewed in conjunction with the implementation of the agreed COAG water reforms.
Water Resources Act 1989, Water Resources (Watercourse Protection) Regulation 1993, Water Resources (Rates and Charges) Regulation 1902, South East Observeland			,			,	`			`		1997-1999
Water Board Act 1979, Gladstone Area Water Board Act 1984 and Townsville/Thuringowa Water Supply Board Act 1987	Legislatic and other drillers. I include b major uss Thuringo relating t	Legislation contains provisions relating to regulating the flow and control of water and for the construction and maintena and other water works. Water Resources Act includes requirements for transfer of water allocations and licensing of artesia drillers. Legislation to be reviewed in conjunction with the implementation of the agreed COAG water reforms. This process include both the Water Resources Act and the separate legislation providing for the administration and control of bulk water major users (inc local governments) in certain defined areas of the State (namely South East Qld, the Gladstone area and Thuringowa). Review of this legislation will need to be co-ordinated with review of relevant provisions of the Local Government functions.	provisions ks. Water k to be reviev er Resourc al governme of this leg tion of join	relating to kesources A ved in conji es Act and . mts) in cert islation wil t local gow	regulating ct includes unction witi the separat ain defined I need to b ernment wa	the flow ar requiremen to the imples e legislation areas of the e co-ordina	nd control of ts for trans nentation of providing ne State (na ted with respondents and	of water an fer of water f the agree for the adi mely South view of rele other water	is relating to regulating the flow and control of water and for the construction and maintenance of a Resources Act includes requirements for transfer of water allocations and licensing of artesian bore ewed in conjunction with the implementation of the agreed COAG water reforms. This process will a ces Act and the separate legislation providing for the administration and control of bulk water supported in certain defined areas of the State (namely South East Qld, the Gladstone area and Townsvigislation will need to be co-ordinated with review of relevant provisions of the Local Government Analysis and other water-related local government functions.	nstruction c s and licens ater reforms and contro the Gladsto ions of the	and mainter sing of artees. This procent of bulk we need and Local Governer function	Legislation contains provisions relating to regulating the flow and control of water and for the construction and maintenance of dams and other water works. Water Resources Act includes requirements for transfer of water allocations and licensing of artesian bore drillers. Legislation to be reviewed in conjunction with the implementation of the agreed COAG water reforms. This process will also include both the Water Resources Act and the separate legislation providing for the administration and control of bulk water supply to major users (inc local governments) in certain defined areas of the State (namely South East Qld, the Gladstone area and Townsville-Thuringowa). Review of this legislation will need to be co-ordinated with review of relevant provisions of the Local Government Act relating to the operation of joint local government water supply boards and other water-related local government functions.

Portfolio/Department: Premier & Cabinet

PR - pricing restrictions
BC - business conduct restrictions
P8 - preferred supplier/customer
MB - measures that confer a benefit
NR - natural resources permits/licenses
RO - restrictions on out-of-State parties

Legend
OP - ouright prohibition
SM - stantory monopoly
LR - licensing or registration
QE - quantitative entitlements
QT - quality/sechnical standards

Legislation					Natur	Nature of Restriction	iction					Proposed
	OP	SM	רצ	αE	ат	PR	ВС	PS	MB	NR	RO	Review
South Bank Corporation 1989, South Bank Corporation By-law							,		`			6661-8661
Regulation 1992 & other relevant subordinate legislation	Primary F area. To Corporati declared businesse.	ourpose of that end, we ton is exem area (eg. the street is located w	the legislati rious prov pt from loc re exclusive ithin the Sc	on is the disions in the day governmal governmal right to de	Primary purpose of the legislation is the development and provision of public parkland and facilities within the declared Southbank area. To that end, various provisions in the Act modify or exclude the operation of certain other statutes (eg, the Southbank Corporation is exempt from local government rates). Other provisions could be used to grant special privileges to lessees in the declared area (eg. the exclusive right to deal in particular products). Arguably, the legislation could confer commercial advantages businesses located within the Southbank compared to competitors outside the declared area.	and proviss v or exclud ther provis ular produ	on of publi e the operal sions could ets). Arguak outside the	c parkland ion of certc be used to ly, the legi:	and faciliti iin other st. grant spec slation cou	es within th atutes (eg, 1 ial privilege d confer co	e declared the Southba es to lessee: mmercial a	Primary purpose of the legislation is the development and provision of public parkland and facilities within the declared Southbank area. To that end, various provisions in the Act modify or exclude the operation of certain other statutes (eg, the Southbank Corporation is exempt from local government rates). Other provisions could be used to grant special privileges to lessees in the declared area (eg. the exclusive right to deal in particular products). Arguably, the legislation could confer commercial advantages on businesses located within the Southbank compared to competitors outside the declared area.
Parliamentary Contributory Superannuation Act 1970	Act admir	Act administered jointly with	ntly with Tr	easury - re	Treasury - refer entry under Treasury Acts for details.	der Treasu	ry Acts for	details.				

Portfolio/Department: Primary Industries

PR - pricing restrictions
BC - business conduct restrictions
PS - preferred supplier/customer
MB - measures that confer a benefit
NR - natural resources permits/licenses
RO - restrictions on out-of-State parties

Legend
OP - outright prohibition
SM - stantnoy monopoly
LR - licensing or registration
QE - quantitative enrichements
QT - quality/technical standards

Legislation					Natur	Nature of Restriction	riction					Proposed
	ОР	SM	רצ	ЭC	ат	PR	BC	Sd	MB	N.	RO	Review
Agricultural Chemicals Distribution Control Act 1966 & Agricultural			,		`		`					6661-8661
Chemicals Distribution Control Regulations 1970	Legislati Common on Busin Committe	Legislation regulates the dis Commonwealth and State/Te on Business Regulation, is p Committee on Agriculture a Australia and New Zealand.	the distrib State/Territ ion, is prop ulture and I	ution of ag ory agricul osed under Resource M	ricultural c ltural and v the auspice fanagement	hemicals fr eterinary ch ss of the Ag which in tu	om the air hemicals leg gricultural c irn answers	and from gr gistation, as ind Veterin to the Agr	round equij recommen ary Chemic icultural ar	Legislation regulates the distribution of agricultural chemicals from the air and from ground equipment. A national review of all Commonwealth and State/Territory agricultural and veterinary chemicals legislation, as recommended by the Comonwealth's Cou Business Regulation, is proposed under the auspices of the Agricultural and Veterinary Chemicals Policy Committee of the Sta Committee on Agriculture and Resource Management which in turn answers to the Agricultural and Resources Ministerial Counc Australia and New Zealand.	tional revie Comonweal Committee o	Legislation regulates the distribution of agricultural chemicals from the air and from ground equipment. A national review of all Commonwealth and State/Territory agricultural and veterinary chemicals legislation, as recommended by the Comonwealth's Council on Business Regulation, is proposed under the auspices of the Agricultural and Veterinary Chemicals Policy Committee of the Standing Committee on Agriculture and Resource Management which in turn answers to the Agricultural and Resources Ministerial Council of Australia and New Zealand.
Chemical Usage (Agricultural and Veterinary) Control Act 1988 &					`							6661-8661
Chemical Osage (Agricultural and Veterinary) Control Regulation 1989	Legislatichormone adopting the revier	Legislation designed to control the use of certain chemicals and the use of substandermone growth promotants usage for stock sales). A national working party is adopting national standards. HGP declarations required by EC for access to Euthe review of agricultural and veterinary chemicals legislation referred to above.	to control motants uss andards. H Itural and v	the use of a age for stoc GP declara	certain cher ck sales). A ttions requir	nicals and i national w ed by EC f	the use of s orking part for access to ferred to al	ubstances v v is investig > European	vith chemic ating the i beef mark	Legislation designed to control the use of certain chemicals and the use of substances with chemical residues (notably declaration of hormone growth promotants usage for stock sales). A national working party is investigating the introduction of uniform legislation adopting national standards. HGP declarations required by EC for access to European beef markets. This legislation also included in the review of agricultural and veterinary chemicals legislation referred to above.	notably dec of uniform islation alsc	Legislation designed to control the use of certain chemicals and the use of substances with chemical residues (notably declaration of hormone growth promotants usage for stock sales). A national working party is investigating the introduction of uniform legislation adopting national standards. HGP declarations required by EC for access to European beef markets. This legislation also included in the review of agricultural and veterinary chemicals legislation referred to above.
Chicken Meat Industry Committee	6					1	`					1996-1997
	Legislati growing	Legislation provides a mechanis growing fees. Similar provisions	a mechanis r provision	sm for nego s in NSW,	m for negotiations and agreements betw in NSW, WA and Victorian legislation.	d agreemen torian legis	ts between slation.	chicken med	u producer	s and proce	ssors, inclu	Legislation provides a mechanism for negotiations and agreements between chicken meat producers and processors, including contract growing fees. Similar provisions in NSW, WA and Victorian legislation.

Legislation					Natur	Nature of Restriction	iction					Proposed
	O O	SM	LR	岩	QT	PR	ВС	PS	MB	N.	RO	Review
City of Brisbane Market Act 1960 & City of Brisbane Market		,					`					1997-1998
Regulation (formerly By-law) 1982	Legislatic operation capital ci	Legislation provides for the est operation of such a market wit capital city wholesale markets	for the esti market with e markets e	iblishment c in the Brisl xist under l	and operati Sane metrop VSW, WA a	ablishment and operation of the central wholess hin the Brisbane metropolitan area by the Brisb exist under NSW, WA and Victorian legislation.	entral whole 1 by the Bri 1 legislatio	esale fruit c sbane Mari n.	md vegetab æt Authorit	le market a y. Broadly	nd provides similar arı	Legislation provides for the establishment and operation of the central wholesale fruit and vegetable market and provides for exclusive operation of such a market within the Brisbane metropolitan area by the Brisbane Market Authority. Broadly similar arrangements for capital city wholesale markets exist under NSW, WA and Victorian legislation.
Dairy Industry Act 1993, Dairy Industry (Market Milk Prices)		,	`	``		`	`					1997-1998
Order 1993, Darry Industry Regulation 1993 & Dairy Industry Standard 1993	Legislatic and the p States wi changes.	on regulates ricing of ce th those Sta Provisions	Legislation regulates various aspects of the dairy industry including delivery entitlements, quality control, licensing of manufacturers and the pricing of certain dairy products. Act sunsets "post farm gate" regulation on 31/12/98, similar regulatory regimes exist in oth States with those States generally moving towards "post farm gate" deregulation. Regular pricing orders made to authorise price changes. Provisions for vesting of milk in Qld Dairy Authority current dormant.	pects of the products. Any moving to of milk in	dairy indu 1ct sunsets owards "po Qld Dairy".	stry includi "post farm st farm gats Authority ci	ng delivery gate" regul e" deregula urrent dorm	entitlemen ation on 31 tion. Regul.	is, quality c 712/98, sin ar pricing	control, lice tilar regula orders mad	nsing of me tory regime to authori	Legislation regulates various aspects of the dairy industry including delivery entitlements, quality control, licensing of manufacturers and the pricing of certain dairy products. Act sunsets "post farm gate" regulation on 31/12/98, similar regulatory regimes exist in other States with those States generally moving towards "post farm gate" deregulation. Regular pricing orders made to authorise price changes. Provisions for vesting of milk in Qld Dairy Authority current dormant.
Egg Industry (Restructuring) Act		,		\								1997-1998
	Act provi productio Qld Gove productio	Act provides for the restructuri production and marketing of eg Qld Government for the repeal production and marketing arra	Act provides for the restructuring of the egg industry marketing and regulatory arrang production and marketing of eggs. Operation of the statutory monopoly (ie, the vesting Qld Government for the repeal of these provisions. Other regulatory provisions (ie. he production and marketing arrangements already deregulated in NSW, SA and Victoria	ig of the eg gs. Operati of these pro	g industry 1 on of the st. wisions. Ot.	marketing c atutory mo) her regulat, julated in N	nd regulate nopoly (ie, ory provisic ISW, SA an	ory arrange the vesting ons (ie. hen d Victoria.	ments and of eggs) su quotas) cu	includes tra spended wii rrently suns	nsitional re th a propos etted to 31.	Act provides for the restructuring of the egg industry marketing and regulatory arrangements and includes transitional regulation of the production and marketing of eggs. Operation of the statutory monopoly (ie, the vesting of eggs) suspended with a proposal before the Qld Government for the repeal of these provisions. Other regulatory provisions (ie. hen quotas) currently sunsetted to 31/12/98. Egg production and marketing arrangements already deregulated in NSW, SA and Victoria.
Farm Produce Marketing Act 1964 & Farm Produce Marketing			`			>	`					1997-1998
Regulation 1984	Legislatic merchant (eg. posti commissi Victoria.	on regulates s) and prov ng of fideli on) would l	Legislation regulates commercial arrangements for the sale of fruit and vegetables between producers and wholesalers (agents and merchants) and provides for licensing of agents and merchants and business conduct requirements. Conditions to qualify for licenses (eg. posting of fidelity bonds) and restrictions on the business practices of license holders (eg regulation of maximum rates of commission) would be the principal areas for review. Act currently sunsetted to 31/12/99. Similar legislation exists in NSW and Victoria.	ıl arrangen ensing of aş nd restricti ipal areas J	tents for the gents and no ons on the loor review.	e sale of fri verchants ai business pri Act current	uit and vege nd business actices of li ly sunsettea	rtables betw conduct re cense holde I to 31/12/9	veen produc quirements rs (eg regu 9. Similar	eers and wh Condition lation of m legislation	olesalers (a s to qualify aximum rai exists in NS	gents and for licenses es of W and

Legislation					Natur	Nature of Restriction	iction					Proposed
	OP	SM	LR.	QE	QT	PR	BC	PS	MB	N N	RO	Review
Fisheries Act 1994 & Fisheries Regulation 1995				,						,		6661-8661
	New legish fisheries re of manager the Queens Potential r Fisheries n legislation.	lation deve esources a ement meas island guid restrictions manageme.	loped after nd fish hab ures which elines used on compet	extensive c tiats and the with one to identify tition in regime also exiss	onsultation we managem sossible exc such measu ard to outp ts in the oth	with induss ent of the c eption, are res, but rat ut controls ner jurisdice	ry and desi iguaculture not conside her are con that apply tions but dij	gned to pri industry. T red to be r isidered to for certain ffers signiff	New legislation developed after extensive consultation with industry and designed to provide for the management, use and protection fisheries resources and fish habitats and the management of the aquaculture industry. To that end, regulations provide for various ty of management measures which, with one possible exception, are not considered to be restrictions on competition using the criteria is the Queensland guidelines used to identify such measures, but rather are considered to be legitimate resource management measures. Potential restrictions on competition in regard to output controls that apply for certain fisheries have been identified for review. Fisheries management legislation also exists in the other jurisdictions but differs significantly in scope and content to the Queenslant legislation.	manageme regulations m competit e resource ve been ide ope and co	ent, use and provide for ion using tk managemen mified for v	New legislation developed after extensive consultation with industry and designed to provide for the management, use and protection of fisheries resources and fish habitats and the management of the aquaculture industry. To that end, regulations provide for various types of management measures which, with one possible exception, are not considered to be restrictions on competition using the criteria in the Queensland guidelines used to identify such measures, but rather are considered to be legitimate resource management measures. Potential restrictions on competition in regard to output controls that apply for certain fisheries have been identified for review. Fisheries management legislation also exists in the other jurisdictions but differs significantly in scope and content to the Queensland legislation.
Forestry Act 1959 & Forestry Regulation 1987							,			,		1996-1997
	Legislatio resource (considere identified discrimin	n provides 'including 'to be ress restriction	Legislation provides for the man resource (including the regulati considered to be restrictions on dientified restriction on competit discriminatory in its application.	agement of ion of both competition tion relates	f the forest commercia n using the to a fundii	estate and l forestry a criteria in 1g mechani	contains a i nd recreati the Queensi sm for indu	range of ma mal activiti land guidel stry resear	Legislation provides for the management of the forest estate and contains a range of measures related to the management of that resource (including the regulation of both commercial forestry and recreational activities in State forest), most of which are not considered to be restrictions on competition using the criteria in the Queensland guidelines used to identify such measures. The only identified restriction on competition relates to a funding mechanism for industry research and development purposes which may be discriminatory in its application.	ted to the n forest), mos identify su lopment pu	ıanagement ıt of which ch measure. rposes whic	of that we not The only h may be
Fruit Marketing Organisation Act		1			/	,	1					8661-2661
	The ident relating to measures Marketing	fled provis a statutor that restric Act and ti	The identified provisions in relation to the marketing relating to a statutory producer representative organ measures that restrict competition. To be reviewed in Marketing Act and the City of Brisbane Market Act).	tion to the representa on. To be r brisbane M	marketing organis eviewed in arket Act).	of fruit and ation in the conjunction	vegetables e fruit and with the or	are either v vegetable ii ther fruit m	The identified provisions in relation to the marketing of fruit and vegetables are either dormant or have expired. Remaining provrelating to a statutory producer representative organisation in the fruit and vegetable industry are not considered to contain any measures that restrict competition. To be reviewed in conjunction with the other fruit marketing legislation (ie the Farm Produce Marketing Act and the City of Brisbane Market Act).	have expire not conside islation (ie	d. Remaini red to conto the Farm I	The identified provisions in relation to the marketing of fruit and vegetables are either dormant or have expired. Remaining provisions relating to a statutory producer representative organisation in the fruit and vegetable industry are not considered to contain any measures that restrict competition. To be reviewed in conjunction with the other fruit marketing legislation (ie the Farm Produce Marketing Act and the City of Brisbane Market Act).

Legislation					Natur	Nature of Restriction	iction					Proposed
	g	SM	LR.	e E	αт	PR	BC	PS	MB	NR R	RO	Review
Grain Industry (Restructuring) Act		,										Underway
	Legislatic measures produced industry r	Legislation provided for th measures. Statutory monop produced in Central Qld), industry review committee.	for the res monopoly p Qld), curre nittee.	tructuring owers rela mtly sunset	Legislation provided for the restructuring of the previously statutory grain industry organisations and for certain transitional regi measures. Statutory monopoly powers relate to vesting arrangements for 3 grains only (wheat and barley State-wide and grain so produced in Central Qld), currently sunsetted to 30/6/97. Review of vesting arrangements currently underway by a Government - industry review committee.	ously statute : arrangeme 97. Review	ory grain in mts for 3 gi of vesting	idustry orgo rains only (arrangemei	misations c wheat and its currentl	ınd for certe barley State y underway	iin transitic -wide and by a Goven	Legislation provided for the restructuring of the previously statutory grain industry organisations and for certain transitional regulatory measures. Statutory monopoly powers relate to vesting arrangements for 3 grains only (wheat and barley State-wide and grain sorghum produced in Central Qld), currently sunsetted to 30/6/97. Review of vesting arrangements currently underway by a Government - industry review committee.
Meat Industry Act 1993 & Meat Industry Standard 1994					`				! !			Not proposed
	Principal slaughter slaughter from trad legislatio legislatio any event	purpose of livess ing of livess litional hear n relating ton does press, adopt nat.	legislation lock and the vily prescrip of the meat cribe qualitional stand	is to provies sale of wotive regula industry by and tech	Principal purpose of legislation is to provide a regulatory framework, based on quality assurance accreditation, for the hygienic slaughtering of livestock and the sale of wholesome meat to the public. The 1993 legislation in Qld represented a major move away from traditional heavily prescriptive regulatory arrangements towards a QA-based accreditation regime. Other jurisdictions also have legislation relating to the meat industry but there are significant differences in scope and content in some areas. While the Queenslan legislation does prescribe quality and technical standards, these are not considered to represent a restriction on competition and, in any event, adopt national standards negotiated via the Agricultural and Resources Ministerial Council of Australia and New Zealand	tory framev eat to the p gements tow significant ords, these of	vork, based ublic. The ards a QA- differences rre not cons al and Resc	on quality 1993 legisle based accr in scope ar sidered to r	assurance ation in Ole editation red content i epresent a sterial Cou	accreditatio 1 represente 1 represente 1 some arec 1 restriction of Aust	n, for the h d a major 1 jurisdictior is. While th on competiti	Principal purpose of legislation is to provide a regulatory framework, based on quality assurance accreditation, for the hygienic slaughtering of livestock and the sale of wholesome meat to the public. The 1993 legislation in Qld represented a major move away from traditional heavily prescriptive regulatory arrangements towards a QA-based accreditation regime. Other jurisdictions also have legislation relating to the meat industry but there are significant differences in scope and content in some areas. While the Queensland legislation does prescribe quality and technical standards, these are not considered to represent a restriction on competition and, in any event, adopt national standards negotiated via the Agricultural and Resources Ministerial Council of Australia and New Zealand.
Primary Producers' Organisation and Marketing Act 1926 and Orders		``										1996-1997
in Council pertaining to the commodity tobacco leaf	Legislatic represent procedure producer clause wh	on provides ative bodies e by which representat iich effectiv	for the con Sole reme marketing l ive organis ely require.	stitution, p nining mar soards cou ations are s a review	Legislation provides for the constitution, powers, and functions of statutory commodity marketing boards and statutory producer representative bodies. Sole remaining marketing board (for tobacco leaf) is sunsetted to 31/12/96, but provisions setting out the procedure by which marketing boards could be established for various commodities remain in place. Provisions relating to statutory producer representative organisations are not considered to contain any measures that restrict competition. Act contains a review clause which effectively requires a review of the entire Act (not just for NCP purposes) by October 1997.	unctions of I (for tobac shed for va red to contt	statutory c co leaf) is s rious comm in any med ust for NCP	ommodity n sunsetted to todities rem tsures that purposes)	narketing b 31/12/96, ain in plac estrict com by October	oards and s but provisio e. Provision petition. Ac	tatutory proms setting cost relating to the contains to the co	ducer nt the o statutory 1 review

Legislation					Natur	Nature of Restriction	iction					Proposed
•	Q O	SM	LR	QE	ат	PR	ВС	PS	MB	NR	RO	Review Timing
Tobacco Industry Stabilisation Act 1965				`								Not proposed
	Act effect leaf quot industry.	ively dormc a schemes)	ınt due to c as at 31/12	essation of /94. Act lik	national to ely to be re	bacco indu. pealed dep	stry stabilis mding on ti	ation arran iming of re	ıgements (a structuring	Act effectively dormant due to cessation of national tobacco industry stabilisation arrangements (and, consequentially, of State- leaf quota schemes) as at 31/12/94. Act likely to be repealed depending on timing of restructuring arrangements in the tobacco industry.	ventially, of	Act effectively dormant due to cessation of national tobacco industry stabilisation arrangements (and, consequentially, of State-based leaf quota schemes) as at 31/12/94. Act likely to be repealed depending on timing of restructuring arrangements in the tobacco industry.
Sawmills Licensing Act 1936 & Sawmills Licensing Reculation			`				,					1996-1997
1965	Provides consolida	Provides for the licensing of sawmills and consolidated natural resources legislation	nsing of sa resources	wmills and legislation.	plywood an	nd veneer m	ills. Curren	ntly being ru	eviewed as	part of the	developmer	Provides for the licensing of sawmills and plywood and veneer mills. Currently being reviewed as part of the development of new and consolidated natural resources legislation.
Sugar Industry Act 1991, Sugar Industry Regulation 1991, Sugar Industry (Assignment Grant) Guideline 1995		`		>			`					Underway, to be completed by end 1996
	Legislatic and also review re accordan	on enacts su allocates c quirements,	ignificant st ane product is being u ns of refere	latutory ma tion entitler ndertaken b mce agreed	Legislation enacts significant statutory marketing arrangements. Queensland Sugar Corporation hand also allocates cane production entitlements. A comprehensive review of this legislation, which review requirements, is being undertaken by a review committee comprising Commonwealth, State accordance with terms of reference agreed to by the Commonwealth and Queensland Governments.	ngements. mprehensiv. committee v	Queenslan 2 review of 2 comprising 11th and Qu	d Sugar Co this legisla Commonwe	rporation I tion, which zalth, State	Legislation enacts significant statutory marketing arrangements. Queensland Sugar Corporation has vesting powers (for raw sug and also allocates cane production entitlements. A comprehensive review of this legislation, which is intended to satisfy NCP legi review requirements, is being undertaken by a review committee comprising Commonwealth, State and industry representatives in accordance with terms of reference agreed to by the Commonwealth and Queensland Governments.	powers (for to satisfy ! ry represent	Legislation enacts significant statutory marketing arrangements. Queensland Sugar Corporation has vesting powers (for raw sugar) and also allocates cane production entitlements. A comprehensive review of this legislation, which is intended to satisfy NCP legislation review requirements, is being undertaken by a review committee comprising Commonwealth, State and industry representatives in accordance with terms of reference agreed to by the Commonwealth and Queensland Governments.
Sugar Milling Rationalisation Act							`					As above
	Act inten developm	ded to provient of new	ride a fram mills. Bein	ework for ri g reviewed	Act intended to provide a framework for rationalisation of milling operations but may in fact give r development of new mills. Being reviewed in conjunction with the review of the Sugar Industry Act.	on of millin tion with th	g operation te review of	t the Sugar	in fact give Industry A	Act intended to provide a framework for rationalisation of milling operations but may in fact give rise to unintended restrictions on development of new mills. Being reviewed in conjunction with the review of the Sugar Industry Act.	ntended res	trictions on

Legislation					Natur	Nature of Restriction	iction		ļ			Proposed
	OP	SM	LR	QE	ΩТ	PR	BC	PS	MB	NR	RO	Review Timing
Veterinary Surgeons Act 1936, Veterinary Surgeons Regulation			,				`					1998-1999
1991 & Orders in Council (various) under the Veterinary Surgeons Act	Legislatii of practic	Legislation provides for licensing and conduct of practices are the areas proposed for review.	for licensin areas propo	g and cond	luct require iew.	ments for v	eterinary si	ırgeons. Pr	ovisions re	lating to ad	vertising ar	Legislation provides for licensing and conduct requirements for veterinary surgeons. Provisions relating to advertising and ownership of practices are the areas proposed for review.

- 69 -

Portfolio/Department: Tourism, Small Business & Industry

Legend	•
OP - outright prohibition	Ω.
SM - statutory monopoly	4
LR - licensing or registration	~
QE - quantitative entitlements	~

PR - prioring restrictions
BC - business conduct restrictions
PS - preferred supplier/clustomer
MB - measures that confer a benefit
NR - natural resources permite/incenses
RO - restrictions on out-of-State parties QT - quality/technical standards

Legislation					Natur	Nature of Restriction	iction					Proposed
	OP	WS	LR	QE	ΩT	PR	ВС	PS	MB	NR	RO	Review
Wine Industry Act 1994 & Wine Industry Regulation 1995			,				`		`			1998-1999
	The other introduce Inquiry is	The other States have licensing l introduced in Nov 1994 followir Inquiry into the Winegrape and	e licensing 994 followi egrape and	provisions ng extensive Wine Indu	provisions for wine producers in the relevant liquo ng extensive review of previous Act and contains m Wine Industry may also impact on this legislation.	oducers in previous Actorises impact of the contract of the co	the relevant t and contc n this legisl	liquor lice tins manda: lation.	msing legis tory review	The other States have licensing provisions for wine producers in the relevant liquor licensing legislation. Current Qld legislation introduced in Nov 1994 following extensive review of previous Act and contains mandatory review clause. Outcome of the National Inquiry into the Winegrape and Wine Industry may also impact on this legislation.	ent Qld les come of th	gislation e National
Indy Car Grand Prix Act 1990 & Indy Car Grand Prix Regulations								<i>></i>	`			1996-1997
1990	Act provi exclusive declared	des for a na rights attac area during	ominated pi ched (ie sal z a declarea	romoter as e of film ar d period (ie	Act provides for a nominated promoter as sole participant in the business activity of promot exclusive rights attached (ie sale of film and television rights and sale of goods with the GP declared area during a declared period (ie the race days). Act currently sunsetted 31/12/96.	vant in the rights and tys). Act cu	business ac sale of goo rrently suns	tivity of pr ods with the setted 31/12	omoting the e GP insign 2/96.	Act provides for a nominated promoter as sole participant in the business activity of promoting the Indy Grand Prix with certain exclusive rights attached (ie sale of film and television rights and sale of goods with the GP insignia and sale of other goods in a declared period (ie the race days). Act currently sunsetted 31/12/96.	l Prix with of other go	Act provides for a nominated promoter as sole participant in the business activity of promoting the Indy Grand Prix with certain other exclusive rights attached (ie sale of film and television rights and sale of goods with the GP insignia and sale of other goods in a declared period (ie the race days). Act currently sunsetted 31/12/96.
Liquor Act 1992 & Liquor Regulation 1992			<i>></i>		/		•		`			1998-1999
	All States licences, restrictio tailored is associate licence h	s and Territ prescribe the ns on how to particula d premises.	ories have he relevant liquor is so r circumsta Qld is only otels) with	liquor outle fee structur ld and to w nces. Qld a v State with further rest	t licensing e (including hom. Not a nd Tasman specific re rictions as	legislation. the payme Il jurisdicti ia are the o gulation for to the numb	Most Liquint of premions have though States of additional contractions of a detached over any one	or Acts, inc iums for cer which restri bottle shot hotel can	the Old st. rtain catego egories of l ict take-aw ns" with app	All States and Territories have liquor outlet licensing legislation. Most Liquor Acts, inc the Qld statute, define certain categories of licences) and provide licences, prescribe the relevant fee structure (including the payment of premiums for certain categories of licences with some other provisions restrictions on how liquor is sold and to whom. Not all jurisdictions have the same categories of licences with some other provisions tailored to particular circumstances. Qld and Tasmania are the only States which restrict take-away liquor sales to hotels and associated premises. Qld is only State with specific regulation for "detached bottle shops" with approvals for these restricted to gene licence holders (ie hotels) with further restrictions as to the number any one hotel can establish and the distance from the hotel.	certain ca ces) and pi some othei ss to hotels hese restric	All States and Territories have liquor outlet licensing legislation. Most Liquor Acts, inc the Qld statute, define certain categories of licences) and provide licences, prescribe the relevant fee structure (including the payment of premiums for certain categories of licences) and provide restrictions on how liquor is sold and to whom. Not all jurisdictions have the same categories of licences with some other provisions tailored to particular circumstances. Qld and Tasmania are the only States which restrict take-away liquor sales to hotels and associated premises. Qld is only State with specific regulation for "detached bottle shops" with approvals for these restricted to general licence holders (ie hotels) with further restrictions as to the number any one hotel can establish and the distance from the hotel.

Legislation					Natur	Nature of Restriction	iction					Proposed
	OP	SM	LR	QE	αт	ЬК	ВС	PS	MB	NR	RO	Review Timing
Retail Shop Leases Act 1994 and Retail Shop Leases Regulation 1994									`			6661-8661
	Act provi have the 28/10/99.	des protect same prote	tion to lease ction if situ	es of premis ated outsid	Act provides protection to leases of premises in retail shopping centres, as defined. Some services operated in such premises may not have the same protection if situated outside of a retail shopping centre. Review clause in Act requires review of entire statute by 28/10/99.	shopping ca	entres, as d sentre. Revi	efined. Som ew clause i	re services o	perated in ires review	such premi of entire st	ses may not atute by
Industrial Development Act 1963							`					1996-1997
	Only ider other use	ntified restr s (but only	Only identified restriction relates to ac other uses (but only in a defined area).	es to acquis d area).	Only identified restriction relates to acquisition and use of land for industrial purposes (ie, in industrial estates) thereby precluding other uses (but only in a defined area).	se of land f	or industric	ıl purposes	(ie, in indu	strial estate	es) thereby	precluding

Portfolio/Department: Office of Racing (Police Portfolio)

PR - pricing restrictions	BC - business conduct restrictions	PS - preferred supplier/customer	MB - measures that confer a benefit	NR - natural resources permits/licenses	RO - restrictions on out-of-State parties
Legend	OP - outright prohibition	SM - statutory monopoly	LR - licensing or registration	QE - quantitative entitlements	QT - quality/technical standards

Legislation					Natur	Nature of Restriction	iction				:	Proposed
	ОР	SM	LR	QE	ат	PR	ВС	Sd	MB	S S	RO	Review Timing
Racing and Betting Act 1980, Racing and Betting Regulation 1981, Racing and Betting Act	,	`	`			,	`					8661-2661
Notifications & Rules of Greyhound Racing, Racing and Betting Act & subordinate legislation	All States probity o probity o totalisato racing (C apply in sampling maximum the Act.R	All States regulate racing and i probity of operators (such as ltotalisator betting and of contracing (Greyhound Authority). apply in respect of bookmakers sampling and analysis, advertis maximum bets at greyhound methe Act. Regs will expire in 1/7/	All States regulate racing and bet probity of operators (such as boo totalisator betting and of control racing (Greyhound Authority). Regapply in respect of bookmakers (a sampling and analysis, advertising maximum bets at greyhound meeti the Act. Regs will expire in 1/7/97.	betting with nookmakers) cookmakers) ool bodies fu Registration (and their cing and staings. An 77.	extensive i Statutory i or horse rac requiremen clerks) and ndard of fac outright pro	egulatory c monopoly p ing (Qld P) its apply fo totalisator: ilities at ra shibition ex	rrangemen rovisions is incipal Cli race, trot. Matters s ce clubs ar ists in resp	ts to ensure 1 Qld legis 12, harnes 11 and gr 12 and gr 12 and gr 13 and gr 14 and gr 15 and gr 16 and gr 17 and gr 18 an	the properation relainers that the properation of the expound character of the cribed. Prigard boother and boother the cribed of	All States regulate racing and betting with extensive regulatory arrangements to ensure the proper conduct of the industry and the probity of operators (such as bookmakers). Statutory monopoly provisions in Qld legislation relate to establishment of TAB to contrototalisator betting and of control bodies for horse racing (Qld Principal Club), harness racing (Harness Racing Board) and greyhoun racing (Greyhound Authority). Registration requirements apply for race, trotting and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as recording of bets and conduct of betting, drug sampling and analysis, advertising and standard of facilities at race clubs are also prescribed. Price control provision relates to maximum bets at greyhound meetings. An outright prohibition exists in respect of betting and bookmaking outside of the coverage of the Act. Regs will expire in 1/7/97.	the industry shment of T and Board) consing requirectory social function of betti, rovision released the side of the short states.	All States regulate racing and betting with extensive regulatory arrangements to ensure the proper conduct of the industry and the probity of operators (such as bookmakers). Statutory monopoly provisions in Qld legislation relate to establishment of TAB to control totalisator betting and of control bodies for horse racing (Qld Principal Club), harness racing (Harness Racing Board) and greyhound racing (Greyhound Authority). Registration requirements apply for race, trotting and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as recording of bets and conduct of betting, drug sampling and analysis, advertising and standard of facilities at race clubs are also prescribed. Price control provision relates to maximum bets at greyhound meetings. An outright prohibition exists in respect of betting and bookmaking outside of the coverage of the Act. Regs will expire in 1/7/97.
Racing Venues Development Act 1982							`					6661-8661
	Act prescribes to on competition .	ribes terms tition .	that apply	to leases gr	ranted by tr	ustees of ra	cing venue.	s and not c	onsidered to	o impose an	y significan	Act prescribes terms that apply to leases granted by trustees of racing venues and not considered to impose any significant restrictions on competition .

- 62 -

Transport and Main Roads Portfolio/Department:

Legend
OP - outright prohibition
SM - statutory monopoly
LR - licensing or registration
QE - quantitative emittements
QT - quality/technical standards

PR - prioring restrictions
BC - business conduct restrictions
PS - preferred supplierCussomer
MB - measures that confer a benefit
NR - natural resources permitablicanses
RO - restrictions on out-of-State parties

Legislation					Natur	Nature of Restriction	iction					Proposed
	ОР	SM	LR	QE	ат	PR	BC	PS	MB	NR	RO	Review
Transport Operations (Marine Safety) Act 1994 & Transport			``					`				1996-1997
Operations (Marine Safety) Regulation 1995	Legislatic only appl compulso licenses f	on provides lies to matt. ry in a dec. or piloting	for a regin ers outside lared pilota a ship. Rev	ie of marin the reach c ge area). (iew of Regi	Legislation provides for a regime of marine safety that is consistent with the Uniform Shipping Laws Code and which, as a gem only applies to matters outside the reach of the Commonwealth Navigation Act (notably pilotage in Queensland waters which is compulsory in a declared pilotage area). Only identified restriction on competition beyond the uniform standards relate to hold licenses for piloting a ship. Review of Regulation prescribing sole provider of pilotage services in port of Brisbane to commence 1/1/97.	t is consiste onwealth A ed restricti cribing sole	nt with the avigation A on on comp.	Uniform SI (ct (notably etition beyo If pilotage s	upping Las pilotage in nd the unif ervices in p	vs Code am Queenslan orm standas	d which, as d waters w rds relate to bane to con	Legislation provides for a regime of marine safety that is consistent with the Uniform Shipping Laws Code and which, as a general rule, only applies to matters outside the reach of the Commonwealth Navigation Act (notably pilotage in Queensland waters which is compulsory in a declared pilotage area). Only identified restriction on competition beyond the uniform standards relate to holding of licenses for piloting a ship. Review of Regulation prescribing sole provider of pilotage services in port of Brisbane to commence before 1/1/97.
State Transport Act 1960 & State	<i>^</i>		`				,					1996-1997
rianspor regulation 1787	Restrictio excluded repealed Some main recent regime of to be revi	Restrictions apply in regard to excluded (eg. coal, coke, LPG, repealed upon proclamation o) Some matters may then be by in recent times, and in some coregime of regulations for heav to be reviewed prior to expiry	Restrictions apply in regard to carric excluded (eg. coal, coke, LPG, grain, repealed upon proclamation of certai Some matters may then be by way of in recent times, and in some cases reregime of regulations for heavy and to be reviewed prior to expiry of Act.	carriage of grain, etc) certain sec. ay of regul ses repeale, and light v	Restrictions apply in regard to carriage of goods by road. Currently, carriage of majority of goods by road allowed but certain go excluded (eg. coal, coke, LPG, grain, etc) other than for short distances or if a permit is held for particular journeys. Act to be repealed upon proclamation of certain sections of the Transport (Road Use Management) Act (which will be no later than 1/7/97). Some matters may then be by way of regulation under that Act. Most provisions of State Transport Act and Regs have been revie in recent times, and in some cases repealed, as a result of development of new transport legislation and adoption of nationally agi regime of regulations for heavy and light vehicles being developed by the National Road Transport Commission. Remaining provis to be reviewed prior to expiry of Act.	oad. Curre. or short di. Transport uthat Act. Mit of develo. Ig develope	ntly, carriag stances or i (Road Use 1 dost provisi pment of ne d by the Na	ge of majorr f a permit i Managemen ons of Stat w transport ttional Roac	ity of goods s held for 1 t) Act (whi e Transpor t legislation I Transport	by road al barticular jo barticular jo ch will be n t Act and R and adopt t and adopt t Commissio	lowed but courneys. Act to later that legs have to ion of nation of nation.	Restrictions apply in regard to carriage of goods by road. Currently, carriage of majority of goods by road allowed but certain goods excluded (eg. coal, coke, LPG, grain, etc) other than for short distances or if a permit is held for particular journeys. Act to be repealed upon proclamation of certain sections of the Transport (Road Use Management) Act (which will be no later than 1/7/97). Some matters may then be by way of regulation under that Act. Most provisions of State Transport Act and Regs have been reviewed in recent times, and in some cases repealed, as a result of development of new transport legislation and adoption of nationally agreed regime of regulations for heavy and light vehicles being developed by the National Road Transport Commission. Remaining provisions to be reviewed prior to expiry of Act.
State Transport (People-movers) Act 1989			,						`			1996-1997
	Provides governm	for licensir ent plannir	ng and agre ng schemes.	ements for Provisions	Provides for licensing and agreements for installation of people movers and also contains provisions which can override local government planning schemes. Provisions are scheduled for incorporation into the Transport Infrastructure Act during 1996-1997.	of people	movers and reporation is	also contai nto the Trai	ns provisio nsport Infr	ns which ca	in override ct during l	local 996-1997.

Legislation			;		Natur	Nature of Restriction	iction					Proposed
	ОР	SM	LR	QE	QT	PR	ВС	PS	MB	NR R	RO	Review
Motor Vehicles Control Act 1975 & Motor Vehicles Control Regulation			`									Not proposed
7,07	Legislatio repealed l	n relates to by proclam	registrativ ation under	on and use the Transt	Legislation relates to registration and use of off-road vehicles and does not appear to impact on commercial business activities. repealed by proclamation under the Transport Operations (Road Use Management) Act 1995 (which will be no later than 1/7/97)	vehicles an	d does not . Use Manag	appear to i. ement) Act	mpact on co 1995 (which	ommercial . ch will be n	business aci o later thai	Legislation relates to registration and use of off-road vehicles and does not appear to impact on commercial business activities. To be repealed by proclamation under the Transport Operations (Road Use Management) Act 1995 (which will be no later than 1/7/97).
Transport Operations (Passenger Transport) Act 1994 & Transport			`	`>		>	``	`	,			6661-8661
Operations (Passenger Transport) Regulation 1994	Legislation co school transpo passenger tran 1993 with the prescriptive re services, for es Quantitative re fares (ie maxi requirements).	Legislation covers, inter alia, school transport. A review of passenger transport exist in the 1993 with the new Act comme prescriptive regulatory arrang services, for example giving ex Quantitative restrictions (num fares (ie maximum fares) and requirements).	nter alia, li exist in the exist in the ct commen, ry arrangei giving exc ions (numbi	censing arrives and lime other juris cing in Nov ments towardusive right ar of licency there service	Legislation covers, inter alia, licensing arrangements for taxis, limousine services, inland air services, scheduled urban bus services transport. A review of taxi and limousine services is scheduled for 1996-1997. Broadly similar regulatory arrangements frassenger transport exist in the other jurisdictions (eg taxi licensing). Current Qld legislation stems from a major review conduct 1993 with the new Act commencing in Nov 1994. New Act provides for a transitional process changing from previously heavity prescriptive regulatory arrangements towards service contracts. Market entry restrictions apply in respect of various public passenger service in a specific area Quantitative restrictions (number of licences) apply in respect of taxi service areas. Regulation also provides for price control o fares (ie maximum fares) and other service requirements (such as specifying age limits for taxis and limousines and vehicle equip	for taxis, li, ces is schea ; taxi licens ; Act provid contracts. A ors to provi respect of tts (such as	mousine ser tuled for 19 ing). Currel es for a tra farket entry de a specifi taxi service specifying	vices, inlan 196-1997. B nt Qld legis nsitional pr restriction ic kind of p areas. Re, age limits)	id air servii roadly simi rocess chan s apply in i ublic passe. gulation ali	ces, schedu, lar regulati si from a m ging from trespect of v nger service so provides d limousine	led urban b ory arrange ajor review oreviously k arious publ e in a speci for price c	Legislation covers, inter alia, licensing arrangements for taxis, limousine services, inland air services, scheduled urban bus services and school transport. A review of taxi and limousine services is scheduled for 1996-1997. Broadly similar regulatory arrangements for road passenger transport exist in the other jurisdictions (eg taxi licensing). Current Qld legislation stems from a major review conducted in 1993 with the new Act commencing in Nov 1994. New Act provides for a transitional process changing from previously heavily prescriptive regulatory arrangements towards service contracts. Market entry restrictions apply in respect of various public passenger services, for example giving exclusive rights to operators to provide a specific kind of public passenger service in a specific area. Quantitative restrictions (number of licences) apply in respect of taxi service areas. Regulation also provides for price control over taxi fares (ie maximum fares) and other service requirements (such as specifying age limits for taxis and limousines and vehicle equipment
Transport Infrastructure Act 1994, Transport Infrastructure (State Controlled Roads) Regulation 1994,		`	*		\			`	`			1998-1999
ransport infrastructure (Kailways) Regulation 1994 and Transport Infrastructure (Ports) Regulation 1994	Legislatio rail trans monopoly provisions and/or op requireme	Legislation deals with the dew rail transport and ports. Iden monopoly on haulage of expor provisions of Commonwealth (and/or operation of a railway requirement for tug operators Government to impose restrict	th the dever orts. Ident. onwealth C a railway (operators i	lopment aru ified restric coal (ie, e) ompetition with autom n certain po	Legislation deals with the development and management of transport infrastructure strategies and programs in regard to road trans rail transport and ports. Identified restrictions (actual and potential) on competition include: the continuation of Queensland Rail's monopoly on haulage of export coal (ie, effectively a statutory monopoly for 5 years before access provisions apply (consistent with provisions of Commonwealth Competition Policy Reform Act 1995 re access regimes), accreditation requirement for the managemen and/or operation of a railway (with automatic interim accreditation provided for QR and other existing rail operators/managers), requirement for tug operators in certain ports to obtain approval from the relevant Port Authority and a power for the Queensland Government to impose restrictions on the development of port infrastructures outside of designated existing Queensland Ports.	ent of trans, il and poter statutory m. rm Act 199 accreditati in approval to of port inf	port infrast. nial) on co. onopoly for re access on provide. from the r. frastructure.	ructure stre mpetition ii 5 years be regimes), 4 d for QR ai elevant Por s outside of	ntegies and nclude: the fore access accreditation of other exit Authority designatea	programs i continuatio provisions n requirem isting rail o and a pow l existing Q	n regard to n of Queen apply (con: ent for the perators/m. er for the C	Legislation deals with the development and management of transport infrastructure strategies and programs in regard to road transport, rail transport and ports. Identified restrictions (actual and potential) on competition include: the continuation of Queensland Rail's monopoly on haulage of export coal (ie, effectively a statutory monopoly for 5 years before access provisions apply (consistent with provisions of Commonwealth Competition Policy Reform Act 1995 re access regimes), accreditation requirement for the management and/or operation of a railway (with automatic interim accreditation provided for QR and other existing rail operators/managers), requirement for tug operators in certain ports to obtain approval from the relevant Port Authority and a power for the Queensland Government to impose restrictions on the development of port infrastructures outside of designated existing Queensland Ports.

Legislation					Natur	Nature of Restriction	iction					Proposed
	OP	SM	LR	ØE	αт	PR	ВС	PS	MB	NR	RO	Review
Tow-truck Act 1973 & Tow-truck		:	`	:			,					1997-1998
Regulation 1988	Similar r that it is recent in	egulatory a considered quiries, incl	rrangement that a degr uding CJC	s for the li ee of regul probes and	Similar regulatory arrangements for the licensing of tow truck operators operate in the other j that it is considered that a degree of regulation is required to protect the public against undes recent inquiries, including CJC probes and the Commission of Inquiry into Operation Trident.	ow truck op uired to pr ission of In	erators ope otect the pu quiry into (rate in the blic agains Pperation T	other juris t undesirab rident.	dictions. Na le practices	ture of the revealed in	Similar regulatory arrangements for the licensing of tow truck operators operate in the other jurisdictions. Nature of the industry is such that it is considered that a degree of regulation is required to protect the public against undesirable practices revealed in a number of recent inquiries, including CJC probes and the Commission of Inquiry into Operation Trident.
Carriage of Dangerous Goods by Road Act 1984 & Carriage of			,				/					Not proposed
Regulations 1989	Legislatio interests	Legislation provides for a licensing regim interests of public safety. To be repealed	for a licen. tfety. To b	sing regime e repealed.	s for the can	riage of ce	rtain goods	and specif	ic condition	Legislation provides for a licensing regime for the carriage of certain goods and specific conditions which must be satisfied in the interests of public safety. To be repealed.	st be satisfi	ed in the
Motor Vehicle Safety Act 1980 and Motor Vehicle Safety Regulation			>		,		•					Not proposed
	Legislati officers" proclama	on provides (for the pun tion under	for the app pose of car the Transp	oointment c rying out e ort Operati	y "approve certification ons (Road I	d examiner of alteratic Jse Manag	s" (for the pons or modi	nurpose of i fication of 1995 (whic	motor vehic vehicles). h will be n	Legislation provides for the appointment of "approved examiners" (for the purpose of motor vehicle inspections) and "authorised officers" (for the purpose of carrying out certification of alterations or modification of vehicles). To be repealed on date fixed by proclamation under the Transport Operations (Road Use Management) Act 1995 (which will be no later than 1/7/97).	ns) and "au aled on dati 1/7/97).	thorised fixed by
Motor Vehicle Driving Instruction School Act 1969 & Motor Vehicle			<u> </u>				``					Not proposed
Regulation 1988	Legislati program	Legislation currently proposed for 1 program to deregulate the industry.	proposed te indu	for repeal stry.	in line with	recommend	tation from	Systematic	Review of	Business Le	gislation ar	Legislation currently proposed for repeal in line with recommendation from Systematic Review of Business Legislation and Regulations program to deregulate the industry.

Legislation					Nature	Nature of Restriction	ction					Proposed
	ОР	SM	LR	QE	QT	PR	ВС	PS	МВ	NR	RO	Review Timing
Transport Infrastructure (Roads) Act 1991, Transport Infrastructure (Roads) Regulation 1991 &			`		`		`					Not proposed
Transport Infrastructure (State-controlled Roads) Regulation 1994	Legislatic regulation (including be repeal than 1/7/ under the	n provides 7 the issue 8 condition ed on date 97). Some n	for various of permits, s of registra fixed by promatters curr M.) Act in	matters in for heavy is tion such coclamation entity prescrace accordance	Legislation provides for various matters in regard to development and management of road transport infrastructure, including (by regulation) the issue of permits for heavy indivisible vehicles and loads and for over-dimension vehicles, the registration of vehicles (including conditions of registration such as registration fees and transfer requirements) and the operation of State-controlled roads be repealed on date fixed by proclamation under the Transport Operations (Road Use Management) Act 1995 (which will be no late than 1/7/97). Some matters currently prescribed by regulations under T.I. (Roads) Act may subsequently be prescribed by regulation under the T.O. (R.U.M.) Act in accordance with national standards developed via the National Road Transport Commission.	evelopment shicles and on fees and ransport Op ulations un	and manag loads and f transfer rec perations (K der T.I. (Ro ds develope	ement of re or over-din quirements) toad Use M oads) Act m	oad transponension vehrand the optanagementa tanagementa ational Roadinal Roadina Roadinal Roadina Roadina Roadina Roadina Roadina Roadina Roadina Roadina Roadina Ro	rt infrastru icles, the re eration of ,) Act 1995 ently be pro d Transpor	cture, inclugistration (State-control (which will servibed by t Commissi	Legislation provides for various matters in regard to development and management of road transport infrastructure, including (by regulation) the issue of permits for heavy indivisible vehicles and loads and for over-dimension vehicles, the registration of vehicles (including conditions of registration such as registration fees and transfer requirements) and the operation of State-controlled roads. To be repealed on date fixed by proclamation under the Transport Operations (Road Use Management) Act 1995 (which will be no later than 1/7/97). Some matters currently prescribed by regulations under T.I. (Roads) Act may subsequently be prescribed by regulation under the T.O. (R.U.M.) Act in accordance with national standards developed via the National Road Transport Commission.

Portfolio/Department: Treasury

PR - pricing restrictions
BC - business conduct restrictions
PS - preferred supplier/customer
PS - measures that confer a benefit
NR - natural resources permits/licenses
RO - restrictions on out-of-State parties

Legend
OP - outright prohibition
SM - statutory monopoly
I.R - licensing or registration
QE - quantitative entitlements
OT - quality/dechnical standards

Legislation					Natur	Nature of Restriction	riction					Proposed
	OP	SM	LR	QE	ат	PR	BC	PS	MB	NR	RO	Review Timing
Superannuation (Government and Other Employees) Act 1988, Superannuation (State Public Sector) Act 1990, State Service		`										1996-1997
Superannuation Act 1972, Parliamentary Contributory Superannuation Act 1970 and Police Superannuation Acts 1968 & 1974	Each Aci requirem	t provides fi ent that Qu	or the oper. eensland In	ution of a c westment C	ontributory orporation	superannu be the sole	ation schem funds man	e. Statutor) ager for th	monopoly e superann	Each Act provides for the operation of a contributory superannuation scheme. Statutory monopoly provision in each Act relates to requirement that Queensland Investment Corporation be the sole funds manager for the superannuation fund established under th	ı each Act ı established	Each Act provides for the operation of a contributory superannuation scheme. Statutory monopoly provision in each Act relates to requirement that Queensland Investment Corporation be the sole funds manager for the superannuation fund established under the Act.
Tobacco Products (Licensing) Act 1988 & Tobacco Products			`				`					1998-1999
(Licensing) Regulation 1993	Legislati by licens	on provides ees. Also re	for the lice	ensing of to beeping of	bacco whol sales recor	esalers and ts (ie. for t	retailers a he purposes	nd requires of calcula	premises u. ting the quc	sed for these intum of fee.	e purposes s payable b	Legislation provides for the licensing of tobacco wholesalers and retailers and requires premises used for these purposes to be specified by licensees. Also requires the keeping of sales records (ie. for the purposes of calculating the quantum of fees payable by a licensee).
Mortgages (Secondary Market) Act 1984 & Mortgages (Secondary Market) Regulations 1984			`				`					Not proposed
	Legislati	on in a trar	sitional ph	ase to dere	gulation. Ac	a expires o	о) 86/1/1 и	r earlier if	prescribed).	NCP revies	v considere	Legislation in a transitional phase to deregulation. Act expires on 1/1/98 (or earlier if prescribed). NCP review considered unnecessary.

Legislation					Natur	Nature of Restriction	iction					Proposed
	dO	NS	LR	ЭÖ	αт	PR	ВС	PS	MB	N. R.	RO	Review
Co-operative Housing Societies Act 1958			`				``					Not proposed
	Act provi Intermedi	Act provides for the legislation Intermediaries Act (legislation		and regula n Bill form	and regulation of co-operative housing s in Bill form currently before Parliament).	perative ho efore Parli	using socie. ament).	ties but is t	o be replac	and regulation of co-operative housing societies but is to be replaced by the proposed Financial in Bill form currently before Parliament).	roposed Fin	ancial
Friendly Societies Act 1991			`				``					Not proposed
	Work cur for nation	rently unde 1al scheme	Work currently underway to establish a n for national scheme to commence 1/1/97.	ablish a na e 1/1/97.	tional schen	ne for the s	upervision	and regula	ion of frier	Work currently underway to establish a national scheme for the supervision and regulation of friendly societies with current intention for national scheme to commence 1/1/97.	s with curre	m intention
Building Societies Act 1985			`				``					Not proposed
	Act large societies"	Act largely superseded by the societies". Regulation of these	ed by the F	inancial In. emaining b	Financial Institutions Scheme and now only applies to a limited number of "terremaining bodies to be transferred to proposed Financial Intermediaries Act.	theme and t	now only at to proposi	pplies to a sed Financic	imited nun. ıl Intermed	Act largely superseded by the Financial Institutions Scheme and now only applies to a limited number of "terminating building societies". Regulation of these remaining bodies to be transferred to proposed Financial Intermediaries Act.	ninating bu	lding
Financial Intermediaries Bill			`				`					1998-1999 (for Act)
	Bill curre Societies regime.	Bill currently before Parliamer Societies Act. Bill provides for regime.	Parliament ovides for c	. Intended 1 prudentia	to replace (ily based si	Oo-operativ tpervisory s	e Housing ! ystem for sc	Societies Ac	t and rema	Bill currently before Parliament. Intended to replace Co-operative Housing Societies Act and remaining "live" provisions of Building Societies Act. Bill provides for a prudentially based supervisory system for societies in place of current heavily prescriptive regulatory regime.	provisions v prescriptiv	at. Intended to replace Co-operative Housing Societies Act and remaining "live" provisions of Building a prudentially based supervisory system for societies in place of current heavily prescriptive regulatory

Legislation					Natur	Nature of Restriction	iction					Proposed
	OP	SiM	LR	QE	ρ	PR	BC	PS	MB	N.	RO	Review
Motor Accident Insurance Act 1994			>			`	,	:				1998-1999
	Act conta pertaining following	Act contains review clause. Re pertaining to compulsory third following extensive community	clause. Revi sory third p ommunity c	view currently party (CTP) consultation.	ly schedulec) insurance, 1.	to commes including l	nce on 1/9/. Icensing of	99. Each Si insurers. C	ate has leg urrent Qld	Act contains review clause. Review currently scheduled to commence on 1/9/99. Each State has legislative provisions, in various for pertaining to compulsory third party (CTP) insurance, including licensing of insurers. Current Qld CTP scheme commenced 1/9/94 following extensive community consultation.	visions, in v se commenc	Act contains review clause. Review currently scheduled to commence on 1/9/99. Each State has legislative provisions, in various forms, pertaining to compulsory third party (CTP) insurance, including licensing of insurers. Current Qld CTP scheme commenced 1/9/94 following extensive community consultation.
Lotteries Act 1994 & Regulations and Rules previously in force under	`	``										6661-8661
Football Pools Act 1979 and Golden Casket Art Unions Act 1978	Legislatio by the Ga	n establish ming Laws	es the Gola). Corporat	en Casket v ion a poter	Corporation ıtial candid	with the sc tte for appl	ole right to ication of l	conduct lo	teries (com titive neutra	Legislation establishes the Golden Casket Corporation with the sole right to conduct lotteries (conduct of lotteries by the Gaming Laws). Corporation a potential candidate for application of NCP competitive neutrality principles	ries otherw Ies.	Legislation establishes the Golden Casket Corporation with the sole right to conduct lotteries (conduct of lotteries otherwise prohibited by the Gaming Laws). Corporation a potential candidate for application of NCP competitive neutrality principles.
Gaming Machine Act 1991 & Gaming Machine Regulation 1991		`	`		`		,					1997-1998
	Legislatio Crown, be and clubs, of gaming	Legislation provides for Gover Crown, being sole provider of and clubs), subject to prescrib of gaming machines, which we process of preparation for con	for Govern rovider of g prescribe which wou m for consi	ment to ha qaming mac d condition, ild otherwis	Legislation provides for Government to have sole right Crown, being sole provider of gaming machines to lice and clubs), subject to prescribed conditions (such as mot gaming machines, which would otherwise be illegal, process of preparation for consideration by Qld. Govt.	t to purcha ensed prema aximum nu is made la	se gaming) ises (limite imber at in wful at a l.	nachines w d to certain dividual siti icensed site	ith Director 1 categorie: 28). Under White pap	r of Machin s of liquor l. the Act, the	e Gaming, icence hold possession ng machine	Legislation provides for Government to have sole right to purchase gaming machines with Director of Machine Gaming, as agent of the Crown, being sole provider of gaming machines to licensed premises (limited to certain categories of liquor licence holders ie. hotels and clubs), subject to prescribed conditions (such as maximum number at individual sites). Under the Act, the possession and playing of gaming machines, which would otherwise be illegal, is made lawful at a licensed site. White paper on gaming machine regulation in process of preparation for consideration by Qld. Govt.
Casino Control Act 1982 & Casino Control Regulation 1984			`		`		•					1998-1999
)	Legislatio financial, conduct o licensed c	n providez etc qualifi. f gaming, 1 asino, thes	for the grecations and which would e effectively	anting of cal prescribes a otherwise being com	asino licensa subsequent be illegal, tractual arra	es by the Q restrictions is made lav angements	ueensland (s on conduc vful within between the	Tovernment t of license a licensed of State and	subject to es and casi asino. Sep the respecti	Legislation provides for the granting of casino licenses by the Queensland Government subject to prescribed probity, structural, financial, etc qualifications and prescribes subsequent restrictions on conduct of licensees and casino operations. Under the Act, the conduct of gaming, which would otherwise be illegal, is made lawful within a licensed casino. Separate "Agreement Acts" relate to e licensed casino, these effectively being contractual arrangements between the State and the respective licensees.	probity, stri ris. Under 1 ement Acts'	Legislation provides for the granting of casino licenses by the Queensland Government subject to prescribed probity, structural, financial, etc qualifications and prescribes subsequent restrictions on conduct of licensees and casino operations. Under the Act, the conduct of gaming, which would otherwise be illegal, is made lawful within a licensed casino. Separate "Agreement Acts" relate to each licensed casino, these effectively being contractual arrangements between the State and the respective licensees.

Legislation					Natur	Nature of Restriction	iction					Proposed
	ОР	SM	רצ	QE	QΤ	PR	ВС	PS	MB	A A	RO	Review
Art Unions and Public Amusements Act 1992 & Art Unions and Public			1		/		`					1998-1999
Amusements Regulation 1992	Legislatic provides , amuseme	n currently for a range tts. Similar	subject to of licence, legislation	internal re permit ana exists in t	Legislation currently subject to internal review with consi provides for a range of licence, permit and approval requ amusements. Similar legislation exists in the other States.	Legislation currently subject to internal review with consideration being given to deregulation of public amusements. Current legi provides for a range of licence, permit and approval requirements in regard to the conduct of art unions, bingo and other public amusements. Similar legislation exists in the other States.	t being give s in regard	n to deregu to the cona	lation of pr	ublic amuse mions, bing	ments. Cur	Legislation currently subject to internal review with consideration being given to deregulation of public amusements. Current legislation provides for a range of licence, permit and approval requirements in regard to the conduct of art unions, bingo and other public amusements. Similar legislation exists in the other States.
Keno Bill 1996		\ \										1996-1997
	Proposed approved resolved p	Proposed legislation to permit approved outlets for a defined resolved prior to introduction	Proposed legislation to permit the ho approved outlets for a defined period resolved prior to introduction of Bill.	he holder c period (the , f Bill.	of a keno lic playing of k	the holder of a keno license to have the right to conduct the game of keno on a State-wide basis to period (the playing of keno would otherwise be illegal under the gaming laws). NCP issues to be of Bill.	e the right otherwise b	to conduct e illegal un	the game o der the gan	f keno on a ning laws).	State-wide NCP issue	Proposed legislation to permit the holder of a keno license to have the right to conduct the game of keno on a State-wide basis through approved outlets for a defined period (the playing of keno would otherwise be illegal under the gaming laws). NCP issues to be resolved prior to introduction of Bill.

Portfolio/Department: Public Works & Housing

PR - pricing restrictions	BC - business conduct restrictions	PS - preferred supplier/customer	MB - measures that confer a benefit	NR - natural resources permits/licenses	
Legend	OP - outright prohibition	SM - statutory monopoly	LR - licensing or registration	QE - quantitative entitlements	

Legislation					Natur	Nature of Restriction	iction					Proposed
	ОР	SM	LR	QE	ΩT	PR	ВС	PS	MB	NR R	RO	Review Timing
State Housing Act 1945, State Housing (Freeholding of Land) Act 1957, State Housing Reculation						`			`			1996-1997
1986 & Interest Rate Orders under these Acts	Legislatic housing I subject to account i purchase under the	on contains oroviders (e oroviders un finalising prices und	Legislation contains various prohousing providers (eg. Commissi subject to planning legislation). account in finalising recommend purchase prices under contracts under the Housing (Freeholding	ovisions that ce sion land not re Extensive revi dations to Qld. entered into is	Legislation contains various provisions that confer advantages or privileges on Qld Housing Commission that are not available to housing providers (eg, Commission land not rateable, securities executed under the Acts not subject to stamp duty, Commission not subject to planning legislation). Extensive review of this legislation underway and at an advanced stage. NCP issues will be taken i account in finalising recommendations to Qld. Government. Pricing Orders relate to maximum interest rates on advances and purchase prices under contracts entered into in terms of various schemes under the Housing Act and for purchase price of certain lunder the Housing (Freeholding of Land) Act.	vantages or securities ε is legislatic ment. Prici of various s	privileges xecuted un underwa ng Orders i schemes unc	on Qld Hor der the Acts v and at an elate to m ler the Hou	using Comn not subject advanced; aximum int sing Act an	uission that ct to stamp cstage. NCP erest rates ct defor purch	are not ave duty, Comm issues will on advance. iase price o	Legislation contains various provisions that confer advantages or privileges on Qld Housing Commission that are not available to other housing providers (eg. Commission land not rateable, securities executed under the Acts not subject to stamp duty, Commission not subject to planning legislation). Extensive review of this legislation underway and at an advanced stage. NCP issues will be taken into account in finalising recommendations to Qld. Government. Pricing Orders relate to maximum interest rates on advances and purchase prices under contracts entered into in terms of various schemes under the Housing Act and for purchase price of certain land under the Housing (Freeholding of Land) Act.
Queensland Building Services Authority Act 1991, Queensland Building Services Authority		•	`				`		`			1997-1998
Regulation 1992 & Queensland Building Services Authority Policy 1995	Most juri Licensing to the con residentic The mattu Licensing	sdictions re requireme mpulsory sc nl construct er of a cons	Most jurisdictions regulate the Licensing requirements under Q to the compulsory scheme of insresidential construction work. Streematter of a consistent natio. Licensing and Home Warranty.	building in BSA Act & iurance, aa cheme is se mal approc	Most jurisdictions regulate the building industry in some form (ie, licensing of contractors carrying out defined building work). Licensing requirements under QBSA Act & Regs cover a wide range of building occupations. Statutory monopoly in QBSA Act rel to the compulsory scheme of insurance, administered by the QBSA, against default of a licensed builder to rectify defects in new residential construction work. Scheme is seen as ancillary but essential to the principal regulatory function of licensing. The matter of a consistent national approach to licensing and warranty issues presently being considered by National Council of Licensing and Home Warranty Authorities and by a National Task Force established by the previous Prime Minister.	me form (ie - a wide rai - y the QBS. lary but ess ing and wational Tas	i, licensing nge of builc 4, against 4, ential to the arranty issu k Force est	of contracti ling occupa lefault of a e principal es presenth ablished by	ors carrying tions. Statu licensed bu regulatory, v being con the previon	y out define tory monop ilder to rec. function of sidered by I us Prime Mi	d building a voly in QBS. tify defects licensing. National Cc. inister.	building industry in some form (ie, licensing of contractors carrying out defined building work). BSA Act & Regs cover a wide range of building occupations. Statutory monopoly in QBSA Act relates urance, administered by the QBSA, against default of a licensed builder to rectify defects in new cheme is seen as ancillary but essential to the principal regulatory function of licensing. mal approach to licensing and warranty issues presently being considered by National Council of Authorities and by a National Task Force established by the previous Prime Minister.

Legislation					Natur	Nature of Restriction	iction					
	ОР	SM	LR	QE	ρ	PR	BC	PS	MB	A A	RO	Review
Residential Tenancies Act 1994 & Residential Tenancies Regulation		•					,			i		Underway
1995	Act curre Tenancies	Act currently subject to review. Tenancies Authority as sole bo	Act currently subject to review, NCP issues will be addressed during this exercise. Statutory monopoly provisions relate to Tenancies Authority as sole body authorised to manage rental bonds. Similar requirements exist in most other jurisdictions.	VCP issues v authorise	will be ad d to manag	dressed dur e rental bo	ing this exe nds. Similar	rcise. Stat requireme	utory monc nts exist in	poly provisi most other	ons relate jurisdiction	, NCP issues will be addressed during this exercise. Statutory monopoly provisions relate to Residential dy authorised to manage rental bonds. Similar requirements exist in most other jurisdictions.
Architects Act 1985 & Architects Regulation 1985			`				\ \ \					1998-1999
	Act provi arrangem	des for the ents has be	Act provides for the registration of architects and for approved architectural companicarrangements has been prepared by the Board of Architects.Reg will expire on 1/7/97.	of architec by the Boo	ts and for ard of Arch	approved a	rchitectural vill expire o	companies on 1/7/97.	A draft d	scussion pa	per on the	Act provides for the registration of architects and for approved architectural companies. A draft discussion paper on the future of these arrangements has been prepared by the Board of Architects.Reg will expire on 1/7/97.
Professional Engineers Act 1988 & Professional Engineers Regulation			`		`		\					6661-8661
1992	Act provinetc), profe from under specified, therefore	Act provides for the registratio etc), professional engineering c from undertaking professional specified period of experience (therefore represent a relatively	Act provides for the registration of professional engineers (in various divisions of the profession, ie. civil, mechanical, metallurgical, etc), professional engineering companies and professional engineering services for fee or reward. Act also requires that, to be registered, an engineer must have specified period of experience (5 years) which may be greater than that applying in the other States or nationally and which may therefore represent a relatively greater restriction on entry into the profession.	of professi mpanies av igineering years) whi reater resti	onal engine id professic services for ich may be riction on e	eers (in var mal engines fee or rew greater tha ntry into th	n of professional engineers (in various division, ompanies and professional engineering units we regineering services for fee or reward. Act also 5 years) which may be greater than that apply greater restriction on entry into the profession.	ns of the pi within a co to requires tying in the	rofession, i mpany. A 1 that, to be 1 other Stat	on of professional engineers (in various divisions of the profession, ie. civil, mechanical, metallurgical companies and professional engineering units within a company. A non-registered entity is prohibited engineering services for fee or reward. Act also requires that, to be registered, an engineer must have (5 years) which may be greater than that applying in the other States or nationally and which may greater restriction on entry into the profession.	hanical, me ed entity is, n engineer ally and wh	on of professional engineers (in various divisions of the profession, ie. civil, mechanical, metallurgical, companies and professional engineering units within a company. A non-registered entity is prohibited engineering services for fee or reward. Act also requires that, to be registered, an engineer must have a (5 years) which may be greater than that applying in the other States or nationally and which may greater restriction on entry into the profession.
Libraries and Archives Act 1988		``								14 15 15 15		Not proposed
	Act argua disposed archives F	Act arguably contains a minor disposed of by being deposited archives has been drafted whi		tatutory mc or storage 1 will remo	mopoly pro	vision in pi ue Archivis mt restricti	roviding the t unless cer on relating	u public re tain condit to storage	cords of a ion are me and dispos	statutory monopoly provision in providing that public records of a "public authority" can only be for storage with the State Archivist unless certain condition are met. New legislation dealing with the will remove the current restriction relating to storage and disposal of public records.	ority" can lation deali records.	only be