



CLAUSE 5

LEGISLATION REVIEW

TABLE



JUNE 1996



GOVERNMENT OF
WESTERN AUSTRALIA

CLAUSE 5

LEGISLATION REVIEW TABLE



Western Australia's Legislation Review Table

Submitted to the National
Competition Council in accordance
with clause 5 of the Competition
Principles Agreement.



This document contains Western Australia's Legislation Review Table prepared in accordance with Western Australia's obligations under the National Competition Policy package (Package). The Package was signed by all Heads of Government (State, Territory and Commonwealth) at the April 1995 Council of Australian Government's meeting.

A Ministerial Working Group for Competition Policy and a Competition Policy Unit (Treasury) were established in Western Australia to oversee and coordinate the implementation of the Package in Western Australia.

One of the obligations under the Package is that all jurisdictions review and reform all of their legislation (including Acts, Enactments, Ordinances, By-laws etc) ("Legislation") that restrict competition.

This is to happen in two stages:

- (1) development of a timetable for the review of all Legislation ("Legislation Table") by June 1996; and
- (2) the reform of all Legislation that unjustifiably restricts competition by the year 2000.

In November 1995 the Premier requested all Ministers, through their agencies and departments, to consider all the Legislation under their respective portfolios. The directive of the review of all State Legislation was to identify legislation that had either a direct or indirect effect on competition, and if so, when that Legislation should be reviewed.

A memorandum setting out guidelines for compliance and an indication of types of Legislation and provisions in Legislation that could be anti-competitive or have an anti-competitive effect was forwarded to all Ministers to assist in this process.

Initial responses were received and collated by the Competition Policy Unit, Treasury. These responses were subject to an extensive review program by the Competition Policy Unit which examined the timetable and review issues in consultation with departments and agencies.

Legislation identified through the above process as having an effect on competition forms the basis of the following Legislation Table.

The Legislation Table sets out a review and reform timetable that has been determined as appropriate for each portfolio at the current time. It is important to note that Western Australia reserves its right to amend particular review dates where this is considered appropriate. Circumstances where this might occur include where the priority for reviewing a particular piece of legislation changes and where it is agreed to undertake a national review in respect of a piece of legislation.

For the purpose of the Legislation Table, the following definitions apply to the descriptions used in the *Scope of Review* column:

- ◆ **Market Power:** The capacity of a player in a market to affect or influence outcomes or transactions only by virtue of size, position or other dominating factors.

- ◆ **Competitive Neutrality:** Where Government entities are subject to a competitive advantage (potential or actual) or disadvantage by virtue of their Government status.
- ◆ **Licensing:** Legislative provisions about the who, what or how of participation in a market. Examples include occupational registration and performance standards for goods and services.
- ◆ **Differential Treatment:** Where Government, through the operations of legislation discriminates between different firms or individuals within a market.
- ◆ **Third Line Forcing:** A requirement to take another product or service as a condition of supply.
- ◆ **Access:** Either there may be inadequate provision for access in the legislation, or the facility is of a type where access may be required and there is no provision for it.

The Competition Policy Unit will have an overseeing role to monitor and assist in completing the review and reform programs set down in the Legislation Table. Ministers will be responsible for ensuring the undertaking of these reviews.

An annual report will be produced by the Competition Policy Unit on progress in respect of the Legislative Review Timetable based on information provided by Ministers regarding reviews undertaken and outcomes of those reviews for the year.

In addition, the Ministerial Working Group for Competition Policy is developing Regulatory Impact Statement guidelines to ensure that in respect of any new legislative proposals, the benefits of any restriction to the community as a whole outweigh the costs. These guidelines are being developed in accordance with clause 5(5) of the Competition Principles Agreement and are expected to be completed and effective from 1 January 1997.



WESTERN AUSTRALIAN CLAUSE 5 LEGISLATION REVIEW TABLE

LEGISLATION	YEAR OF REVIEW	SCOPE OF REVIEW
Aboriginal Affairs Planning Authority Act 1972 and Regulations	1996	Differential Treatment
Aboriginal Communities Act 1979 and By-laws	1997	Differential Treatment
Aboriginal Heritage Act and Regulations 1974	1966	Licensing
Administration Act 1903 and Regulations	1996	Competitive Neutrality
Aerial Spraying Control Act 1966 and Regulations	1998/99	Licensing
Agricultural Products Act 1929 and Regulations	1997/98	Licensing
Agriculture Act 1988	1996/97	Licensing
Agriculture and Related Resources Protection Act 1976 and Regulations	1997/98	Licensing
Agriculture and Veterinary Chemicals (Western Australia) Act 1995 and Regulations	1998/99	Licensing
Agriculture Protection Board Act 1950 and Regulations	1996/97	Licensing
Albany Port Authority Act 1926 and Regulations	1998/9	Licensing Third Line Forcing Market Power Competitive Neutrality
Anatomy Act 1930 and Regulations	1999	Licensing
Anglo-Persian Oil Company Limited (Private) Act 1919	1997	Licensing
Animal Resources Authority Act 1981	1999	Licensing
Architects Act 1921 and Regulations	1997	Licensing
Art Gallery Act 1959	1996	Competitive Neutrality
Artificial Breeding of Stock Act 1965 and Regulations	1997/98	Licensing
Auction Sales Act 1973 and Regulations	1998	Licensing
Australian Soccer Pools Bloc: Rules for Subscriber Participation	1997	Licensing
Beekeepers Act 1963 and Regulations	1998/99	Licensing
Belling Control Act 1954 and Regulations	1997/98	Licensing
Biological Control Act 1986	1996/97	Market Power
Boxing Control Act 1987 and Regulations	1996	Licensing
Bread Act 1982 and Regulations	1999/2000	Licensing
British Imperial Oil Company (Private) Act 1925	1997	Licensing
Builders Registration Act 1939 and Regulations	1999/2000	Licensing

LEGISLATION	YEAR OF REVIEW	SCOPE OF REVIEW
Building and Construction Industry Training Fund and Levy Collection Act 1990 and Regulations	1999	Differential Treatment
Bulk Handling Act 1967 and Regulations	1997/98	Differential Treatment
Bunbury Port Authority Act 1909 and Regulations	1996/97	Licensing Third Line Forcing Market Power Competitive Neutrality
Bush Fires Act 1954 and Regulations	1996	Competitive Neutrality
Business Franchise (Tobacco) Act 1975	1996	Licensing
Caravan Parks and Camping Grounds Act 1995	1996	Competitive Neutrality Licensing
Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962	1998/99	Access Differential Treatment
Carnarvon Irrigation District Bylaws	1998	Differential Treatment
Casino (Burswood Island) Agreement Act 1985	1998	Differential Treatment
Casino Control Act 1984	1997/98	Licensing
Cattle Industry Compensation Act 1965 and Regulations	1996	Licensing
Censorship of Films Act 1947	1996	Licensing
Charitable Collections Act 1946 and Regulations	1996	Licensing
Chicken Meat Industry Act 1977 and Regulations	1996	Licensing
Chiropractors Act 1964 and Regulations	1997	Licensing
City of Perth Parking Facilities Act 1956 and Regulations	1997	Licensing
Coal Industry Superannuation Act 1989 and Regulations	1998	Competitive Neutrality
Colleges Act 1926	1996	Competitive Neutrality Market Power
Commonwealth Oil Refineries Limited (Private) Act 1940	1997	Licensing
Conservation and Land Management Act 1984 and Regulations	1996	Licensing
Cooperative and Provident Societies Act 1903 and Regulations	1996	Licensing
Country Areas Water Supply Act 1947	1998	Licensing Market Power
Country Areas Water Supply Bylaws 1957	1998	Market Power
Country Slaughterhouse Regulations 1969	1999	Licensing
Country Towns Sewerage Act 1948 and Bylaws	1998	Market Power Licensing
Credit (Administration) Act 1984 and Regulations	1997/98	Licensing

LEGISLATION	YEAR OF REVIEW	SCOPE OF REVIEW
Credit Act 1984 and Regulations	2000	Differential Treatment
Cremation Act 1929 and Regulations	1999	Licensing
Curtin University of Technology Act 1996	1996	Competitive Neutrality Market Power
Dairy Industry Act 1973 and Regulations	1997/98	Licensing
Dampier Port Authority Act 1985 and Regulations	1998/9	Licensing Third Line Forcing Market Power Competitive Neutrality
Debt Collectors Licensing Act 1964 and Regulations	2000	Licensing
Dental Act 1939 and Regulations	1999	Licensing
Dental Prosthetics Act and Regulations	1997	Licensing
Dried Fruits Act 1947	1996	Licensing
East Perth Redevelopment Act 1991 and Regulations	1997	Competitive Neutrality
Eastern Goldfields Transport Board Act 1984 and Regulations	1997	Differential Treatment
Edith Cowan University Act 1984	1996	Competitive Neutrality Market Power
Education Service Providers (Full Fee Overseas Students) Registration Act 1992	1997	Licensing
Electricity Act 1945	1995/6	Licensing
Electricity Corporation Act 1994	1996	Market Power Licensing
Employment Agents Act 1976 and Regulations	2000	Licensing
Energy Corporations (Powers) Act 1995	1996	Competitive Neutrality Licensing
Environmental Protection Act 1986	1996	Licensing
Esperance Port Authority Act 1968 and Regulations	1998/9	Licensing Third Line Forcing Market Power Competitive Neutrality
Fertilisers Act 1977 and Regulations	1996/97	Licensing
Finance Brokers Control Act 1975 and Regulations	1997	Licensing
Firearms Act 1973 and Regulations	1998	Licensing
Fish Resources Management Act 1994	1999/2000	Licensing Differential Treatment
Fisheries Adjustment Schemes Act 1987 and Regulations	1999/2000	Licensing
Fishing Industry Promotion Training and Management Levy Act 1994	1999/2000	Licensing

LEGISLATION	YEAR OF REVIEW	SCOPE OF REVIEW
Fremanlle Port Authority Act 1902 Act and Regulations	1996/7	Licensing Third Line Forcing Market Power Competitive Neutrality
Friendly Societies Act 1894 and Regulations	1996	Licensing
Fruit Growing Industry Trust Fund Act 1941 and Regulations	1996	Market Power
Gaming Commission Act 1987 and Regulations	1997/98	Licensing
Gas Corporation Act 1994	1996	Market Power
Gas Transmission Regulations 1994	1996	Access Provisions
Geraldton Port Authority Act 1968 and Regulations	1998/9	Licensing Third Line Forcing Market Power Competitive Neutrality
Gold Corporation Act 1987 and Regulations	1997	Competitive Neutrality
Government Employees Superannuation Act 1987	2000	Competitive Neutrality
Government Railways Act 1904 and Bylaws: Nos 1 to 53, 59, 62, 63, 64, 68, 74. No 55(rates) No 60 (passenger fares) No 75 (Auction Sales) No 76 (Licensed Porters)	1996	Access Market Power Competitive Neutrality
Grain Marketing Act 1975 and Regulations	1998/99	Market Power
Hairdressers Registration Act 1946 and Regulations	1996	Licensing
Harvey, Waroona Collie River Irrigation Districts Bylaws 1975	1998	Differential Treatment
Health (Adoption of Food Standards Code) Regulations 1992	1997	Differential Treatment
Health (Asbestos) Regulations 1992	1999	Licensing
Health (Cloth Materials) Regulations 1973	1999	Licensing
Health (Construction Work) Regulations 1973	1999	Licensing
Health (Drugs and Allied Substances) Regulations 1961	1999	Licensing
Health (Food Hygiene) Regulations 1993	1999	Licensing
Health (Game Meat) Regulations 1992	1999	Licensing
Health (Liquid Waste) Regulations 1993	1999	Licensing
Health (Meat Inspection and Branding) Regulations 1950	1999	Licensing
Health (Pesticides) Regulations 1956	1999	Licensing
Health (Pet Meat) Regulations 1990	1999	Licensing
Health (Public Buildings) Regulations 1992	1999	Licensing

LEGISLATION	YEAR OF REVIEW	SCOPE OF REVIEW
Health (School Dental Therapists) Regulations 1974	1999	Licensing
Health Act (Swimming Pools) Regulations 1964	1999	Licensing
Health Act 1911	1999	Licensing
Health Laboratory Services (Fees) Regulations	1999	Licensing
Hire Purchase Act 1959 and Regulations	1996/97	Licensing
Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987	1998	Licensing
Hospitals (Service Charges) Regulations 1984	1998	Licensing
Hospitals and Health Services Act 1927	1998	Licensing
Human Reproductive Technology Act 1991 and Regulations	1999	Licensing
Human Tissue and Transplant Act 1982	1999	Licensing
Indecent Publications and Articles Act 1902 and Regulations	1997	Licensing
Industrial Relations Act 1979	1996	Licensing Differential Treatment
Industrial Training Act 1975 and Regulations	1996	Licensing
Infectious Diseases (Inspection of Persons) Regulations	1999	Licensing
Inquiry Agents Licensing Act 1954 and Regulations	1999	Licensing
Instant Lottery Rules 1991 Instant Lottery (Telespin) Rules 1991 Lotteries Commission Regulations 1991 Lotto Rules 1990	1996/97	Differential Treatment
Jellies Act 1926 and Regulations	1997	Licensing Competitive Neutrality
Land Drainage (Rating Grades) Regulations 1986	1989	Market Power
Land Valuers Licensing Act 1978 Regulations	1999/2000	Licensing
Legal Aid Commission Act 1976 and Regulations	1996	Differential Treatment
Legal Practitioners Act 1893 and Rules	1996	Licensing Competitive Neutrality
Licensed Surveyors Act 1909 and Regulations	1998	Licensing
Lights (Navigation Protection) Act 1930	1998/9	Licensing
Liquor Licensing Act 1988 and Regulations	1997/98	Licensing
Local Government Act 1995	1997	Competitive Neutrality Differential Treatment
Local Government Draft Model By-Laws	1997	Competitive Neutrality Differential Treatment

LEGISLATION	YEAR OF REVIEW	SCOPE OF REVIEW
Lotteries Commission Act 1990	1996/97	Market Power Differential Treatment
Marine and Harbours Act 1981 and Regulations	1997	Competitive Neutrality
Marketing of Eggs Act 1945 and Regulations	1997/98	Licensing Market Power
Marketing of Meat Act 1946 and Regulations	1998/99	Market Power
Marketing of Potatoes Act 1946 and Regulations	1997/98	Licensing Market Power
Meat Transport Regulations 1969	1999	Licensing
Medical Act 1984 and Rules	1997	Licensing
Mental Health (Administration) Regulations 1965	1997	Licensing
Mental Health (Treatment Fees) Regulations 1992	1997	Licensing
Mental Health Act 1962	1997	Licensing Differential Treatment
Metropolitan (Perth) Passenger Transport Trust Act 1957 and Regulations	1997	Competitive Neutrality
Metropolitan Water Authority (Miscellaneous) Bylaws 1982	1988	Differential Treatment
Metropolitan Water Authority Act 1982	1998	Market Power
Metropolitan Water Supply, Sewerage and Drainage Act 1909	1998	Market Power
Metropolitan Water Supply, Sewerage and Drainage Bylaws 1981	1998	Differential Treatment Licensing
Motor Vehicle (Third Party Insurance) Act 1943 and Regulations	1996	Competitive Neutrality
Motor Vehicle Dealers Act 1973 and Regulations	1996	Licensing
Murdoch University Act 1973	1996	Competitive Neutrality Market Power
North West Gas Development (Woodside) Agreement Amendment Act 1994	1997	Differential Treatment
Nurses Act 1992	1997	Licensing
Occupational Therapists Registration Act 1980 and Regulations	1997	Licensing
Offensive Trades (Fees) Regulations 1976	1999	Licensing
Optical Dispensers Act 1966 and Regulations	1997	Licensing
Optometrists Act 1940 and Regulations	1997	Licensing
Ord Irrigation District Bylaws	1998	Market Power
Painters Registration Act 1961	1996	Licensing
Path Centre Notice and Directions 1995	1998	Market Power

LEGISLATION	YEAR OF REVIEW	SCOPE OF REVIEW
Pawn Brokers and Second Hand Dealers Act 1994 and Regulations	1998	Licensing
Pearling Act 1990 and Regulations	1996	Licensing
Perth Market Act 1926 and Regulations	1998/99	Licensing Differential Treatment
Perth Theatre Trust Act 1979	1996	Competitive Neutrality
Petroleum (Submerged Lands) Act 1982 and Regulations	1999	Differential Treatment Access
Petroleum Pipelines Act 1969 and Regulations	1997	Access
Petroleum Products Subsidy Act 1965 and Regulations	1996	Market Power
Pharmacy Act 1964 and Regulations	1997	Licensing Market Power
Physiotherapists Act 1950 and Regulations	1997	Licensing
Pig Industry Compensation Act 1942 and Regulations	1996/97	Licensing
Piggeries Regulations 1952	1999	Licensing
Podiatrists Registration Act 1984 and Regulations	1997	Licensing
Poisons Act 1964 and Regulations	1998	Licensing
Police Force Canteen Regulations 1988	1997	Competitive Neutrality
Port Hedland Port Authority Act 1970 and Regulations	1998/9	Licensing Third Line Forcing Market Power Competitive Neutrality
Port Kennedy Development Agreement Act 1992	1998	Competitive Neutrality
Ports (Model Pilotage) Regulations 1994	1998/9	Licensing Third Line Forcing
Ports Functions Act 1993	1998/9	Licensing Third Line Forcing
Potato Growing Industry Trust Fund Act 1947 and Regulations	1996/97	Licensing
Poultry Industry (Trust Fund) Act 1948	1996/97	Licensing
Poultry Processing Establishments Regulations 1973	1999	Licensing
Preston Valley Irrigation District Bylaws	1998	Differential Treatment
Psychologists Registration Act 1976 and Regulations	1997	Licensing
Public Works Act 1902	1997	Licensing
Queen Elizabeth 11 Medical Centre (Delegated Site) Bylaws 1986	1999	Market Power
Racing Restrictions Act 1917	1997/8	Licensing Differential Treatment

LEGISLATION	YEAR OF REVIEW	SCOPE OF REVIEW
Radiation Safety Act 1975 and Regulations	1999	Licensing
Rates and Charges (Rebates and Deferments) Act 1992	1997	Differential Treatment
Real Estate and Business Agents Act 1978 and Regulations	2000	Licensing
Retail Trading Hours Act 1987 and Regulations	1998	Differential Treatment
Rights in Water and Irrigation (Construction and Alteration of Wells) Regulations 1963	1998	Licensing
Rights in Water and Irrigation Act 1914 and Regulations	1998	Licensing
Rottnest Island Authority Act 1987	1997/98	Licensing
Rural Adjustment and Finance Corporation Act 1993	1998/99	Differential Treatment
Sandalwood Act 1929 and Regulations	1996	Licensing
Secrel Harbour Management Trust Act 1984	1996	Competitive Neutrality
Securities Agents Act 1976 and Regulations	1998	Licensing
Seeds Act 1981 and Regulations	1997/98	Licensing
Settlements Agents Act 1981 and Regulations	1997	Licensing
Shipping and Pilage Act 1967 and Regulations	1998/99	Licensing Competitive Neutrality
Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act 1974	1996/96	Licensing
Small Business Development Corporation Act 1983	2000	Differential Treatment
Small Business Guarantees Act 1984 and Regulations	1997	Differential Treatment
Soil and Land Conservation Act 1945 and Regulations	1996	Market Power
South Fremantle Oil Installations Pipeline Act 1948	1997	Licensing
State Employment and Skills Development Authority Act 1990 and Regulations	1996	Licensing
State Government Insurance Commission Act 1986 and Regulations	1996	Competitive Neutrality
State Supply Commission Act 1985 and Regulations	1996	Differential Treatment
State Trading Concerns Act 1916	1997	Competitive Neutrality
Stipendiary Magistrates Act 1957	1998	Licensing
Stock (Identification and Movement) Act 1970 and Regulations	1998/99	Licensing
Street Collections Regulation Act 1940 and Regulations	1996	Licensing
Subiaco Redevelopment Act 1994	1997	Competitive Neutrality
Suitors Fund Act 1964	1996	Competitive Neutrality Differential Treatment
Swan River Trust Act 1988 and Regulations	1998	Licensing

LEGISLATION	YEAR OF REVIEW	SCOPE OF REVIEW
Taxi Act 1994 and Regulations	1998/9	Licensing
Texas Company (Australasia) Limited (Private) Act 1928	1997	Licensing
The Wild Cattle Nuisance Act 1871	1998/99	Licensing
Tobacco Control Act 1990		Differential Treatment Licensing
Tobacco Control Act 1990 and Regulations	1999	Differential Treatment Licensing
Totalisator Agency Board Betting Act 1960 and Rules and Regulations	1998	Differential Treatment
Transport Coordination Act 1966 and Regulations	1998/9	Licensing
Travel Agents Act 1985 and Regulations	1998/99	Licensing
Treatment of Sewerage and Disposal of Effluent and Liquid Waste Regulations 1999		Licensing
Trustees Companies Act 1987	1996	Competitive Neutrality Licensing
University Colleges Act 1926	1996	Competitive Neutrality Market Power
University Medical School Teaching Hospitals Act 1955	1999	Market Power
University of Notre Dame Australia Act 1989	1996	Competitive Neutrality Market Power
University of Western Australia Act 1911	1996	Competitive Neutrality Market Power
Valuation of Land Act 1987	1996	Licensing
Veterinary Preparations and Animal Feeding Stuffs Act 1976	1998/99	Licensing
Veterinary Surgeons Act 1960	1996/97	Licensing
Video Tape Classification and Control Act 1987	1996	Licensing
WA Greyhound Racing Association Act 1981	1998	Differential Treatment
WA Land Authority Act 1992	1996/97	Competitive Neutrality
WA Marine (Hire and Drive Vessels) Regulations 1983	1998/9	Licensing
WA Marine Act 1982	1998/9	Licensing
WA Meat Industry Authority Act 1976 and Regulations	1996/97	Licensing
WA Treasury Corporation Act 1986	1996/97	Market Power Competitive Neutrality
Water (Dixvale Area and Yanmah Area) Licensing Regulations 1974	1998	Differential Treatment
Water Agencies (Powers) Act 1984	1998	Market power
Water Authority (Charges) Bylaws 1987	1998	Differential Treatment
Water Boards Act 1904 and Bylaws	1998	Licensing

LEGISLATION	YEAR OF REVIEW	SCOPE OF REVIEW
Waterways Conservation Act 1976 and Regulations	1998	Licensing
Weights and Measures Act 1915 and Regulations	1996/97	Licensing
Wheat Marketing Act 1989	1998/99	Licensing
Workers' Compensation and Rehabilitation Act 1981	1996/97	Licensing

