

## Legislation Review Database for Western Australia

### *Agency abbreviations*

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

A	Department of Agriculture
BAG	Board of the Art Gallery of Western Australia
CALM	Department of Conservation and Land Management
CEP	Department of Consumer and Employment Protection
CD	Department for Community Development
CHA	Country Housing Authority
CSB	Coal Industry Superannuation Board
DT	Department of Training
EP	Department of Environmental Protection
ES	Department of Education Services
EPRA	East Perth Redevelopment Authority
F	Department of Fisheries
FESA	Fire and Emergency Services Authority
FPC	Forest Products Commission
GESB	Government Employee Superannuation Board
H	Department of Health
HW	Department of Housing and Works
IA	Department of Indigenous Affairs
IC	Insurance Commission
IT	Department of Industry and Technology

J	Department of Justice
LA	Department of Land Administration
LGRD	Department of Local Government and Regional Development
MPR	Department of Mineral and Petroleum Resources
OE	Office of Energy
P	Police Service
PC	Department of the Premier and Cabinet
PI	Department of Planning and Infrastructure
PTT	Perth Theatre Trust
RGL	Office of Racing, Gaming and Liquor
SBDC	Small Business Development Corporation
SR	Department of Sport and Recreation
TF	Department of Treasury and Finance
WALA	Western Australian Land Authority
WR	Office of Water Regulation
WRC	Water and Rivers Commission
WS	Works and Services
WCRC	Workers Compensation and Rehabilitation Commission

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Aboriginal Affairs Planning Authority Act 1972 and Regulations	IA	Access to Aboriginal lands is restricted. Provision of finance for Aboriginal enterprises which enables finance to be provided to Aboriginal enterprises through the Aboriginal Trading fund, which may have competitive advantages over private sector lenders.	Review completed in 1997. Concluded that both restrictions protect the residents of Aboriginal Lands and enable support for Aboriginal enterprises that could reduce reliance on welfare and other transfer payments. The costs are estimated to be minimal, but achieve significant public benefits. Recommended retaining the restrictions.  Government endorsed the recommendations of the review.	Subject to Ministerial approval	No change.
Aboriginal Communities Act 1979 and By-laws	IA	Section 7(1) empowers a community to which the act applies to make by-laws relating to the community lands of that community for or with respect to: <ul style="list-style-type: none"> <li>▪ the prohibition or regulation of the admission of persons, vehicles and animals to the community lands or a part of the community lands; and</li> <li>▪ the prohibition, restriction or regulation of the possession, use or supply of alcoholic liquor or deleterious substances.</li> </ul>	Review completed in 1997. Concluded that effects on the general economy are not significant. Non-legislative alternatives were considered, but it is considered that the provision of powers to Aboriginal communities to regulate access to community lands is necessary and that no less restrictive means are available to fulfil the purpose of the act and maintain the level of public benefit. Recommended retaining the powers of the communities to regulate access and the availability of deleterious substances on the grounds of public health and cultural preservation.  Government endorsed the recommendations of the review.	Subject to Ministerial approval	No change.

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Aboriginal Heritage Act and Regulations 1974	IA	Access to Aboriginal lands containing protected sites is restricted.	Review completed in 1997. Concluded the restriction protects the cultural heritage of the State and ensures that sites of historical and cultural significance are not damaged or destroyed. Noted the restrictions on competition contained in the legislation are in the public interest and should be retained.  Government endorsed the recommendations of the review.	Subject to Ministerial approval	No change.
Administration Act 1903 and Regulations	J	The Act treats natural persons differently from other classes of administrators of intestate estates as regards a requirement to obtain surety.	Review completed in 1997. The restriction has no costs, but provides benefits by placing natural person administrators on a level playing field with other classes of administrators. It does so because other administrators are already subject to similar safeguards to protect deceased estates, by other means. Recommended retaining the restriction as it was found to be in the public interest.  Review also recommended: broadening the range of financial institutions covered by a provision that grants them protection to pay funds from a deceased estate, up to a maximum amount, for funeral or other authorised purposes prior to administration of the estate; and making this maximum amount consistent with corresponding provisions of the Financial Institutions Code (WA).	Subject to Ministerial approval	Amendments made under the Acts Amendment and Repeal (Financial Sector Reform) Act 1999 removed the restrictions that were to be addressed through the recommendations of the NCP review of this Act.

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Aerial Spraying Control Act 1966	A	Licensing of aerial spray contractors.	National review completed in 1999.	Publicly available	Act to be repealed upon enactment of the Agricultural Management Bill, which is currently being drafted.
Agricultural Produce (Chemical Residues) Act 1983 and Regulations	A	Restrictions on chemically affected produce (eg. on sale, movement or destruction). Minimum qualifications for analysts.	Not listed on Western Australia's review schedule.	Publicly available	Act to be repealed upon enactment of the Agricultural Management Bill, which is currently being drafted.
Agricultural Products Act 1929 and Regulations	A	Regulates the packing and sale of agricultural products.	Review completed. Recommended repealing all codes and replacing these with regulations on labelling.	Subject to Ministerial approval	Review recommendations are being implemented through the Agricultural Management Bill, which is currently being drafted.
Agricultural Protection Board Act 1950	A	None.	Review, in conjunction with review of other agricultural protection Acts, completed by officials. It found the Act did not restrict competition.	Subject to Ministerial approval	No change.
Agriculture Act 1988	A	None.	Review, in conjunction with review of other agricultural protection Acts, completed by officials. It found the Act did not restrict competition.	Subject to Ministerial approval	No change.
Agriculture and Related Resources Protection Act 1976 and Regulations	A	Restricts importation of some plants or animals. Requires landholders to control pests and diseases. Spraying regulations. Raises rates on pastoral land. Restricts the storage of agricultural chemicals.	Review, in conjunction with review of other agricultural protection Acts, completed by officials. It found the Act did not restrict competition. It recommended: <ul style="list-style-type: none"> <li>▪ repealing the spraying regulations (as when amendments are made to Health (Pesticides) Regulations 1956) so that aerial operators are subject to the same licensing regimes as other pesticide operators; but</li> <li>▪ retaining powers to control use and other restrictions.</li> </ul>	Subject to Ministerial approval	Review recommendations are being implemented through the Agricultural Management Bill, which is currently being drafted.

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Agriculture and Veterinary Chemicals (Western Australia) Act 1995 and Regulations	A	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	Publicly available	See Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.
Albany Port Authority Act 1926 and Regulations	PI	Restrictions on market entry and conduct.	Not reviewed.	No report	Act repealed. Replaced by generic Port Authorities Act 1998.
Albany Woollen Mills Agreement Act 1976	PI	Differential treatment.	Not reviewed.	No report	Repealed.
Anatomy Act 1930	H	Licensing.	Review completed in 2000. The review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Subject to Ministerial approval	No change.

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Anglo-Persian Oil Company Limited (Private) Act 1919	HW	The Acts define the relationships, rights and duties of oil companies, local government authorities and the Minister for Works in relation to the construction, operation and maintenance of pipelines on public lands. These duties and powers of the State and local governments constitute restrictions on the commercial activities of the oil companies.	<p>Review completed in 1998. Review identifies public benefits of restrictions identified as: minor cost savings in management of municipal infrastructure arising from coordination in planning, construction and maintenance of municipal infrastructure and oil facilities; minimisation of public inconvenience during construction and maintenance activities on public land; and ensuring proper restoration of municipal infrastructure where this has been disturbed as a result of construction or maintenance activities by the oil companies.</p> <p>Review concluded that the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact.</p> <p>Government endorsed the review recommendations.</p>	Subject to Ministerial approval	No change.
Animal Resources Authority Act 1981	H	None.	Review by officials found the Act contained no restrictions on competition.	Subject to Ministerial approval	No change.

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Architects Act 1921 and Regulations	HW	Registration, entry requirements, reservation of title, disciplinary processes, business conduct (including require Architects Board approval for advertising), business licensing.	<p>National review conducted by the PC completed in August 2000 (publicly released November 2000) (Previous State review commenced but not completed). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act. The State review and its recommendations were endorsed by Cabinet on 17 December 2001. The review found the Act should be amended as follows:</p> <ul style="list-style-type: none"> <li>▪ composition of the Architects Board will be broadened with consumer and educational representatives;</li> <li>▪ removal of the restrictions on ownership or control of corporations or firms; and</li> <li>▪ removal of restrictions on age, advertising, and use of derivatives of the word architect where such use is not false or misleading.</li> </ul>	Publicly available	<p>A States and Territories working group is developing a national response to the PC review.</p> <p>The Architects Act Amendment Bill is being drafted and will be introduced in the 2002 Autumn Session of Parliament. The drafting instructions are currently being examined by the Legislation Standing Committee of Cabinet.</p>



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Art Gallery Act 1959	BAG	<p>The Act provides that works of art shall not be sold or exposed for sale in the Art Gallery or in any other places under the sole management and control of the Board. This imposes a discriminatory restriction on competition by not allowing private owners to sell works of art from the Gallery whilst allowing the Board to exempt governments or other art galleries from this provision.</p> <p>Regulations specifying the conditions and restrictions under which the public may be allowed to examine works of art in the Art Gallery and other places under the management and control of the Board.</p>	<p>Review completed. Concluded that the intended effect of the restriction on the sale of artworks is to maintain the Gallery's status as the premier visual art collection and display institution and ensure that the Gallery is not diverted to overtly commercial operations.</p> <p>Recommended amending the Act to give the Board discretionary powers in the sale of artworks in the Art Gallery or in any other place under the management and control of the Board. The proposed amendment would allow the Gallery some flexibility to sell artworks from its premises should the need or desire arise.</p> <p>In May 2002 Government endorsed the Minister's decision not to support the review's recommendation to amend the Act to give the Board of the Art Gallery discretionary powers in the sale of art works in the Art Gallery or in any other place under the management and control of the Board.</p> <p>The restrictions on the sale of art works have minimal impact on those wishing to sell their artwork as the Art Gallery typically refers queries regarding the purchase of art works to the relevant owner.</p>	Subject to Ministerial approval	No change.

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Artificial Breeding of Stock Act 1965	A	Restricts premises for supplying semen and other reproductive material.  Licenses artificial breeders. Restricts the importation of reproductive material.	Review by officials, in conjunction with review of a range of other agricultural protection Acts, completed recommended:  <ul style="list-style-type: none"> <li>▪ repealing all restrictions;</li> <li>▪ introducing new less restrictive regulations on control of diseases; and</li> <li>▪ voluntary licensing of artificial breeders.</li> </ul>	Subject to Ministerial approval	Review recommendations are being implemented through the Agricultural Management Bill, which is currently being drafted.
Auction Sales Act 1973 and Regulations	CEP	Licensing of auctioneers, entry requirements (fit and proper person, requires two years experience on restricted licence before general licence), the reservation of practice, business conduct (maintenance of records in relation to livestock and vendor accounts).	Review underway. Discussion paper released in September 2000 inviting submissions. Discussion paper recommended that: the licensing system be retained until a full legislative review of the Act within the next 12 months; unless justified by new reasons arising from that review, the licensing system be repealed; and if licensing, or some other form of occupational regulation, is justified after completion of a full legislative review, then the administration of such a system be the responsibility of a single Government organisation.		
Australian Soccer Pools Bloc: Rules for Subscriber Participation	RGL	Licensing.	No review undertaken	No report	Act repealed and replaced by Lotteries Commission (Soccer Pools) Rules 1996.
Beekeepers Act 1963	A	Requires registration of all beekeepers and branding of hives. Restricts importation, antibiotic use and testing. Imposes standards on honey.	Review by officials, in conjunction with review of a range of other agricultural protection Acts completed. It recommended retaining all restrictions except to reconsider those relating to honey standards and nuisance provisions.	Subject to Ministerial approval	Review recommendations are being implemented through the Agricultural Management Bill, which is currently being drafted.

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Betting Control Act 1954 and Regulations	RGL	Licensing.	<p>Review in conjunction with the Totalisator Agency Board Betting Act 1960, completed in 1998.</p> <p>Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> <li>▪ relaxing restrictions on the operation of totalisators other than by the Totalisator Agency Board;</li> <li>▪ relaxing restrictions on bookmakers and their operations;</li> <li>▪ removing limits on bets in the regulations, leaving the racing clubs to set limits as they see fit; and</li> <li>▪ relaxing some restrictions on the operations of the Totalisator Agency Board.</li> </ul> <p>The legislative provisions giving rise to the remaining restrictions were assessed as being in the public interest and recommended for retention.</p> <p>The Government endorsed the recommendations of the review.</p>	Publicly available	Recommendations are being implemented via the Betting Legislation Amendment Bill 2001 and the Acts Amendment and Repeal (Competition Policy) Bill 2002.

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Biological Control Act 1986	A	Makes provision for the biological control of pests in Western Australia. Complementary to Commonwealth legislation. Act does not restrict competition. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.	Deleted from review schedule as the CoAG Committee on Regulatory Reform determined that the legislation has no anti-competitive impacts.	No report	No change.
Boxing Control Act 1987 and Regulations	SR	Registration (boxers, trainers, promoters and judges).	Department review completed in 1997. Consultation involved submissions. Review found that the restrictions were in the public interest.  Government endorsed review.	Subject to Ministerial approval	No change.
Bread Act 1982	CEP	Restrictions on market entry. Restrictions on delivery time for bread. Requirements for marking vehicles delivering bread.	Review by officials completed. It recommended repeal of the Act.	Subject to Ministerial approval	Act to be repealed by Acts Amendment and Repeal (Competition Policy) Bill 2002.
British Imperial Oil Company (Private) Act 1925	MPR	Licensing.	See comments of Anglo-Persian Oil Company Limited (Private) Act 1919.  Government endorsed the review recommendations	Subject to Ministerial approval	No change.

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Builders Registration Act 1939 and Regulations	CEP	Licensing, registration, entry requirements (training and seven years practical experience, age, good character, 'sufficient material and financial resources'), the reservation of practice, business licensing.	<p>Review, in conjunction with review of the Home Building Contracts Act 1991, was completed in 2002. Discussion paper completed in June 2000. Proposed recommendations included reducing restrictions on owner builders, expanding the scope of conditional licences, and expanding the coverage of the Act to the whole State.</p> <p>In May 2002 the Government endorsed the review recommendations that the following restrictions on competition in the Act be amended:</p> <ul style="list-style-type: none"> <li>▪ prohibition of unregistered builders to be amended to allow a limited number of builder categories consistent with the Building Code of Australia;</li> <li>▪ conditional license: will be amended to allow all potential builders rather than just those who have practised in non-covered regional areas to obtain conditional registration; and</li> <li>▪ journeyman builders: will be removed as a special case of conditional licences because it is redundant.</li> </ul>	Subject to Ministerial approval	CEP drafting amendments.
Building and Construction Industry Training Fund and Levy Collection Act 1990 and Regulations	DT	Differential treatment in regard to the imposition of the training levy depending on industry sector and construction work threshold.	<p>Review complete Intra and inter agency consultation. Recommended restrictions be retained.</p> <p>Government endorsed review recommendations.</p>	Subject to Ministerial approval	No change.

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Bulk Handling Act 1967 and Regulations	A	Co-operative Bulk Handling Limited (CBHL) granted sole right to receive and deliver grain until 31 December 2000.	Review scheduled for 1999 but deferred pending a restructure of CBHL and merger talks with the Grain Pool of WA (monopoly grain marketer).  Review has recommenced and will be finalised by June 2002.		
Bunbury Port Authority Act 1909 and Regulations	PI	Restrictions on market entry and conduct.	Not reviewed.	No report	Act repealed and replaced by generic Port Authorities Act 1998.

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Bush Fires Act 1954 and Regulations	FESA	<p>Restriction on the lighting of fires and the requirement to maintain fire breaks. This restriction regulates the lighting of fires and requires the maintenance of fire breaks.</p> <p>Requirement on local governments to provide firefighting equipment and insure voluntary firefighters.</p>	<p>Review completed in 1997. Concluded the restriction on the lighting of fires and the requirement to maintain fire breaks is a very minor restriction on competition. This restriction is clearly in the public interest as it reduces the likelihood of fires. Recommended retaining the restriction.</p> <p>Also noted that firefighting equipment is essential in combating bush fires and protecting the community. The extremely high potential cost of fire damage means local governments must be prepared. Volunteer firefighters are also essential in protecting communities from bush fires and therefore it is in the public interest for government to provide insurance to those who voluntarily risk their lives to protect the community. Recommended retaining the restriction.</p> <p>The review also recommended that Government businesses be subject to the same fire control requirements as other businesses.</p> <p>Government endorsed the recommendations of the review.</p>	Subject to Ministerial approval	Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill 2002.

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Business Franchise (Tobacco) Act 1975	H	A licence is required by any person wholesaling tobacco or purchasing tobacco for retailing from someone who is not a licensed wholesaler, unless purchase is exempt.	Review completed in 1997. Concluded that although this licensing regime restricts competition in the tobacco wholesaling industry and by doing so keeps prices artificially inflated, it thereby reduces consumption, and was found to be in the public interest on public health grounds. Recommended retaining the restriction.  The Government endorsed the recommendations of the review.	Subject to Ministerial approval	No change.
Camballin Farms (AIL Holdings Pty Ltd) Agreement Act 1985	LA	Differential treatment	Not for review as Act will be repealed.	No report	To be repealed in the Statutes (Repeals and Minor Amendments) Omnibus Bill.
Caravan Parks and Camping Grounds Act 1995	LGRD	Competitive neutrality, licensing.	Review underway. The Caravan Parks and Camping Grounds Advisory Committee, a committee comprising government and industry representatives is considering matters to do with restrictions in both the Act and associated regulations.		
Carnarvon Banana Industry (Compensation Trust Fund) Act 1961	A	Trust fund provides compensation for storm damage that restricts the entry of potential insurers to this market. Subsidised compensation is available only to Carnarvon growers.	Review completed. It recommended that the Act be repealed.	Subject to Ministerial approval	The Act was repealed on 28 June 2000.



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Carnarvon Irrigation District By-laws	WRC	Differential treatment.	<p>Review by Water and Rivers Commission completed in January 2000. Minor restrictions justified on public welfare grounds to maintain security of supply and safeguard infrastructure.</p> <p>The Government endorsed the recommendations of the review.</p> <p>Proposals under way to transfer management of irrigation scheme to local control.</p>	Subject to Ministerial approval	No change.

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Casino (Burswood Island) Agreement Act 1985 and Regulations	RGL	Licences, restrictions on games, regulation of operations.	<p>Review completed in 1998. The following restrictions found to be in the public interest:</p> <ul style="list-style-type: none"> <li>▪ limits on prizes and play amounts for amusement games with prizes;</li> <li>▪ limits on the number of bingo permits;</li> <li>▪ payout ratios and minimum and maximum wagers for minor lotteries;</li> <li>▪ the ability to set licence fees and taxes should remain, measures taken to ensure that in future, competing casino operators are treated equally and that licence fees are limited to cost recovery;</li> <li>▪ the licensing of casinos, games and the rules of games, and employees;</li> <li>▪ the approval needed for Casino supply contracts;</li> <li>▪ the ability of the Minister to approve certain ownership transactions and certain operating decisions;</li> <li>▪ the restriction of the use of credit wagering at the Casino;</li> <li>▪ the period of exclusivity for the Casino;</li> <li>▪ the conditions imposed on new casinos beyond the period of exclusivity; and</li> <li>▪ the monopoly over Casino style games and variants restricted to Burswood and any new casino beyond the period of exclusivity.</li> </ul> <p>Government endorsed the review recommendations. Main restrictions on conduct of casinos and casino games retained.</p>	Publicly available	No change.

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Cattle Industry Compensation Act 1965	A	Powers to nominated persons to inspect and destroy cattle for the purposes of disease control. Provision to raise a levy on the sale of cattle.	Review by officials completed in 1998. It recommended: <ul style="list-style-type: none"> <li>▪ retaining the restrictions; and</li> <li>▪ amending the Act to ensure that compensation is only paid for animals destroyed as a result of a control program, which is of a "sufficiently public good nature".</li> </ul> Review endorsed by Government.	Subject to Ministerial approval	Review recommendations are being incorporated into a replacement Act currently being drafted.
Cemeteries Act 1986	LGRD	Ability to control and manage a cemetery; Requirements in relation to the place of burials; Ability to erect, add or remove memorials; and Scope of funeral directors' licences.	Review completed. It recommended amending the Act so that a funeral director's licence allows the holder to conduct funerals in all cemeteries in Western Australia. It recommended that other restrictions be retained. Review recommendations endorsed by Government.	Subject to Ministerial approval	Department of Local Government is currently drafting instructions for the amendment
Censorship Act 1996	J	Restrictions on the publication and possession of a range of media.	Removed from review timetable.	No report	This Act replaces the Censorship and Films Act 1947, Video Tape Classification and Control Act 1987 and the Indecent Publication and Articles Act 1902.
Censorship and Films Act 1947	J	Licensing.	Removed from review timetable.	No report	Repealed.
Charitable Collections Act 1946 and Regulations	J	Licensing.	No review undertaken.	No report	To be repealed upon the enactment of the Public Collections Bill. Cabinet approval to draft new legislation was obtained in August 2001.

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Chicken Meat Industry Act 1977 and Regulations	A	Prohibits supply of chickens unless under an agreement approved by the Industry Committee. Processing plants and growing facilities must be approved.	Review completed in 1997, recommending that restrictions on producer entry and individual negotiations are removed and other restrictions are retained.	Subject to Ministerial approval	Review recommendations being implemented through the Acts Amendment and Repeal (Competition Policy) Bill 2002 currently being drafted. This Bill will be introduced to Parliament in the 2002 Spring Session.
Chiropractors Act 1964	H	Entry, registration, title, practice, discipline.	New health practitioner legislation is being drafted in accord with NCP principles following Key Directions paper, which was released in June 2001.	Key Directions report available	
City of Perth Parking Facilities Act 1956 and Regulations	PI	Licensing.	Not reviewed.	No report	Repealed.
Coal Industry Superannuation Act 1989	CSB	Competitive neutrality.	Review deferred pending expected changes to Commonwealth superannuation industry regulatory framework.		
Commonwealth Oil Refineries Limited (Private) Act 1940	MPR	Licensing.	See comments of Anglo-Persian Oil Company Limited (Private) Act 1919.  Government endorsed the review recommendations	Subject to Ministerial approval	No change.
Community Services Act 1972 and Community Services (Child Care) Regulations 1988	CD	Licensing.	Review under way. Currently at the public consultation stage.		

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Conservation and Land Management Act 1984	CALM	<p>Exclusive control and management of State forests by the Conservation Commission. Licensing of timber collection and of taking of other resources.</p> <p>Administrative discretion over how licences and produce are allocated and priced. Permits to occupy and use State forest. Registration of timber workers.</p>	<p>An independent economic adviser reviewed the Act prior to its amendment. The amending legislation was also reviewed.</p> <p>The Act was substantially amended by:</p> <ul style="list-style-type: none"> <li>▪ Conservation and Land Management Amendment Act 2000; and</li> <li>▪ Forest Products Act 2000.</li> </ul> <p>These Acts vested State forests and other lands in the Conservation Commission and established the Forest Products Commission to undertake commercial forestry functions on State forests and private land.</p> <p>However, the previous Government did not consider the reviews before the amending legislation was passed. The reviews are now awaiting consideration.</p>	Subject to Ministerial approval	Changes to regulations influencing the beekeeping industry are being progressed by the agency. The Agency is also developing amending legislation to repeal the other two restrictions.

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Conservation and Land Management Act 1984 (continued)	CALM		<p>In May 2002 Government endorsed recommendations to remove the following restrictions on competition that were outstanding from the initial review:</p> <ul style="list-style-type: none"> <li>▪ To be eligible for an apiary permit, a person must be registered as a beekeeper under the Beekeeper Act 1963 and must maintain at least 25 bee hives in the State;</li> <li>▪ Any person is limited in the number of permits he or she may hold: no more than four permits for every 50 hives kept by the person, for the remainder of the State;</li> <li>▪ Administration of the CALM Act in the area of the Greenbushes State Forest is to be carried out subject to the concurrence of the Minister to whom the administration of the Mining Act 1978 is committed; and</li> <li>▪ Any increase in the value of land arising from planting of the land with forest trees is exempt from being rateable, subject to the trees being approved by the Executive Director of CALM as being sustainable for commercial purposes.</li> </ul>		

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Consumer Affairs Act 1971	CEP	The Act provides for the appointment of a Commissioner of Fair Trading, establishes a Consumer Products Safety Committee, and for incidental and other purposes.	The DCEP is undertaking a general review of both the Fair Trading Act 1987 and the Consumer Affairs Act 1971 that includes a review of restrictions on competition to ensure they are in the public interest.		
Consumer Credit (Western Australia) Act 1996	CEP	The Act regulates the provision of consumer credit	A national review of this legislation, which forms part of the nationally consistent Consumer Credit legislation regime, is underway.		
Cooperative and Provident Societies Act 1903	J	Licensing.	Recommended for repeal.	Subject to Ministerial approval	Repeal pending the successful passage of a new Cooperatives Bill through Parliament. A Cabinet Submission seeking approval to draft is being prepared and assuming the relevant priority is allocated by Government, a draft Bill will be available for introduction to Parliament late in 2002.
Country Areas Water Supply (Clearing Licence) Regulations 1981	WR	Controls over land clearing.	Review by Office of Water Regulation completed in August 2000. No action proposed. Controls justified on wider ecological and public interest grounds.  Review endorsed by Government on 18 December 2000.	Subject to Ministerial approval	No change.
Country Areas Water Supply Act 1947	WR	Licensing, market power by Water Corporation.	Review by Office of Water Regulation completed in September 1999. Minor administrative amendments only.	Subject to Ministerial approval	Amendments to the Act will be progressed via the Acts Amendment and Repeal (Competition Policy) Bill 2002.
Country Areas Water Supply By-laws 1957	WR	Market power.	Review endorsed by Cabinet in December 1999. Amendments expected.	Subject to Ministerial approval	Office of Water Regulation and Water Corporation are finalising the amendments.

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Country Slaughterhouse Regulations 1969	H		Repealed by subsequent regulation.	No report	Repealed by Regulation 28 of the Health (Meat Hygiene) Regulations 2001.
Country Towns Sewerage Act 1948 and By-laws	WR	Licensing, registration, entry requirements (competency or six years experience and qualification, fit and proper), the reservation of practice (either licensed or under licensed supervision), disciplinary processes.	Review of Water Services Coordination Amendment Act 1999 completed, recommending retaining restrictions to prevent unlicensed persons from performing plumbing work and maintaining the power of the Board to set licence conditions.  Review endorsed by Government.	Subject to Ministerial approval	Amendments to the Act will be progressed via the Acts Amendment and Repeal (Competition Policy) Bill 2002.  Plumbers licensing provisions transferred to the Water Services Coordination (Plumbers Licensing) Regulations in 2000. Transfer also shifted responsibility for plumbers licensing from Water Corporation to new Plumbers Licensing Board.  By-laws are expected to be amended.
Credit (Administration) Act 1984 and Regulations	CEP	Licensing, disciplinary provisions.	Review by the Ministry of Fair Trading completed with public consultation. It recommended that the licensing requirements be repealed and that many of the powers of the Tribunal and Commission be removed, but that the disciplinary provisions are retained on public interest grounds.  The Government endorsed the recommendations of the review.	Subject to Ministerial approval	Drafting instructions to include the recommended amendments in the proposed Acts Amendment (Competition Policy) Bill 2002 have been forwarded to Parliamentary Counsel.



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Credit Act 1984 and Regulations	CEP	Differential treatment.	Review completed in 2000 and repeal recommended subject to further consideration on impact on contracts entered into prior to 1 November 1996. Repeal timetable to be deferred pending following new legal advice and resolution of above.	Subject to Ministerial approval	
Cremation Act 1929	H	Two potential restrictions on competition: <ul style="list-style-type: none"> <li>▪ the operator of a crematorium must be either a cemetery board or a not for profit association established and constituted for the cremation of human bodies; and</li> <li>▪ an applicant for a licence must satisfy criteria related to matters of public health and safety and hygiene standards. In particular, the applicant must provide an environment that is suitable for the inoffensive, decent and effective cremation of human bodies.</li> </ul>	Review completed in 2002  In May 2002 Government endorsed the recommendations of the review that the restrictions on competition contained in the Act provide a net public benefit and should be retained.	Subject to Ministerial approval	No change.
Curtin University of Technology Act 1996	ES	Competitive neutrality, market power.	Review, conducted by the Office of Higher Education, completed 1998. Review recommended that investment provisions be consistent between universities.  Government endorsed review recommendations.	Subject to Ministerial approval	Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Dairy Industry Act 1973 and Regulations	A	Vesting of milk in the Dairy Industry Authority. Farmgate price-setting for market milk. Market milk quotas. Licensing of farmers and processors.	<p>Review by Agriculture WA officials, assisted by an industry working party, completed in 1998. The review recommended:</p> <ul style="list-style-type: none"> <li>▪ the retention of farm-gate pricing for market milk;</li> <li>▪ the continued vesting of all milk in the Dairy Industry Authority; and</li> <li>▪ the continuation of the licensing powers of the Authority.</li> </ul> <p>The review also found that quotas as a mechanism for ensuring year round supply where unnecessary, but recommended that quotas be retained for as long as farm-gate pricing continues.</p> <p>Government endorsed the review.</p>	Publicly available	In line with the March 2000 communique signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, WA passed Dairy Industry and Herd Improvement Legislation Repeal Act 2000 on 27 June 2000, deregulating the industry from 1 July 2000.
Dampier Port Authority Act 1985 and Regulations	PI	Restricts market entry and conduct.	No review undertaken.	No report	Act repealed. Replaced by generic Port Authorities Act 1998.
Dampier to Bunbury Pipeline Regulations 1998	OE		No review undertaken.	No report	Repealed 1 January 2000.
Debt Collectors Licensing Act 1964 and Regulations	CEP	Licensing, entry requirements (age, good fame and character, fit and proper person), the reservation of practice, business conduct (trust accounts, fidelity bonds).	Department review underway. Issues paper released. On current progress it is expected that the review will be completed by 30/6/02.		
Dental Act 1939	H	Entry, registration, title, practice, discipline.	New health practitioner legislation is being drafted in accord with NCP principles following Key Directions paper, which was released in June 2001.	Key Directions report available	

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Dental Amendment Act 1996	H	Licensing.	New health practitioner legislation is being drafted in accord with NCP principles following Key Directions paper, which was released in June 2001.	Key Directions report available	
Dental Prosthetics Act	H	Entry, registration, title, practice, discipline.	New health practitioner legislation is being drafted in accord with NCP principles following Key Directions paper, which was released in June 2001.	Key Directions report available	
Dried Fruits Act 1947	A	Grading of fruit. Registration of dealers and packing sheds. Maintenance of health standards.	Review completed by officials in 1997. It recommended that the Act be repealed.	No report	Act repealed on 15 December 1998.
East Perth Redevelopment Act 1991 and Regulations	EPRA	Redevelopment control of the area, the compulsory taking of land, subdivision approval from Minister rather than the State Planning Commission, Treasurer's guarantee of loans, and Ministerial controls.	Review completed in 1997. Review found that effects of the restrictions on competition are relatively minor. The report concludes that there are no acceptable alternatives to achieving the objectives of the three restrictions relating to the powers of the Authority. The powers are necessary to clean up the existing environmental problems and achieve redevelopment in line with the vision for the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. The restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed. Recommended retaining restrictions.  Government endorsed the recommendations of the review.	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Eastern Goldfields Transport Board Act 1984 and Regulations	PI	Restrictions that gave the Board advantages arising from public ownership included: <ul style="list-style-type: none"> <li>▪ nominating the Board as an agent of the Crown;</li> <li>▪ implying a Government Guarantee on borrowings;</li> <li>▪ exempting the Board from payment of local government rates; and</li> <li>▪ allowing the Board to make by-laws and regulations governing the behaviour of patrons and other matters.</li> </ul>	Review completed in 1997. Concluded the Board needs to retain the powers to enable monies to be borrowed to continue to perform its role as a provider of public bus services in Kalgoorlie/Boulder. Recommended repealing restrictions on nominating the Board as an agent of the Crown and exempting the Board from paying local rates.  Non-legislative alternatives were considered (and rejected) relating to the Board's current power to regulate patrons' behaviour through by-laws and regulations. The Board's powers in this respect are comparable to those of the Department of Transport in the Transperth system, and they do not confer any significant advantage over potential competitors. Recommended retaining above restriction.	Subject to Ministerial approval	Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Edith Cowan University Act 1984	ES	Competitive neutrality, market power.	Review, by the Office of Higher Education, completed 1998. Review recommended that investment provisions be consistent between universities.  Government endorsed review recommendations.	No report	Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Education Service Providers (Full Fee Overseas Students) Registration Act 1992	ES	Licensing of providers of education to overseas students.	Review underway.		

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Electricity Act 1945 - Part 1 of 2	OE	Regulations concerning mandated supply; coordinator determines interconnection prices; restriction on sale/hire of non-approved electrical appliances; uniform pricing.	Review by an independent consultant completed in 1998. Involved consultation. Review recommended retention of existing restrictions but removal of Western Power's exemption from seeking Coordinator's approval to supply the public.  The Government endorsed the recommendations of the review.	Subject to Ministerial approval	The review recommendations have been superseded by wider reform of the electricity industry. The Government is proposing new legislation based on the recommendations of the Electricity Reform Taskforce.
Electricity Act 1945 - Part 2 of 2 (Electricity (Licensing) Regulations 1991)	OE	Regulations - licensing, entry requirements (apprenticeship/training and experience/exam, fit and proper), reservation of practice, disciplinary processes.	Review of Electricity (Licensing) Regulations underway.		
Electricity Corporation Act 1994	OE	Exclusive franchise of Western Power; barrier to entry to generate electricity; vertical integration; competitive neutrality restrictions.	Review completed by an independent consultant. Involved consultation. Review recommended an accelerated timetable for third party access, removal of entry barriers for generators, and ring fencing of vertical integration structure.  The Government endorsed the review's recommendations.	Subject to Ministerial approval	The contestability threshold was lowered from 5MW to 1MW from 1 January 2000. The government has made further reductions to the general contestability threshold on 1 July 2001 (228kW) and further reductions are planned for 1 January 2003 (34kW). Some minor competitive neutrality advantages have been removed by the Statutes (Repeals and Minor Amendments) Act 1998.  Act under review by Electricity Reform Taskforce.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Employment Agents Act 1976 and Regulations	CEP	Licensing, entry requirements (fit and proper person), the reservation of practice, business conduct (scale of fees, maintenance of records, no misleading advertising).	Department review underway. Consultation involves a questionnaire sent to 355 licensed employment agents, public submissions on issues, and stakeholder responses to draft report.		
Energy Coordination Act 1994	OE	Licensing system that provides for regulation of companies operating distribution systems and supplying gas to consumers using less than 1 Terajoule per year.	Review of new provisions found restrictions were minimal and were the most cost-effective means of protecting small customers.	Subject to Ministerial approval	No change.
Energy Operators (Powers) Act 1995; formerly known as Energy Corporations (Powers) Act 1979	OE	Provided monopoly rights over sale of LPG and provides energy corporations with powers of compulsory land acquisition and disposal, powers of entry, certain planning approval and water rights, and indemnity against compensation claims.	Review completed in 1998. It recommended removal of monopoly over sale of LPG, and retention of land use powers of energy corporations. Land use powers necessary to facilitate energy supply.	No report	Restrictions on LPG trading lifted with enactment of Energy Coordination Amendment Act 1999 and the Gas Corporation (Business Disposal) Act 1999.
Environmental Protection Act 1986	CALM	<ul style="list-style-type: none"> <li>▪ The ability to require an environmental impact assessment;</li> <li>▪ Licensing of occupiers of prescribed premises;</li> <li>▪ Exempting certain firms from EPA licensing;</li> <li>▪ The requirement for firms to comply with the environmental standards set; and</li> <li>▪ The power to prepare and publish environmental protection policies.</li> </ul>	<p>Review by independent consultants completed. The review found that restrictions should be retained.</p> <p>Government endorsed the recommendations of the review in 1997</p>	Subject to Ministerial approval	No change.
Esperance Lands Agreement Act 1960	LA		Not for review as Act will be repealed.	No report	To be repealed in the Statutes (Repeals and Minor Amendments) Omnibus Bill.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Esperance Port Authority Act 1968 and Regulations	PI	Restrictions on market entry and conduct.		No report	Act repealed. Replaced by generic Port Authorities Act 1998.
Exotic Diseases of Animals Act 1993	A	Powers to inspect, demand assistance and issue local quarantine orders. Powers to seize and destroy infected stock. Powers to control the movement of stock.	Review completed in 1998. It recommended retaining the restrictions in the public interest.  Government endorsed the review in March 1999	Subject to Ministerial approval	No change.
Explosives and Dangerous Goods Act 1971	MPR	The Act requires licences, permits, authorisations or approvals to be obtained as a means of regulating the various activities involving explosives and dangerous goods.  The effects of the restrictions are generally to impose compliance costs on business and to protect the community from the activities involving explosives and dangerous goods.	Review completed in 1998. It found that generally there are more efficient and effective ways of achieving the objectives of the legislation. The review considered more flexible approaches to controlling activities involving dangerous goods and found that these alternatives can also achieve the required safety and community protection objectives.  The Government endorsed the recommendations of the review.	Subject to Ministerial approval	The Dangerous Goods (Transport) Act 1998 implemented a revised framework for classifying explosives and dangerous goods and transport-related matters. This ensures international consistency in systems of classification and authorisation criteria for dangerous goods and explosives. In addition, regulation of the transportation of explosives is now consistent with that of other dangerous goods under the new national transport framework.  Further amendments are being drafted.

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Fair Trading Act 1987	CEP	Regulates the supply, advertising and description of goods and services and, in certain respects, the disposal of interests in land, and to make provision with respect to certain unfair or undesirable trade practices, as to the conditions and warranties to be applicable in consumer transactions, and as to the conditions and warranties to be applicable in consumer transactions, and as to the establishment of Codes of Practice as between certain classes of suppliers and consumers.	The DCEP is undertaking a general review of both the Fair Trading Act 1987 and the Consumer Affairs Act 1971 that includes a review of restrictions on competition to ensure they are in the public interest.		
Fertilisers Act 1977	A	Requires retailers to clearly label fertilisers and to handle them in such a way as to avoid contamination.	Review completed in 1997. It recommended: <ul style="list-style-type: none"> <li>▪ amending the Act to apply only to those fertilisers that pose a risk to agriculture; and</li> <li>▪ using less restrictive means to achieve the same objectives for other fertilisers.</li> </ul> Government endorsed the recommendations of the review in 1997.	Subject to Ministerial approval	Review recommendations are being implemented through the Agricultural Management Bill which is currently being drafted.



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Finance Brokers Control Act 1975	CEP	Registration, business licensing (with exceptions), advertising, limits on remuneration, conditions on how monies are kept on behalf of clients, auditing requirements and other conduct restrictions.	<p>Review completed in 1999. It was concluded that the significant cost of complying with the Act did not warrant the benefits (if any) that it obtained and that these could be achieved with a less restrictive model. There was no evidence that the current system reduced the risk of defalcation or fraudulent behaviour of finance brokers. The review identified a class of persons known as private lenders who require some form of regulation to ensure a high quality service is maintained. This group includes superannuants who see mortgage backed loans as being an alternative to bank deposits. The review recommended repealing the Act and introducing Code of Practice under section 42 of the Fair Trading Act 1987, to provide regulation of financial intermediaries who deal as private lenders, for 3 years while the industry develops a self-regulatory mechanism.</p> <p>The review of the Act was completed but recommendations held in abeyance pending the decision of the Temby Royal Commission into the Finance Broking Industry. The report of the Royal Commission was tabled in Parliament on 19 February 2002.</p>	Subject to Ministerial approval	In response to the Royal Commission the Act is being repealed. The Government is passing control of the finance broking industry to the Federal Government under the Australian Securities and Investment Commission.
Firearms Act 1973 and Regulations	P	Registration (firearm repairers).	Not for review. Act removed from the legislation review timetable in view of a national approach to firearms policy.	No report	No change.

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Fish Resources Management Act 1994	F	Licensing of fishers. Prohibitions on market outlets. Input controls on boat, gear and fishing methods. Output controls such total allowable catches, quota, bag and size limits.	<p>Review conducted in two parts. The first part, which excluded rock lobster processing provisions, was completed in 1999. It recommended retaining existing restrictions except for the Western Rock Lobster Managed Fishery, where it recommended an assessment of the net benefit of moving to an output controls-based regime. It also recommended steps to include NCP principles in the ongoing cycle of fisheries management review.</p> <p>The Government has endorsed the recommendations of the first part of the review.</p> <p>The second part of the review was of the rock lobster processing sector. The Government decided to remove limits on the number of domestic processing licences and provide licence holders the right to establish at multiple locations but decided to retain limits on the number of export processing licences.</p>	Publicly available	The agency is preparing drafting instructions for a Fish Resources Management Amendment Bill.
Fisheries Adjustment Schemes Act 1987	F	Ministerial discretion as to eligibility for compensation upon cancellation of fishing property rights.	Review completed. The Government has endorsed the review's recommendations to not change the Act.	Subject to Ministerial approval	No change.
Fishing Industry Promotion Training and Management Levy Act 1994	F	Potential for levies to be imposed with differential impact on fishers.	Review completed, which found restrictions are in the public interest. The Government has endorsed the review's recommendations to not change the act.	Subject to Ministerial approval	No change.

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Fremantle Port Authority Act 1902 Act and Regulations	PI	Restricts market entry and conduct.		No report	Act repealed. Replaced by generic Port Authorities Act 1998.
Friendly Societies Act 1894	J	Licensing.		Publicly available	Act Repealed.
Fruit Growing Industry Trust Fund Act 1941	A		Not for review.	No report	Act repealed.
Gaming Commission Act 1987 and Regulations	RGL	Licensing for the conduct of games such as bingo, two-up and so on.	Review completed in 1998. No change. to most restrictions, including licensing and the availability of gaming machines. But restrictions on casino games for community gaming, two-up and bingo prize pools to be removed, subject to appropriate changes being negotiated in the Casino (Burswood Island) Agreement Act. Lotteries restrictions to be removed or reduced, including: to allow for the licensing of suppliers of State lottery products by State Agreement; amending the legislation so that lotteries conducted by organisations the subject of such an agreement are lawful lotteries; allow for licensing professional fundraisers; removing the definition of 'foreign lottery' from the legislation; and related amendments.	Publicly available	The Office of Racing, Gaming and Liquor are preparing drafting instructions for inclusion of the necessary amendments in an NCP omnibus bill.  Regulatory issues associated with control of the Lotteries Commission need to be resolved before the Act can be amended to allow the Minister to enter into agreements with private organisations to supply State lottery products.
Gas Corporation Act 1994	OE	Creates Gas Corporation to run certain publicly owned gas assets.		No report	Repealed December 2000.
Gas Standards Act 1972 and Regulations	OE	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 - gasfitters licensing, registration, entry requirements (knowledge and skills, fit and proper), reservation of practice.	Review underway.		

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Gas Transmission Regulations 1994	OE	Access provisions.		No report	Repealed. Access and related matters now regulated under Gas Pipelines Access (WA) Act 1998.
Geraldton Port Authority Act 1968 and Regulations	PI	Restricts market entry and conduct.		No report	Act repealed. Replaced by generic Port Authorities Act 1998.
Gold Corporation Act 1987 and Regulations	TF	Deals with competitive advantages and disadvantages arising from Government ownership.	Review completed in 1999/2000. Review recommended removal of advantages enjoyed by the Gold Corporation and subsidiaries over other businesses operating in precious metals markets.	Subject to Ministerial approval	Review recommendations are being implemented through the Acts Amendment and Repeal (Competition Policy) Bill 2002 currently being drafted. This Bill will be introduced to Parliament in the 2002 Spring Session.
Government Employees Superannuation Act 1987	GESB	Limits on choice of funds.	No review.	No report	Act repealed.
Government Railways Act 1904 and By-laws: 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)	WARC	Access, market power, competitive neutrality.	Review completed in 1998. Recommendations related primarily to the removal of competitive advantages.	Subject to Ministerial approval	Government Railways (Access) Act 1998 and the Rail Safety Act 1998 amendments have removed various advantages and disadvantages conferred on the Commission.
Grain Marketing Act 1975 and Regulations	A	Establishes the Grain Pool of WA (GPWA) and confers on it a monopoly over bulk exports of feed and malting barley, canola and lupins.	The previous Government deferred its decision on a draft report pending the reviewers addressing criticism of the review report. A redrafted review report has been submitted to Government and is awaiting consideration by the State's Expenditure Review Committee.		
Hairdressers Registration Act 1946 and Regulations	DT	Licensing, registration, entry requirements (good character, training and exam), reservation of practice and title, disciplinary processes.	Review conducted by independent consultants. Review report currently being considered by Government.		

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Harvey, Waroona Collie River Irrigation Districts By-laws 1975	WRC	Monopoly powers to Water Corporation. Differential rights to irrigators.	Review by Water and Rivers Commission completed in January 2000. No action proposed - minor restrictions found to be justified on public welfare grounds to maintain security of supply and safeguard laws proposed to reflect current management practices.  Endorsed by the Government 14 August 2000.	Subject to Ministerial approval	No change.
Health (Adoption of Food Standards Code) Regulations 1992	H	As per the Food Standards Code.	National review completed in 2000 (see NSW Food Act 1989).	Publicly available	All Australian Governments agreed in November 2000 to adopt core provisions of the Model Food Bill by November 2001.
Health (Asbestos) Regulations 1992	H	Licensing.	Review underway.		
Health (Cloth Materials) Regulations 1973	H	Licensing.	Review underway.		
Health (Construction Work) Regulations 1973	H	Licensing.	Review underway.		
Health (Drugs and Allied Substances) Regulations 1961	H	Licensing.	Part of Galbally Review. Draft Review Report completed 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001.  Final review report under consideration by the Australian Health Ministers Advisory Council.		
Health (Food Hygiene) Regulations 1993	H	Licensing of food processors. Registration of premises. Safe food practices specified.	Review underway.		
Health (Game Meat) Regulations 1992	H	Minimum qualifications for slaughterers. Registration of field depots and processing facilities.	Review underway.		

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Health (Meat Inspection and Branding) Regulations 1950	H		Review underway.		
Health (Pesticides) Regulations 1956	H	Licensing.	Review underway. Invitation to submit.		
Health (Pet Meat) Regulations 1990	H		Review underway.		
Health (Public Buildings) Regulations 1992	H	Licensing.	Review underway.		
Health (School Dental Therapists) Regulations 1974	H	Licensing.	Review underway.		
Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1993	H	Licensing.	Replacement legislation to be developed.		
Health Act (Swimming Pools) Regulations 1964	H	Licensing.	Review underway.		
Health Act 1911	H	Licensing.	Review underway.		
Health Laboratory Services (Fees) Regulations	H	Licensing.	Review completed.		Act repealed.
Health Services (Conciliation and Review) Act 1995	H		Removed from timetable.		

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Hire Purchase Act 1959 and Regulations	CEP	Credit providers are required to refund any surplus amount following repossession of goods under hire-purchase transactions; the Court has power to reopen hire-purchase transactions which it considers to be "harsh or unconscionable"; and the ability of credit providers to repossess farming goods is regulated.	Review, by the Ministry of Fair Trading completed, with public consultation. Review found that most of the provisions of the Act are no longer needed to achieve consumer protection for new hire-purchase transactions, since the enactment in 1996 of the national uniform Consumer Credit Code. However, the review found that three provisions (relating to surplus from sale of goods, equitable relief and farm goods purchases) are not adequately reproduced in the new Code and are justified for retention in the public interest.  The Government endorsed the recommendations of the review.	Subject to Ministerial approval	Act to be amended via the Acts Amendment and Repeal (Competition Policy) Bill 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Home Building Contracts Amendments Act 1991 and Regulations	CEP	Home building work contracts, dispute resolution procedures, and home building insurance arrangements.	<p>Review, in conjunction with review of the Builders Registration Act 1939, completed in 2002.</p> <p>In May 2002 Government endorsed the review recommendations to amend the following:</p> <ul style="list-style-type: none"> <li>▪ directions from Water Corporation to be amended to include all relevant licensed water service providers or the Office of Water Regulation where no licensed water service provider exists; and</li> <li>▪ consumers may terminate contract when they are at fault: will be amended to allow termination only if both parties agree.</li> </ul>	Subject to Ministerial approval	Amendments implemented by the Building Legislation Amendment Act 2000.
Horticultural and Produce Commission Act 1988	A	Horticultural Produce Commission is empowered to raise compulsory levies from growers.	Review completed in 1997. It recommended amending the Act to ensure that levies are used only to fund services that are of a sufficiently public good nature and have had a benefit cost assessment.	Subject to Ministerial approval	Act amended. Now called the Agricultural Produce Commission Act 1988.
Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987	H	Licensing.	Review underway.		
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997	H	Licensing.	Review underway.		
Hospitals (Service Charges) Regulations 1984	H	Licensing.	Review underway.		



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Hospitals and Health Services Act 1927	H	<ul style="list-style-type: none"> <li>▪ Regulatory system controls entry of firms or individuals into or out of the market for private sector health services (eg number of private hospital bed numbers at a facility and specifications of buildings);</li> <li>▪ Fees charged for private patients treated in public hospitals are determined by the Governor.</li> </ul>	Review underway.		
Hospitals and Health Services Amendment Act 1996	H	Licensing.	Review underway.		
Human Reproductive Technology Act 1991	H	Licensing.	The review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.  Government endorsed the review recommendations.	No report	No change.
Human Reproductive Technology Amendment Act 1996	H	Licensing.	Review completed and recommended No change.  Government endorsed the review recommendations.	Subject to Ministerial approval	No change.
Human Tissue and Transplant Act 1982	H	Licensing.	Review completed in 2000. The review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Subject to Ministerial approval	No change.
Indecent Publications and Articles Act 1902 and Regulations	J	Licensing.	Not reviewed.		Repealed and replaced by the Censorship Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Industrial Relations Act 1979	CEP	<ul style="list-style-type: none"> <li>· qualifications for Chief Commissioner and President;</li> <li>· age limit for members of Western Australian Industrial Relations Commission;</li> <li>· restrictions on the jurisdiction of Western Australian Industrial Relations Commission;</li> <li>· individual access to Western Australian Industrial Relations Commission;</li> <li>· representation of parties by legal practitioners;</li> <li>· employees as parties to industrial agreements;</li> <li>· registration of employer and employee organisations;</li> <li>· access to Public Sector Appeal Board and Railway Classification Board; and</li> <li>· use of the Government Printer to print the Gazette.</li> </ul> <p>Binding of employers and employees to common rule awards</p> <ul style="list-style-type: none"> <li>· parties to workplace agreements having total access to Western Australian Industrial Relations Commission; and</li> <li>· prohibition on use of membership funds for political expenditure.</li> </ul>	<p>Review completed in 1997. Due to the non-financial nature of the restrictions and the difficulty in quantifying them, the analysis is purely qualitative. The restrictions are largely discriminatory in nature. A number of restrictions discriminate between employees in relation to access to dispute resolution services.</p> <p>Recommended:</p> <ul style="list-style-type: none"> <li>▪ the above restrictions should be removed as they are not in the public interest;</li> <li>▪ the binding of employers and employees to common rule awards legislation should be amended;</li> <li>▪ the following restrictions are in the public interest and should be retained: <ul style="list-style-type: none"> <li>- parties to workplace agreements having total access to Western Australian Industrial Relations Commission;</li> <li>- restrictions on the jurisdiction of Western Australian Industrial Relations Commission; and</li> <li>- prohibition on use of membership funds for political expenditure.</li> </ul> </li> </ul> <p>Government endorsed the recommendations of the review.</p>		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Industrial Training Act 1975 and Regulations	DT	Licensing.	Review underway.		
Infectious Diseases (Inspection of Persons) Regulations	H	Licensing.	Review underway.		
Inquiry Agents Licensing Act 1954 and Regulations	P	Licensing.			Act repealed and replaced by Security and Related Activities (Control) Act 1996.
Instant Lottery Rules 1991, Instant Lottery (Telespin) Rules 1991 and Lotto Rules 1990	RGL	Differential treatment.			Repealed. Replacement Lotteries Commission regulations reviewed.
Insurance Commission of Western Australia Act 1986	IC	Limits on investment and borrowing powers, Treasurer's guarantee, Competitive neutrality.	Review completed in 1998. It concluded that the restrictions provide net public benefit primarily because they improve accountability and oversight controls that are consistent with the approach to other public sector bodies, and legislation other than this Act gives the Insurance Commission exclusive functions so that it has no competitors. The review recommended retaining the restrictions as they provide a net public benefit and are necessary to achieve the objectives of the Act.  Government endorsed the review recommendations.	No report	No change.
Irrigation (Dunham River) Agreement Act 1968	LA	Differential rights.	Not for review as Act will be repealed.	No report	To be repealed in the Statutes (Repeals and Minor Amendments) Omnibus Bill.
Jetties Act 1926 and Regulations	PI	Licensing, competitive neutrality.	No review undertaken.	No report.	Legislation to be repealed pending enactment of Maritime Bill.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Land Administration Act 1997 and Regulations	PI	DOLA employees are restricted in their ability to compete equally for the purchase of Crown land; The Valuer General's Office has a potential competitive advantage in the land valuation market; Private sector auctioneers are required to hold a licence to conduct Crown Land auctions while DOLA employees are exempt.	Review completed. Recommended restrictions are in the public interest and should be retained.  The Government endorsed the recommendations of the review.	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Land Drainage (Rating Grades) Regulations 1986	WR	<p>Exemption from paying rates for certain activities, subject to those exemptions on specific land uses that are imposed for social reasons, continuing to be subject to the formal and transparent community service obligation payment.</p> <p>Provisions whereby land is subject to water supply, sewerage, drainage and irrigation charges even if it is not actually connected to the system and where owners or occupiers do not actually use the system.</p> <p>Exemption from paying charges for pensioners. Water Agencies (Entry Warrant) Regulations.</p>	<p>Review completed. The legislative provisions were assessed as being in the public interest for reasons of social equity and good infrastructure planning. Recommended retaining the above restrictions.</p> <p>Other "housekeeping" recommendations included:</p> <ul style="list-style-type: none"> <li>▪ amending the grading system in the Land Drainage (Rating Grades) Regulations to be consistent with recommendation in the main review to deal with all charges through the Water Agencies (Powers) Act 1984;</li> <li>▪ amending the Land Drainage Regulations to be consistent with recommendation in the main review to deal with all charges through the Water Agencies (Powers) Act 1984; and</li> <li>▪ amending the regulations of the Water Agencies (Infringements) Regulations 1994 to be consistent with the Water Agencies (Powers) Act 1984 allowing the Water and Rivers Commission the ability to delegate authority for issuing infringements.</li> </ul> <p>The Government endorsed the recommendations of the review.</p>	Subject to Ministerial approval	Drafting instructions for the amendments are currently being developed by the Water Corporation in consultation with the Office of Water Regulation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Land Drainage Act 1925	WR	Market power.	Review by Office of Water Regulation completed in September 1999. Minor amendments to Act proposed to ensure consistency of approach with competitive licensing regime and other related Acts.  The Government endorsed the recommendations of the review on 20 December 1999.	Subject to Ministerial approval	Act to be amended via the Acts Amendment and Repeal (Competition Policy) Bill 2002. .
Land Drainage Bylaws 1986	WR	Market power.	Review by Office of Water Regulation completed in December 1999.  Endorsed by Government on 20 December 1999.	Subject to Ministerial approval	The Water Corporation in consultation with the Office of Water Regulation is currently developing drafting instructions for amendments.
Land Drainage Regulations 1978	WR	Market power.	Review by Office of Water Regulation completed in 1999.	Subject to Ministerial approval	Amending Regulations to be consistent with the recommendation in the main review to deal with all charges through the Water Agencies (Powers) Act 1984.
Land Valuers Licensing Act 1978 Regulations	CEP	Licensing, entry requirements (member of Institute of Valuers or education and four years experience, and possibly exams), the reservation of title and practice, business conduct (including board setting maximum fees, code of conduct).	Review completed in October 1999. The review report recommended discontinuing licensing and winding-up the Land Valuers Licensing Board. .The review report was held in abeyance pending the findings of the Temby Royal Commission. The Commission found that the retention of licensing and of the Board is in the public interest.  The Government endorsed the report and an amended NCP report taking into account the Royal Commission findings is being prepared.	Subject to Ministerial approval	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Law Reporting Act 1981	J	<p>The requirement to obtain prior written consent of the Attorney General before publishing judicial decisions of State courts.</p> <p>The practice of selective invitation and awarding of a single contract for a ten year period for the publication of the Authorised Reports.</p> <p>An arrangement between the Supreme Court Library and the Attorney General which establishes the Library as a monopoly service provider for the supply of unreported judgments and which is not subject to any form of market testing.</p>	<p>Review completed in 1998. It found the benefits of the restriction (through maintaining the integrity of judicial processes utilising published judgments) outweigh the costs associated with potentially reduced innovation and availability of law reports. Review concluded the net public benefit could be achieved by a less restrictive alternative, involving a negative licensing system giving blanket authorisation to anyone to publish law reports while preserving the Attorney General's right to revoke, vary or withdraw authorisation, and the practice of selective invitation and awarding of a 10 year contract for publication of the Authorised Reports be replaced with a widened tender process and reducing contract periods to 5 years.</p> <p>Also recommended retaining the arrangement between the Supreme Court Library and the Attorney General, as there were benefits from greater accessibility to unreported judgments for the judiciary and the community at large through an efficient distribution service at minimal cost.</p> <p>The Government endorsed the recommendations of the review.</p>	Subject to Ministerial approval	The recommendations are likely to be effected through administrative rather than legislative means.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Legal Aid Commission Act 1976 and Regulations	J	<p>The review identified four restrictions in the Act as it will be amended by the Bill, all classified as minor:</p> <ul style="list-style-type: none"> <li>▪ prescribed composition of the Legal Aid Commission;</li> <li>▪ power and recognition given to the Law Society of WA (Inc);</li> <li>▪ prescribed qualifications of public assessor; and</li> <li>▪ prescribed rate of interest payable on money owed to Legal Aid Commission.</li> </ul>	<p>Review completed. The review found that each of the restrictions is in the public interest and should be retained.</p> <p>Government endorsed the review's conclusion that the restrictions in the Act, as it will be amended by the Bill, should be retained as being in the public interest.</p>	Subject to Ministerial approval	No change.
Legal Contribution Trust Act 1967	J	Requires practitioners to deposit a certain percentage of their general trust account into an interest-bearing fund maintained by the Legal Contribution Trust.	The review of this Act is being conducted in concert with the review of the Legal Practitioners Act 1893.		
Legal Practitioners Act 1893 and Rules	J	Licensing, registration, entry requirements, reservation of title, reservation of practice, disciplinary processes, business conduct (including monopoly professional indemnity insurance, trust accounts, fees, advertising), competitive neutrality.	Department review underway.		<p>The Legal Practitioners Omnibus Bill 2002 will address some anti-competitive elements of the current legislation.</p> <p>The drafting of further amendments arising from review recommendations will commence on completion of the review and will be addressed either on a National level through auspices of the Standing Committee of Attorneys General model laws project or via the Bill.</p>



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Licensed Surveyors Act 1909 and Regulations	PI	Licensing, entry requirements (competency - education and experience, age, good fame and character, continuing professional development), the reservation of title and practice, disciplinary processes, business conduct (including professional indemnity insurance).	Review, in conjunction with review of Strata Titles Act 1985, completed in November 1998. Recommendations included re-composing the board, clarifying entry standards, and retaining restrictions on professional indemnity insurance.  Government endorsed review recommendations.	Publicly available	Amendments to the Act will be progressed via the Acts Amendment and Repeal (Competition Policy) Bill 2002.
Lights (Navigation Protection) Act 1930	PI	Licensing.	No review undertaken.	No report	Act to be repealed.
Liquor Licensing Act 1988 and Regulations	RGL	Contains a public needs test. (s 38 requires the licensing authorities to have regard to the number and condition and distribution and services provided by existing licensed premises in the affected area.)  Also, differential hours for hotels and liquor stores with the latter prohibited from opening on Sundays.	Draft review completed in March 2001. Recommended that the public needs test should be replaced by a public interest test. This public interest criteria should include reference to the likely effect on competition in the liquor market but not on individual competitors to enable identification of important but otherwise undisclosed public interest matters, ie. outlet density and propensity for harm and ill health.  Review also recommended that trading hours for liquor stores and hotels be similar including on Sundays.  The draft review is with the Minister for Racing and Gaming	Publicly available	
Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989	LGRD		Review of existing legislation to be completed by June 2002.  The Government is currently developing a Bill to replace the Act.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Local Government Act 1995	LGRD	Competitive neutrality, differential treatment, single industry superannuation scheme for employees.	Review completed. Concluded that requirement for local governments to participate in a single industry superannuation scheme is inappropriate.  Exemption of Cooperative Bulk Handling from rates found to be potentially anti-competitive. Matter to be considered in conjunction with the review of the Bulk Handling Act 1967.	Subject to Ministerial approval	A bill to implement the review recommendations is currently being drafted.
Local Government Draft Model By-Laws	LGRD		Removed from review schedule.		No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Lotteries Commission Act 1990 and Rules & Regulations - Lotteries Commission Regulations 1991; Lotteries Commission: (Super 66) Rules 1996; (Powerball Lotto) Rules 1996; (Saturday Lotto) Rules 1996; (Oz Lotto) Rules 1996; (Instant Lottery) Rules 1996; (Soccer Pools) Rules 1996.	RGL	<p>Allowing the Lotteries Commission (the Commission) to enter into agreements with other State lotteries agencies for the purposes of jointly conducting Lotto and Soccer Pools.</p> <p>Allowing the Commission to use trading names and symbols.</p> <p>Allowing the Commission to obtain permits directly from the Minister.</p> <p>Making it an offence for a person, without the approval of the Commission, to derive a fee or reward for promoting or forming a syndicate to purchase a ticket in a game conducted by the Commission.</p> <p>Allowing the Commission to enjoy the status, immunities and privileges of the Crown.</p>	Review completed in 1997. Recommended retention of restrictions.	Subject to Ministerial approval.	No change.
Main Roads Act 1930 and Regulations	PI	Allowing for the compulsory acquisition of land and limiting advertising within view of public roads.	<p>Review completed. Concluded that restrictions were necessary to provide Government the means to provide road corridors and ensure that road safety is protected.</p> <p>Government endorsed the review recommendations.</p>	Subject to Ministerial approval.	No change.
Marine (Hire and Drive Vessels) Regulations 1983	PI		No review undertaken.	Subject to Ministerial approval.	Repeal pending enactment of Maritime Bill.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Marine Act 1982	PI		No review undertaken.		Repeal pending enactment of Maritime Bill.
Marine and Harbours Act 1981 and Regulations	PI	Competitive neutrality.	No review undertaken.		Repeal pending enactment of Maritime Bill.
Maritime Bill	PI	Designed to regulate the safety and pilotage requirements for ships in WA.	Review underway. When enacted, will replace several pieces of maritime legislation.		
Marketing of Eggs Act 1945	A	Prohibits sale of eggs to persons other than the WA Egg Marketing Board unless under certain exemptions.  Producers must be licensed and transfer of licences prohibited without written permission of the Board.	Review underway.		
Marketing of Meat Act 1946 and Regulations	A		Not for review.	No report	Act repealed in mid-1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Marketing of Potatoes Act 1946 and Regulations	A	<ul style="list-style-type: none"> <li>▪ Prohibits sale for domestic consumption of potatoes to persons other than the WA Potato Marketing Corporation unless under certain exemptions.</li> <li>▪ Producers must hold entitlements allocated by the Corporation.</li> </ul>	<p>Review underway. The previous Government deferred its decision on a draft report pending the reviewers addressing criticism of it.</p> <p>The Government is now undertaking further stakeholder consultation and input to help establish the public interest before finalising the review. To facilitate this a discussion paper will be publicly released in April 2002 and submissions invited. In addition, stakeholder meetings will be held to discuss industry's views on the relevant issues. Recommendations to come out of this process will be considered by Government and reforms implemented as soon as possible.</p>		
Meat Transport Regulations 1969	H		Review underway.		
Medical Act 1894	H	Entry, registration, title, practice, discipline, advertising.	Review underway. Draft report released in October 1999. Recommendations included removing reserved practice, limiting the reservation on title, changing the disciplinary system and introducing new advertising restrictions.		
Mental Health (Administration) Regulations 1965	H	Licensing.			Regulations have been repealed and replaced.
Mental Health (Consequential) Provisions Act 1996	H	Licensing.	<p>Review concluded that restrictions are in the public interest and should be retained.</p> <p>The Government endorsed the recommendations of the review in November 2000.</p>	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Mental Health (Transitional) Regulations 1997	H		Review concluded that restrictions contained in the replacement legislation were in the public interest.  The Government endorsed the recommendations of the review in November 2000.	Subject to Ministerial approval	No change.
Mental Health (Treatment Fees) Regulations 1992	H	Licensing.	Review completed.		Repealed.
Mental Health Act 1962	H	Licensing, differential treatment.	Review concluded that restriction contained in the replacement legislation were in the public interest.	No report	Repealed and replaced by the Mental Health Act 1996.
Mental Health Act 1996	H	Licensing, differential treatment.	Review completed in December 2000. The review found that the restrictions safeguard the welfare of patients with mental illnesses, comply with international obligations and promote high and consistent standards in mental health care, leading to increased public confidence in the system. The review concludes that the restrictions are in the public interest and should be retained.  The Government endorsed the recommendations of the review in November 2000.	Subject to Ministerial approval	No change.
Mental Health Regulations 1997	H	Licensing.	Review concluded restrictions are in the public interest. Review endorsed by Government.	Subject to Ministerial approval	No change.
Metropolitan (Perth) Passenger Transport Trust Act 1957 and Regulations	PI		The Trust is to be abolished and replaced by the new Western Australian Transit Authority. The review for the Transit Authority will be completed in the near future.	No report.	Repeal pending (there are ongoing legal liabilities for superannuation and workers compensation).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Metropolitan Region Town Planning Scheme Act 1959	PI		Being reviewed with the Urban and Regional Planning Bill and other planning legislation.		
Metropolitan Water Authority (Miscellaneous) By-laws 1982	WRC	Differential treatment.	Reviewed by Water and Rivers Commission. There were no restrictions on competition identified in the by-laws.		No change.
Metropolitan Water Authority Act 1982	WRC	Market power given to Water Corporation.	Review by Water and Rivers Commission completed. There were no restrictions on competition identified in the legislation.  The Government endorsed the recommendations of the review on 14 August 2000.		No change.
Metropolitan Water Supply, Sewerage and Drainage Act 1909	WR	Market power, and differential treatment for licensing.	Review by OWR completed in September 1999.  Government endorsed the recommendations of the review on 20 December 1999.	Subject to Ministerial approval	Drafting instructions to include the recommended amendments in the proposed Acts Amendment (Competition Policy) Bill 2002 have been forwarded to Parliamentary Counsel.
Metropolitan Water Supply, Sewerage and Drainage By-laws 1981	WR	Licensing - as for Country Towns Sewerage Act 1948.	Review by Office of Water Regulation completed.	Subject to Ministerial approval	Plumbers licensing provisions transferred to the Water Services Coordination (Plumbers Licensing) Regulations in 2000. Transfer also shifted responsibility for plumbers licensing from Water Corporation to new Plumbers Licensing Board.  Further amendments are expected.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Mining Act 1978 and regulations 1981	MPR	Establishes licensing regime for exploration and development of minerals.	Review completed. Review found restrictions necessary for orderly exploitation of mineral resources, minimising land use conflict, protecting third-party rights, minimising environmental impacts and promoting efficiency.  Government accepted review findings.	Subject to Ministerial approval	No change.
Morley Shopping Centre Redevelopment Agreement Act 1992	IT	Government assistance for retail development	Review completed. The review found that the agreement was in the public interest.  Government accepted review findings.	Subject to Ministerial approval	No change.
Motor Vehicle (Third Party Insurance) Act 1943	IC	Mandatory insurance, monopoly insurer, centralised premium setting.	Review completed in 2000. The review found mandatory insurance and price restrictions give rise to net public benefits (ensuring injured parties are compensated, reducing costly private legal action, lowering transactions costs, lowering costs of insurance, increasing the proportion of claims' payments retained by claimants). No less restrictive means of achieving the objectives were found. The review found that monopoly provisions do not offer sufficient public benefit to justify their retention, and recommended the restrictions should be removed.  The Government is currently considering the review.	Subject to Ministerial approval	



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Motor Vehicle Dealers Act 1973 and Regulations	CEP	Licensing (motor vehicle dealers, yard managers, car market operators and sales persons), entry requirements (dealers must be solvent and understand their obligations under the Act, yard managers must complete a four-day course), business conduct (statutory warranties on used vehicles), power to the Motor Vehicle Licensing Board to set standards for premises.	Review completed in 2002. Recommended: retaining restrictions on licensing for motor vehicle dealers and yard managers; retaining statutory warranties for used vehicles; repealing restrictions on licensing for car market operators and salespersons; and repealing the power of the Motor Vehicle Licensing Board to set standards for premises.	Subject to Ministerial approval	Legislation that includes review findings has completed its passage through the Legislative Assembly. The Bill is listed for inclusion in the Government's legislative agenda for this year it is therefore expected that the Bill will have completed its passage through Parliament by 30/6/02.
Motor Vehicle Drivers Instructors Act 1963	PI	Licensing, entry requirements (competency, aged at least 21 years, good character, fit and proper person, may require test or course), the reservation of practice (teach for reward), business conduct (dual control vehicle, regulations may make provisions for displaying identification).	Review underway.		
Murdoch University Act 1973	ES	Competitive neutrality, market power.	Review by officials completed in 1998, recommending that investment provisions be consistent between universities.  Government endorsed review recommendations.	Subject to Ministerial approval	Amendments being proposed via the Acts Amendment and Repeal (Competition Policy) Bill.
Mutual Recognition (Western Australia) Act 1995	P&C		National review completed in July 1998.	Publicly available	
North West Gas Development (Woodside) Agreement Act 1979	MPR		Not for review.	No report	Act repealed and replaced by the North West Gas Development (Woodside) Agreement Amendment Act 1994.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
North West Gas Development (Woodside) Agreement Amendment Act 1994	MPR	Differential treatment.	Review completed in 1998.	Subject to Ministerial approval	Act retained without reform in view of sovereign risk implications of unilateral amendment or repeal.
Northern Developments (Ord River) Pty Ltd Agreement Act 1960	LA	Differential treatment.	No review undertaken.	No report	Being repealed in the Statutes (Repeals and Minor Amendments) Omnibus Bill. Introduced to Parliament on 28 June 2001. Referred to the Legislative Standing Committee on 1 August 2001
Northern Developments Pty Ltd Agreement Act 1957	LA	Differential treatment.	No review undertaken	No report	Being repealed in the Statutes (Repeals and Minor Amendments) Omnibus Bill. Introduced to Parliament on 28 June 2001. Referred to the Legislative Standing Committee on 1 August 2001.
Northern Developments Pty Ltd Agreement Act 1969	LA	Differential treatment.	No review undertaken	No report	Being repealed in the Statutes (Repeals and Minor Amendments) Omnibus Bill. Introduced to Parliament on 28 June 2001. Referred to the Legislative Standing Committee on 1 August 2001.
Nurses Act 1992	H	Entry, registration, title, practice, discipline.	New health practitioner legislation is being drafted in accord with NCP principles following Key Directions paper, which was released in June 2001.	Key Directions report available	
Occupational Therapists Registration Act 1980	H	Entry, registration, title, practice, discipline.	New health practitioner legislation is being drafted in accord with NCP principles following Key Directions paper, which was released in June 2001.	Key Directions report available	
Offensive Trades (Fees) Regulations 1976	H	Licensing.	Review underway.		

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Optical Dispensers Act 1966	H	Licensing.	Cabinet approved repeal.		To be repealed
Optometrists Act 1940	H	Entry, registration, title, practice, discipline, advertising.	New health practitioner legislation is being drafted in accord with NCP principles following Key Directions paper, which was released in June 2001.	Key Directions report available	
Ord Irrigation District By-laws	WRC	Market power to Water Corporation. Differential rights to irrigators within the area.	Review by Water and Rivers Commission completed in January 2000. Review proposed no action as the minor restrictions are justified on public welfare grounds to maintain security of supply and safeguard infrastructure.  The Government endorsed the recommendations of the review on 14 August 2000.	Subject to Ministerial approval	Amendments to By-laws proposed to reflect devolved ownership and control of the scheme.
Osteopaths Act 1997	H	Entry, registration, title, discipline.	Review completed in 1997. Under review in context of new Health Practitioners Legislation.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Painters Registration Act 1961	CEP	Licensing and registration (for persons carrying on a painting business in their own right and not as employees and for painting valued greater than \$200), entry requirements (degree/apprenticeship/ experience and exams, age, good character), the reservation of title and practice, disciplinary processes, business licensing.	Review completed in 1998, concluding that the current system of mandatory licensing is too restrictive and should be removed. The review recommended a certification scheme be developed to allow consumers to readily identify painters who possess particular skills. It also recommended negative licensing to support a certification system, allowing for the removal from the industry of persons who do not adhere to basic standards of commercial conduct. These changes will reduce business costs but will still enable some control of the industry and certainty for consumers.  Government endorsed the review recommendations.	Subject to Ministerial approval	Original review completed but overtaken by the Gunning Inquiry. The Gunning Committee of Inquiry was commissioned on 3 April 2000 to conduct a Special Inquiry under the Public Sector Management Act 1994 into the operations of the Boards and Committees in the Fair Trading portfolio.  A wider review of the industry has been conducted and is shortly to be presented to the Minister.
Pathology Centre Notice and Directions 1995	H	The Agencies (PathCentre) Notice 1995 does not contain provisions restricting competition.  The PathCentre Directions 1995 restricts Sir Charles Gairdner Hospital Board from conducting a pathology service.	Review of Agencies (PathCentre) Notice 1995 completed and endorsed by Government.  Review of PathCentre Directions 1995 underway.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Pawnbrokers and Second-hand Dealers Act 1994 and Regulations	P	Licensing (pawnbrokers, second-hand dealers for not exempt goods), registration, entry requirements (good character, fit and proper person - that is, adequate management, supervision and control of business operations, and no conviction of dishonesty, fraud, or stealing offence in past five years), the reservation of practice, disciplinary processes, business conduct (pawnbrokers: prescribed records, computer records, notification of pawner of surplus of proceeds of sale; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Review by WA Police Service completed in 1999. Consultation involved when developing legislation. No public consultation during review. Review recommended: retaining the current licensing provisions on the understanding that they may be modified following future review; conducting a further review after the current legislation had been in operation for an additional three years; and examining alternative approaches, including those likely to be introduced in other States.  Government endorsed the review recommendations.	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Pearling Act 1990 and Regulations	F	Licensing of pearling and hatcheries. Minimum quota holding for pearling licences. Hatchery licensees must also hold pearling licence. Wildstock quota. Hatchery quota. Hatchery sales to other than Australian industry prohibited.	<p>Review completed in 1998. It recommended:</p> <ul style="list-style-type: none"> <li>▪ removing minimum quota holdings;</li> <li>▪ decoupling pearl farming licences from pearl fishing licences;</li> <li>▪ auctioning wildstock quotas;</li> <li>▪ removing hatchery quotas;</li> <li>▪ codifying in regulation criteria for fishery management decisions; and</li> <li>▪ establishing an independent review tribunal.</li> </ul> <p>The Government accepted the review's recommendations except for the recommendation to remove the quota for pearl oyster hatchery limits and the recommendation that increases in total allowable catch be auctioned rather than allocated directly to bidders.</p>	Publicly available	The agency is preparing drafting instructions for a Pearling Bill which will include a range of measures in addition to NCP issues.
Perth Market Act 1926 and Regulations	A	Licensing, differential treatment.	<p>Review completed in 2002. Consultation involved public advertisement and calling for submissions in June 2000.</p> <p>In May 2002 the Government endorsed the review recommendations to remove the wholesale market monopoly and remove restrictive trading conditions.</p>	Subject to Ministerial approval	Department of Agriculture is developing drafting instructions for the amendments.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Perth Parking Management Bill 1998	PI	Licensing, differential treatment.	Reviewed as new legislation.  New Act removes discriminatory treatment of Council and private parking providers, licenses and limits parking places in Perth Central Business District. Public benefits are reduced Central Business District congestion and improved air quality. Government approved on 18 May 1998.	Subject to Ministerial approval	Assented to on 19 May 1999.
Perth Theatre Trust Act 1979	PTT	Competitive neutrality.	Review completed in 2002. Inter-agency consultation.  In May 2002 the Government endorsed the review recommendation that the State tax and stamp duty exemptions provided to the Perth Theatre Trust are in the public interest and should be retained. The exemption from rates and taxes is considered to have a minimal impact on restricting competition. For many of the performing art forms, which the Trust venues host, there is no competition between venues because of the technical requirements of the performance space.	Subject to Ministerial approval	No change.
Petroleum (Submerged Lands) Act 1982 and Regulations	MPR	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999/2000. Endorsed by ANZMEC Ministers.		Amendments to be developed by Commonwealth and subsequently reflected in State and Territory legislation.
Petroleum Act 1967	MPR	Regulates onshore exploration for and development of petroleum reserves.	Reviewed at divisional level. To be considered after outcome of the <i>Petroleum (Submerged Lands) Act 1982</i> is finalised.	Subject to Ministerial approval	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Petroleum Pipelines Act 1969 and Regulations	MPR	Regulates construction and operation of petroleum pipelines in WA.	Review completed in 2001. Recommended one amendment with respect to issuing pipeline licenses.	Subject to Ministerial approval	Review recommendation to be implemented via legislative amendment.
Petroleum Products Pricing Amendment Act 2000 and Petroleum Legislation Amendment Act 2001	CEP	Regulates the petroleum industry and fuel prices in particular.	Review completed in 2002.  In May 2002 the Government endorsed the review recommendation to retain all restrictions on competition. The review found that regulation of the petroleum is necessary to protect consumers, encourage stability in pricing and provide for the transparency of pricing.	Subject to Ministerial approval	No change.
Petroleum Products Subsidy Act 1965 and Regulations	MPR	Market power.	Review underway.		
Pharmacy Act 1964	H	Entry, registration, title, practice, discipline, advertising, business, ownership, licensing, residence.	National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.  CoAG referred the Wilkinson Review to a senior officials' working party. CoAG is considering the senior officials' recommendations.	Publicly available	



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Physiotherapists Act 1950	H	Entry, registration, title, practice, discipline.	New health practitioner legislation is being drafted in accord with NCP principles following Key Directions paper, which was released in June 2001.	Key Directions report available	
Pig Industry Compensation Act 1942	A	Ministerial discretion over allocation of funds raised compulsorily for scientific research. Minister may levy growers to fund services to the pig industry including compensation and disease control programs.	Review completed by Agriculture WA officials in 1997. It recommended: <ul style="list-style-type: none"> <li>▪ changes to ensure that funds from compulsory levies are used only for services of a public good nature; and</li> <li>▪ retaining the power of the Minister to levy growers.</li> </ul>	Subject to Ministerial approval	Act to be repealed.
Piggeries Regulations 1952	H		Review underway.		
Planning legislation: Town Planning and Development Act 1928, Western Australian Planning Commission Act 1985, Metropolitan Region Town Planning Scheme Act 1959	PI	Controls land use via town planning schemes.	Review underway. Legislation (Town Planning and Development Act 1928, Western Australian Planning Commission Act 1985, Metropolitan Region Town Planning Scheme Act 1959) consolidated into Urban and Regional Planning Bill. A review of the Bill has been drafted for consideration by the Minister for Planning.		
Plant Pests and Diseases (Eradication Funds) Act 1974 [previously the Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act 1974]	A	Power of Minister to impose levies and Ministerial discretion over application of funds.	Review completed in 1997. It recommended amending the Act to ensure that levies fund only services that are of a sufficiently public good nature and that have been assessed as in accordance with a benefit-cost methodology.	Subject to Ministerial approval	Proposal to implement review recommendations via legislation amendment is being considered by Government.
Podiatrists Registration Act 1984	H	Entry, registration, title, practice, discipline.	New health practitioner legislation is being drafted in accord with NCP principles following Key Directions paper, which was released in June 2001.	Key Directions report available	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Poisons Act 1964	H	Licensing.	Part of Galbally Review. Draft review report completed 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001.  Final review report under consideration by the Australian Health Ministers Advisory Council.		
Police Force Canteen Regulations 1988	P	The Regulations enable a Canteen to sell liquor under terms and conditions that are not subject to the requirements of the Liquor Licensing Act 1988, and therefore discriminate in favour of the Canteen over competing businesses in the private sector.	Review completed in 1998. Review concluded the effect of the restriction is to enable the Canteen more flexibility in its operations than would be afforded to a private sector operator. Recommended that as the restrictions have a minimal impact and cannot be justified in the public interest, and thus the report concluded that the advantages should be removed. As there is no canteen operating at the moment, the report recommends that the removal of the restriction be addressed following the review of the Liquor Licensing Act. If a canteen is established before the review is completed, the review recommends that the canteen voluntarily comply with the Act.  The Government endorsed the recommendations of the review. Minor amendments are necessary.	Subject to Ministerial approval	Regulations were repealed on 3 July 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Port Authorities Act 1998	PI	Imposes accountability and ownership requirements, together with safety and public interest controls. Restrictions include exemptions from planning and building requirements; public sector management provisions; accountability provisions; requirements for Ministerial approval; consultation and borrowing limits provisions; pilotage provisions; licensing provisions.	Review completed in 1997. Review concluded that the objectives of the legislation could not be achieved by means other than through the licensing restrictions. Act repeals individual port Acts.	No report	New Act following review of ports instruments assented to on 29 June 1999.
Port Hedland Port Authority Act 1970 and Regulations	PI	Restrictions on market entry and conduct.	No review undertaken	No report	Act repealed. Replaced by generic Port Authorities Act 1998.
Port Kennedy Development Agreement Act 1992	PI	Competitive neutrality.	Review recommended no change.  Review approved by Government in August 2000.	Subject to Ministerial approval	No change.
Ports (Model Pilotage) Regulations 1994	PI	Restrictions on market entry and conduct.	No review undertaken.	No report	Act repealed. Replaced by generic Port Authorities Act 1998.
Ports Functions Act 1993	PI	Restrictions on market conduct.	No review undertaken	No report	Act repealed. Replaced by generic Port Authorities Act 1998.
Potato Growing Industry Trust Fund Act 1947	A	Power to raise a compulsory levy on the sale of potatoes for the purposes of disease control and providing compensation to growers in the event of a disease outbreak.	Review by officials completed. It recommended retaining the restriction. Government approved the review's recommendations.	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Poultry Industry (Trust Fund) Act 1948	A	Power of the Poultry Industry Trust Fund Committee to impose levies.  Financial assistance from the Trust Fund to the Poultry Farmers Association.	Review by officials completed in 1997. It recommended: <ul style="list-style-type: none"> <li>▪ amending the legislation to ensure that levies fund only services that are of a sufficiently public good nature and that have been subject to a benefit cost analysis;</li> <li>▪ replacing the compulsory levy to fund the Poultry Farmers Association with a voluntary levy; and</li> <li>▪ retaining the levy raising power.</li> </ul>	Subject to Ministerial approval	Act will be repealed when a poultry producers committee is formed under the Agriculture Produce Commission Act 1988.
Poultry Processing Establishments Regulations 1973	H		Repealed by Regulation 28 of the Health (Meat Hygiene) Regulations 2001		Repealed.
Preston Valley Irrigation District By-laws	WRC	Differential treatment.	Review by Water and Rivers Commission completed in January 2000. Review proposed retaining the restrictions on competition found to be in the public interest and to amend the by-laws to reflect current management practices since they do not reflect the responsibilities of the Water Corporation and the grower cooperatives since the devolution of irrigation management.  The Government endorsed the recommendations of the review on 14 August 2000.	Subject to Ministerial approval	Water Corp is drafting amendments in consultation with Water and Rivers Commission.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Professional Standards Act 1997	J	Provides for limiting liability for persons who are members of prescribed associations.	Department review completed in 1998. No public consultation. Review recommended retaining restriction on competition.  Government endorsed review recommendations in July 1999.	Subject to Ministerial approval	No change.
Psychologists Registration Act 1976	H	Entry, registration, title, practice, discipline.	New health practitioner legislation is being drafted in accord with NCP principles following Key Directions paper, which was released in June 2001.	Key Directions report available	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Public Works Act 1902	HW	<p>Four restrictions all of which are related to competitive neutrality:</p> <ul style="list-style-type: none"> <li>▪ financial provisions and powers which potentially allow the Western Australian Building Management Authority to access avenues of credit unavailable to private firms in competing commercial activities;</li> <li>▪ powers of entry on to land for the purposes of public works which may lead to cost savings deriving from not having to secure rights of access from landowners - such savings are not available to private firms;</li> <li>▪ powers to close roads or streets which may reduce the cost of works through not having to provide for access or protect the safety of road users in the vicinity of works - a right not available to private firms; and</li> <li>▪ exemptions from local building regulations (except public health regulations) which may provide cost advantages over firms which have to comply with local regulations.</li> </ul>	<p>Review completed. The review classified restrictions as minor, as their economic effects are insignificant and they are used to facilitate public works, the wider public benefit of which have already been assessed. The costs and loss of flexibility associated with more stringent definition of the projects to which the provisions may apply were found to outweigh the minimal benefit that might accrue. The extension of relevant powers to the private sector, in certain cases, was considered. However, given the negligible current involvement of the private sector in providing public infrastructure in WA, such reform is not considered justified. Recommended retaining the restrictions.</p> <p>Government endorsed the recommendations of the review.</p>	Subject to Ministerial approval	No change.
Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986	H	No restrictions identified.	Review completed and endorsed by Government.	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Racing Restrictions Act 1917	RGL	Licensing, differential treatment.	Review completed in 1998. Recommended limiting the authority of the WA Turf Club to thoroughbred racing and providing for licensing of other forms of horse racing where in the public interest. It recommended retaining the centralised control of horse racing and trotting with the industry bodies.  Government endorsed the findings of the review.	Publicly available	To be amended via the Acts Amendment Repeal (Competition Policy) Bill 2002.
Racing Restrictions Act 1927	RGL	Prevents the use of 'mechanical devices' in races for other than horses. It aimed to prevent the introduction of greyhound racing.	Review completed in 1999. Review recommended repeal of the Act. Endorsed by Government.	Publicly available	Act to be repealed via the Acts Amendment and Repeal (Competition Policy) Bill 2002.
Radiation Safety Act 1975  Radiation Safety (General) Regulations 1983-1999  Radiation Safety (Transport of Radioactive Substances) Regulations 1980-1999  Radiation Safety (Qualifications) Regulations 1980-1999	H	Licensing.	National review has been completed and the national implementation plan is currently being developed.	Publicly available	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Rates and Charges (Rebates and Deferments) Act 1992	TF	The restrictions identified refer to the differential treatment afforded pensioners and other eligible persons with respect to certain amounts payable by way of rates and charges. The legislation, in effect, discriminates in favour of pensioners and other eligible persons.	<p>Review completed in 1998. It concluded that the effects of the restrictions on competition are minimal. Only a very small group of eligible persons could potentially obtain a competitive advantage from the differential treatment received, and where such advantage occurred it would be minor. On the other hand, the removal of pensioner rebates and deferments in respect of rates and charges would have a significant impact on the standard of living of pensioners and other eligible persons.</p> <p>An alternative to the way in which the State Revenue Department administered rebates and deferments to eligible persons was considered. However, it was concluded that this alternative would result in greater administrative cost than the present scheme and therefore would not be in the public interest.</p> <p>Recommended that all of the restrictive elements of the legislation should be retained on public interest grounds.</p> <p>Government endorsed the recommendations of the review.</p>	Subject to Ministerial approval	No change.



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Real Estate and Business Agents Act 1978 and Regulations	CEP	Licensing (agent's licence, sales representative's certificate), registration, entry requirements (aged over 18 years, good character, fit and proper person (including having done prescribed courses, understands duties and obligations under Act), for agent, sufficient material and financial resources), the reservation of practice, disciplinary processes, business conduct (branch office/s require separate manager/s, supervision and control, records, trust accounts, audit, code of conduct, advertising, fidelity fund), business licensing.	Department review underway. Discussion paper released in April 1999. Draft report being finalised.		Maximum fees removed in 1998.
Regional Development Commissions Act 1993	LGRD		Review underway. Submissions to be sought from Commissions and local government.		
Retail Trading Hours Act 1987 and Regulations	CEP	Monday to Saturday trading hours regulated. Sunday trading hours limited and prohibited outside tourism zones. No restrictions above the 26th parallel.	An Industry Reference Group report was completed in 1999. The Reference Group's charter was to seek public submissions and to make recommendations to the Minister. Following the Minister's consideration of the IRG report, the Department of Consumer and Employment Protection is now finalising the NCP report on the Retail Trading Hours Act 1987.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Retirement Villages Act 1992, Regulations and Code of Practice	CEP	Restrictions on the use of retirement village land; compliance with the Code of Fair Practice for Retirement Villages; and marketing and price determination rights	<p>Review completed in 2002. The Retirement Villages Reference Group produced a discussion paper and responses were obtained from retirement village residents and associations.</p> <p>In May 2002 the Government endorsed the review's recommendations to amend the following:</p> <ul style="list-style-type: none"> <li>▪ restrictions on the use of retirement village land: by making the process for the termination of a village scheme and the removal of a memorial from the whole or a part of the village land simpler and more cost effective;</li> <li>▪ the Code of Fair Practice for Retirement Villages: by incorporating the existing Code and Act into a single Act; and</li> <li>▪ restrictions associated with the marketing and price determination rights of residents: by providing residents with the right to be involved in the marketing of a unit, to receive monthly marketing reports and to have some price determination rights.</li> </ul>	Subject to Ministerial approval	CEP developing drafting instructions for the necessary amendments.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Rights in Water and Irrigation (Construction and Alteration of Wells) Regulations 1963	WRC	Licensing restrictions. The Waters and Rivers Commission is given sole rights to fit, repair and test water meters.	Review by Water and Rivers Commission completed in January 2000.  The Government endorsed the recommendations of the review on 14 August 2000.	Subject to Ministerial approval	Changes to the regulations are being progressed to remove the Water and Rivers Commission's exclusive right to the fitting, repair and testing of water meters.
Rights in Water and Irrigation Act 1914 and Regulations	WRC	Licensing of rights to take water. Monopoly powers of Water Corporation.	Review by Water and Rivers Commission completed.  Government endorsed the review recommendation on 20 December 1999.	Subject to Ministerial approval	Drafting instructions to include the recommended amendments in the proposed Acts Amendment (Competition Policy) Bill 2002 have been forwarded to Parliamentary Counsel.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Rottneest Island Authority Act 1987	RIA	<ul style="list-style-type: none"> <li>▪ The membership of the Authority;</li> <li>▪ Access to facilities on the island is limited;</li> <li>▪ The Authority has the power to grant leases and licences on the island;</li> <li>▪ The Authority is prohibited from selling any land on Rottneest;</li> <li>▪ The Authority is prevented from allowing anyone to remove any flora, fauna, rock, stone or soil from the island for any commercial purposes;</li> <li>▪ Limitation on development and provision of accommodation;</li> <li>▪ Requirement for a management plan;</li> <li>▪ Enforcement Powers of Rangers;</li> <li>▪ Requirement for revenue to at least equal expenditure and application of net profits;</li> <li>▪ Building work to be approved by the Authority; and</li> <li>▪ Control of certain activities on Rottneest.</li> </ul>	<p>Review completed in 1998. The review found that generally the restrictions on competition are necessary to achieve the objectives of the legislation. The objectives of the legislation are expressly to preserve the character of the island, to protect the environment and to ensure that Rottneest is accessible as an affordable holiday destination. The review recommended retaining the restrictions on public benefit grounds with the exception of the restriction prescribing the knowledge and experience necessary for appointment as a member of the authority which is to be removed. The continued need for a Management Plan for Rottneest should be considered in the context of any Government wide review of the use of Management Plans in the management of A-class reserves and the restriction on competition relating to access to facilities and the requirement for revenue to at least equal expenditure and application of net profits are to be considered in the Authority's competitive neutrality review.</p> <p>Government has decided to retain all of the restrictions, including the restriction to appoint board members with prescribed knowledge and experience.</p>	Subject to Ministerial approval	No change.
Rural Adjustment and Finance Corporation Act 1993	A	Differential treatment.	Not for review.	No report	Repealed and replaced by the Rural Business Development Corporation Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Rural Housing Bill	CHA	Differential treatment of the Authority compared with similar private sector institutions (Sections 5,11,16,17); and  differential treatment of customers based on location, occupation or type of business (Sections 18-26).	Review completed in 1998. It classified the restrictions as minor and in the public interest.	Subject to Ministerial approval	Changed name to Country Housing Act 1997.  No change.
Sandalwood Act 1929 and Regulations	FPC	Caps the quantity of naturally occurring sandalwood harvested from Crown and private land. Licensing the harvesting of sandalwood. Individual licences capped at 10 per cent of the total limit.	Review completed. It recommended retaining the overall cap on the quantity sandalwood harvested while removing the restriction on the proportion of the annual sandalwood harvest that may be taken from private land.	Subject to Ministerial approval	Amendments being progressed via Act Amendment and Repeal (Competition Policy) Bill.
Secret Harbour Management Trust Act 1984	PI	Competitive neutrality.		No report	Repeal pending.
Securities Agents Act 1976 and Regulations	J	Licensing.		No report	Act repealed and replaced by Security and Related Activities (Control) Act 1996.
Security and Related Activities (Control) Act 1996	P	Licensing (security and inquiry activities), registration, entry requirements (training, character, possible medical exam for security officers), the reservation of practice, business conduct (operating restrictions, no advertise unless licensed), business licensing.	Review by WA Police Service completed. Review involved no consultation. The review concluded the security and related industries need statutory control to ensure high standards and to instil public confidence, especially in the area of crowd control. The review concluded that the legislation is effective and provides the necessary controls to maintain and improve the industry.  Government endorsed review recommendation in 2000.	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Seeds Act 1981 and Regulations	A		Review completed.	Subject to Ministerial approval	Act to be repealed by the Agriculture Management Bill which is currently being drafted.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Settlements Agents Act 1981 and Regulations	CEP	Licensing, entry requirements (qualifications, two years experience, age, good character, fit and proper person, material and financial resources, resident in WA), the reservation of practice, business conduct (supervision, trust accounts, maximum fees, professional indemnity insurance, fidelity fund), business licensing.	<p>Department review was completed in May 2002. A discussion paper was sent to industry participants and the Consumer Association of WA. Consultation was conducted through a reference group comprising industry, the Settlement Agents Board and consumer representatives.</p> <p>In May 2002 the Government endorsed the review's recommendations that the following restrictions on competition be amended:</p> <ul style="list-style-type: none"> <li>▪ the requirement for agents to have sufficient material and financial resources;</li> <li>▪ the requirement for natural persons to be ordinarily resident in the State;</li> <li>▪ the existing supervision requirements in the Act and Code of Conduct be replaced with provisions which are more objective and relevant to the nature of the market today;</li> <li>▪ that regulation of maximum fees an agent can charge for service rendered be removed by the repeal of the Settlement Agents (Remuneration) Notice 2000; and</li> <li>▪ the requirement for all agents to hold professional indemnity insurance be amended to give licensees the option of either arranging their own insurance at a prescribed minimum level of cover with an insurer of their choice or insuring under any master policy negotiated by the Board.</li> </ul>	Subject to Ministerial approval	DCEP developing drafting instructions for the amendments.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Shipping and Pilotage Act 1967 and Regulations	PI	Governs pilotage services (licensing, competitive neutrality issues).	No review undertaken.	No report	Act to be repealed.
Small Business Development Corporation Act 1983	SBDC	Differential treatment of businesses.	Review completed. Review found the effects of the restrictions on competition to have no practical importance.  Government endorsed review findings.	Subject to Ministerial approval	No change.
Small Business Guarantees Act 1984 and Regulations	SBDC	Differential treatment.	Not for review.	No report	Act to be repealed.
Soil and Land Conservation Act 1945 and Regulations	A	Market power. Soil conservation notices, rates and service charges, clearing controls, and 90-day notice to clear or drain land.	Review completed.  Government endorsed the review recommendations	Subject to Ministerial approval	No change.
South Fremantle Oil Installations Pipeline Act 1948	CMS	Licensing.	See comments of Anglo-Persian Oil Company Limited (Private) Act 1919.  Government endorsed the review recommendations	Subject to Ministerial approval.	No change.
State Employment and Skills Development Authority Act 1990 and Regulations	DT	Licensing.	Not reviewed.	No report	Repealed and replaced by the Vocational Education and Training Act.
State Superannuation Act 2000	GESB	Limits on choice of fund managers. The Government Employee Superannuation Board (GESB) is the sole fund provider which government employees must use.	Review currently being considered by the Government.		
State Supply Commission Act 1985 and Regulations	HW	Differential treatment.	Review completed.	Subject to Ministerial approval	Minor amendment being progressed via the Acts Amendment and Repeal (Competition Policy) Bill 2002.



<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
State Trading Concerns Act 1916	TF	The Act prohibits the Government from entering into or establishing any trading concern, except where the entity has been established under specific enabling legislation; has been established as a 'trading concern' under the Act; or is a department and has been authorised by the Treasurer under the Act to generate revenue from specified activities.	Review completed in 1998. It concluded that while the legislation restricts the freedom with which government agencies can enter markets for goods and services it also reduces the risk that Government will become involved in inappropriate ventures. Recommended the restriction be retained.  The Government endorsed the recommendations of the review.	Subject to Ministerial approval	No change.
Statutory Corporations (Liability of Directors) Act 1996	J	Differential treatment of directors.	Not for review. Assessment of the effects of the potential restriction indicated that it does not give rise to significant costs or benefits. In view of this the Act was considered to not give rise to a restriction on competition. The 1998 amendments impose similar constraints on directors of statutory corporations as apply to private corporations, and therefore does not give rise to restrictions on competition.	No report	No change.
Stipendiary Magistrates Act 1957	J	The Act provides for the appointment of stipendiary magistrates with secure tenure of office and other relative purposes.	No review undertaken.	No report	The Act will be repealed upon the proclamation of the Magistrates' Court Bill 2002 and Magistrates' Court Consequential Provisions Bill 2002. Repeal pending.
Stock (Identification and Movement) Act 1970	A	Branding of human food and fibre producing animals. Documentation when moving stock.	Review by officials completed. It found some scope for easing restrictions on horse owners.	Subject to Ministerial approval	Review recommendations are being implemented through the Agricultural Management Bill, which is currently being drafted.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Stock Disease (Regulations) Act 1968	A	Restricts importation of stock on grounds of disease control. Requires stockholders to control and notify of diseases.	Review by officials completed. It recommended No change.	Subject to Ministerial approval	No change.
Strata Titles Act 1985 and regulations	LA	Only licensed surveyors can 'certify' a strata plan, survey-strata plan, or notice of resolution where a strata company is requesting a conversion from a strata scheme to a survey-strata scheme.	Review, in conjunction with review of Licensed Surveyors Act 1909, completed in 1998. Review concluded restrictions are in the public interest and should be retained.  Government endorsed review recommendation.	Publicly available	No change.
Street Collections Regulation Act 1940 and Regulations	CEP	Licensing.	No review undertaken.	No report	Repeal pending. To be replaced by the Public Collections Bill.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Subiaco Redevelopment Act 1994	PI	<ul style="list-style-type: none"> <li>▪ Redevelopment control of the area;</li> <li>▪ The compulsory taking of land;</li> <li>▪ Subdivision approval from Minister rather than the State Planning Commission; and</li> <li>▪ Treasurer's guarantee of loans.</li> </ul>	<p>Review completed in 1997. The report has found that effects of the restrictions on competition are relatively minor. The report concluded that the restrictive elements of the legislation need to be retained to achieve the objectives of the Act. The report also finds that there would be substantial costs associated with removing the restrictions, particularly at this stage of the Authority's work.</p> <p>There are no acceptable alternatives to achieving the objectives of the three restrictions relating to the powers of the Authority. The powers are necessary to remedy the existing environmental problems and achieve redevelopment consistent with the vision for the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. The restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed.</p> <p>Recommended retaining the restrictions on the grounds of public interest.</p> <p>Government endorsed the recommendations of the review.</p>	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Suitors Fund Act 1964	J	Differential treatment of large companies and Crown Agencies.	<p>Review completed in 1997. The review noted that all litigants are required to contribute to a fund which is used to defray legal costs where a court decision is reversed on a 'point of law' appeal or where the proceedings are aborted. However, companies with a paid up capital of \$200 000 or more and Crown agencies are barred from access to the Fund to recover such legal costs. Recommended removing the bar on companies with paid up capital of \$200,000 or more.</p> <p>Government endorsed the recommendations of the review.</p>	Subject to Ministerial approval	A Cabinet Submission is being prepared by the Department of Justice. This submission will incorporate drafting instructions necessary to give effect to the recommendations arising from the NCP review of the Act.
Swan River Trust Act 1988 and Regulations	WRC	Licensing. Limitations on development activity that can be undertaken in the area under the control of the Swan River Trust; and limitations on non-development activity (including advertising) that can be undertaken in the area under the control of the Swan River Trust.	<p>Review by Water and Rivers Commission completed in January 2000. Recommended restrictions be retained.</p> <p>Government endorsed recommendation on 14 August 2000.</p>	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Taxi Act 1994 and Regulations, and Amendment Regulations 1997	PI	Limitation on number of taxi licences.	<p>Review completed in August 1999. Consultant's report recommended removal of all licence number restrictions, buy-back of existing licences at full market value, and limit in new licence issues to 20 per cent per annum.</p> <p>Government did not agree to deregulation of supply restrictions and buy-back. The Government's decision was based on the relatively high levels of consumer satisfaction that were identified in the survey of taxi services.</p> <p>Tenders called for release of a limited number of restricted (peak period and wheelchair accessible taxi) licences. Industry forum to be established to consider a feasible mechanism for licence buy-backs.</p>	Publicly available	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Texas Company (Australasia) Limited (Private) Act 1928	HW	The Act define the relationships, rights and duties of oil companies, local government authorities and the Minister for Works in relation to the construction, operation and maintenance of pipelines on public lands. These duties and powers of the State and local governments constitute restrictions on the commercial activities of the oil companies.	<p>Review completed in 1998. It considered the restrictions do not impose significant costs on the oil companies, or cost advantages or disadvantages on particular oil companies that are of sufficient magnitude to affect competition between the companies. The public benefits of restrictions were assessed to be: minor cost savings in management of municipal infrastructure from coordination in planning, construction and maintenance of municipal infrastructure and oil facilities; minimising public inconvenience during construction and maintenance activities on public land; and ensuring proper restoration of municipal infrastructure where this has been disturbed due to construction or maintenance activities by the oil companies. It concluded that due to the potential public benefits and the absence of significant costs or effects on competition, the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact.</p> <p>The Government endorsed the recommendations of the review.</p>	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
The Law Society Public Purposes Trust Act 1985	J	The Act authorizes The Law Society of Western Australia (Inc.) to receive certain moneys from banks upon the trusts declared by that Society a Deed of Trust dated 22 August 1985.	See Legal Practitioners Act 1893		
Tobacco Control Act 1990	H	Differential treatment, licensing.	<p>Review completed in 2002</p> <p>In May 2002 the Government endorsed the conclusions of the review that the restrictions on competition in the Act and regulations provide a net public benefit and therefore should be retained.</p> <p>The review found that the restrictions serve to correct significant market failures in the tobacco market and are based on sound public interest grounds. They also apply equally to all participants and do not prevent entry into the already very competitive tobacco market</p>	Subject to Ministerial approval	No change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Comments on review</i>	<i>Report availability</i>	<i>Comments on reform</i>
Totalisator Agency Board Betting Act 1960 and Rules and Regulations	RGL	Restrictions on events and prescription of circumstances under which betting may occur; restrictions on persons and organisations able to conduct betting; constraints and costs imposed on bookmakers and operators of totalisators generally; constraints and costs imposed on racing clubs, authorities controlling racecourses and owners/occupiers of premises; constraints and costs imposed on punters; constraints and costs imposed specifically on the Totalisator Agency Board; and competitive neutrality of the Totalisator Agency Board.	<p>Review, in conjunction with the Betting Control Act 1954, completed in 1998.</p> <p>Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> <li>▪ relaxing restrictions on the operation of totalisators other than by the Totalisator Agency Board;</li> <li>▪ relaxing restrictions on bookmakers and their operations;</li> <li>▪ removing limits on bets in the regulations, leaving the racing clubs to set limits as they see fit; and</li> <li>▪ relaxing some restrictions on the operations of the Totalisator Agency Board.</li> </ul> <p>The legislative provisions giving rise to the remaining restrictions were assessed as being in the public interest and recommended for retention.</p> <p>The Government endorsed the recommendations of the review.</p>	Publicly available	Recommendations are being implemented via the Betting Legislation Amendment Bill 2001 and the Acts Amendment and Repeal (Competition Policy) Bill 2002.
Town Planning and Development Act 1928	PI	The Act places restrictions on the planning and development of land for urban, suburban, and rural purposes.	Being reviewed with the Urban and Regional Planning Bill and other planning legislation		



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Transport Co-ordination Act 1966 and Regulations	PI	Restrictions relate to provisions for the Minister to borrow funds and make payment of subsidies to providers of transport services. Also included are a range of provisions, powers and requirements related to the licensing of vehicles used for commercial purposes and the regulation of transport services provided by these vehicles.	Review completed. The review recommended: removal of provisions relating to the licensing of ships engaged in coastal trade; removing requirements for public vehicles (other than ships) to be licensed; and limiting licence fees to an amount sufficient to recover costs incurred in administering the relevant licence system and associated regulatory activities.  Government endorsed the review recommendations in November 2000.	Subject to Ministerial approval	Airport movement tax being phased out over 3 years.
Travel Agents Act 1985 and Regulations	CEP	Licensing and compulsory consumer compensation fund.	National review underway (coordinated by WA). A final review report by CIE was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option.		
Treatment of Sewerage and Disposal of Effluent and Liquid Waste Regulations	H	Licensing.	Review underway. Consultation involved public seminar and invitation to make submission.		

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Trustees Companies Act 1987	J	Competitive neutrality, licensing.	Review completed in 1998. Recommended retention on limits on borrowings and loans, and lessening of barriers to entry.	Subject to Ministerial approval	Amendment deferred pending enactment of proposed national uniform trustee company laws, which are currently being reviewed by the secretariat of the Standing Committee of Attorneys General (SCAG).
University Colleges Act 1926	ES	Competitive neutrality, market power.	Review, conducted by the Office of Higher Education, completed 1998. Concluded that the restrictions are in the public interest given the quality of pastoral care provided to students by university colleges.  Government endorsed review findings.	Subject to Ministerial approval	No change.
University Medical School Teaching Hospitals Act 1955	H	No restrictions identified.	Review completed and endorsed by Government.	Subject to Ministerial approval	No change.
University of Notre Dame Australia Act 1989	ES	Competitive neutrality, market power.	Review, conducted by the Office of Higher Education, completed in 1998. Recommended that investment provisions be consistent between universities.  Government endorsed review recommendations.	Subject to Ministerial approval	Amendment to Edith Cowan University Act being progressed via the Acts Amendment and Repeal (Competition Policy) Bill 2002.
University of Western Australia Act 1911	ES	Competitive neutrality, market power.	Review, conducted by the Office of Higher Education, completed in 1998. Recommended that investment provisions be consistent between universities.  Government endorsed review recommendations.	Subject to Ministerial approval	Amendment to Edith Cowan University Act being progressed via the Acts Amendment and Repeal (Competition Policy) Bill 2002.

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Valuation of Land Act 1987	PI	Valuer-General powers and activities.	Review completed in 1998. Review undertaken by intra-agency committee. Public consultation involved submissions following release of an information paper. Recommended less narrowly defined eligibility for the position of Valuer General (dropping requirement to be a member of the Australian Property Institute), removing restriction that any person making valuation for rating and taxing purposes must be licensed under Land Valuers Licensing Act, and encouraging greater flow of information for the purposes of making valuations.  Government endorsed review recommendations.	Subject to Ministerial approval	Recommendations are being implemented via the Acts Amendment and Repeal (Competition Policy) Bill 2002.
Veterinary Preparations and Animal Feeding Stuffs Act 1976	A	Premises and products to be registered, restrictions on packaging and labelling.  Minimum qualifications for analysts, advertising restrictions.	Review as part of the national review completed in 1999. See Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	Publicly available	See Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).
Veterinary Surgeons Act 1960	A	Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, controls on business names.	Review completed and endorsed by the Government. Review recommended a reduction in the extent of barriers to entry for non-veterinarians wishing to provide veterinary services; the repeal of the restrictions on advertising and ownership of veterinary practices by non-veterinarians; as well as the repeal of the restrictive aspects of the premises registration provisions.	Subject to Ministerial approval	The Veterinary Surgeons Act Amendment Bill is being drafted. The Bill will incorporate the review recommendations, as well as other (non-NCP related) amendments.

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Video Tape Classification and Control Act 1987	J	Licensing.	No review undertaken.	No report	Repealed and replaced by the Censorship Act 1996.
Vocational Education and Training Act 1996	DT	Registers training providers and accredits training courses.	Review, conducted by an independent consultant, completed. Concluded that public benefits of restrictions outweigh costs.  Recommendations endorsed by Government.	Subject to Ministerial approval	No change.
Water (Dixvale Area and Yanmah Area) Licensing Regulations 1974	WRC	Differential treatment of a small group of irrigators.	Review by Water and Rivers Commission completed in January 2000. Proposal to repeal regulations.  Government endorsed the review recommendations.	Subject to Ministerial approval	
Water Agencies (Charges) Bylaws 1987	WR	Differential treatment of Crown lands.	Review by Office of Water Regulation completed in September 1999.  Government endorsed the review recommendation for No change..	Subject to Ministerial approval	No change.
Water Agencies (Entry Warrants) Regulations 1985	WR		Review by Office of Water Regulation completed in September 1999.  Government endorsed the review recommendation for No change.	Subject to Ministerial approval	No change.

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Water Agencies (Infringements) Regulations 1994	WR	Market power to Water Corporation.	Review by Office of Water Regulation completed in September 1999.  Minor amendments proposed to ensure consistency of approach with competitive licensing regime and other related Acts.  Government endorsed the review recommendation to modify regulation 5 (officers issuing infringements) to make it consistent with recommendations from the review of the Water Agencies (Powers) Act 1984	Subject to Ministerial approval	This regulation will be amended once the Water Agencies (Powers) Act 1984 is amended via the Acts Amendment and Repeal (Competition Policy) Bill 2002.
Water Agencies (Powers) Act 1984	WR	Market power to Water Corporation.	Review by Office of Water Regulation completed in September 1999.  Government endorsed the review recommendations.	Subject to Ministerial approval	Recommendations are being implemented via the Acts Amendment and Repeal (Competition Policy) Bill 2002.
Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995	WR		Review by Office of Water Regulation completed in August 2000. No restrictions on competition could be identified in the Act.	Subject to Ministerial approval	No change.
Water and Rivers Commission Act 1995	WRC	The Act provides necessary governmental powers for effective natural resource management.	Review by Water and Rivers Commission completed in January 2000. No change.s recommended.  Review approved by Government in August 2000.	Subject to Ministerial approval	No change.
Water Boards Act 1904 and By-laws	WR	Licensing. Restricts powers to supply of water and within defined areas.	Review by Office of Water Regulation completed in May 1999. Amendment to Act proposed to allow agencies to provide full suite of water services and freedom to compete for licences on equal terms with Water Corporation. Revised By-laws will meet gatekeeper requirements.	Subject to Ministerial approval	'Umbrella' legislation is being developed that would not only incorporate the agreed NCP reforms but also the Government's desired corporate governance arrangements.

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Water Corporation Act 1995	WR		Review by Office of Water Regulation completed in May 1999.	Subject to Ministerial approval	No change.
Water Services Coordination Act 1995 - part 1 of 2	WR	Complex licensing regime inhibits competitive outcomes.	Review by Office of Water Regulation completed in July 1999.	Subject to Ministerial approval	Recommendations are being implemented via the Acts Amendment and Repeal (Competition Policy) Bill 2002.
Water Services Coordination Act 1995 - part 2 of 2: Water Services Coordination (Plumbers Licensing) Regulations 2000	WR	Plumbers - licensing, registration, entry requirements (competency or six years experience and qualification, fit and proper, reservation of practice (either licensed or under supervision of licensed), disciplinary processes.	Review of Water Services Coordination Amendment Act 1999 completed. Review recommended retaining restrictions to prevent unlicensed persons performing plumbing work and maintain the power of the Board to set licence conditions.  Government endorsed review recommendation.	Subject to Ministerial approval	No change.
Water Supply, Sewerage and Drainage Act 1912	WR	Few restrictions in remaining sections related to ownership of assets.	Review by Office of Water Regulation completed in May 1998.	Subject to Ministerial approval	No change.
Waterways Conservation Act 1976 and Regulations	WRC	Licensing system for disposal of waste in waterways.	Review by Water and Rivers Commission completed in January 2000. Review recommended No change.s given minor nature of Act. Major further review proposed to achieve rationalisation of functions and operation between this Act and EPA Act.  The Government endorsed the recommendations of the review on 20 December 1999.	Subject to Ministerial approval	No change.

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Weights and Measures Act 1915 and Regulations	CEP		This Act has not been reviewed. The Ministry of Fair Trading is planning to introduce new legislation that will replicate the uniform legislation operating in other jurisdictions and thereby contribute to national consistency. A preliminary NCP assessment was completed on an earlier draft of the new Bill but will need to be revisited once a final Bill has been prepared.		
Western Australian Greyhound Racing Authority Act 1981	RGL	Differential treatment.	Review completed. Review recommended removal from the WA Greyhound Racing Authority Act 1981 of the arbitrary limit on the number of meetings the WA Greyhound Racing Association may conduct. It also recommended that the provisions contained in the Act which establish centralised control of greyhound racing are in the public interest and should be retained. However, the establishment of an independent regulator should be considered if it is demonstrated that the Authority has improperly used its power to favour its racing activities.  Government endorsed the findings of the review.	Publicly available	Review recommendations are being implemented in the Acts Amendment and Repeal (Competition Policy) Bill 2002.

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Western Australian Land Authority Act 1992	WALA	<p>The WA Land Authority's exemption from rates and taxes.</p> <p>The Authority's power to compulsorily acquire land.</p> <p>The requirement to seek pre-approval from the Minister on contracts.</p> <p>Restrictions on the Authority's retail activities in the higher end of the residential land market.</p>	<p>Review completed in 1997. Recommended:</p> <ul style="list-style-type: none"> <li>▪ the Authority be subject to a tax equivalent regime and pay to the Treasurer an amount equivalent to all rates and taxes imposed on private land developers that the Authority is currently not obliged to pay;</li> <li>▪ removing the section of the Act allowing the Authority's power to compulsorily acquire land;</li> <li>▪ amending that legislation to allow contracts to be agreed subject to Ministerial approval; and</li> <li>▪ exempting surplus public sector land assets and urban renewal projects from the restrictions on the Authority's retail activities in the higher end of the residential land market.</li> </ul> <p>The Government endorsed the recommendations of the review.</p>	Subject to Ministerial approval	The amendment Bill was passed on 6 July 2000.
Western Australian Marine (Hire and Drive Vessels) Regulations 1983	PI	Licensing.	No review undertaken.	No report	Repeal pending enactment of Maritime Bill.
Western Australian Marine Act 1982	PI	Licensing.	No review undertaken.	No report	Repeal pending enactment of Maritime Bill.
Western Australian Meat Industry Authority Act 1976	A	Controls on abattoir capacity, controls on branding, and regulations of saleyards, abattoirs and processing works.	Review by officials completed in 1998. It recommended: removing controls on abattoir capacity and regulation of saleyards; retaining controls on branding; and retaining regulation of abattoirs and processing works.	Subject to Ministerial approval	Review recommendations are being implemented via the Acts Amendment and Repeal (Competition Policy) Bill 2002.



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Western Australian Planning Commission Act 1985	PI	The Act places restrictions on urban, rural and regional land use and development.	Being reviewed with the Urban and Regional Planning Bill and other legislation.		
Western Australian Product Symbols Act	IT	The symbols are able to be used by eligible businesses free of charge and may present a slight advantage to WA businesses and products in home markets.	<p>Review completed. The review found that the symbols do not comprise a significant restriction in their own right, but due to their widespread success and recognition, they now influence consumer behaviour in WA. Their use may therefore confer a competitive advantage on qualifying businesses and products, which could potentially lead to an ability to charge marginally higher prices or obtain a higher market share.</p> <p>Alternatively, when viewed as a labelling mechanism, the symbols may do no more than provide consumers with the necessary information to purchase local products or support local business according to their inclination. The review noted some important spin-off benefits from the symbols in growing the WA economy and noted their popularity among consumers.</p> <p>The review concluded that, on the balance of probabilities, the benefits of the current model outweigh its minor costs and that the Act should be retained.</p> <p>Government endorsed the recommendations of the review.</p>	Subject to Ministerial approval	No change.

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Western Australian Reproductive Technology Council (Nominating Bodies) Regulations 1992 and Directions	H		Replacement legislation to be developed.		
Western Australian Treasury Corporation (Amendment) Bill 1997	TF	The Act provides an exemption to the Corporation from State duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed. Review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Commonwealth and other government borrowers. Recommended retaining the restriction.  Government endorsed the recommendations of the review.	Subject to Ministerial approval	No change.
Western Australian Treasury Corporation Act 1986	TF	The Act provides an exemption to the Corporation from State duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed in 1997. The review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Commonwealth and other government borrowers. Recommended retaining the restriction.  Government endorsed the recommendations of the review.	Subject to Ministerial approval	No change.

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Wheat Marketing Act 1989	A	Imports Commonwealth Act into State jurisdiction.	No review undertaken.	No report	Act being repealed. Agriculture developing drafting instructions.
Wild Cattle Nuisance Act 1871	A	Regulates the destruction of wild cattle.	Review by officials completed. It recommended repealing the Act as it is redundant.	Subject to Ministerial approval	Act being Repealed via the Statutes and Minor Repeal Bill 2001 currently before Parliament.
Wildlife Conservation Act 1950	CALM	Licensing, restricts trade in wildlife	Review currently being undertaken by independent consultants.		
Workers' Compensation and Rehabilitation Act 1981	WCRC	Mandatory insurance, licensed insurers, centralised premium setting.	Public advertisement of review and call for submissions was made 20 December 2000. Review report completed early 2002. Review endorsed by the Government.	Subject to Ministerial approval	WorkCover is progressing minor legislative change.