



AUSTRALIAN CAPITAL TERRITORY

**3RD TRANCHE PROGRESS REPORT
TO THE
NATIONAL COMPETITION COUNCIL
ON IMPLEMENTING
NATIONAL COMPETITION POLICY
AND RELATED REFORMS**

MARCH 2003

1. INTRODUCTION.....	5
2. SUMMARY OF THIRD TRANCHE NCP REFORM OBLIGATIONS	6
3. EXECUTIVE SUMMARY - ASSESSMENT ISSUES AND RESPONSES FOR THE ACT.....	8
ACT Compliance with Requirements	12
4. COMPETITIVE NEUTRALITY	13
Competitive neutrality obligations under NCP.....	13
Implementation of competitive neutrality principles	13
Competitive neutrality complaints	13
National Tax Equivalent Regime (NTER) Assessment	15
5. ELECTRICITY AND GAS	16
Electricity full retail contestability	16
Derogations from the National Electricity Code.....	16
National transmission grid interconnection	16
Institutional arrangements.....	17
Parer review and National Energy Market Ministers’ forum review	17
Implementation of the new AS 4564/AG864 quality standard for general-purpose natural gas.	17
6. ROAD TRANSPORT (COAG PROGRAM)	18
Heavy vehicles registration scheme	18
7. PRIMARY INDUSTRIES.....	19
Food Act 2001.....	19
Pesticides Act 1989.....	19
Veterinary Surgeons Registration Act 1965	20
8. TRANSPORT.....	22
Dangerous Goods Act 1984 (applies the New South Wales legislation to the ACT).....	22

Motor Traffic Act 1936 (taxis)	22
9. HEALTH AND PHARMACEUTICAL SERVICES	24
Health practitioner legislation	24
Pharmacy Act 1931	25
Drugs, poisons and controlled substances legislation	26
10. LEGAL AND OTHER PROFESSIONS AND OCCUPATIONS	27
Legal Practitioners Act 1970	27
Boxing Control Act 1993	27
Auctioneers Act 1959	28
Hawkers Act 1936	28
Collections Act 1959	30
Pawnbrokers	33
Employment agents	33
Agents Act 1968 (real estate agents)	33
11. FINANCE, INSURANCE AND SUPERANNUATION SERVICES	34
12. SOCIAL REGULATION: EDUCATION AND GAMBLING	35
Schools legislation	35
Gambling legislation	35
TABs	35
Racing and betting	35
Gaming machines	36
Internet gambling	36
13. PLANNING, CONSTRUCTION AND DEVELOPMENT SERVICES	37
Architects Act 1959	37
Building Act 1972	37
Electricity Act 1971 (electricians licensing)	38
Plumbers, Drainers and Gasfitters Board Act 1982	39

14. INFORMATION SOUGHT FROM GOVERNMENTS FOR THE 2003 ASSESSMENT ON NEW LEGISLATION THAT RESTRICTS COMPETITION	40
Role and responsibility of legislation review mechanism: Regulatory Impact Statement	40
Type of legislation/regulation assessed (triggers for assessment)	40
Powers/responsibilities of review mechanism	40
Reporting obligations of review mechanism	40
RIS' for legislation reviewed since 1 July 2002	40
15. WATER	41
ACTEW dividend policy	41
Trade waste.....	42
Trading.....	43
16. ACT LEGISLATION REVIEW - SUMMARY TABLE	45

1. Introduction

The Competition Principles Agreement signed by the Commonwealth, States and Territories in April 1995 obliges the parties to report annually on the implementation of clauses 3 and 5 of the Agreement, addressing competitive neutrality and legislation review. In addition, there is an annual reporting requirement with respect to implementation of the related reforms in electricity, gas, water and road transport, according to the CoAG reform framework or its agreed modifications.

This is the ACT's seventh annual report to the National Competition Council (NCC) and covers the reforms implemented in the period 1 April 2002 to 31 March 2003.

2. Summary of third tranche NCP reform obligations

The third tranche reform program is established by the three April 1995 NCP Agreements, generally termed the Competition Policy Agreements. These are:

- the *Competition Principles Agreement*;
- the *Conduct of Code Agreement*; and
- the *Agreement on Related Reforms*.

To meet agreed third tranche obligations, Governments are required:

- to be a participating jurisdiction, that is, to have implemented the competition code, a modified version of Part IV of the TPA, including;
 - to have notified to the Australian Competition and Consumer Commission (ACCC) all legislation or provisions in legislation enacted or made in reliance upon section 51 of the TPA, within 30 days of the legislation being enacted or made (relevant legislation for the third tranche is legislation made since that notified for the second tranche assessment)
- to be a party to the CPA and to have implemented the major elements of the CPA program including;
 - application of competitive neutrality principles to all significant government-owned businesses, including local government businesses, where appropriate (clause 3)
 - structural reform of public monopolies where competition is to be introduced or before a monopoly is privatised (clause 4)
 - completion of the program of review of all legislation that restricts competition (including Acts, enactments, Ordinances or regulations) and removal of restrictions, where appropriate (clause 5)
 - gatekeeper regulatory impact analysis, including systematic and transparent assessment of alternatives to regulation, where new or amended legislation that restricts competition is proposed (clause 5)
- to achieve effective participation in the fully competitive national electricity market (NEM) including completion of all transitional arrangements;
- to fully implement free and fair trading in gas between and within jurisdictions;
- to achieve satisfactory progress towards implementation of the 1994 CoAG Strategic Framework for the reform of the water industry consistent with timeframes established through inter-governmental agreement;
- to fully implement reforms to road transport developed by the Australian Transport Council and endorsed by CoAG; and

- to ensure that national standards are set in accordance with principles and guidelines for good regulatory practice endorsed by CoAG.

3. Executive Summary - Assessment Issues and Responses for the ACT

Following is a table listing the issues that are assessment items for the ACT, a brief summary of the information required by the NCC and the ACT's response. Further details are contained in the main body of this report.

Competitive neutrality

<i>Matter</i>	<i>Issues and information sought</i>	<i>Response</i>
Competitive neutrality complaints	Please provide the Council with a list of: <ul style="list-style-type: none"> • Complaints received during 2002; and • Complaints resolved during 2002. 	Complaints received: 1 Complaints resolved: 1
Implementation of competitive neutrality principles.	Please comment on the reasons for rates of return on capital in 2000-01 being below the 10 year Commonwealth bond rate of 5.8 per cent for some GBEs as identified by the Productivity Commission report <i>Financial Performance of Government Trading Enterprises 1996-97 to 2000-01</i> .	See detailed response under main chapter heading.

Electricity and gas

<i>Matter</i>	<i>Issues and information sought</i>	<i>Response</i>
Electricity full retail contestability	Please confirm that full retail contestability has been implemented in the ACT.	FRC to start on 1 July 2003.
Derogations from the National Electricity Code	Please confirm that all ACT derogations to the National Electricity Code have expired.	The ACT has applied to the NEC for a derogation.
National transmission grid interconnection	Please report on the measures adopted to address the Council's concern that current NEM arrangements may impede effective inter-jurisdictional transmission network interconnection (see June 2001 and August 2002 assessments).	No unilateral activity, however, the ACT is participating in two inter-governmental forums.
Institutional arrangements	Please report on the measures adopted to address the Council's concerns in relation to the effectiveness of the NEM's institutional framework (see June 2001 and August 2002	The ACT is contributing to working groups on

ACT 2003 3rd Tranche Progress Report

	assessments).	governance.
Parer review and National Energy Market Ministers' forum review	Please report on the Government's response to any reform proposals in these reviews that have NCP implications.	The ACT is participating in the Ministerial Council on Energy which is developing a response.
Implementation of the new AS 4564/AG864 quality standard for general purpose natural gas.	Has the ACT implemented this standard, which the Natural Gas Quality Specification Committee was expected to endorse in 2002?	Standard adopted.

Road transport (CoAG program)

<i>Matter</i>	<i>Issues and information sought</i>	<i>Response</i>
Heavy vehicles registration scheme	Please report on reform implementation (the ACT previously advised the Council it expected to fully implement by December 2002).	Implemented on 1 September 2002.

Primary industries

<i>Matter</i>	<i>Issues and information sought</i>	<i>Response</i>
<i>Food Act 2001</i>	What is the public interest case supporting the retained restrictions?	Review and reform completed. See detailed response under main chapter heading.
<i>Pesticides Act 1989</i>	Please provide further information on the terms of authorisations. In particular, the Council wishes to understand how the system varies, if at all, from the licensing arrangements recommended by the review coordinated by Victoria.	Review and reform completed. See detailed response under main chapter heading.
<i>Veterinary Surgeons Registration Act 1965</i>	Please report on the review of this Act and reform implementation, and provide the public interest case supporting any remaining restrictions on competition.	Review completed. Reform implementation to be completed in 2003.

Transport

<i>Matter</i>	<i>Issues and information sought</i>	<i>Response</i>
<i>Dangerous Goods Act 1984</i> (applies the New South Wales legislation to the ACT)	Please report on reform implementation.	Review completed. Reform implementation to be completed in 2003.
<i>Motor Traffic Act 1936</i> (taxis)	Please provide the Government response to the ICRC report and reform implementation. Provide the public interest case for any restrictions retained. Note that the Council may consider that a gradual approach to reform complies with NCP principles provided that a firm transitional strategy is in place for removing the restrictions and the temporary retention of restrictions is supported by a public benefit case.	Review completed. Reform implementation to be completed in 2003.

Health and pharmaceutical services

<i>Matter</i>	<i>Issues and information sought</i>	<i>Response</i>
Health practitioner legislation	The ACT was preparing an omnibus replacement Bill incorporating the review recommendations — please report on reform implementation and the public interest case for any remaining restrictions on competition.	Review completed. Reform implementation to be completed in 2003.
<i>Pharmacy Act 1931</i>	<p>Please report progress in completing the review and reform of the Pharmacy Act, and provide the public interest case for any restrictions on competition that the government has decided to retain in the legislation (including any restrictions on who may own pharmacies and the number of pharmacies that they may own, restrictions on entry to the profession of pharmacy and restrictions on the practice of pharmacy).</p> <p>The ACT undertook to provide legal advice on the effect of amendments passed in 2001, which may impose new ownership restrictions. The CoAG senior officials response to the Wilkinson review recommendations noted that accepting the Wilkinson recommendation did not oblige the ACT to implement reforms. The ACT would therefore need to provide a robust public interest case to justify any new ownership</p>	See detailed response under main chapter heading.

ACT 2003 3rd Tranche Progress Report

	restrictions.	
Drugs, poisons and controlled substances legislation	Please report on the reform response to the Galbally review recommendations, including on any transition arrangements beyond the June 2003 assessment.	Reform being progressed through CoAG.

Legal and other professions and occupations

<i>Matter</i>	<i>Issues and information sought</i>	<i>Response</i>
<i>Legal Practitioners Act 1970</i>	The ACT suspended its review of its legal practitioner legislation and will instead implement reforms through the SCAG process. The Council is seeking information on the reforms the ACT has agreed to through the SCAG process and its implementation plans (including firm transitional arrangements where implementation extends beyond the 2003 assessment). The ACT should also report the public interest case for any restrictions it intends to retain.	Reform being progressed through inter-governmental forum.
<i>Boxing Control Act 1993</i>	The review of this Act was delayed, because of linkages between the ACT and NSW legislation. Please report progress on the review and reform implementation, and the public interest case for any remaining restrictions.	Review completed. ACT awaiting NSW review outcome.
<i>Auctioneers Act 1959</i> <i>Hawkers Act 1936</i> <i>Collections Act 1959</i>	The ACT previously advised it was drafting legislation to implement reforms arising from the reviews of these Acts. Please report on reform implementation and the public interest case for any remaining restrictions on competition.	Review completed. Reform implementation to be completed in 2003.
<i>Agents Act 1968</i> (real estate agents)	The ACT's 2002 annual report indicated the government was considering review findings. Please report on reform implementation and provide the public benefit case supporting any remaining restrictions on competition.	Review completed. Reform implementation to be completed in 2003.

Social regulation: education and gambling

<i>Matter</i>	<i>Issues and information sought</i>	<i>Response</i>
Schools legislation	Review completed – Government drafting new legislation. Please confirm that the legislation has been introduced and passed by Parliament. Provide the public interest case for any remaining	Review completed. Reform implementation to be completed

ACT 2003 3rd Tranche Progress Report

	restrictions on competition.	in 2003.
<i>Betting (ACTTAB Limited) Act 1964</i> <i>Betting (Corporatisation) (Consequential Provisions) Act 1996</i> <i>Bookmakers Act 1985</i>	Please report on reform implementation and the public interest case for any remaining restrictions on competition.	Review completed. Reform implementation to be completed in 2003.
<i>Casino Control Act 1988</i> <i>Gaming Machine Act 1987</i> <i>Games Wagers and Betting-houses Act 1901</i> <i>Gaming and Betting Act 1906</i> <i>Lotteries Act 1964</i> <i>Pool Betting Act 1964</i> <i>Unlawful Games Act 1984</i>	The Government has held a number of different reviews, and given in-principle support for some changes to restrictions on gaming machines but the Council is unclear about the Government's reform plans. Please provide a full report on reform implementation, and the public interest case for any remaining restrictions on competition.	Review completed. Reform implementation to be completed in 2003.

Planning, construction and development services

<i>Matter</i>	<i>Issues and information sought</i>	<i>Response</i>
<i>Architects Act 1959</i>	Need to amend legislation in line with Working Group recommendations — please confirm that these amendments have been made and provide the public interest case for any remaining restrictions on competition.	Review completed. Reform implementation to be completed in 2003.
<i>Building Act 1972</i> <i>Electricity Act 1971</i> (electricians licensing) <i>Electricity Safety Act 1971</i> <i>Plumbers, Drainers and Gasfitters Board Act 1982</i>	Legislation drafted in 2001 but introduction into Parliament postponed until 2002. Please confirm that the Bills have been introduced and passed by Parliament. Provide the public interest case for any remaining restrictions on competition.	Review completed. Reform implementation to be completed in 2003.

ACT Compliance with Requirements

The ACT considers that it has fully complied with its obligations in relation to the completed matters that are discussed in detail in this report.

4. Competitive neutrality

Competitive neutrality obligations under NCP

Clause 3 of the Competition Principles Agreement obliges the Commonwealth, State and Territory Governments to introduce competitive neutrality, where it is in the public interest, for significant government business activities.

Under the Intergovernmental Agreement on the Reform of Financial Relations, Heads of Government agreed to introduce a National Tax Equivalent Regime (NTER) commencing 1 July 2001, to largely replace the Tax Equivalent Regimes (TER) operated by each State/Territory for their Government Business Enterprises.

The NCC has previously approved the ACT's framework as complying with the competitive neutrality obligations of the Competition Principles Agreement. Further to this, the ACT:

- introduced the National Tax Equivalent Regime for a number of ACT Government business entities (listed below);
- is continuing transparency in funding of Community Service Obligations; and
- as previously advised, transferred competitive neutrality complaints from the Department of Treasury's Competitive Neutrality Complaints Unit to an independent body, the Independent Competition and Regulatory Commission (ICRC).

Implementation of competitive neutrality principles

Rates of return on capital

The ACT has a policy of seeking rates of return on equity from its Government Business Enterprises (GBE) equal to the risk-free rate plus a margin for risk. However, in practice, due to issues of scale and the level of commercialisation of some GBEs, this has not been achieved in all cases to date.

Competitive neutrality complaints

Complaints received during 2002

In September 2002, Canberra Indoor Rock Climbing wrote to the government inquiring whether a grant to a local Police Citizens Youth Club (PCYC) constituted a breach of competitive neutrality (CN) requirements. The matter

was referred to the Independent Competition and Regulatory Commission (ICRC) for advice.

In November 2002, the ICRC advised that the issue did not satisfy necessary conditions for investigation as required by its legislation. The PCYC is a non-government organisation and not subject to the CN principles required of government-owned entities as defined in the Competition Principles Agreement. Accordingly, the one-off payment to assist in the construction of a climbing wall, provided for under a youth services grants program, was an issue of targeting and delivery of government assistance rather than an issue of CN compliance.

Complaints resolved during 2002

In November 2000, the ACT Sustainable Rural Lands Group provided a reference to the Independent Competition and Regulatory Commission (ICRC) to investigate a complaint regarding the competitive neutrality of the management of the ACT's Territory-owned horse paddocks. In December 2002, the ICRC provided its final report to the government.

The ICRC found that Territory-owned horse paddocks comprised about 20% of the total ACT agistment market and that there was competition from private agistment operators both within the ACT and surrounding NSW region.

Agistment operations on Territory-owned property was contracted out by the Department of Urban Services under competitive tendering guidelines and that Horse Farms ACT was the current contractor.

In ruling on the issue of competitive neutrality, the ICRC found that Horse Farms ACT:

- (i) is tax neutral. It is not a leaseholder but pays the government rent, in the form of a \$70,000 annual licence fee, for use of government paddocks. The annual fee and the potential leased rent of the paddocks is comparable and so Horse Farms ACT does not enjoy a benefit from rental arrangements with the government;
- (ii) is subject to the same range of taxes and charges as its competitors and does not enjoy any tax advantages as a result of its contractual relationship with the government;
- (iii) is borrowing neutral. It is liable for all losses and expenses and does not enjoy any financial guarantees, implicit or explicit, from the ACT Government; and
- (iv) is regulatory neutral. It must comply with the regulatory requirements to which all rural lessees are subject including: weed and pest control, feral and protected animal control, fencing, water quality and pasture management.

The ICRC concluded that competitive neutrality obligations, as stipulated in Clause 3 of the Competition Principles Agreement, had been met by the government in the provision of horse agistment services in the ACT.

National Tax Equivalent Regime (NTER) Assessment

In May 2002, the ACT Treasury concluded a review of its listing of entities in the NTER and the Territory's Tax Equivalent Regime (TER) prior to the full commencement of NTER and the phasing out of Territory's income tax regime on 30 June 2002.

The assessment was designed to ensure:

- that ACT business entities are complying with the NTER arrangements under the Intergovernmental Agreement on the Reform of Financial Relations and related MOU;
- a finalisation of the NTER listing for the Territory;
- whether some entities had been inappropriately listed; and,
- whether any quasi-commercial operations in ACT Government departments should also be placed in the NTER.

As a result of the assessment, the following entities were confirmed as inclusions in the NTER:

ACTEW Corporation Limited
ACTEW Distribution Limited
ACTEW Retail Limited
ACTEW Investments Pty Limited
ACTEW China Pty Limited
ACT Forests
ACTION Authority
ACTTAB Limited
Totalcare Industries Limited

Arising from the review, the government developed legislation (Taxation (Government Businesses Enterprises) Bill 2002), which sets out those entities that are to be subject to income tax equivalents scheme and those entities that are to be subject to the full range of ACT taxes and charges.

NTER entities are subject to both the income tax equivalents scheme and the full range of ACT taxes and charges.

This legislation, which is expected to pass through the legislative Assembly in March 2003, consolidates into one Act the obligations of government businesses to comply with competitive neutrality requirements regarding the payment of all relevant taxes and charges.

5. Electricity and gas

Electricity full retail contestability

The ACT Government decided in October 2002 that full retail contestability (FRC) in electricity was to be introduced in the ACT from 1 March 2003.

Since that time, the licensed electricity distributor and licensed electricity retailers along with government agencies, the ACT's Independent Competition and Regulatory Commission (ICRC) and National Electricity Market Management Company have worked to ensure the requisite systems, regulatory framework, safety net provisions and public information were in place to achieve the 1 March 2003 date set for FRC introduction.

On 18 January 2003 bushfires devastated a number of areas in the ACT and resulted in extensive damage to the electricity distribution network. As a result, the local distribution company was forced to reassign staff from tasks associated with the implementation program for FRC to more pressing tasks relating to network safety and to restore supply to customers.

As a result, the ACT Government decided to defer the introduction of FRC until 1 July 2003.

This decision was fully endorsed by the ICRC.

All licensed electricity retailers in the ACT have been informed of the Government's decision along with NEMMCO, the National Competition Council and the Australian Competition and Consumer Commission.

Derogations from the National Electricity Code

As part of the introduction of FRC, the ACT has applied for a derogation to the National Electricity Code to allow for a three year period during which the Local Network System Provider will be responsible for all small customer metering installations in the ACT and the provision of meter data to NEMMCO.

The derogation sought for the ACT is similar to that granted to Victoria, New South Wales and South Australia. The ACT has consulted with all NEM Ministers on the changes and has received no adverse responses. The National Electricity Code Administrator has submitted an application for authorisation of a Code change to refer this derogation to the ACCC for approval. It is expected the derogation will be approved before FRC commences on 1 July 2003.

National transmission grid interconnection

The ACT has adopted no specific measures to address this issue on a

jurisdictional basis.

Issues relating to national electricity transmission grid interconnections are currently the focus of two high level intergovernmental groups, namely the National Electricity Market Ministers Forum and to a lesser extent the Ministerial Council on Energy. The ACT plays an active role in both these groups. A major project relating to regional interconnectors is currently being undertaken by a working group that is expected to report to the National Electricity Market Ministers Forum later in 2003.

Institutional arrangements

Similar to national transmission grid interconnections, a major project relating to governance arrangements in the National Electricity Market is also currently being undertaken by a working group that is expected to report to the National Electricity Market Ministers Forum later in 2003. The ACT also plays an active role on the Forum.

Parer review and National Energy Market Ministers' forum review

The ACT has not made any jurisdictional response to any reform proposals in relation to the Parer Report. The Ministerial Council on Energy is currently developing a response to the Parer Report.

Implementation of the new AS 4564/AG864 quality standard for general-purpose natural gas.

The AS 4564/AG864 quality standard for general-purpose natural gas, approved in October 2002 was published in January 2003. This standard will be adopted by the local gas distributor for natural gas supplied to gas consumers in the ACT. The standard will be in place in time to replace the gas specification set out in the Gas Access Arrangement for the Canberra – Queanbeyan gas distribution system.

6. Road transport (CoAG program)

Heavy vehicles registration scheme

Review and reform activity has been completed. The *Road Transport (General) (Registration Fees) Determination 2002* came into force on 1 September 2002 and allows for the automatic annual adjustment of heavy vehicle charges in accordance with the recommendation by the National Road Transport Commission National Reform Program.

Legislation	Road Transport (General) Act 1999		
Jurisdiction	ACT	Administering agency	Urban Services

Reviewer	National Road Transport Commission (NRTC) – National Reform Program The NRTC is required to recommend national heavy vehicle charges to recover costs of heavy vehicle road use, in line with charging principles and methodology spelt out in the Heavy Vehicles Agreement of the <i>National Road Transport Commission Act 1991</i> .	Date review reported	Transport Ministers agreed on 15 May 2001 that heavy vehicle charges were to be adjusted annually
Consultation	Development of the annual adjustment formula for heavy vehicle registration charges involved consultation with the Heavy Vehicle Charges Advisory Group, the Standing Committee on transport, Transport Agency Chief Executives, representative directors of road transport associations throughout Australia, jurisdictional contacts and the remote area group. Further consultation was held with road agencies and representatives of road transport operators.	Date response publicly released	September 2001
Transparency	A Regulatory Impact Statement was circulated to stakeholders.	Date reform completed	1 September 2002

No.	Review recommendation	Government response	Reform implementation
1	Automatic annual adjustment of heavy vehicle charges	Accepted	Road Transport (General) (Registration Fees) Determination 2002

7. Primary industries

Food Act 2001

In March 2001, the government received a regulatory impact assessment titled, “*Regulatory Impact Statement (RIS) on Proposed amendments to ACT Food Legislation*”. The RIS had been undertaken by the consultancy Minter Ellison at the request of the Health Protection Service of the ACT Department of Health, Housing and Community Care and assessed the potential regulatory impacts of the non-core (Annex B) provisions of the Model Food Bill legislation.

Major findings of the review were that food-borne illness imposed substantial costs on consumers (health problems, medical expenses, time off work), government (provision of health infrastructure and services, investigation of disease outbreaks) and industry (loss of sales both domestically and overseas, reduced consumer confidence, downstream impacts on dependent sectors, e.g. transport and distribution).

The review concluded that adoption of Annex B proposals do not involve major departures from the existing regulatory system and essentially preserve the balance between ensuring public health requirements and maintaining the on-going viability of food-related industries.

Pesticides Act 1989

The review of the AgVet Chemicals scheme co-ordinated by Victoria made two recommendations in relation to control-of-use licensing. These were:

1. that an appropriate business licensing system for agvet chemical spraying businesses (ground or aerial) would entail no more than the relevant State agvet authority issuing a licence, subject to:
 - maintenance of detailed records of chemical use;
 - using only appropriately licensed persons to perform application activities (as below); and
 - the provision of infrastructure to enable persons to operate at the appropriate competency level; and
2. that an appropriate occupational licensing system for persons undertaking agvet chemical spraying (ground or aerial) for fee or reward would entail no more than the relevant State agvet authority issuing a licence, subject to:
 - holding an accreditation of appropriate competencies (including scope for provisional accreditation of new employees);
 - operating at that competency level; and

- working only for a licensed business (as above).

In the ACT, the commercial use of chemicals registered under the AgVet scheme requires the user to hold an environmental authorisation. Individual spray operators are not required to hold an authorisation if they are working for the holder of an authorisation.

An application for an authorisation will be granted if the applicant can demonstrate that they propose to use suitably skilled personnel. The holder is obliged to maintain records of the training/qualifications and licence details of operators.

The authorisation specifies a number of operational requirements for use, storage, transport and clean-up of chemicals.

Accordingly, the ACT system for occupational licensing of spray operators does not vary from the arrangements recommended by the Victorian-led review. Consequently, the imposition of these controls, to minimise potentially harmful operator and public health impacts and negative environmental effects, is consistent with the public benefit justifications established by the review.

Veterinary Surgeons Registration Act 1965

The review of the *Veterinary Surgeons Registration Act* has taken place in conjunction with the review of Territory Health Professional legislation. In the ACT the Health Minister has responsibility for the operation of the *Veterinary Surgeons Registration Act 1965*. Finalisation of the draft revised *Veterinary Surgeons* bill is awaiting the completion of comment on the health professionals' bill. Once the structural elements of the health bill are confirmed a revised *Veterinary Surgeons* bill will be issued for consultation.

The revised bill substantially modifies the existing Act although it will maintain as a core provision the requirement that veterinary surgeons be registered to practice in the ACT. There is considered to be a justified public benefit in retaining registration requirements. The following is a summary of the reforms proposed.

Restrictions on entry

The bill retains restricted entry provisions based on the public benefit derived from their positive impact on; public and animal safety, enhanced productivity and reduced costs from misadventure. The importance of the standards to national mutual recognition procedures, taxation arrangements and other public and animal protection legislation were also factors in retaining the restrictions.

Restrictions on conduct through professional standards

The existing standards have been revised with a view to increasing their specificity and include community evaluation and independent assessment in instances of their breach. The revised standards are considered to positively contribute to public and animal protection and benefit.

Restrictions on business

The bill proposes to replace and repeal existing prohibitions against advertising. A generic conduct standard breach has however been recommended wherein a registered veterinary professional must not advertise a service in a way that is misleading. This requirement supports the objectives of the legislation and is justified in public benefit terms.

Restrictions or potential restrictions arising from the administration of the legislation by regulatory boards

The revised legislation proposes to retain board administration of the legislation. Boards will be required to include community membership and there are requirements that they consult with the community in respect of new conduct standards. Inquiries by the boards will also require community member participation. The boards will be clearly responsible to the relevant Minister for their performance. An independent tribunal will replace board hearings in matters involving potential suspension or cancellation of registration.

8. Transport

Dangerous Goods Act 1984 (applies the New South Wales legislation to the ACT)

The *Dangerous Goods Act 1984* was enacted to apply the NSW *Dangerous Goods Act 1975* to the ACT. The *Dangerous Goods Act 1984* has been repealed and applying provisions incorporated into the *Dangerous Goods Act 1975*.

The *Dangerous Goods Act 1975* was reviewed in 2000 along with the associated legislation of the *Occupational Health and Safety Act 1989*, the *Machinery Act 1949* and the *Scaffolding and Lifts Act 1957*. The Review found that it was in the public interest to regulate workplace safety and dangerous goods. The review also recommended the adoption of an integrated and modernised regulatory regime. Further, the *Dangerous Goods Act 1975* (with particular reference to explosives, including fireworks) was the subject of a Legislative Assembly Standing Committee inquiry in 2002. The Committee recommended the *Dangerous Goods Act 1975* and its subordinate legislation be redrafted. The Government responded in December 2002 agreeing to prepare a new Dangerous Goods Act and new explosives and fireworks regulations as a matter of priority in 2003. The new Act will be consistent with the National Standard for the Storage and Handling of Dangerous Goods, the Australian Dangerous Goods Code and the Australian Explosives Code.

Cabinet will be requested to agree to drafting instructions in April 2003 with a view to having a bill available for introduction into the Legislative Assembly in June 2003.

Motor Traffic Act 1936 (taxis)

Following close consultation with relevant stakeholders, the government has adopted a reform process that utilises a formula-based approach to progressively increase the supply of licences in line with demand. This is consistent with the principles recommended by the National Competition Council in October 2002.

The formula-based approach allows for an additional five percent of licenses to be auctioned each year subject to a reserve price. If demand is particularly strong, up to a further five percent of licences may be offered in any year. Annual application of the formula will be legislated, ensuring it is automatically applied each year.

Hire car licences will also be released on a similar formula, except that for the first two years, an additional ten percent of licences will be made available, reflecting scope for a more rapid reform path.

The ICRC will review the reform program after two years, and thereafter every three years, to determine whether the predicted results of reform are being achieved and to advise on appropriate further action, should the desired outcomes not be achieved.

The complete text of the government's response to the ICRC report, including details of the reform process are at:

<http://www.urbanservices.act.gov.au/govtresponse.doc>

Independent valuation (upon which to base the initial setting of a reserve price) and legislative amendments are expected to occur in May/June 2003 with licence release via auction to take place shortly after.

9. Health and pharmaceutical services

Health practitioner legislation

The ACT has prepared a consolidated Health Professionals Bill 2002 with a view to updating and replacing existing health professionals' legislation. The draft bill and associated regulations has been circulated for stakeholder comment. The consultation period was to close in mid-December 2002 however; interest was such that the consultation period was extended to the end of February 2003. Subject to Cabinet's determinations in relation to stakeholder comment it is planned to revise as necessary and submit the bill to the ACT Legislative Assembly in the Spring 2003 sitting period.

The new bill substantially revises the existing statutes with a view to reinforcing the legislative intent of public protection. While a number of restrictions have been removed or made more contestable some have been retained. The following is a summary of the proposed reforms to restrictions within the Act.

Restrictions on entry

The bill retains restricted entry provisions based on the public benefit derived from their positive impact on; public safety, enhanced health standards, productivity and reduced costs from misadventure. The importance of the standards to national mutual recognition procedures, health funding and taxation arrangements and other public protection legislation were also factors in retaining the restrictions.

Restrictions on conduct through professional standards

The existing standards have been revised with a view to increasing their specificity and including community evaluation and independent assessment in instances of their breach. The revised standards are considered to contribute to positively contribute to public protection and benefit.

Restrictions on business

The bill proposes to replace and repeal existing prohibitions against advertising. A generic conduct standard breach has however been recommended wherein a registered health professional must not advertise a health service in a way that is misleading. This requirement supports the objectives of the legislation and is justified in public benefit terms.

Restrictions or potential restrictions arising from the administration of the legislation by regulatory boards

The revised legislation proposes to retain board administration of the legislation. Boards will be required to include community membership and

there are requirements that they consult the community in respect of new conduct standards. Inquiries by the boards will also require community member participation. The boards will be clearly responsible to the relevant Minister for their performance. An independent tribunal will replace board hearings in matters involving potential suspension or cancellation of registration.

Pharmacy Act 1931

The ACT Government Solicitor's Office (GSO) has provided legal advice to the effect that the *Pharmacy Amendment Act 2001* limits pharmacy ownership so that only a registered pharmacist may own a pharmacy.

However, the GSO have considered the interpretation of s.42 of the *Pharmacy Act 1931* relating to the twin issues of ownership and operation of pharmacies on the basis that it bears directly on the material effect of the amending legislation.

The GSO advises that s.42 of the *Pharmacy Act 1931* provides that:

(1) Any person other than a registered pharmacist who carries on or attempts to carry on in any place on any occasion the business of a pharmacist, or pretends to be a pharmacist, or assumes and uses the title of pharmaceutical chemist, pharmacist, chemist, druggist, homoeopathic chemist, dispensing chemist, dispensing druggist or other words of a similar meaning, or uses or exhibits, or causes or permits to be used or exhibited, at any place the words 'pharmacy', 'apothecary's hall', 'medical drug hall', 'pharmaceutical institution' or 'drug store' (either alone or in combination with any other words or expressions) or any other name, title, word, letters, addition or description, with the intention of implying, or inducing in others the belief, that the person is a pharmacist or (if the pharmacist is an individual) is qualified to exercise the functions of a pharmacist or that the person is carrying on business as a pharmacist, commits an offence.

(2) A person other than a registered pharmacist shall not provide a pharmacy service for fee or reward.

In accordance with the principle of statutory interpretation that the two separate provisions must deal with two separate matters, the appropriate conclusion is that s.42(1) is tied to the issue of ownership of a pharmacy whereas s.42(2) is concerned with who is able to undertake pharmacist functions, i.e. the dispensing of medication.

This makes clear the original intention of the *Pharmacy Act 1931*, namely that only a registered pharmacist may own a pharmacy. This is entirely consistent with equivalent legislation in all other jurisdictions.

Due to the qualifications necessary to be registered as a pharmacist, as set out in s.9(1), it is clear that only an individual could be a registered

pharmacist. Therefore, a company could not be a registered pharmacist. However, s.45(2)(a) specifically contemplated that a company could own a pharmacy. As a company could not be a registered pharmacist, someone other than a registered pharmacist could thus own a pharmacy.

It is this anomaly in the legislation that the *Pharmacy Amendment Act 2001* sought to redress.

The ACT considers that in its examination of the legislation, the Wilkinson review allowed for a generous interpretation of the ownership provisions of the Act. The review has accorded too much weight to the *potentiality* of pharmacy ownership by a non-registered pharmacist, rather than recognise the intention of the Act to keep ownership solely the preserve of pharmacists in accordance with the conventional interpretation the review applied to similar legislation in other States.

At this time, the *Pharmacy Act 1931* is included in the review of health professional legislation and it has been proposed to replace the Act through consolidation within the Health Professionals' Bill. It is intended that pharmacy-specific provisions be included within a schedule to the revised legislation.

Drugs, poisons and controlled substances legislation

An ACT response will be confirmed following consideration of the *Galbally Report on the National Competition Review of Drugs, Poisons and Controlled Substances Legislation*. This is expected to occur in late 2003.

10. Legal and other professions and occupations

Legal Practitioners Act 1970

The ACT is still working with other jurisdictions under the aegis of the Standing Committee of Attorneys-General to establish a national form of legislation. When the form of the nationally consistent scheme is completed, each jurisdiction is expected to repeal (or substantially amend) existing legislation dealing with practitioners. At this stage, it is expected that the ACT will repeal its existing Act.

Boxing Control Act 1993

The NSW Department of Sport & Recreation has advised that the review of their legislation, the *NSW Boxing and Wrestling Control Act 1986* was completed during 2002 and a Cabinet minute proposing a number of amendments to the Act has been prepared.

Due to the NSW election in March 2003, consideration of this matter has been deferred. Accordingly, further consideration and action, including legislative amendment, will occur after that date. A summary of review and reform activity to date is as follows.

The NCP Review of the *NSW Boxing and Wrestling Control Act 1986* was broad ranging, including both amateur and professional boxing and kickboxing. It included consultation with industry groups and organisations in both NSW and the ACT. The ACT Government Bureau of Sport & Recreation and boxing organisations in the ACT provided submissions to the issues paper.

The Review concluded that many aspects of the current regulations for boxing and kickboxing events are broadly consistent with the objectives of NCP, and meet the appropriate and relevant objectives of ensuring participant safety and ensuring event integrity free from criminal influence (fight rigging). However, it suggested that there were some aspects of the current system that are not consistent with NCP and warrant attention.

Several recommendations were identified which the review team considered would improve outcomes from a public benefit perspective. These are summarised below, with comments relating to the ACT situation if relevant.

1. The *fit and proper person test* should be deleted from registration requirements for professional contestants, but remain in place for the licensing of other industry participants. The test adds little or no value to medical certificate requirements, and other measures are in place to address event integrity. *COMMENT:* The ACT agrees with this recommendation.

2. *Gender based restrictions to be removed* and females should be accommodated in the existing registration model. *COMMENT:* ACT boxing legislation is already non-discriminatory and women are permitted to participate in boxing and kickboxing. Accordingly, no changes are required to ACT legislation.
3. *Age restrictions should be modified*, with the upper age for professional contestants removed, as the medical certificate requirement should be used to determine market exit, not an arbitrary age. The minimum age for amateur boxing also should be reduced to 12, in keeping with the recommendations from a SCORS Working Party. *COMMENT:* The ACT supports the removal of age restrictions. ACT Boxing already has a minimum age of 12 years.
4. *Wrestling should be removed* from the Act, and regulated as for other non-boxing events. *COMMENT:* Wrestling is not a controlled activity in the ACT *Boxing Control Act*.
5. A *co-regulation model* is recommended for amateur codes, which would specify minimum requirements to ensure the safe conduct of events, with appropriate penalties in place. This would modify the permit system currently in place. *COMMENT:* Whilst amateur boxing is outside the NCP review, this suggestion will be considered when any changes or amendments are made to the ACT *Boxing Control Act*.
6. *Powers of the Boxing Authority to be enhanced* to fine and cancel market entry in cases of non-compliance and *fees for registration* of professional participants to be restructured to better meet the costs of providing regulation. *COMMENT:* The ACT is considering the potential impacts of these recommendations.

Auctioneers Act 1959

The Agents Bill was introduced into the Legislative Assembly in the March 2003 sittings. However, the Bill will not commence until notification, which may occur sometime after July 2003. Upon commencement, the *Auctioneer's Act 1959* will be repealed.

Hawkers Act 1936

Amending legislation, the Hawkers Bill 2002, was drafted and introduced into the Legislative Assembly in December 2002. The Bill was passed on 6 March 2003 and will commence on 6 September 2003. The NCC accepted the restriction involving retention of the regulatory regime preventing hawkers from operating within 180 metres of a shop on public benefit (public safety, 'most-efficient' regulatory model) grounds in its 2002 Assessment.

ACT 2003 3rd Tranche Progress Report

Legislation	Hawkers Act 1936		
Jurisdiction	ACT	Administering agency	DUS

Reviewer	Reviewed by Allen Consulting Group.	Date review reported	April 2000
Consultation	Review involved targeted public consultation with issues paper, meetings and submissions.	Date response publicly released	March 2001
Transparency	The report is publicly available from DUS and at the website: http://www.treasury.act.gov.au/competition	Date reform completed	6 March 2003

No.	Review recommendation	Government response	Reform implementation
1	The Hawkiers Act should have as its objective the appropriate allocation of public space for hawking taking into account impacts on third parties.	Accepted	This objective is in the Hawkiers Bill 2002, introduced into the legislative assembly on 12 December 2002.
2	There should be continued positive licensing for hawkiers who wish to operate from a single location (i.e. certain criteria must be met and a fee paid before a hawkier is allowed to operate). Mobile hawkiers should operate under a negative licensing scheme (i.e. They will only be required to provide contact information and pay a fee before being allowed to operate – there are no 'positive' licensing requirements).	Partially accepted	There are positive licensing requirements for hawkiers who wish to operate from a single location but there are no licensing requirements for mobile hawkiers in the Hawkiers Bill 2002.
3	The Act should be amended to remove the 180-metre exclusion zone provided for traditional shop owners. In place of this restriction, hawkiers should not be allowed to operate in locations at which moveable signs are prohibited.	Rejected	
4	The licence for stationary hawkiers should include the right to stand at a single location (i.e., the existing hawkiers licence and the Permit to Stand should be merged).	Accepted	This recommendation is in the Hawkiers Bill 2002.
5	There should be no character requirements that need to be met to obtain a hawkiers licence.	Accepted	These requirements are not in the Hawkiers Bill 2002.
6	There should be no minimum age requirement in order to obtain a hawkiers licence.	Accepted	This requirement is not in the Hawkiers Bill 2002.
7	A business should be able to obtain a hawkiers licence.	Accepted	The Hawkiers Bill 2002 allows a business to obtain a hawkier's licence.
8	There should be no requirement for a hawkiers van to state that it is operated by a licensed hawkier.	Accepted.	There is no requirement for the van to be labelled in the Hawkiers Bill 2002;

ACT 2003 3rd Tranche Progress Report

No.	Review recommendation	Government response	Reform implementation
			however, there is a requirement that the licence is displayed at point of sale.
9	There should be no restriction as to the number of vehicles that a mobile hawker can operate, but a licence fee should be paid for each vehicle.	Accepted.	There is no restriction on the number of vehicles that a mobile hawker can operate under the Hawkers Bill 2002.
10	A separate licence is required for every vehicle operating from a single location from which goods are sold.	Accepted	A separate licence is required for each vehicle the hawker operates under the Hawkers Bill 2002.
11	There is no need for the Hawkers Act to regulate the number of people employed by a hawker or their minimum age.	Accepted	This restriction is not in the Hawkers Bill 2002.
12	The section 22 restriction on licence transfers should be retained.	Accepted	This recommendation is included in the Hawkers Bill 2002.
13	The Act should be amended to remove the requirement that two sureties be provided.	Accepted	This requirement is not in the Hawkers Bill 2002.
14	Regulation of health, liquor and contraband goods should be undertaken in generally applicable legislation and should not be referred to in the Hawkers Act.	Accepted	The regulation of health, liquor and contraband goods is not referred to in the Hawkers Bill 2002.

No.	Restriction on competition remaining after reform	Alternatives to restricting competition	Community benefits	Community costs
3	A hawker must not carry on business within 180 metres of commercial premises unless they have an exemption.	Replacing this restriction with a code of practice introducing criteria similar to those implemented in the code of practice for moveable signs.	Details provided to the NCC in 2002. Benefits include: enhanced public safety and pedestrian/traffic flows, maintaining of visual amenity and public open space, administrative simplicity.	Details provided to the NCC in 2002.

Collections Act 1959

Amending legislation, the Charitable Collections Bill 2003, was introduced into the Legislative Assembly on 6 March 2003.

Legislation	Collections Act 1959		
Jurisdiction	ACT	Administering agency	DUS

ACT 2003 3rd Tranche Progress Report

Reviewer	Reviewed by Allen Consulting Group	Date review reported	April 2000
Consultation	The review included targeted public consultation, with an issues paper, meetings and written submissions.	Date response publicly released	March 2001
Transparency	The report is publicly available from DUS and at the website: http://www.treasury.act.gov.au/competition	Date reform completed	Autumn 2003

No.	Review recommendation	Government response	Reform implementation
1	To aid understanding of the legislation the Collections Act should be amended to state that the objectives of the Act are: <ul style="list-style-type: none"> To protect the public against fraud, misappropriation of funds and misleading conduct; To ensure that donors and the public have access to information; and To ensure that organisations use acceptable fundraising practices. 	Accepted	Included in the draft legislation (Charitable Collections Bill 2003) which will be introduced into the Legislative Assembly in March 2003.
2	The Act should not place limits on the level of fundraising costs or remuneration per se.	Accepted	These limits are not in the draft Bill.
3	The regulatory emphasis should be on disclosure of fundraising details to potential donors.	Accepted	This emphasis is in the draft Bill.
4	There should be no power to refuse a license based upon where the funds are spent.	Accepted	This power is not in the draft Bill.
5	The legislation should continue to provide the Minister with the ability to refuse to licence a fundraiser on broad public interest grounds. The Minister should be required to provide reasons for any such decision.	Accepted	This recommendation was accepted, however, legal advice was provided that legislation with broad reasons for refusing a licence, such as 'public interest' is not acceptable. Instead, the Chief Executive may refuse a licence for the reasons that have been specified in the draft Bill.
6	The Collections Act should not limit the locations where collections can be undertaken or the number of organisations collecting at any particular time.	Accepted	These limits are not in the draft Bill.
7	Rather than focusing on funds raised and costs incurred for particular collections: <ul style="list-style-type: none"> All organisations that produce audited accounts should be required to lodge those accounts with the Registrar on an annual 	Accepted	This recommendation is implemented in the draft Bill.

ACT 2003 3rd Tranche Progress Report

No.	Review recommendation	Government response	Reform implementation
	<p>basis; and</p> <ul style="list-style-type: none"> Organisations which do not have audited accounts should be required to keep appropriate records and have those records signed off by an 'appropriate person' as being in order. 		
8	<p>Collectors should be required to wear a badge (or prominently display information) that states:</p> <ul style="list-style-type: none"> The name of the fundraising organisation; The purpose for which funds are being raised, and how and where the funds will be spent; Whether the particular collector is: a volunteer; a paid employee of the fundraising organisation; or a contracted professional fundraiser and the term on which they (or their organisation) are contracted; A contact name and phone number for the fundraiser. 	Accepted	The requirement to wear a badge is included in the draft Bill. The actual contents of the badge will be specified either in the Collections licence or in regulations.
9	When seeking a fundraising licence the applicant should be required to provide an example of the information to be provided to the community. The Registrar should ensure that the example adequately conveys the required information.	Accepted	This is an administrative matter and not required to be included in legislation.
10	Systematic failure to display the required information at the point of collection should result in the suspension or revocation of a fundraiser's licence.	Accepted	The power to suspend or cancel a collection licence for this and a number of other reasons, including breaches of the Bill, is included in the draft Bill.
11	The Collections Act should explicitly provide the Minister with the power to delegate to the Registrar the issuance of licences.	Rejected	The ACT Legislation Act 2001 gives the Minister the power to delegate functions to others, hence there is no need to include this power in the draft Bill.
12	There should be a publicly accessible list of licensed fundraisers and their contact details.	Accepted	The draft Bill will establish a register, which will be accessible by the public.
13	The Act should be drafted to apply to any direct or indirect appeal for support. A direct appeal would include a personal request for a donation in any form, and an indirect appeal would include those circumstances where the appeal	Accepted	This recommendation is included in the definition of collection in the draft Bill.

ACT 2003 3rd Tranche Progress Report

No.	Review recommendation	Government response	Reform implementation
	involves the sale of a good or service where the price does not truly reflect the good or service's value.		
14	Under the principle of mutual recognition the ACT should accept fundraising licences from jurisdictions with fundraising regimes that are similar to that in the ACT.	Rejected	The legal advice on this recommendation is that this approach is not feasible. At the time the report was written, there were proposals for mutual recognition at the national level, however these proposals have not been proceeded with, therefore making mutual recognition extremely difficult to implement.

Pawnbrokers

The legislation was passed in the *Justice and Community Safety Legislation Amendment Act 2002* No 27 pt 9, pt 1.1 which was notified LR 9 September 2002 (s 1, s 2 commenced 9 September 2002 (LA s 75) and pt 9, pt 1.1 commenced 7 October 2002 (s 2 (2))).

Employment agents

Concerns associated with the employment agent licensing scheme revolved around business premise constraints and the quantum of fee. The business premise constraint was removed by the *Agents Amendment Act 2001* No 67 notified 10 September 2001 (Gaz 2001 No S66). Following a further review in June 2002, the fee payable for a licence under section 54A of the *Agents Act 1968* for an employment agent was substantially reduced from \$1023 to \$371 (Attorney-General (Determination of Fees and Charges for 2002/2003) - 2002 (No 1)). These amendments substantially remove competition policy objections to the legislation; however, further consideration of the legislation will follow similar amendments recently foreshadowed by NSW.

Agents Act 1968 (real estate agents)

The Government has considered and accepted Departmental recommendations in relation to the review. Accordingly, it is now possible to conclude the matter by indicating that the Government has accepted the report's findings (including the finding that there are no competition policy issues requiring legislative reform).

11. Finance, insurance and superannuation services

The ACT is regarded in the insurance industry as a low claims jurisdiction, in terms of the incidence of claims. Nonetheless, it is expected the reforms, some already legislated and others in advanced preparation will have a significant and sustained impact on compulsory third party (CTP) and legal professional liability insurance.

In the case of CTP it is expected that the number of claims will remain stable but their size will be reduced through more efficient procedures.

It is expected with legal professional indemnity that liability issues will be dealt with more efficiently, the size of claims will properly reflect the true extent of liability and the size of claims will consequently fall.

12. Social regulation: education and gambling

Schools legislation

The exposure draft of education legislation was introduced into the Legislative Assembly on 6 June 2002. A consultation period followed until 4 October 2002 to allow for public comment and submissions.

Due to the receipt of considerable comments on the exposure draft, amendments to the legislation were required. Accordingly, amended legislation will be prepared for introduction and passage in the autumn 2003 sittings of the Legislative Assembly.

Gambling legislation

TABs

The ACT is willing to consider further the issue of non-exclusive TAB licensing arrangements and to participate in an inter-jurisdictional forum to examine the matter. The ACT has been instrumental in the establishment of a National Task Force to examine issues dealing with cross border betting by race and sports bookmakers and would prefer that any examination of TAB licensing issues be deferred until the outcomes of the cross border betting issues are known.

It is possible that the adoption of a Task Force recommendation by the Australian Racing Ministers' forum may have implications for TAB operations. The likely extent of the implications has not yet been determined and therefore it is preferable that this be known before addressing the matter of TAB licensing.

Racing and betting

There are no legislative impediments to sports bookmakers establishing their operations off-course. The only NCP issue that is not fully implemented concerns the sports bookmakers security guarantee. An actuarial study to examine the issue of the size of the guarantee and the operational risk of each sport bookmaker is to commence shortly with an expected completion date of late 2003.

At a meeting of the ACT Gambling and Racing Commission ("the Commission") on 18 February 2003, consideration was given to the form a guarantee could take as an interim measure until the actuarial study is completed.

The Commission determined that a security guarantee of \$250,000 in assets would be adopted and is based on the same figure used in NSW and the Northern Territory. The amount is deemed necessary to provide a sufficient safety net to cover winnings and so ensure public confidence in sports bookmaking activities.

Gaming machines

The ACT Gambling and Racing Commission has completed a comprehensive review of the *Gaming Machine Act 1987*. The review included extensive public consultation and considered the results of national and ACT based research into the nature and extent of problem gambling.

The Commission forwarded its report on the review to Government for consideration. The Government has tabled the report in the Legislative Assembly and an electronic version of the report is available at: www.gamblingandracing.act.gov.au/Documents. A Government response to the report is yet to be made.

Internet gambling

The ACT Gambling and Racing Commission is conducting a review of the *Interactive Gambling Act 1998*, primarily as a consequence of the enactment of the Commonwealth's *Interactive Gambling Act 2001*.

The Commonwealth is to conduct a statutory review of its Act over the remainder of 2003. The ACT considers it prudent to wait until the outcomes and impacts of the Commonwealth's review are known before completion of the Territory's review.

Notwithstanding this, the NCC has a concern with the Territory's Act, in particular, with the Minister's discretionary power to refuse to grant an application for a licence even if satisfied as to the applicant's suitability. Although it is a legislative requirement that the Minister must provide reasons for such a decision and that the decision is reviewable by the Administrative Appeals Tribunal, the NCC considers that public criteria should be specified to guide the Minister's application of the discretion.

The ACT acknowledges the NCC's concern and will examine the issue as part of the Commission's review of the Territory's Act.

13. Planning, construction and development services

Architects Act 1959

The feasibility of licensing architects under the proposed Construction Occupations Licensing Act is currently being assessed. The proposed reforms are consistent with competition principles and recommendation 2 of the Productivity Commission's review into Legislation regulating the profession. The proposed approach is also consistent with the national principles for the harmonisation of Architects Acts negotiated through the Australian Procurement and Construction Council. Certain representative bodies opposed elements of the reform package but negotiations are continuing with a view to finalising the reforms by the end of 2003.

Building Act 1972

The Allen Consulting Group undertook a review of the *Building Act 1972* and focused on regulation of building occupations and insurance arrangements. This was conducted in conjunction with the review of the *Electricity Act 1971* (electricians licensing) and the *Plumbers, Drainers and Gasfitters Board Act 1982*.

No.	Review recommendation	Government response	Reform implementation
1	A peer group to have power to overturn Registrar's decisions in relation to strictly technical matters.	Not Accepted by previous government	Drafting of legislation governing all building trades began for the 2001 program was shortened by the 2001 Election. The ACT Government approved the continuation of legislative drafting in December 2002. An Exposure Draft Bill for the Construction Practitioners Licensing Act will be prepared in the first half of 2003 (June) with draft legislation to be presented to the Legislative Assembly in Spring 2003. The exposure draft will be provided to the NCC when available.
2	Legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters.	Accepted	As above
3	Existing Boards should be abolished and replaced by a single Registrar supported by separate advisory	Accepted	As above

No.	Review recommendation	Government response	Reform implementation
	panels.		
4	Various changes to remove duplication and streamline licensing arrangements.	Accepted	As above
5	Changes to disciplinary system.	Accepted	As above

Electricity Act 1971 (electricians licensing)

The Allen Consulting Group undertook review of the *Electricity Act 1971* (electricians licensing) and focused on the licensing, registration, entry requirements, reservation of practice, disciplinary processes and business conduct. This was conducted in conjunction with the review of the *Building Act 1972* and the *Plumbers, Drainers and Gasfitters Board Act 2000*.

No.	Review recommendation	Government response	Reform implementation
1	A peer group to have power to overturn Registrar's decisions in relation to strictly technical matters.	Not Accepted by previous government	Drafting of legislation governing all building trades began for the 2001 program, which was shortened by the 2001 Election. The ACT Government approved the continuation of legislative drafting in December 2002. An Exposure Draft Bill for the Construction Practitioners Licensing Act will be prepared in the first half of 2003 (June) with draft legislation to be presented to the Legislative Assembly in Spring 2003. The exposure draft will be provided to the NCC when available.
2	Legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters.	Accepted	As above
3	Existing Boards should be abolished and replaced by a single Registrar supported by separate advisory panels.	Accepted	As above
4	Various changes to remove duplication and streamline licensing arrangements.	Accepted	As above
5	Changes to disciplinary system.	Accepted	As above

Plumbers, Drainers and Gasfitters Board Act 1982

The Allen Consulting Group undertook review of the *Plumbers, Drainers and Gasfitters Board Act 1982* and focused on the licensing, registration, entry requirements, reservation of practice and disciplinary processes. This was conducted in conjunction with the review of the *Building Act 1972* and the *Electricity Act 1971* (electricians licensing).

No.	Review recommendation	Government response	Reform implementation
1	A peer group to have power to overturn Registrar's decisions in relation to strictly technical matters.	Not Accepted by previous government	Drafting of legislation governing all building trades began for the 2001 program, which was shortened by the 2001 Election. The ACT Government approved the continuation of legislative drafting in December 2002. An Exposure Draft Bill for the Construction Practitioners Licensing Act will be prepared in the first half of 2003 (June) with draft legislation to be presented to the Legislative Assembly in Spring 2003. The exposure draft will be provided to the NCC when available.
2	Legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters.	Accepted	As above
3	Existing Boards should be abolished and replaced by a single Registrar supported by separate advisory panels.	Accepted	As above
4	Various changes to remove duplication and streamline licensing arrangements.	Accepted	As above
5	Changes to disciplinary system.	Accepted	As above

14. Information sought from governments for the 2003 assessment on new legislation that restricts competition

Role and responsibility of legislation review mechanism: Regulatory Impact Statement

Type of legislation/regulation assessed (triggers for assessment)

The requirement to produce a Regulatory Impact Statement (RIS) has been in place since the ACT became subject to the provisions of Clause 5.5 of the Competition Principles Agreement, signed in April 1995.

The requirements were strengthened by the introduction of the *Legislation Act 2001*, requiring RIS' for subordinate legislation.

Powers/responsibilities of review mechanism

The ACT requires RIS' to be undertaken on all new legislation in accordance with Chapter 7, Preparation of Cabinet Business Papers, of the ACT's Cabinet Handbook April 2002. The RIS must be attached to the Cabinet submission of which it forms a part.

Additionally, subordinate legislation eg. regulations, must also be assessed for their potential regulatory impact in accordance with Section 34 of the ACT's *Legislation Act 2001*. Proposals for subordinate legislation, which are considered to have an appreciable cost, must be accompanied by a RIS.

Reporting obligations of review mechanism

RIS' prepared in accordance with the *Legislation Act 2001* must be tabled in the ACT's Legislative Assembly.

RIS' for legislation reviewed since 1 July 2002

A total of 24 pieces of draft legislation have been reviewed for their potential regulatory impact since 1 July 2002.

15. Water

ACTEW dividend policy

The ACT notes that the *2003 NCP Assessment Framework for Water Reform* states that:

“The Council considers that a reasonable upper bound limit for dividend distributions by government water service businesses is the corporations law requirement that dividends may be paid only out of profits (profits in this context include accumulated retained profits as well as the current year’s profit).”

As an incorporated entity, ACTEW Corporation Limited (“ACTEW”) is bound by the *Corporations Act 2001* and the current 100% dividend policy is fully compliant with that Act.

The ACT also notes the Council’s view that while the “ACT’s current dividend policy is not inconsistent with the COAG commitment”, it is concerned whether full distributions should continue over the longer term.

In general, the level of dividends paid by a particular entity should take account of issues such as the entity’s cash needs, capital structure and capital expenditure requirements. The ACT Government reviews these factors on an annual basis during the negotiation of ACTEW’s Statement of Corporate Intent (SCI) to determine if the 100% dividend policy remains sustainable.

The SCI is prepared by ACTEW in consultation with the Government. The figures in the tables below are sourced from ACTEW’s 2002-03 SCI which incorporates the payment of all projected after tax profits as dividends to the Government in its forecasts.

As shown in the following table, ACTEW estimates that its cash and investments balances will rise steadily from \$12.7m in 2002-03 to \$22.6m in 2005-06 under the current 100% dividend policy.

Cash & Investments Balances for ACTEW, 2000-01 to 2005-06

	2000-01 Actual \$m	2001-02 Actual \$m	2002-03 Forecast \$m	2003-04 Forecast \$m	2004-05 Forecast \$m	2005-06 Forecast \$m
Cash & Investments	27.9	4.6	12.7	18.9	22.5	22.6

Source: ACTEW Corporation Ltd Statement of Corporate Intent, 2002-03 to 2005-06

Over the current SCI period, ACTEW’s ratio of long-term debt to equity is projected to fall from its peak of 44.4% in 2001-02 to 40.0% by 2005-06 (see

the following table). This shows that ACTEW anticipates generating sufficient cash flows to begin repaying its debt commitments while also increasing its cash balances.

Long term debt to equity ratio for ACTEW, 2000-01 to 2005-06

	2000-01 Actual %	2001-02 Actual %	2002-03 Forecast %	2003-04 Forecast %	2004-05 Forecast %	2005-06 Forecast %
Long term debt to equity ratio ¹	43.3	44.4	43.7	42.2	41.2	40.0

Source: ACTEW Corporation Ltd Statement of Corporate Intent, 2002-03 to 2005-06

ACTEW's SCI also incorporates expected capital expenditure requirements for its water and sewerage and other businesses.

After considering factors such as those outlined above, the Government may take the advice of the ACTEW Board about the retention of profits in any given year. This occurred in 2000-01 when ACTEW's after tax profit was increased by several one-off non-cash asset revaluations to \$90.6m. The Government accepted the advice of the ACTEW Board and reduced the 2000-01 dividend to 74% of after tax profit (see the table below).

Dividends and Net Profit for ACTEW, 2000-01 to 2005-06

	2000-01 Actual \$m	2001-02 Actual \$m	2002-03 Forecast \$m	2003-04 Forecast \$m	2004-05 Forecast \$m	2005-06 Forecast \$m
Net Profit	90.6	45.0	48.2	52.7	56.4	58.2
Dividend	66.6	45.0	48.2	52.7	56.4	58.2

Source: ACTEW Corporation Ltd Statement of Corporate Intent, 2002-03 to 2005-06

Trade waste

ACTEW Corporation, as the utility provider, has developed trade-waste acceptance practices which are being formalised through the development of a draft *Policy for Acceptance of Non-Domestic Waste (Trade-Waste) into the Sewerage Network* which is to be in place by 1 July 2003 following public consultation.

The acceptance policy complies with the requirements of *Water Supply and Sewerage Service Standards Code* under the *Utilities Act 2000*. The code allows for negotiated contracts between the utility and customers. Within these contracts, users contribute to costs of monitoring and, in a small number of applicable cases as a transitional measure, extra treatment costs of discharge based on volume and strength.

¹ The ratio is calculated using the following equation: Total Long Term Debt / Total Equity.

ACTEW is working to the timetable previously advised to the NCC and has commenced work to assess the approach to trade waste charging from a broader charging perspective. The aim is to determine an appropriate and cost effective charging regime that fits with the current and any potential suite of sewerage charges, that takes into account the specific trade waste circumstances of the ACT. To ensure that trade waste charges are cost reflective and minimise cross subsidies, there will be careful assessment of the actual nature of customer loads and the cost of treating such wastes.

The results of this analysis will be included in submission material to the Independent Competition and Regulatory Commission (ICRC) for their upcoming review of ACTEW's water and sewerage charges from July 2004 to June 2009, should it be determined that these are appropriately classified as regulated monopoly services. The Terms of Reference for the pricing review would then include a specific direction to review an appropriate basis and level for trade-waste charges as part of a suite of charges for the use of ACTEW's sewerage network. The ICRC's pricing determination will apply from 1 July 2004.

Trading

In November 2002, a Senior Executives' Water Coordinating Group was established (reporting directly to Chief Executives). The Group consists of senior officers of the Chief Minister's Department, Treasury, the senior executives officers of ACTEW Corporation, the Director and Executive Director of Environment ACT, and the Head of the ACT Office of Sustainability. The objectives of the Group are to progress the development of:

- A comprehensive and integrated water resource strategy for the Territory;
- Establishment of an ACT Cap on water diversion;
- Cross-border trading; and
- Other issues including the development of a policy on trade waste.

The Government announced the development of a water resource strategy for the ACT in November 2002. The strategy is expected to be released in September 2003 following a community consultation process. The strategy is to address the full range of issues relating to the management and development of ACT water resources, including pricing and water demand. A full time project team has been established to develop the strategy, which is expected to be finalised late in 2003.

A workshop to consider the water cap and water trading was convened in early February 2003. It was attended by representatives of the Murray Darling Basin Commission, the Commonwealth and an observer from New South Wales, as well as senior ACT Government officers. While the Workshop identified a forward work plan to progress the development of a diversion cap

for the ACT, it is noted that the main impediment to trade is the absence of a Basin-wide trading system. At this stage it is anticipated a final ACT Government position on an ACT cap will be reached during 2003, noting that there are a number of matters beyond the control of the ACT that could influence this timing.

A reference is to be issued to the Independent Competition and Regulatory Commission to examine the pricing path for water, sewerage and trade waste services for 2004-2009 for the ACT water utility (ACTEW). The ICRC will also be asked to advise on a robust methodology of the water abstraction charge which is a cost paid by the customers of the ACT water utility for obtaining water. The components of the charge include the scarcity value of water, environmental costs of abstraction and catchment management costs.

16. ACT Legislation Review - Summary Table

Updated to February 2003

The following abbreviations are used in the 'Agency' column of the ACT's legislation review table.

CMD	Chief Minister's Department
DDHCS	Department of Disability, Housing and Community Services
DEYFS	Department of Education, Youth and Family Services
DHCC	Department of Health and Community Care
DoT	Department of Treasury
DUS	Department of Urban Services
JACS	Department of Justice and Community Safety

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Administration and Probate Act 1929	JACS	Minor NCP issues (imposes restrictions on business structure and conduct).	<p>Intradepartmental review by the Justice and Community Safety Department completed in December 2001. Note that a national review of testamentary legislation is also underway by the Australian Law Reform Commissions (led by the Queensland Law Reform Commission).</p> <p>Minor restrictions in the Act are justified given the need to permit the Public Trustee to efficiently perform its function of being the trustee of last resort (that is the trustee that must provide services to low value estates) and the particular circumstances the Act deals with.</p> <p>In particular, funeral and testamentary expenses should have priority if an estate is insolvent because, in the absence of such an arrangement the responsibility for arranging for the burial, or other disposal of a body, would fall on the near relatives of the deceased or on the Territory. The current arrangement places the interests of the near relatives, the Territory and undertakers above those of creditors.</p> <p>Minor amendments to the Act are proposed to reflect introduction of the GST.</p>	Amendments introduced by the Government in June 2002 were passed by the Legislative Assembly in September 2002.
Adoption Act 1993	DEYFS, CMD	Act assessed as not restricting competition.	Review not required.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agents Act 1968	JACS	Licensing (real estate agents, travel agents, business agents, stock and station agents), registration, entry requirements, the reservation of practice, disciplinary processes, business conduct.	<p>Intradepartmental review completed in 2001. Review concluded that there are no competition policy issues requiring legislative reform within the real estate, stock and station and business agents' markets.</p> <p>While the review questioned the imposition of a licensing regime on the employment agents' market, the principle concerns associated with the employment agent licensing scheme (which revolved around business premise constraints and the quantum of fee) have been addressed. The business premise constraint was removed by <i>Agents Amendment Act 2001</i> No 67 notified 10 September 2001 (Gaz 2001 No S66).</p> <p>In relation to the regulation of travel agents (subject to a national review), the Australian Capital Territory believes that, given the current economic climate, the existing statutory Travel Compensation Fund scheme is justified under the National Competition Policy (NCP) public benefit test and should be retained.</p>	<p>The Government has accepted the report's findings (including the finding that there are no competition policy issues requiring legislative reform).</p> <p>The Act is to be replaced with modernised legislation and a draft bill was presented to the Legislative Assembly in March 2003.</p>
Air Pollution Act 1984	DUS		Review not required.	Act repealed by the Environment Protection Act 1997.
Anglican Church of Australia Trust Property Act 1917 - New South Wales legislation in its application in the Territory	JACS		Intradepartmental review completed in 1999. Minor issues. Act does not restrict competition. Act does not give the church a commercial advantage and does not have an anticompetitive effect.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Anglican Church of Australia Trust Property Act 1928 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. Minor issues. Act does not restrict competition. Act does not give the church a commercial advantage and does not have an anticompetitive effect.	Act retained without reform.
Animal Diseases Act 1993	DUS	Declaration of quarantine areas. Allows Minister to direct destruction of animals and removal of refuse. Imposes a tagging requirement for stock. Restricts entry into tag manufacture. Controls use of vaccines and the sale of infected animals.	Review in conjunction with the Pounds Act 1928 and the Stock Act 1991, completed. Review found the restrictions to have benefits to animal health, public health and sustainable development that outweigh their costs. No reform recommended.	Act retained without reform.
Animal Welfare Act 1992	DUS	Ban on rodeos and circuses. Restrictions on use of animals in experiments. Restrictions on who may carry out surgical procedures.	Review completed. Review found that, subject to some amendments, the restrictions are in the public interest.	Act retained without reform.
Annual Holidays Act 1973	CMD		Review not required.	Act renamed the Annual Leave Act 1973.
Annual Leave Act 1973	CMD	No competition restrictions. Act bestows employee benefits.	Review not required.	Act retained without reform.
Apiaries Act 1928	DUS			Act repealed and replaced by the Animal Diseases Act 1993.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1959	DUS	Registration, entry requirements, reservation of title, disciplinary processes.	See the New South Wales Architects Act 1921.	A States and Territories working group developed a national response to the Productivity Commission review. The Australian Procurement and Construction Council work with jurisdictions, representatives of the architect's profession and the Architects Accreditation Council of Australia to develop national principles for the harmonisation of architects' acts. The ACT is to adopt a solution compatible with competition principles and national harmonisation principles. The feasibility of licensing architects under the proposed Construction Practitioners Licensing act is being assessed. The proposed structure of that Act is consistent with the principles agreed in the national response to the PC review. See Building Act 1972.
Associations Incorporation Act 1991	JACS	Minor NCP issues (imposes restrictions on business structure).	Intradepartmental review by the Justice and Community Safety Department completed in February 2001. Review report concluded that the restrictions were justified as the community benefits from not-for-profit organisations having access to a cheaper and less onerous incorporation regimen. Without it many would opt to not incorporate. This in turn would be disadvantageous to business, as commercial relationships would be more difficult.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Auctioneers Act 1959	JACS	Licensing, entry requirements (age, good character, no pawnbrokers), the reservation of practice, and business conduct (maintenance of records for at least 12 months).	Intradepartmental review completed in 2001. Review found that while the regulatory costs imposed on auctioneers are minor, the benefits appear insufficient to justify the licensing requirements in the Act. Review recommended repeal of the Act.	The repeal of the Auctioneers Act 1959 will occur following commencement of the amended Agents Bill, which is expected to happen after July 2003.
Australian-American Educational Foundation Act 1966	JACS		Review not required.	Act to be repatriated to the Commonwealth.
Bank Mergers Act 1997	CMD	Act assessed as not restricting competition.	Review not required.	
Betting (ACTTAB Limited) Act 1964 and Betting (Corporatisation) (Consequential Provisions) Act 1996	DoT	Exclusive licence	Targeted review completed in 1999. Reviewed as part of the ACTTAB and Bookmakers legislation review. Review report made a number of recommendations with a general objective of removing restrictions on competition where there is no justifiable public benefit.	The Government supported an open market subject to ensuring all ACT betting activity is identified and that any adverse revenue impacts are compensated. ACT willing to consider non-exclusive licence issue after cross border betting matters have been addressed by the Australian Racing Minister's forum.
Birth (Equality of Status) Act 1988	JACS		Intradepartmental review completed in 1999. Minor issues. Act does not have any material effect on competition.	Act retained without reform.
Births, Deaths and Marriages Registration Act 1997	JACS	Minor NCP issues (imposes a conduct requirement).	Intradepartmental review completed in October 2001. Minor issues. Act does not have any material effect on competition.	Act retained without reform.
Blood Donation (Transmittable Diseases) Act 1985	DHCC	Limits conduct, and confers benefit.	Review completed in 2002.	Act to be retained on public health benefit grounds.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Board of Senior Secondary Studies Act 1997	DEYFS	Provides for accreditation of secondary courses.	Intradepartmental review determined that legislation necessary to provide the Government approved function.	Legislation to be retained to maintain uniform standards for senior secondary courses and certification.
Bookmakers Act 1985	DoT	Contains provisions for licensing bookmakers for racing and sports betting.	Targeted public review in conjunction with the Betting (ACTTAB Limited) Act 1964 and the Betting (Corporatisation) (Consequential Provisions) Act 1996, completed in 1999.	Act repealed and functions incorporated in new the Race and Sports Bookmaking Act 2001.
Boxing Control Act 1993	CMD		<p>The ACT review cannot be done independently of the NSW Boxing and Wrestling and Control Act Review. The NSW review was completed in June 2002 and a Cabinet minute proposing a number of amendments to the Act has been prepared. As there is a NSW election in March, consideration of this matter has been deferred, so no further action has been taken or is expected until after that date.</p> <p>The ACT is considering the review conclusions and will liase with NSW on any implications for the ACT from the recommendations and NSW Government decisions.</p>	<p>The ACT legislation is to be amended to reflect any relevant changes in New South Wales and to be consistent with the national approach toward developing a national registration system.</p> <p>Several suggestions to change the NSW Act to improve outcomes for community benefit relating to gender and age restrictions are already implemented in current ACT legislation.</p>
Building and Construction Industry Training Fund Act 1990	DEYFS	Levy on building work, except in relation to any work undertaken by, or for, State and local governments.	Major review completed. Review recommended retention of the levy as the most appropriate means of funding industry training. A number of administrative changes were recommended to improve the operation of the Board and the training scheme.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Act 1972	DUS	Building regulations, licensing, registration, entry requirements (training, course work, practical experience or qualifications and supervised building work, business capacity), reservation of practice, disciplinary processes, and business conduct (insurance).	<p>Targeted public review, in conjunction with the Electricity Act 1971 (electricians licensing) and the Plumbers, Drainers and Gasfitters Board Act 1982, by Allen Consulting Group completed in August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended: legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards should be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.</p> <p>Review did not focus building regulations. Public benefits for building regulations are amenity, safety and health of people who use buildings and community expectations.</p>	<p>The previous Government did not agree with the recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters. Drafting of legislation began for 2001 program, which was shortened by the 2001 Election.</p> <p>The ACT Government approved the continuation of legislative drafting in December 2002. An Exposure Draft Bill for the Construction Practitioners Licensing Act will be prepared in the first half of 2003 (June) with draft legislation to be presented to the Legislative Assembly in Spring 2003. The exposure draft will be provided to the NCC when available.</p>
Building and Services Act 1924	DUS		Interdepartmental review underway. Part of the utilities legislation review under the lead of Treasury.	Act replaced in part by the new Utilities Act and in part by a separate new Act to deal with communications infrastructure.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Buildings (Design and Siting) Act 1964	DUS			Act repealed by the Land (Planning and Environment) (Amendment) Act 1996 (No.3) as a result of implementation of the 1995 Stein report. Design and siting provisions incorporated into streamlined Development Application.
Business Franchise (Liquor) Act 1993	CMD		Review not required.	Federal Court S90 decision, no further action.
Business Franchise (Tobacco and Petroleum Products) Act 1984	CMD		Review not required.	Federal Court s90 decision, no further action.
Business Franchise ('X' Videos) Act 1990	JACS		Review not required.	Act repealed in 1996 following a High Court decision.
Business Names Act 1963	JACS	Minor NCP issues. Act prohibits carrying on business under a business name which is not registered. It also restricts the types of names that may be registered.	Intradepartmental review completed in October 2000. Similar restrictions and prohibitions apply in all States and Territories. The very limited effect on competition is outweighed by the benefits associated with being able to identify on a public register the individuals behind the trading name of an enterprise.	Act retained without reform.
Canberra Institute of Technology Act 1987	DEYFS	Provides an exemption from Territory taxes and charges.	Review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Canberra Tourism and Events Corporation Act 1997	CMD	Act assessed as not restricting competition.	Review not required.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Casino Control Act 1988	DoT	Exclusive licence. Restrictions on operations and conduct.	Targeted public review completed in 1998 as part of the gambling legislation review. The Australian Capital Territory established a Select Committee on gambling which made recommendations on gaming machine issues.	The Government announced that the exclusivity of the casino licence will not extend beyond the current licence period. The prohibition on gaming machines at the Casino will remain at the recommendation of the Select Committee.
Cemeteries Act 1933	DUS	Limits conduct.	Targeted public review, in conjunction with the Cremation Act 1966, completed in 2000. Review recommended a limit on post-burial tenure at public cemeteries, and that the provision of Australian Capital Territory cemeteries should not be restricted by legislation to a single operator.	The Government rejected recommendation to limit post-burial tenure at public cemeteries. Replacement legislation, the Cemeteries and Crematoria Bill 2001, introduced for debate in the Legislative Assembly in August 2001 and subsequently withdrawn. The Cemeteries and Crematoria Bill 2002 (No 2) was introduced into the Legislative Assembly in December 2002. The bill was passed by the Legislative Assembly on 6 March 2003 and will commence on 6 September 2003.
Children and Young People Act 1999	DEYFS	Licensing of child care operations. Introduces concepts of: parental responsibility; family group conferencing; therapeutic protections and enduring parental responsibility for children and young people in need of care and protection. Expanded definition of mandated professionals.	New legislation.	Act replaced the Children's Services Act 1986.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Children's Services Act 1986 - except Parts III and X	DEYFS	Licensing of child care operations.	Full public review completed in 1999. Act assessed as not restricting competition.	Replacement Act, the Children and Young People Act 1999 passed in the Legislative Assembly on 21 October 1999.
Chiropractors and Osteopaths Act 1983	DHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. The Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. Public comment on the draft bill is to be sought up to 28 February 2003. Following any necessary revisions the Bill is due to be considered by the Legislative Assembly in May 2003. The Bill will repeal the existing health professional Acts, and replace them with a consolidated Act.
Classification (Publications, Films and Computer Games) (Enforcement) Act 1995	JACS		Joint jurisdictional review underway. Part of an ongoing national regulatory scheme overseen by the Federal Government.	Act retained without reform.
Clinical Waste Act 1990	DUS		Intradepartmental review completed in May 2002. Review found that the public health and environmental protection benefits of the restrictions provided a net benefit to the public.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Collections Act 1959	DUS		<p>Review by Allen Consulting Group completed in April 2000. Joint review with Hawkers Act. Involved targeted public consultation, with an issues paper, meetings and written submissions.</p> <p>Review recommended: the Act not place limits on the level of fundraising costs or remuneration; the regulatory emphasis be on the disclosure of fundraising details to potential donors; the Act not limit the locations where collections can be undertaken or the number of organisations collecting; rather than focusing on funds raised and costs incurred for particular collections, all organisations that produce audited accounts be required to lodge those accounts with the registrar on an annual basis; organisations that do not have audited accounts be required to keep appropriate records and have those records signed off by an 'appropriate person' as being in order; collectors be required to wear a badge (or prominently display information) relating to the collection; and the Act be drafted to apply to any direct or indirect appeal for support</p>	<p>The Government accepted most review recommendations. Amended legislation was introduced into the Legislative Assembly on 6 March 2003.</p>
Commercial Arbitration Act 1986	JACS		<p>Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition.</p>	<p>Act retained without reform.</p>

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Common Carriers Act 1902 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for common land carriers ameliorating a common law "strict liability" which otherwise would apply to common carriers. As "strict liability" is not to be removed, the limitation of liability should remain.	Act retained without reform.
Community and Health Services Complaints Act 1993	DHCC	Confidentiality and investment restrictions.	Intradepartmental review completed in December 1999. Potential restrictions identified in terms of powers to both maintain the confidentiality of information and to access information. Review concluded that the restrictions did not function anticompetitively and that no market was affected by the legislation.	Act retained without reform. A non-NCP administrative review of the legislation is currently underway.
Companies (Commonwealth Brickworks (Canberra) Limited) Act 1979	CMD	Act assessed as not restricting competition.	Review not required.	
Companies (Registered Societies) Ordinance 1990	CMD		Review not required.	Registered Societies model legislation adopted nationally.
Companies Auditors and Liquidators Disciplinary Board Ordinance 1982	CMD		Review completed.	Registered Societies model legislation adopted nationally.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Construction Practitioners Registration Act 1998	DUS	Registration for building certifiers, entry requirements, disciplinary processes, and business conduct (professional indemnity insurance with approved insurer, no conflict of interest).	Review completed in November 2000. The NCP review of construction occupations recommended that a single piece of legislation deal with the licensing of builders, electricians and electrical contractors and plumbers, drainers and gasfitters. On the advice of the Department of Justice and Community Safety, construction practitioners were added to this list. The effects of changes on the details of registration for private building certifiers and plumbing plan certifiers would be limited, because they already work under modern legislation.	New legislation to introduce private certification of building work. The previous Government agreed to this program and drafting took place in 2000-01 with the title, the Construction Practitioners Registration Act, provisionally given. See reform activity notes under the Building Act 1972.
Consumer Credit (Administration) Act 1996	JACS	Minimal registration and conduct requirements.	Intradepartmental review completed in September 2001. Review concluded that the market suffers from well documented market failures that expose consumers to high levels of financial risk and an inability to discriminate objectively between the providers of services in terms of quality and cost of service. Given the apparent need for government intervention to protect the public interest against market failures, the real question for the Australian Capital Territory community turns on the extent of government intervention and style of regulatory framework necessary to promote the delivery of more efficient and competitively priced services.	Act maintained on public benefit (consumer protection) grounds.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit Act 1995	JACS	Part of a national regulatory regime.	National review completed in 2001. Review's final report concluded that the existing Code should be retained, with minor amendments to clarify scope and disclosure provisions.	Australian Capital Territory duplicated model legislation developed by Queensland in 2002.
Contractors' Debts Act 1897 (New South Wales) in its application in the Territory	JACS		Review completed in 1999.	Amendments recommended by review included in the Justice and Community Safety Amendment Act 2001 which repeals section 5 (which capped the liability of contractors for their employees to 60 days' wages) and section 6 (which limited the period in which a worker can make a claim for wages to 3 months).
Co-operative Societies Act 1939	CMD		Intradepartmental review completed.	Act amended to reflect a consistent national approach.
Coroners Act 1997	JACS	Minor issues.	Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition. No reforms recommended.	Act retained without reform.
Credit Act 1985	JACS		Review not required.	
Cremation Act 1966	DUS	Limits conduct.	See the Cemeteries Act 1933.	Replacement legislation, the Cemeteries and Crematoria Bill 2001, introduced for debate in August 2001 and adjourned. The Cemeteries and Crematoria Bill 2002 (No 2) was introduced into the Legislative Assembly in December 2002. The Bill was passed by the Legislative Assembly on 6 March 2003 and will commence on 6 September 2003.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Crown Proceedings Act 1992	JACS		Intradepartmental review completed in 1999.	Amendments recommended by review included in Justice and Community Safety Amendment Act 2001 which includes an amendment to the Act to remove a competitive advantage enjoyed by the Crown when it carries on business activities.
Cultural Facilities Corporation Act 1997	DUS	Act assessed as not restricting competition.	Review not required.	
Dangerous Goods Act 1975 (New South Wales) in its application in the Territory	CMD		<p>The Act was reviewed in 2000 along with the associated legislation of the Occupational Health and Safety Act, the Machinery Act and the Scaffolding and Lifts Act. The Review found that it was in the public interest to regulate workplace safety and dangerous goods. The review also recommended the adoption of an integrated and modernised regulatory regime.</p> <p>Previously called the Dangerous Goods Act 1975 (NSW). The Dangerous Goods Act (with particular reference to explosives, including fireworks) was the subject of a Legislative Assembly Standing Committee inquiry in 2002. The Committee recommended the Dangerous Goods Act 1975 and its subordinate legislation be redrafted.</p>	<p>The Government responded to the Legislative Assembly review in December 2002 agreeing to prepare a new Dangerous Goods Act and new explosives and fireworks regulations as a matter of priority in 2003. The new Act will be consistent with the National Standard for the Storage and Handling of Dangerous Goods, the Australian Dangerous Goods Code and the Australian Explosives Code. Cabinet will be requested to agree to draft instructions in April 2003 with a view to having a Bill available for introduction into the Legislative Assembly in June 2003.</p>

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dangerous Goods Act 1984	CMD		Review underway. Part of overall review of the Australian Capital Territory's Occupational Health and Safety legislation. RIS prepared and public comments sought through an extensive consultative process.	The <i>Dangerous Goods Act 1984</i> was enacted to apply the NSW <i>Dangerous Goods Act 1975</i> to the ACT. This has been repealed and applying provisions incorporated into the <i>Dangerous Goods Act 1975</i> .
Defamation Act 1901 (New South Wales) in its application in the Territory	JACS	Minor NCP issues (confers differential statutory defences to different parts of the media market).	Review not required.	Act repealed by the Defamation Act 2001.
Dental Technicians and Dental Prosthetists Registration Act 1988	DHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. Public comment on the draft bill is to be sought up to 28 February 2003. Following any necessary revisions the Bill is due to be considered by the Legislative Assembly in May 2003. The Bill will repeal the existing health professional Acts, and replace them with a consolidated Act.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dentists Act 1931	DHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. Public comment on the draft bill is to be sought up to 28 February 2003. Following any necessary revisions the Bill is due to be considered by the Legislative Assembly in May 2003. The Bill will repeal the existing health professional Acts, and replace them with a consolidated Act.
Disability Services Act 1991	DDHCS	S6 and S7 grant conditions that may restrict competition.	Desktop review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	Act to be retained without reform.
Discrimination Act 1991	JACS	Minor NCP issues (Sections 28 and 29 provide exceptions for the insurance and superannuation industries from unlawful discrimination).	Intradepartmental review completed in September 2001. Review concluded that the insurance and superannuation industries are entitled to rely on actuarial, statistical, or other data or relevant factors to discriminate against persons where reasonable having regard to such information. The costs are minimal and the public benefit test is satisfied.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Domestic Relationships Act 1994	JACS		Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition.	
Door-to-Door Trading Act 1991	JACS	Restricts the hours during which door to door sellers may operate.	Intradepartmental review completed in October 2000. Review concluded that costs are minor. Public benefit is high - taking into consideration the need for rest for family members undisturbed by door to door traders during periods of the night and day which are normally periods of rest.	Act retained without reform.
Drugs of Dependence Act 1989	DHCC	Restrictions on competition throughout Act.	Review completed. Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001. Australian Health Ministers Advisory Council (AHMAC) Working Party considered review and reported back to Health Ministers in June 2002.	Health Ministers to report to the Council of Australian Governments (CoAG) on endorsement of recommendations. Awaiting finalisation of CoAG. Review processes, expected to occur in 2003.
Earnings (Assignment and Attachment) Act 1966	JACS	Act assessed as not restricting competition.	Review not required.	
Education Act 1937, Schools Authority Act 1976, Public Instruction Act 1880 and Free Education Act 1906	DEYFS	Requires non-government schools to be registered.	Full public review completed in 2000.	The Government introduced an exposure draft into the Assembly in June 2002. The period for public comment closed 4 October 2002. Amendments are being drafted and the Bill is expected to be introduced for passage in Autumn sittings of the Legislative Assembly 2003.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994	DEYFS	Requires registration of providers of education to overseas students.	Interdepartmental review.	Act repealed.
Electoral Act 1992	JACS	Act assessed as not restricting competition.	Review not required.	
Electricity Act 1971 (renamed the Electricity Safety Act 1971) - Part 1 of 2	DUS		Review not required.	Some provisions of the Act provided powers for suppliers of electricity distribution services. Such matters are now dealt with by the Utilities Act 2000 and the provisions were repealed in January 2001.
Electricity Act 1971 - electricians licensing - Part 2 of 2	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, business capacity), the reservation of practice (installing, altering or repairing an electrical installation, other than an electrical installation that operates at extra low voltage), disciplinary processes, and business conduct (insurance).	Targeted public review completed in 2000. Provisions for licensing of electricians reviewed by Allen Consulting Group in conjunction with the Building Act 1972 and the Plumbers, Drainers and Gasfitters Board Act 1982. Final report completed in August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	See the Building Act 1972. The previous Government did not agree with the recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters. The ACT Government approved the continuation of legislative drafting in December 2002. An Exposure Draft Bill for the Construction Practitioners Licensing Act will be prepared in the first half of 2003 (June) with draft legislation to be presented to the Legislative Assembly in Spring 2003. The exposure draft will be provided to the NCC when available.
Enclosed Lands Protection Act 1943	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Enforcement of Public Interests Act 1973	JACS	Act assessed as not restricting competition.	Review not required.	
Environment Protection Act 1997	DUS		RIS undertaken in developing the legislation. RIS publicly available.	
Essential Services (Continuity of Supply) Act 1992	DUS		Review not required.	Part of the Act repealed and incorporated into Utilities legislation.
Fair Trading (Consumer Affairs) Act 1973 (previously Consumer Affairs Act 1973)	JACS	Imposes conduct restrictions.	Intradepartmental review completed in September 2001. Review concluded that the Act is pro-competition. Minor amendments proposed.	Amendments included in the Fair Trading (Amendment) Act 2001.
Fair Trading (Fuel Prices) Act 1993	JACS	Allows the relevant Minister to set fuel prices.	Intradepartmental review completed in 1999. Review concluded that the Act has no effect on the market unless the Minister exercises a power to determine fuel prices under the Act. The Minister is unlikely to make such a determination unless the market is acting in a collusive or anticompetitive manner. On activation, costs would be significant. However, there would be a countervailing and greater community benefit. There is no viable or realistic alternative.	Act to be retained on public benefit (consumer protection) grounds.
Fair Trading (Petroleum Retail Marketing) Act 1995	JACS		Full public review completed.	Act repealed.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1992	JACS	Registration and mandatory codes of practice for bodyguards, security guards, cash transit industry, crown marshals, and guard and patrol services, entry requirements (competency, character - criminal record check), the reservation of practice, disciplinary processes, and business licensing.	Intradepartmental review completed in September 2001. Review concluded that the Act is pro-competition. Minor amendments proposed.	Amendments included in the Fair Trading (Amendment) Act 2001.
Family Provision Act 1969	JACS	Act assessed as not restricting competition.	Review not required.	
Fertilizers Act 1904 (New South Wales) in its application in the Territory	DUS	Prohibits sale of fertilizers unless with a statement of composition.	Review by officials completed in 1999.	Act to be retained without reform.
Financial Institutions (Application of Laws) Act 1992	DoT		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999.
Financial Institutions (Removal of Discrimination) Act 1997	DoT	Act assessed as not restricting competition.	Review not required.	
Financial Institutions (Supervisory Authority) Act 1992	DoT		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999.
Financial Institutions Duty Act 1987	DoT		National review completed in 1997.	Act amended to reflect a consistent national approach.
Firearms Act 1996	JACS		Review not required. Part of a national regulatory scheme with separate review mechanisms: legislation is subject to overriding public safety considerations.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fisheries Act 2000	DUS	Licensing of commercial fishers. Registration of fish dealers. Output controls such as size and bag limits. Input controls on gear.	Act considered via legislation gatekeeping process.	Act replaced the Fishing Act 1967.
Fishing Act 1967	DUS		Review not required.	Act repealed and replaced by the Fisheries Act 2000.
Food Act 1992	DHCC	Provides for various food safety offences. Provides for licensing of food businesses. Requires food to meet prescribed food standards.	National review completed in 2000 (see the New South Wales Food Act 1989). ACT Review on Non-core provisions completed March 2001. The review concluded that sound public benefit arguments (ensuring public health, reducing costs on provision of health infrastructure and maintaining consumer confidence in food industries) justify maintaining a regulatory regime.	All Australian governments agreed in November 2000 to adopt core provisions of the Model Food Bill by November 2001. This Act amended accordingly in August 2001. No legislative amendments to non-core provisions proposed on public benefit grounds.
Freedom of Information Act 1989	JACS	Minor NCP issues.	Intradepartmental review completed in September 2001. Review concluded that the Act is not anticompetitive.	
Fuels Control Act 1979	JACS		Intradepartmental review completed in 1999.	Act to be retained on public benefit test.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Games Wagers and Betting-houses Act 1901 (New South Wales) in its application in the Territory	DoT	Suppression of gaming houses.	Review completed as part of the gambling legislation review. (See the Gaming and Betting Act 1906 (New South Wales) in its application to the Australian Capital Territory). Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.	The NCP review did not make any recommendations in relation to this Act, and consequently no Government response expected. This Act is now a Territory Statute, not a New South Wales Act (See the Law Reform (Miscellaneous Provisions) Act 1999).
Gaming and Betting Act 1906 (New South Wales) in its application in the ACT	DoT	Regulations on gaming, betting and wagering; restricts the holding of race-meetings; licensing of racecourses.	Review completed as part of the gambling legislation review. This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.	The NCP review did not make any recommendations in relation to this Act, and consequently there is no Government response expected. This Act is now a Territory Statute, not a New South Wales Act (Law Reform (Miscellaneous Provisions) Act 1999 refers).
Gaming Machine Act 1987	DoT		Targeted public review completed as part of the gambling legislation review. The Government established a Select Committee on Gambling to further report on gaming issues. It recommended further research into the social and economic impacts of gaming in the Australian Capital Territory. It also recommended a freeze on gaming machine numbers and measures to counter the negative effects of gambling.	The ACT Gambling and Racing Commission's review report has been received by Government and tabled in the Legislative Assembly. A response from the Government is currently under consideration.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Act 1992	DUS			Act repealed.
Gas Levy Act 1991	CMD			Act repealed in 1998.
Gas Supply Act 1998	DUS			Act repealed and replaced by the Gas Safety Act 2000 (in respect of gas installations and appliances past the metering point) and the Utilities Act 2000.
Government Solicitor Act 1989	JACS	Act assessed as not restricting competition.	Review not required.	
Guardianship and Management of Property Act 1991	JACS	Minor NCP issues (conduct requirements).	Intradepartmental review completed in September 2001. Review concluded that the Act is not anticompetitive.	
Hawkers Act 1936	DUS	Licensing, entry requirements (age, good character, fit and proper person), business conduct (geographic and time restrictions, business structure).	Review by Allen Consulting Group completed in April 2000. Joint review with the Collections Act 1959. Review involved targeted public consultation with issues paper, meetings and submissions. Review recommended: refocusing legislation on land use and continuing positive licensing for hawkers operating from a single location, but having negative licensing for mobile hawkers; removing restrictions on number of vehicles a hawker can operate, number of people hawkers can employ and their age; removing 180-metre exclusion zone from traditional shops, and regulating health, liquor and contraband goods via other legislation.	Government accepted most review recommendations. The NCC accepted the restriction involving retention of the regulatory regime preventing hawkers from operating within 180 metres of a shop on public benefit (public safety, 'most-efficient' regulatory model) grounds in its 2002 Assessment. Amending legislation, the Hawkets Bill 2002, was drafted and introduced into the Legislative Assembly in December 2002. The Bill was passed on 6 March 2003 and will commence on 6 September 2003.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1993	DHCC	Limits conduct.	Intradepartmental review completed in December 1999. Review found that the restrictions did not apply to an organised pattern of activity and no commercial activity relating to the release or disclosure of information could be identified. Review concluded that the legislation did not impose restrictions on competition.	Act retained without reform.
Health and Community Care Services Act 1996	DHCC	Restricts management of resources and interests.	Intradepartmental review completed in December 2000. Review identified that the restrictions primarily concerned the sound management of Territory resources and interests. Review further identified that there were difficulties in identifying the restrictions as anticompetitive. The conclusion was that the legislative restrictions provided an overall community benefit and were on balance significantly higher than any cost of compliance with the legislation.	Act repealed.
Health Complaints Act 1993	DHCC		Review not required.	Act replaced by the Community and Health Services Complaints Act 1993.
Health Promotion Act 1995	DHCC	Limits functions to which board monies can be applied.	Intradepartmental review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Records (Privacy and Access) Act 1997	DHCC	Limited restrictions on competition.	Intradepartmental review completed in December 1999. Review did not support the initial audit view that anticompetitive restrictions may apply. Restrictions do not relate to a market/commercial activity.	Act retained without reform.
Heritage Objects Act 1991	DUS		Review not required. Following the decision to develop new legislation for the regulation of heritage matters, Act withdrawn from the NCP program. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.	
Hotel School Act 1996	CMD	Act assessed as not restricting competition.	Review not required.	
Housing Assistance Act 1987	DDHCS	Act assessed as not restricting competition.	Consultants review completed in March 2002. No competitive restrictions identified.	Administrative recommendations relating to the re-wording of the Act's objectives, removing currently unused housing programs and organisational re-structuring of Australian Capital Territory housing not accepted.
Inebriates Act 1900 (New South Wales) in its application in the Territory	DHCC	Sections 10 and 14 could restrict competition by licensing and regulating institutions.		Act repealed.
Inebriates Act 1938	DHCC	Act assessed as not restricting competition.	Review not required.	Act repealed.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Innkeepers' Liability Act 1902 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for innkeepers ameliorating a common law "strict liability" which otherwise would apply to them. As "strict liability" is not to be removed, the limitation of liability should remain.	Act retained without reform.
Institute for the Study of Man and Society Incorporation Act 1968	JACS	Act assessed as not restricting competition.	Review not required.	Act to be repatriated back to the Commonwealth.
Interactive Gambling Act 1998	DoT	Licensing, and conduct.	Under review by ACT Gambling and Racing Commission	Completion of review dependent on outcomes of Commonwealth review of its <i>Interactive Gambling Act 2001</i> .
Intoxicated Persons (Care and Protection) Act 1994	DHCC	The Act contains restrictions on competition in terms of requirements that 'sobering up' shelters must be licensed.	Intradepartmental review completed in December 2000. Review identified that the restrictions were a sustainable public benefit.	Act retained without reform.
Judgment Creditors Remedies Act 1933	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	
Judiciary (Stay of Proceedings) Act 1933	JACS	Act assessed as not restricting competition.	Review not required.	
Juries Act 1967	JACS	Act assessed as not restricting competition.	Review not required.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lakes Act 1976	DUS	The only significant restriction is the limitation on commercial activity in a lake area.	Review, in conjunction with the Public Parks Act 1928, completed in 2000. The low cost of the limitation on commercial activity in a lake area considered justified by the protection afforded to lakes areas, and by the way it ensures that commercial operators in lakes areas gain no competitive advantage over those operating in normal commercial areas. No NCP related issues identified	Act to be retained without reform.
Land (Planning and Environment) Act 1991- Part III (heritage provisions)	DUS		Review not required. Following the decision to develop new legislation for the regulation of heritage matters, Act withdrawn from the NCP program. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.	
Land (Planning and Environment) Act 1991- Parts V and VI	DUS	Direct granting of leases by non-competitive means and development approvals process.	Review completed in May 2000. Review recommendations include improving transparency in the provision of direct grants and considering introducing a notification scheme for developments that are relatively minor and unlikely to be opposed by the government agency or to require conditions.	The Government issued a formal response to the review, agreeing in principle to most recommendations. Amending regulation signed on 25 January 2001.
Land Acquisition (Northbourne Oval) Act 1996 - No 84 of 1996	DUS		Targeted public review, in conjunction with the Lands Acquisition Act 1994, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.
Land Titles (Unit Titles) Act 1970	JACS	Minor NCP issues (imposes a conduct requirement).	Review not required. Act assessed as not restricting competition.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Titles Act 1925	JACS	Minor NCP issues (imposes conduct requirements).	Review not required. Act assessed as not restricting competition.	
Landlord and Tenant Act 1899 (New South Wales) in its application in the Territory	JACS			Act repealed by the Residential Tenancies Act 1997.
Landlord and Tenant Act 1949	JACS			Act repealed by the Residential Tenancies Act 1997.
Lands Acquisition Act 1994	DUS		Targeted public review, in conjunction with the Land Acquisition (Northbourne Oval) 1996 Act, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.
Law Reform (Manufacturers Warranties) Act 1977	JACS	Act assessed as not restricting competition.		Act repealed by the Fair Trading (Amendment) Act 2001 because it duplicates more extensive provisions in the Trade Practices Act 1974 (TPA).
Law Reform (Misrepresentation) Act 1977	JACS	Act assessed as not restricting competition.		
Lay-by Sales Agreements Act 1963	JACS	Imposes conduct restrictions.	Intradepartmental review completed in July 2000 concluded that costs are minor and public benefit is high.	Act retained without reform.
Legal Aid Act 1977	JACS		Review not required. Act assessed as not restricting competition.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practitioners Act 1970	JACS	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, and business conduct (including professional indemnity insurance (two providers), ownership, locally registered foreign legal practitioner advertising (should not be false, misleading or deceptive or suggest legal practitioner is domestic)).	<p>Targeted public review underway. Review being undertaken in two stages by the Department of Justice and Community Safety. Stage 1 options paper canvassing options for reform concerning admission and licensing of legal practitioners, complaints and discipline released in November 1999, with submissions sought. The Government is considering submissions.</p> <p>A Stage 2 options paper, canvassing reform issues relating to business structures including multi-disciplinary practices, fee setting, insurance and the statutory interest account to have been released in 2001. However, review of the Legal Practitioners Act 1970 now ceased. Further review and reform activity is occurring at a national level to ensure a uniform and nationally consistent framework for the industry. The Standing Committee of Attorneys-General is overseeing the development of model legislation.</p>	The ACT expects to repeal its existing legislation when nationally consistent legislation is available, sometime in 2003.
Legislation (Republication) Act 1996	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on public benefit test. Act replaced by the Legislation Act 2001.
Liquor Act 1975 (except subsections 42E(2) and 42E(4))	JACS	Regulates the sale of liquor via licences.	Intradepartmental review underway completed in 2001. Minor amendments to Act recommended. Act assessed as not substantially impacting on competition.	Act maintained on public benefit grounds. Minor amendments included in the Justice and Community Safety Legislation Act 2001.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Act 1975 (subsections 42E(2) and 42E(4))	CMD	Relates to procedures if a licence holder fails to pay liquor taxes.	Intradepartmental review completed.	
Listening Devices Act 1992	JACS		Intradepartmental review completed in 1999. Act to be retained on public benefit test. Minor issues.	Act to be retained on public benefit test.
Litter Act 1977	DUS		Targeted public review, in conjunction with the Roads and Public Places Act 1937, completed in 2000. Review concluded that in terms of the requirements under NCP guidelines: the Act marginally restricts business for businesses dependent on flyer and bill advertising; the public protection benefits of the Act outweigh any marginal impact on competition; and no feasible non legislative options were found which can achieve the same level of public benefits.	The Government accepted the review recommendations. The Litter Act 1977 is being reviewed in 2003 for administrative reasons. New legislation is being drafted to replace the Act, for introduction into the Legislative Assembly in June 2003.
Long Service Leave (Building and Construction Industry) Act 1981	CMD		Targeted public review completed in 1999. Act assessed as not restricting competition. Final review report available at www.act.gov.au/urbanservices .	Act to be retained without reform.
Long Service Leave Act 1976	CMD	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.	Act retained without reform.
Lotteries Act 1964	DoT		Targeted public review completed as part of gambling legislation review.	The Government endorsed most of the review recommendations. Amendments, not related to the NCP, to modernise the legislation expected to be passed in 2003-04.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Machinery Act 1949	CMD			Act repealed and replaced by the Occupational Health and Safety (Amendment) Act 1997.
Magistrates Court Act 1930	JACS	Act assessed as not restricting competition.	Review not required.	
Meat Act 1931	DHCC	Requires Ministerial permission for certain meat processing activities		Act repealed by the Food Act 2001.
Mediation Act 1997	JACS	Act assessed as not restricting competition.	Review not required.	
Medical Practitioners Act 1930	DHCC	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	<p>Review completed March 2001. Issues paper released in May 1999. Discussion paper released in December 1999.</p> <p>Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.</p>	The Government considered the review reform proposals and agreed to the drafting of revised legislation. Public comment on the draft bill is to be sought up to 28 February 2003. Following any necessary revisions the Bill is due to be considered by the Legislative Assembly in May 2003. Bill will repeal the existing health professional Acts, and replace them with a consolidated Act.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Records (Access and Privacy) Act 1997	DHCC		Review, in conjunction with the Health Records (Access and Privacy) Act 1997, completed in December 1997.	Act retained without reform.
Medical Services (Fees) Act 1984	DHCC	Restricts the fees payable for the treatment of private patients in public hospitals.	Review not required. Legislation relates to an intergovernmental financial arrangement.	Act retained without reform.
Mental Health (Treatment and Care) Act 1994	DHCC	Restrictions on competition throughout Act. Restrictions relate to the Mental Health Tribunal powers to direct where a person with a mental health dysfunction will be detained, restrictions on the use of convulsive therapy and psychiatric surgery, and requirements that private psychiatric facilities be licensed.	Intradepartmental review completed in December 2000. Review demonstrated an overall public benefit of the restrictions.	Act retained without reform.
Mercantile Law Act 1962	JACS		Intradepartmental review completed in 1999.	Archaic provisions repealed.
Milk Authority Act 1971	DUS	Retail price controls. Licensing of home vending. Canberra Milk Authority required to buy milk from the sole Australian Capital Territory producer.	Review by officials completed in 1998. Review recommended: <ul style="list-style-type: none"> • separation of Authority's regulatory and commercial roles; • retention of retail price controls until mid-2000; • reform of home vending arrangements; and • retention of compulsory acquisition of ACT milk. 	The Government initially accepted the review recommendations. In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, the Australian Capital Territory passed the Milk Authority Repeal Act 2000 on 23 May 2000, deregulating its milk arrangements from 1 July 2000.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Omnibus Services Act 1955	DUS		Review not required.	Act repealed by the Road Transport (Public Passenger Services) Act in December 2001. This Act requires ACTION to become an accredited bus operator. In addition, the ACTION Authority Act 2001 was commenced on 1 January 2002. Act establishes ACTION as a statutory authority with governing board and includes provisions for the transfer of staff and assets.
Motor Traffic Act 1936 - Part 1 of 2	DUS	Compulsory third party insurance provisions.	Review not required.	Act retained without reform.
Motor Traffic Act 1936 - taxi and hire car provisions - Part 2 of 2	DUS	Limitation on number of taxi and hire car licences.	NCP review was completed in March 2000. On licence quotas, it recommended: <ul style="list-style-type: none"> • immediate removal of restrictions on supply of taxi and hire car licences; • full compensation to licence holders via a licence buy-back, with compensation to be funded via consolidated revenue or a long-term licence fee regime. <p>The ICRC released its report in June 2002. It endorses removal of supply restrictions and proposes three options for compensation (it does not recommend any particular option).</p>	In December 2002, the Government announced it would adopt a reform process that utilises a formula-based approach to progressively increase the supply of licences in line with demand. This is consistent with the principles recommended by the National Competition Council in October 2002. Administrative and legislative amendments are expected to occur in May/June 2003 with licence release via auction to take place shortly after.
Motor Vehicles (Dimensions and Mass) Act 1990	DUS	Act assessed as not restricting competition.	Review not required.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
National Environment Protection Council Act 1994	DUS	Act assessed as not restricting competition.	Review not required.	
National Exhibition Centre Trust Act 1976	CMD	Act assessed as not restricting competition.	Review not required.	
Nature Conservation Act 1980	DUS	Controls on commerce in animals and plants.	Targeted public review completed in 1999. Review found that these restrictions would be justified provided that the lists of protected and exempt plants were reviewed to ensure that entries were justifiable on conservation grounds.	Review presented to the Government on 7 August 2000. Disallowable Instrument in relation to the revision of the relevant lists tabled in June 2002.
Noise Control Act 1988	DUS			Act repealed by the Environment Protection Act 1997.
Notaries Public Act 1984	JACS	Act assessed as not restricting competition.	Review not required.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nurses Act 1988	DHCC	Restrictions on entry, registration, title, and disciplinary provisions.	Review completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. Public comment on the draft bill is to be sought up to 28 February 2003. Following any necessary revisions the Bill is due to be considered by the Legislative Assembly in May 2003 . Bill will repeal the existing health professional Acts, and replace them with a consolidated Act.
Oaths and Affirmations Act 1984	JACS	Act assessed as not restricting competition.	Review not required.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Occupational Health and Safety Act 1989	CMD	Act assessed as not restricting competition.	<p>Review, in conjunction with the Dangerous Goods Act 1984, the Scaffolding and Lifts Act 1957 and the Machinery Act 1949, underway.</p> <p>Review examining the development of an integrated performance-based regulatory regime for workplace safety, dangerous goods and those areas currently regulated under the Scaffolding and Lifts Act and the Machinery Act, in line with agreements reached in 1991 by Premiers and Chief Ministers that jurisdictions would pursue the development of nationally uniform, flexible and performance-based regulations under parent occupational health and safety legislation.</p> <p>RIS issued for consultation comments. Following the October 2001 election, the Government continuing to progress the review and the ACT Occupational Health and Safety Council are shortly to consider the issue and report to the Government.</p>	The Government has commenced a new review of the OHS Act which will progress the general objective of achieving an integrated and modernised regulatory regime.
Ombudsman Act 1989	JACS	Act assessed as not restricting competition.	Review not required.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Optometrists Act 1956	DHCC	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. Public comment on the draft bill is to be sought up to 28 February 2003. Following any necessary revisions the Bill is due to be considered by the Legislative Assembly in May 2003. Bill will repeal the existing health professional Acts, and replace them with a consolidated Act. In August 2002, the Government announced that it would also introduce legislation to allow optometrists to prescribe certain therapeutic ocular drugs.
Ozone Protection Act 1991	DUS			Act repealed by the Environment Protection Act 1997.
Parental Leave (Private Sector Employees) Act 1992	CMD	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.	Act retained without reform.
Partnership Act 1963	JACS	Minor issues.	Intradepartmental review completed in 2000.	Amendments recommended by the review included in the Justice and Community Safety Legislation Amendment Act (No. 2) 2000. Amendments remove a disincentive to Australian Capital Territory partners accepting positions on public or private sector corporate boards.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers Act 1902 (New South Wales) in its application to the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice, and business conduct (prescribed records, public auction unredeemed goods over \$10, cooperation with police).	Intradepartmental review completed in 2001. Review recommended retaining the Act, but amending it to take into account new technology and repealing archaic business rules.	The legislation was amended by the Justice and Community Safety Legislation Amendment Act 2002 No 27 pt 9, pt 1.1 which was notified LR 9 September 2002 (s 1, s 2 commenced 9 September 2002 (LA s 75) and pt 9, pt 1.1 commenced 7 October 2002 (s 2 (2))).
Payroll Tax Act 1987	CMD		Initial intradepartmental review completed. Act assessed as not restricting competition. No further review required.	
Periodic Detention Act 1995	JACS	Act assessed as not restricting competition.	Review not required.	
Perpetuities and Accumulations Act 1985	JACS	Act assessed as not restricting competition.	Review not required.	
Pesticides Act 1989	DUS	Prohibits use of pesticides unless registered.		Act repealed and replaced by the Environmental Protection Act 1997. This Act prohibits 'off-label' use unless with a permit and requires authorisation of chemical use. These controls are consistent with the public benefit justifications determined by the national review undertaken by Victoria.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1931	DHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.</p> <p>Also part of targeted public review of health practitioner registration Acts. Review completed March 2001.</p>	<p>CoAG referred the Wilkinson Review to a senior officials' working party. The working group's response released in August 2002. It noted that the Commonwealth had adopted an alternative to the review's proposed approach to pharmacy location approvals, and recommended accepting the remaining recommendations with the exception of that to restrict friendly-society pharmacies operating in jurisdictions where they do not already operate.</p> <p>Legislation passed in August 2001 (commenced in July 2002) amending the Pharmacy Act to allow pharmacy companies to be registered as pharmacists.</p>

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Act 1977	DHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. Public comment on the draft bill is to be sought up to 28 February 2003. Following any necessary revisions the Bill is due to be considered by the Legislative Assembly in May 2003. The Bill will repeal the existing health professional Acts, and replace them with a consolidated Act.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plant Diseases Act 1934	DUS	Restrictions on introduction into the Australian Capital Territory of declared pests and diseases. Destruction of neglected trees. Quarantine control provisions. Specifies particular products for use in controlling fruit fly and aphidae. Specifies particular kinds of packaging. Imposes restrictive standards on fruit for retail sale.	Review in conjunction with the Land (Planning and Environment) Act 1991 (pest plant and animal provisions) completed. Review recommended: <ul style="list-style-type: none"> • retaining restrictions on introduction into the ACT of declared pests and diseases, provisions relating to the destruction of neglected trees and quarantine control provisions; • repealing provisions that specified particular products for use in controlling fruit fly and aphidae, particular kinds of packaging, and that imposed inappropriate and unduly restrictive standards on fruit for retail sale; and • retaining provisions relating to pest plant and animals. 	Amending legislation, the Plant Diseases Act 2002, passed in December 2002

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plumbers, Drainers and Gasfitters Board Act 1982	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, age 18 years or over, fit and proper), reservation of practice (install or fit fire-fighting sprinkler system, sanitary plumbing work, water supply plumbing work, laying or repairing drains, install/repair/inspect/test consumer natural gas piping systems and gas appliances), and disciplinary processes.	Targeted public review by Allen Consulting Group in conjunction with the Electricity Act 1971 (electricians licensing), the Building Act 1972 completed in August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	See the Building Act 1972. The previous Government did not agree with the recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters. Drafting of legislation began for 2001 program, which was shortened by the 2001 Election. The ACT Government approved the continuation of legislative drafting in December 2002. An Exposure Draft Bill for the Construction Practitioners Licensing Act will be prepared in the first half of 2003 (June) with draft legislation to be presented to the Legislative Assembly in Spring 2003. The exposure draft will be provided to the NCC when available.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Podiatrists Act 1994	DHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. Public comment on the draft bill is to be sought up to 28 February 2003. Following any necessary revisions the Bill is due to be considered by the Legislative Assembly in May 2003.
Poisons Act 1933	DHCC	Restricts the sale and storage of poisons and biological substances.	Review completed. Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001.	AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, being considered by the Primary Industries Ministerial Council before being forwarded to CoAG. Awaiting completion of CoAG process, expected during 2003.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poisons and Drugs Act 1978	DHCC		Review completed. Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001. AHMAC Working Party considered review and reported back to Health Ministers in June 2002.	AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, is being considered by the Primary Industries Ministerial Council before being forwarded to CoAG.
Pool Betting Act 1964	DoT	Approvals for conduct of pool betting competitions, restrictions on advertising and other conduct, possible supervision of competitions, levies and probity of financial arrangements.	Targeted public review completed as part of the gambling legislation review.	The Government endorsed most of the review recommendations. Amendments, not related to the NCP, to modernise the legislation are expected to be passed in 2003-04.
Pounds Act 1928	DUS	Establishes government operated pounds. Confers differential benefits on market participants as to impounding stock depending on what stock they keep and where their property is located.	Review by officials in conjunction with the Animal Diseases Act 1993 and the Stock Act 1991, completed. Review found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Powers of Attorney Act 1956	JACS	Act assessed as not restricting competition.	Review not required.	
Presbyterian Church (Proposals for Union with other Churches) Act 1972	JACS	Act assessed as not restricting competition.	Review not required.	
Presbyterian Church Trust Property Act 1971	JACS		Intradepartmental review completed in 1999. Review concluded that to the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Printing and Newspapers Act 1961	JACS		Intradepartmental review completed in 1999.	Act repealed.
Proceeds of Crime Act 1991	JACS	Minor NCP issues (imposes conduct requirements).	Intradepartmental review completed in October 2000. The Act has a high public benefit. While competition policy issues have been identified, the legislation is justified on a cost-benefit basis. Some changes may be desirable having regard to any changes to Commonwealth legislation.	Act retained without reform.
Prohibited Weapons Act 1996	JACS		Review not required. Part of a national regulatory scheme subject to separate review requirements. Legislation is subject to overriding public safety considerations.	
Prostitution Act 1992	JACS		Intradepartmental review completed in August 2000. Review found that regulation of prostitution is necessary to address public health concerns and protect children from exploitation, and that the benefits outweigh its cost to business.	Act retained without reform.
Protection of Lands Act 1937	DUS	Act assessed as not restricting competition.	Interdepartmental review. Following preliminary review work, the Trespass on Territory Land, the Enclosed Lands and the Recovery of Lands Acts removed from joint review as no competition restrictions identified.	Act repealed on 29 March 2001.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Psychologists Act 1994	DHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Government considered the review reform proposals and agreed to the drafting of revised legislation. Public comment on the draft bill is to be sought up to 28 February 2003. Following any necessary revisions the Bill is due to be considered by the Legislative Assembly in May 2003.
Public Baths and Public Bathing Act 1956	DECS	Act assessed as not restricting competition.	Review not required.	
Public Health (Miscellaneous Provisions) Act 1997	DHCC	Limited restrictions on competition.	Review not required.	Act repealed.
Public Health (Prohibited Drugs) Act 1957	DHCC	Limits business conduct.	Review completed. Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the Australian Health Ministers Conference in early 2001.	Final review report under consideration by the AHMAC and CoAG. Awaiting completion of CoAG process, expected during 2003.
Public Health Act 1928	DHCC			Act repealed by the Public Health Act 1997.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Health Act 1997	DHCC	Limits conduct.	The ACT commenced a process of reviewing its public health legislation by introduction of the Public Health Act 1997. This legislation established a template for the management of health risk activities or procedures through a Code of Practice approach. As codes of practice are developed existing health risk management provisions that are under the former Public Health Act 1928 repealed. The revised legislative approach while more focussed on outcomes, stakeholder collaboration and the currency of the health risk, retains potential restrictions on approval, activity and conduct. Accordingly the revised legislation has potential to impose costs and restrict competition. A departmental review has been completed that identifies the anticompetitive provisions that arise through the application of the Act to health risk activities and procedures.	Amendment Bill May 2000 introduced some negative licensing provisions to address the anticompetitive provisions identified in the review. Reforms (in the form of introducing codes of practice) are being introduced on an incremental basis as the Public Health Act 1928 is progressively repealed.
Public Parks Act 1928	DUS		Review, in conjunction with the Lakes Act 1976, completed.	Act repealed by the Statute Law (Amendment) Act 2000.
Public Trustee Act 1985	JACS	Prohibits other than Trustee companies to act as Public Trustee.	Intradepartmental review completed in August 2000. The Public Trustee performs functions that benefit greatly the wider community. A number of minor non-competition issues (concerning the ambit of the Trustee's discretion) were identified for further consideration.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rabbit Destruction Act 1919	DUS			Act repealed by the Land (Planning and Environment) (Amendment) Act 1997 (No.7) and relevant provisions transferred to the Land (Planning and Environment) Act 1991.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Race and Sports Bookmaking Act 2001	DoT		Review of Bookmakers Act 1985 resulted in the new Race and Sports Bookmaking Act 2001.	<p>Act repealed and replaced the Bookmakers Act 1985. Act:</p> <ul style="list-style-type: none"> • removes the requirement for racing club approval to grant bookmakers licences; • removes racing club-specific restrictions on bookmakers licences; • allows an independent authority (the Australian Capital Territory Gambling and Racing Commission) to assess licence applications; • removes limitations on phone betting; • removes the requirement for sports bookmakers licence (or agents licence) holders to first obtain a standing bookmakers licence; • removes the limit on the number of sports bookmaking licences granted; • allows for flexibility in the location of betting office operations; and • relates the size of the betting security guarantee to the amount of risk. <p>Arrangements fully implemented except for the sports' bookmakers security guarantee. This item is expected to be finalised in 2003-04.</p>

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racecourses Act 1935	DoT		Review not required.	Act repealed and provisions incorporated in new racing legislation – the Racing Act 1999.
Racing Act 1999	DoT	Regulates thoroughbred racing, harness racing and greyhound racing conducted for the purpose of betting, and for related purposes; including restrictions on holding race meetings and setting up controlling bodies for each racing mode.	New legislation. RIS completed.	Act passed in 2000 and commenced in June 2001.
Radiation Act 1983	DHCC		See the Western Australian Radiation Safety Act 1975.	See the Western Australian Radiation Safety Act 1975.
Rates and Land Rent (Relief) Act 1970	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	
Rates and Land Tax Act 1926	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	
Rates and Land Tax Act 1986	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	
Real Property (Unit Titles) Act 1970	JACS		Review not required.	Act repealed.
Recovery of Lands Act 1929	DUS		Intradepartmental review completed. Act assessed as not restricting competition.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Registration of Births, Deaths and Marriages Act 1963	JACS		Review not required.	Act repealed.
Registration of Deeds Act 1957	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Registration of Interests in Goods Act 1990	JACS		Intradepartmental review completed in 2000. Act assessed as not restricting competition.	Act repealed by the Sale of Motor Vehicles Amendment Bill 2000.
Road Transport (Driver Licensing) Act 1999	DUS	Licensing, entry requirements (accreditation: skills, completed training course, aged at least 21 years, suitable person, medically fit), the reservation of practice, and business conduct (vehicle requirements unless vehicle provided by person under instruction, display certificate).	New legislation introduced to meet national reform requirements.	Road Transport (Driver Licensing) Regulations 2000 introduced to meet national reform requirements
Road Transport (General) Act 1999	DUS	Mandatory insurance, licensing of insurers, setting fees, and implementing National Road Transport Commission Agreements.	Review not required. Legislation allows the Government to approve multiple insurers.	
Road Transport (Public Passenger Services) Act 2001	DUS		RIS completed.	Act provides for the accreditation of bus operators and allows the Government to enter into contracts to provide regular public passenger transport services in the ACT. Act also provides for accreditation of taxi networks and taxi operators.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Roads and Public Places Act 1937	DUS		Targeted public review, in conjunction with the Litter Act 1977, completed in 2000. Final report concluded that in terms of the requirements under NCP guidelines the Act does restrict business to some extent in terms of the areas available for commercial activity and through its advertising restrictions. The public protection and safety benefits of the Act outweigh these impacts on competition.	The Government accepted the review recommendations. The Roads and Public Places Act 1937 is being reviewed in 2003 for administrative reasons.
Roman Catholic Church Property Trust Act 1937	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	Act retained without reform.
Sale of Goods (Vienna Convention) Act 1987	JACS	Act assessed as not restricting competition.		
Sale of Goods Act 1954	JACS	Imposes conduct requirements inconsistent with the Commonwealth TPA.	Intradepartmental review completed in July 2000. Minor amendments identified.	Amended by the Fair Trading Amendment Act 2001.
Sale of Motor Vehicles Act 1977	JACS	Registration and business conduct of motor vehicle dealers.	Intradepartmental review completed in 2001. Review found a strong public interest case for retaining the regulatory regime, given the risk of the motor vehicle market being used by criminals to pass on stolen goods. Review recommended amending the Act to remove archaic provisions.	The Government implemented the review recommendations through the Justice and Community Safety Legislation Amendment Act 2001.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Salvation Army Property Trust Act 1934	JACS		Intradepartmental review completed in 1999. Minor issues. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	Act retained without reform.
Scaffolding and Lifts Act 1957	CMD		Review, in conjunction with the Occupational Health and Safety Act 1989, completed.	Act repealed by the Occupational Health and Safety (Amendment) Act 1997.
Scaffolding and Lifts Act, 1912-1948 (New South Wales) in its application in the Territory	CMD		Review, in conjunction with the Occupational Health and Safety Act 1989, completed.	Act repealed by the Occupational Health and Safety (Amendment) Act 1997.
Second-hand Dealers and Collectors Act 1906 (New South Wales) in its application in the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice (persons who deal in certain second-hand goods), and business conduct (prescribed records, holding of goods for prescribed period, cooperation with police).	Departmental review completed in 2000. Review recommended: updating definition of second-hand goods; altering business conduct requirements to take into account new technology; and repealing a number of the business rules in the legislation and repealing provisions dealing with the licensing and regulation of collectors.	The Government accepted the review recommendations. Amendments passed by Assembly in the Justice and Community Safety Legislation Amendment Act (No. 2) 2001.
Sexually Transmitted Diseases Act 1956	DHCC		Review completed in 2002.	Act to be retained on public health grounds.
Skin Penetration Procedures Act 1994	DHCC		Review not required.	Act repealed.
Small Claims Act 1974	JACS		Review not required.	Act repealed.
Smoke-free Areas (Enclosed Public Places) Act 1994	DHCC	Prohibits or restricts smoking in enclosed public places.	Review completed in June 2002. Review recommended maintaining restrictions on public interest (public health) grounds.	Act retained without reform.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stamp Duties and Taxes Act 1987	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	
Standard Time and Summer Time Act 1972	CMD	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Stock Act 1991	DUS	The Government determines stock carrying capacity for rural leases (which affects the level of the stock levy imposed). Restricts the movement of stock.	Review, in conjunction with the Animal Diseases Act 1993 and the Pounds Act 1928, completed. Review found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Subordinate Laws Act 1989	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Substitute Parent Agreements Act 1994	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on public benefit test.
Supervision of Offenders (Community Service Orders) Act 1985	JACS	Act assessed as not restricting competition.	Review not required.	
Supreme Court Act 1933	JACS	Act assessed as not restricting competition.	Review not required.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Surveyors Act 1967	DUS	Licensing, entry restrictions (educational prerequisites), the reservation of title and practice, and ability of board (made up of mostly surveyors) to make regulations and undertake disciplinary processes.	Review completed in December 1998. Review recommendations included retaining registration, having less rigorous entry standards and abolishing the board in favour of powers of a Chief Surveyor.	The Government accepted all the review recommendations but deferred considering removing compulsory postgraduate entry requirements until all jurisdictions have completed their reviews of surveyor's legislation. The new Act gives powers to a Commissioner for Surveys, (not a Chief Surveyor). A new Surveyors Act 2001 passed in February 2001 and commenced on 26 July 2001.
Tenancy Tribunal Act 1994	JACS		Review not required.	Act repealed by the Leases (Commercial and Retail) Act 2001.
Territory Owned Corporations Act 1990	DoT	Potential (marginal) restrictions on competition in section 18.	Targeted public review completed in 1998. Act assessed as not restricting competition.	
Theatres and Public Halls Act 1928	CMD		Review completed in 1998.	Act repealed in March 2001.
Tobacco Act 1927	DHCC		Review in conjunction with the Smoke Free Areas (Enclosed Public Places) Act 1994 completed in June 2002. Review recommended maintaining restrictions on public interest (public health) grounds.	Act retained without reform.
Tobacco Products (Health Warnings) Act 1986	DHCC	Restrictions on competition throughout Act.	Targeted public review completed. Review report redrafted to take account of 1999 amendments to the Act.	Act to be repealed.
Trade Measurement (Administration) Act 1991	JACS	Act assessed as not restricting competition.	Review not required.	

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Measurement Act 1991	JACS		National review completed.	Act accepted and adopted recommendations of national review in 2002.
Trading Hours Act 1962	CMD		Intradepartmental review completed.	Legislation repealed.
Trading Stamps Act 1972	JACS	Act assessed as not restricting competition.	Review not required.	
Transplantation and Anatomy Act 1978	DHCC	Restrictions on trading in human tissue.	Review completed in 2002.	Act to be retained on public interest (maintaining medical ethical standards) grounds.
Trans-Tasman Mutual Recognition Act 1997	CMD		National review completed in 1998.	The Government is considering the review recommendations.
Trespass on Territory Land Act 1932	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Trustee Act 1957	JACS	Minor issues.	Intradepartmental review completed in 1999.	Anticompetitive provisions repealed. Repeal of listed investments in Trustee (Amendment) Bill 1999 to allow a trustee to invest in any form of investment. However, it also requires the trustee to exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.
Trustee Companies Act 1947	JACS	No competitive restrictions	National review ongoing.	Act to be repealed by proposed uniform trustee companies legislation drafted for consideration by the Standing Committee of Attorneys-General (SCAG).

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tuberculosis Act 1950	DHCC		Review completed in 2002.	Act to be retained on public interest (public health) grounds.
Unclaimed Moneys Act 1950	JACS	Act assessed as not restricting competition.	Review not required.	
Uncollected Goods Act 1996	JACS	Act assessed as not restricting competition.	Review not required.	
Unit Titles Act 1970	DUS	Act assessed as not restricting competition.	Review completed in 2000. Act has been the subject of a major non-NCP review. There are no identified restrictions on competition.	Replacement legislation passed in April 2001 and commenced on 6 October 2001. See the Unit Titles Act 2000.
Uniting Church in Australia Act 1977	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	Act retained without reform.
University of Canberra Act	DEYFS	Act assessed as not restricting competition.	Review not required.	
Unlawful Games Act 1984	DoT		Targeted public review completed as part of the gambling legislation review. This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.	NCP review did not make any recommendations in relation to this Act, and consequently there is no Government response expected.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Utilities Act 2000	DUS		Introduction of the Act followed public consultation and review of both existing regulatory arrangements and principles for effective regulation.	Act implemented. The Act amends or repeals a number of other electricity-related Acts including the Electricity Supply Act 1997, the Electricity Act 1971, the Energy and Water Act 1988 and the Essential Services (Continuity of Supply) Act 1992.
Veterinary Surgeons Act 1965	DHCC	Licensing of veterinary surgeons, reservation of practices and reservation of title.	Review was completed in March 2001. Review recommended: <ul style="list-style-type: none"> retaining registration, reservation of title and clear conduct standards; and removing the general reservation of practice. 	The Government expects to amend the legislation in 2003. See reform activity for the Medical Practitioners Act 1930.
Vocational Education and Training Act 1995	DEYFS	Registration of training providers and accreditation of training providers.	Intradepartmental review completed. Concluded that public benefit of restrictions outweigh costs.	Act retained without reform. Amendments proposed to meet national consistency requirements for registration of training organisation and accreditation of courses in both vocational education and training and higher education will be introduced in the 2003 autumn session of the Legislative Assembly.
Witness Protection Act 1996	JACS	Act assessed as not restricting competition.	Review not required.	
Workers' Compensation Act 1951	CMD	Mandatory insurance, and licensing of insurers.	Review completed in July 2000. Review recommended changes to scheme design elements and a greater capacity to self-insure.	Draft exposure Bill released in December 2000. The Workers Compensation (Amendment) Act 2001 passed in August 2001 (effective from 1 July 2002). It retained no premium setting, and choice of fund.

ACT 2003 3rd Tranche Progress Report

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workers' Compensation Supplementation Fund Act 1980	CMD	Act assessed as not restricting competition.	Review not required.	Act retained without reform.