



**National Competition Policy**

**SECOND TRANCHE ASSESSMENT REPORT**

**Volume II  
Progress and Outcomes  
of Legislation Reviews**

**March 1999**

## VOLUME II

<b>Contents</b>	<b>Page</b>
<b>Legislation Reviews</b>	
- Legislation reviews completed and responses announced	2
- Completed reviews, where the Government response is still under consideration	36
- Reviews that have commenced but are not yet completed	46
- Reviews that are expected to be delayed	50
- Reviews that have been removed from the timetable	57
- New legislation that restricts competition	63

No.	Legislation	Portfolio
1	<ul style="list-style-type: none"> <li>• Accident Compensation (WorkCover Insurance) Act 1993</li> <li>• Accident Compensation Act 1985</li> <li>• Accident Compensation Regulations 1990</li> </ul>	Finance
2	Associations Incorporation Act 1981	Fair Trading
3	Audit Act 1994 Parts 1,2 and 6 (Part 7 is repealed) (the Act is otherwise administered by the Minister for Finance)}	Premier
4	Australian Grand Prix Act 1994	Tourism
5	Barley Marketing Act 1993	Agriculture & Resources
6	Chiropractors & Osteopaths Act 1978	Health
7	Chiropodists Act 1968	Health
8	<ul style="list-style-type: none"> <li>• Guidelines for educational services to International Students under s.85 of the Vocational Education &amp; Training Act 1990.</li> <li>• Governor in Council declarations under s.49 &amp; State Training Board determination of training schemes under s.50, of the Vocation Education &amp; Training Act 1990.</li> <li>• Ministerial direction on fees &amp; charges under Adult, Community &amp; Further Education Act 1991.</li> <li>• Ministerial direction on fees &amp; changes 1994 under the Vocational Education &amp; Training Act 1990.</li> <li>• Private Provider Guidelines under s.81 of the Vocational Education &amp; Training Act 1990.</li> <li>• Adult, Community &amp; Further Education Act 1991 to establish Adult Community Further Education Board, Regional Councils &amp; make provision with respect to Adult, Community &amp; Further Education</li> <li>• Tertiary Education Act 1993 to provide for promotion, development &amp; co-ordination of post-secondary education in Victoria.</li> <li>• Vocational Education &amp; Training Act 1990 establishment of State Training Board, TAFE college, Industry Training Boards, accreditation of vocational &amp; training courses by TAFE institutions.</li> </ul>	Education
9	Finance Brokers Act 1969	Fair Trading
10	<ul style="list-style-type: none"> <li>• Liquor Control Act 1987</li> <li>• Liquor Control Prescribed Substances Regulations 1997</li> </ul>	Small Business
11	Motor Car Traders Act 1986	Fair Trading
12	Optometrists Registration Act 1958	Health
13	Physiotherapists Registration Act 1978	Health
14	Psychologists Registration Act 1987	Health
15	Prevention of Cruelty to Animals Act 1986	Agriculture & Resources
16	Petroleum Act 1958	Agriculture & Resources
17	<ul style="list-style-type: none"> <li>• Residential Tenancies Act 1980</li> <li>• Rooming House Act 1990</li> <li>• Caravan Parks and Moveable Dwellings Act 1988</li> </ul>	Housing

No.	Legislation	Portfolio
	<ul style="list-style-type: none"> <li>• <b>Rooming Houses Act 1990</b></li> <li>• <b>then draft Residential Tenancies Bill</b></li> </ul>	
18	<b>Road Safety Act 1986</b>	Roads and Ports
19	<b>Second-hand Dealers and Pawnbrokers Act 1989</b>	Fair Trading
20	<ul style="list-style-type: none"> <li>• <b>State Trustees (State Owned Company) Act 1994</b></li> <li>• <b>Accident Compensation Act (1985) Division 7 of Part 4</b></li> </ul>	Treasurer, Attorney-General
21	<b>Transport Accident Act 1986</b>	Treasurer

Details on these completed and announced reviews follow.

Legislation:	<ul style="list-style-type: none"> <li>• <b>Accident Compensation (WorkCover Insurance) Act 1993</b></li> <li>• <b>Accident Compensation Act 1985,</b></li> <li>• <b>Accident Compensation Regulations 1990</b></li> </ul>	Portfolio:	Finance
Reviewer:	In-House (Department of Treasury & Finance)	Date review completed:	January 1998
Consultation:	Release of issues paper and call for submissions	Date response released:	October 1998

No.	Review Recommendations	Government Response	Implementation
1	The Victorian WorkCover Authority (VWA) cease to be a provider of reinsurance and all underwriting risks be borne by private insurers.	Not accepted.	-
2	Premium setting should be more decentralised with insurers competing, at a minimum, on the basis of administrative costs and services such as risk and injury management.	Not accepted.	-
3	All premium funds be owned and managed by insurers.	Not accepted.	-
4	Insurers, underwriters and self-insurers be licensed by an independent regulator subject to satisfying “appropriate” prudential requirements.	Not accepted.	-
5	Current approval criteria for occupation providers be removed.	Not accepted - however the approval criteria will be reviewed to promote more competition between providers.	By VWA
6	The quality of service delivery by insurers, self-insurers and occupational rehabilitation providers be monitored by the regulator with a focus on outcomes.	Accepted - VWA will monitor service provision outcomes and will use its ability to approve insurers, self-insurers and service providers to affect behaviour.	By VWA.
7	The regulator facilitate the collection and dissemination of information with minimal burden on insurers and other parties.	Accepted - VWA will continue to collect and disseminate claims information and use it to analyse and improve performance by insurers, self-insurers and service providers.	By VWA.
8	<p>The Government undertake an industry review prior to implementation. This will be consistent with clause 4 of the Competition Principles Agreement regarding “Structural Reform of Public Monopolies”. Inter alia this should consider:</p> <ul style="list-style-type: none"> <li>· the appropriate commercial incentives for participants;</li> <li>· the most effective means for separating policy regulatory and commercial functions; and</li> <li>· the need for, and form of, price and service regulations.</li> </ul> <p>These principles for the “Structural Reform of Public Monopolies” have been applied</p>	Not accepted.	-

No.	Review Recommendations	Government Response	Implementation
	successfully in the electricity and gas industries.		

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Public underwriting, centralised premium setting and funds management.	<p><i>See Volume 1 for more detail.</i></p> <ul style="list-style-type: none"> <li>The Government’s assessment is that the remaining restrictions on competition represent a lesser cost to the community as a whole than the benefits that are outlined above. The low and stable premium is clear and observable and represents benefits to employers and injured workers that the community rates very highly. The lack of competition in underwriting and the lack of consumer choice are a cost whose value cannot be readily measured. However over the period 1993-94 to 1996-97 workers’ compensation costs in Victoria as a percentage of total labour costs fell by 19% while the national average increased by 11%. At the same time benefits in the Victorian scheme are at least comparable or better than the other States, some of which are privately underwritten. The costs of restricting competition are therefore judged to be less than the benefits that are provided by the existing arrangements.</li> <li>The problems of adverse selection, the volatility in private insurance premiums and the inability of private insurers to capture the benefits of investment in accident prevention and long term rehabilitation, mean that the objectives of the legislation can only be achieved by restricting competition. Achievement of the objectives could be pursued through a system of competing private insurance companies which would require heavy handed regulation that imposes high compliance costs, which could result in increases in overall premiums. This approach would also involve substantial transition costs. The Government believes that there is a significant risk that the costs of such regulation would lead to an overall welfare loss rather than a gain.</li> <li>The Government intends to carefully monitor reforms in other jurisdictions. Any experience that demonstrates scope for improvements will be analysed for possible incorporation in Victoria’s public monopoly workplace accident compensation scheme.</li> </ul>
2	Conditions on applicants to be approved as authorised insurers.	Necessary to support first restriction.
3	Type of firms permitted to self-insure.	Necessary to support first restriction.
4	Conditions on approval of occupational rehabilitation providers.	In the absence of independent accreditation of these providers approval conditions set by the VWA are necessary to ensure cost-effectiveness and quality of return-to-work services.

Legislation:	<b>Associations Incorporation Act 1981</b>	Portfolio:	Fair Trading
Reviewer:	In-House (Office of Fair Trading & Business Affairs)	Date review completed:	May 1998
Consultation:	None	Date response released:	Via passage of legislation in Spring 1998.

No.	Review Recommendations	Government Response	Implementation
1	Remove restriction on contestability of the administrative function(s) of Registrar.	Accepted	Associations Incorporation (Amendment) Act 1997

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	None.	-

Legislation:	<b>Audit Act 1994 Parts 1,2 and 6 (Part 7 is repealed) (the Act is otherwise administered by the Minister for Finance)}</b>	Portfolio:	Premier
Reviewer:	Panel	Date review completed:	1997
Consultation:	Public notice, Issues paper, Submissions, targeted consultation	Date response released:	1997

No.	Review Recommendations	Government Response	Implementation
1	Make public sector audits contestable	Accepted	Amendments to the Audit Act passed in 1997.
2	Separate the purchaser (Auditor General) from the public sector provider (Audit Victoria) to support competition for public sector audits	Accepted	as above

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	None	-



Legislation:	<b>Australian Grand Prix Act 1994</b>	Portfolio:	Tourism
Reviewer:	In House	Date review completed:	1997
Consultation:	Targeted internal consultation	Date response released:	1997

No.	Review Recommendations	Government Response	Implementation
1	The review concluded that the Act did not contain any restrictions on competition. Accordingly, no options for reform of the Act were recommended.	Accept	None required

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	None	-

Legislation:	<b>Barley Marketing Act 1993</b>	Portfolio:	Agriculture & Resources
Reviewer:	Consultant (Centre for International Economics)	Date review completed:	November 1997
Consultation:	Release of issues paper and call for submissions, targeted interviews	Date response released:	Completed in November 1998

No.	Review Recommendations	Government Response	Implementation
1	That the domestic market for feed barley in South Australia and Victoria be formally deregulated. This can be achieved by abolishing the current permit system and exempting, in a regulation, feed barley destined for the domestic trade.	Accepted.	Individual permits no longer required from July 1998.
2	That the domestic market for malting barley in Victoria and South Australia be deregulated. This can be achieved by removing the current requirements for maltsters and processors to have deeds of arrangements with the ABB and the need for licences for purchases of malting barley other than from the ABB. As for feed barley, malting barley for domestic sale can be exempted in a regulation from the current provisions to compulsorily deliver barley to the ABB.	Accepted.	An Amendment Bill was introduced and Second Read in the Victorian Parliament during the Spring 1998 Sittings. It will remove the domestic malting barley single desk from July 1999.
3	That the ABB retains its single desk for export barley sales for the shortest practicable transition period.	Accepted.	The above amendment Bill will remove the single export desk from July 2001.
4	That the oats market in South Australia be deregulated by removing oats from a new barley marketing act in South Australia.	Not applicable to Victoria.	-

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	The barley single export desk of the ABB will be retained until 30 June 2001.	The transition period was considered necessary in order to allow a fully commercial approach to marketing to be developed and to protect the current value of the Australian Barley Board (total net assets of \$37.9 million as at 30 June 1998).

Legislation:	<b>Chiropractors &amp; Osteopaths Act 1978</b>	Portfolio:	Health
Reviewer:	In House (Panel)	Date review completed:	1996
Consultation:	Discussion paper, Public consultation, Submissions received and further targeted consultation prior to report	Date response released:	1996

No.	Review Recommendations	Government Response	Implementation
1	Restrictions on commercial practice that exceed that necessary for the protection of public safety should be removed	Accepted	Act replaced by Chiropractors Registration Act 1996 and Osteopaths Registration Act 1996 (proclaimed on 1 July 1997)
2	Retain restrictions on use of title	Accepted	As above
3	Retain restrictions on advertising (fair and accurate)	Accepted	As above

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Use of title	Benefits of consumers information more than offset limited costs
2	Advertising (fair and accurate)	Limited restrictions on advertising should ensure an informed market. Provision mainly gives powers to the Board to investigate advertising.

Legislation:	<b>Chiropodists Act 1968</b>	Portfolio:	Health
Reviewer:	In-House (Panel)	Date review completed:	1998
Consultation:	Discussion paper, public consultation	Date response released:	1998

No.	Review Recommendations	Government Response	Implementation
1	Remove restrictions on types of work	Accepted.	Via the <i>Podiatrists Registration Act</i> 1997 proclaimed on 1 July 1998.
2	Retain restriction on use of title	Accepted	as above
3	Retain restrictions on advertising (limited to fair and accurate)	Accepted	as above

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Use of title	Benefits of consumers information more than offset limited costs.
2	Restrictions on advertising (limited to fair and accurate)	Limited restrictions on advertising should ensure an informed market. Provision mainly gives powers to the Board to investigate advertising.

<p>Legislation:</p>	<ul style="list-style-type: none"> <li>• <b>Guidelines for educational services to International Students under s.85 of the Vocational Education &amp; Training Act 1990.</b></li> <li>• <b>Governor in Council declarations under s.49 &amp; State Training Board determination of training schemes under s.50, of the Vocation Education &amp; Training Act 1990.</b></li> <li>• <b>Ministerial direction on fees &amp; charges under Adult, Community &amp; Further Education Act 1991.</b></li> <li>• <b>Ministerial direction on fees &amp; changes 1994 under the Vocational Education &amp; Training Act 1990.</b></li> <li>• <b>Private Provider Guidelines under s.81 of the Vocational Education &amp; Training Act 1990.</b></li> <li>• <b>Adult, Community &amp; Further Education Act 1991 to establish Adult Community Further Education Board, Regional Councils &amp; make provision with respect to Adult, Community &amp; Further Education</b></li> <li>• <b>Tertiary Education Act 1993 to provide for promotion, development &amp; co-ordination of post-secondary education in Victoria.</b></li> <li>• <b>Vocational Education &amp; Training Act 1990 establishment of State Training Board, TAFE college, Industry Training Boards, accreditation of vocational &amp; training courses by TAFE institutions.</b></li> </ul>	<p>Portfolio:</p>	<p>Education; Tertiary Education &amp; Training</p>
<p>Reviewer:</p>	<p>Departments of Education, Treasury &amp; Finance, Premier &amp; Cabinet</p>	<p>Date review completed:</p>	<p>January 1998</p>
<p>Consultation:</p>	<p>Advice of the review was given to and comment sought from the following organisations:</p> <ul style="list-style-type: none"> <li>• Australian Chamber of Manufacturers</li> <li>• Victorian Employers' Chamber of Commerce and Industry</li> <li>• Association of Directors of Victorian TAFE Institutes</li> <li>• Australian Council of Private Education and Training</li> <li>• Victorian Students and Apprentices Network</li> <li>• Victorian Universities</li> <li>• Adult and Community Education Victoria</li> <li>• Association of Neighbourhood Houses and Learning Centres</li> </ul>	<p>Date response released:</p>	<p>January 1998</p>

No.	Review Recommendations	Government Response	Implementation
1	Retain the current system of setting fees and charges by Ministerial Direction	Accepted	-
2	Retain registration of private providers.	Accepted	-
3	Retain prohibition on institutions other than recognised universities or approved institutions offering higher education awards	Accepted	-
4	Other restrictions recommended to be removed, namely: <ul style="list-style-type: none"> <li>• removing the requirement that ‘the demand for skills provided by the course be considered by the State Training Board when considering an application for registration’</li> <li>• removing the requirement that registered providers also require approval to deliver courses</li> <li>• confirming the system of approved training agents so as to give registered providers the option to seek the power to self-accredit courses</li> <li>• giving registered providers the option to seek endorsement to deliver courses to overseas students as part of their registration, subject to agreement with the Commonwealth Government</li> <li>• reforming apprenticeship and traineeship arrangements with respect to institutions applying for approval to deliver and authority to conduct individual courses leading to higher education awards, removing the requirement that applicants demonstrate the ‘the need in Victoria for the course of study’</li> </ul>	Accepted	Legislation amended in Spring 1997 sittings through the Vocational Education and Training (Training Framework) Act 1997 passed - the reform of legislation proceeded in consonance with the review which enabled the Government to anticipate its recommendations

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Current system of setting fees and charges by Ministerial Direction	Ensures equitable access to vocational education and training and enables government to determine training mix and provision of training places.
2	Compulsory registration of private providers	Benefits students by lowering transaction costs and protecting Victoria’s participation in the national system of recognised qualifications. Benefits taxpayers by ensuring public monies are directed only to appropriate institutions.
3	Prohibition on institutions other than recognised universities or approved institutions offering higher education awards	Benefits students by ensuring minimum course standards and comparability with similar qualifications issued by other recognised universities.

Legislation:	<b>Finance Brokers Act 1969</b>	Portfolio:	Fair Trading
Reviewer:	In-House (Office of Fair Trading & Business Affairs)	Date review completed:	Early 1998
Consultation:	None	Date response released:	Via legislation passed in Spring 1998

No.	Review Recommendations	Government Response	Implementation
1	Licensing of finance brokers and finance brokers' agents be discontinued.	Accepted.	Consumer Credit (Finance Brokers) Act 1998 which repealed the Finance Brokers Act 1969
2	Capping of finance brokers' commissions be discontinued.	Accepted.	See above.
3	Restrictions as to the circumstances in which fees may be charged be retained, subject to recommendations 4 and 5 below.	Accepted.	See above.
4	Brokers be permitted to give notice that a termination fee will be payable should the client withdraw from the broking agreement.	Accepted.	See above.
5	Provision be made for the loan terms in the document of appointment, the securing of which determines the broker's entitlement to a fee, to be varied by consent.	Accepted.	See above.
6	Brokers not be permitted to accept payment of third party charges in cash or in any form which can be converted to cash by the broker.	Accepted.	See above.
7	The provisions necessary to satisfy recommendations 3-6 above be housed in the proposed new Fair Trading Act, and the Finance Brokers Act 1969 be repealed.	Act repealed and necessary provisions included in the Consumer Credit (Finance Brokers) Act 1998	See above.

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Negative licensing of brokers	The costs to individuals (other than those few disqualified from trading due to relevant offences etc) are very small, and numbers in the industry will be little affected. The benefits are preventive. The regulation will effectively combat dishonest operations whereby less sophisticated would-be borrowers are persuaded to make payments for sham services or are manoeuvred into accepting loans on unsuitable terms. While not quantifiable, it is reasonable to conclude that the benefits outweigh the costs. There is presently no potential for self-regulation. While the problem is largely one of information, it would be very difficult and costly to reach and influence the behaviour of at-risk consumers at the critical time.
2	Documentation of terms of finance sought required	See above.
3	Up-front fees prohibited	See above.
4	Taking of third-party fees in cash prohibited	See above.

Legislation:	<b>Liquor Control Act 1987, Liquor Control Prescribed Substances Regulations 1997</b>	Portfolio:	Small Business
Reviewer:	Semi Public (Panel)	Date review completed:	1998
Consultation:	Issues Paper, Discussion Paper, submissions, public consultation, targeted consultation and meetings with industry, community and government groups	Date response released:	1998

No.	Review Recommendations	Government Response	Implementation
1	<p>Harm minimisation should be the principal purpose of the Act. The objects of the Act should be:</p> <ul style="list-style-type: none"> <li>- to encourage responsible attitudes towards the promotion, sale, supply, consumption and use of liquor, to develop and implement principles directed towards that end and minimise the harm associated with the consumption of liquor;</li> <li>- to ensure as far as practicable that the sale and supply of liquor contributes to, and does not detract from, the amenity of community life;</li> <li>- the facilitation of the development of a diversity of styles of licensed premises and related services; and</li> <li>- to regulate, and to contribute to the responsible development of the liquor, hospitality, tourist and related industries in the State.</li> </ul>	Accepted	Implemented through Liquor Control Reform Act 1998
2	<p>The type and number of licence categories should be modified to provide for:</p> <ul style="list-style-type: none"> <li>▪ an on-premises licence;</li> <li>▪ an off-premises licence;</li> <li>▪ an on and off-premises licence;</li> <li>▪ a club licence;</li> <li>▪ a pre-retail licence;</li> <li>▪ a vigneron’s licence; and</li> <li>▪ a limited licence</li> </ul> <p>The existing general (class 2) licence should be absorbed within the on-premises licence type, the existing residential licence should be absorbed within the on-premises or the on and off premises licence type depending upon individual requirements and the restricted club permit should be absorbed into the limited licence category.</p> <p>The existing provisions in respect of a vigneron’s licence should be maintained except that the current provisions requiring that wine produced pursuant to a vigneron’s licence must be at least 70% from fruit “grown or pressed” by the licensee should be replaced by the requirement that such fruit must be “grown or fermented” by the licensee.</p>	<p>The recommendation of the Review Panel is accepted except that:</p> <ul style="list-style-type: none"> <li>• for ease of recognition and continuity, the term “packaged liquor licence” will be maintained rather than the proposed “off-premises”, and the term “general licence” will be maintained rather than the proposed “on and off premises” licence;</li> <li>• the restricted club permit will be maintained to facilitate expansion of smaller clubs and migration to a full club licence (the cost and renewal period for</li> </ul>	See above



No.	Review Recommendations	Government Response	Implementation
		<p>such permits will be reviewed to facilitate their operation).</p> <p>The Review Panel further recommended that BYO be as of right for unlicensed restaurants and clubs. This recommendation is not accepted - see recommendation 27.</p>	
3	All liquor sellers should be licensed.	Accepted	See above
4	All licence conditions should be prominently displayed in licensed premises.	Accepted	See above
5	The current prohibitions on the licensing of petrol stations, convenience stores, mixed businesses and drive-in cinemas should remain.	Accepted	See above
6	Restrictions on the sale or supply of liquor to persons under 18 years of age should remain.	Accepted	See above
7	Restrictions that prohibit the presence of minors on licensed premises (for example, restaurants, cafes, packaged liquor outlets and similar) should be removed, except for bar areas in premises with on-licences or on and off-licences (for example, hotels, nightclubs and similar).	Accepted	See above
8	Persons under 18 years of age should continue to be prohibited from selling liquor.	Accepted	See above
9	Licence applicants should continue to be subject to suitable person criteria and that they have an adequate knowledge of the Act.	Accepted	See above
10	All licensed premises having residents and guests should be permitted to sell liquor to them at any time.	Accepted	See above
11	There should be no restrictions on the trading hours of licensees whose licences do not allow them to sell to the public ie. wholesalers.	Accepted	See above
12	The restrictions on the sale or supply of liquor to intoxicated person should remain.	Accepted	See above
13	The restriction that no licensee or associates can hold more than 8% of packaged liquor or general licenses should be removed.	The recommendation of the Review Panel is accepted in respect of abolition of the 8% limit on general licences, but not accepted in respect of packaged liquor licences.	See above
14	The “primary purpose” requirement of licence types should be removed.	Accepted	See above
15	Packaged liquor sales in supermarkets, whilst separately stored and displayed on licensed area, should be able to be transacted through normal checkouts, provided the check-out attendant is at least 18 years of age.	Accepted	See above

No.	Review Recommendations	Government Response	Implementation
16	The licensing of “Bed and Breakfast” should be significantly simplified.	Accepted	See above
17	The “needs” criteria in assessing licence applications should be removed.	Accepted	See above
18	<p>Objections to licence applications on community interest grounds should be subject to:</p> <ul style="list-style-type: none"> <li>• only affected persons may object;</li> <li>• an objection must state the reason for the objection and how the objector is affected; and</li> <li>• an objection considered to have been made for the commercial advantage of objector may be rejected.</li> </ul> <p>Any matters that have or could be raised in relation to land planning approval should be excluded from liquor licensing consideration. Consideration of community interest in liquor licensing applications should not include local amenity planning issues.</p>	Accepted	See above
19	Contemporaneous processing and determining of planning permit and liquor licence applications should occur where possible	Accepted	See above
20	A poll should be taken of “dry area” residents to assess whether they support modification or retention of the existing provisions.	Accepted	See above
21	The requirement for approval for the sub-letting of food services by licensee should be removed.	Accepted	See above
22	The restriction that restaurant licensees may only sell liquor without a meal in up to 25% of the licensed area should be removed.	Accepted	See above
23	The prohibition on lodging a further application in respect of a refused matter within 12 months should be removed.	Accepted	See above
24	Schedule 1 of the Act in respect of the mandatory provisions of club rules should be simplified and revised to ensure that all requirements are relevant and written in plain English. Schedule 1 should be incorporated into the constitutions of all clubs to ensure that this occurs. Whilst not anti-competitive, the Review notes that club provisions are quite burdensome. Requirements for forwarding amendments to club rules to the licensing authority are unnecessary and should be removed. New clubs should present their constitutions as part of their application for a licence.	Accepted	See above
25	Initial licence decision-making should be made administratively without a hearing, with a right of appeal to a review tribunal.	Accepted	See above
26	Common “ordinary hours” should apply to all licence types, and that “ordinary hours” be increased to 7 am to 1 am the day following, except in respect of Anzac Day and Good Friday when “ordinary hours” of 12 noon to 1 am the day following should apply.	The recommendation of the Review Panel was rejected. Regard was had to community concerns regarding amenity, effective enforcement and misuse and abuse of alcohol in rejecting the recommendation.	Not Applicable
27	Unlicensed restaurants and clubs should be able to offer BYO without the requirement	The recommendation of the	Not applicable

No.	Review Recommendations	Government Response	Implementation
	for a BYO permit.	Review Panel was rejected. Regard was had to community concerns regarding the availability of BYO liquor in a range of inappropriate businesses if no regulating regime was maintained	
28	Liquor Control Prescribed Substances Regulations 1997	Repeal	Implemented through Liquor Control Reform Act 1998

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Prohibitions on the licensing of petrol stations, convenience stores, mixed businesses and drive-in cinemas.	On this basis that youth under the age of 18 years are often attracted to, or in proximity to, convenience stores, in response to the products offered for sale. at this time the potential for increased underage access to liquor through convenience stores, if licensed, would be contrary to its underage drinking policy. Special consideration would be given if there is no alternative supply of liquor available to the community.
2	Restrictions on the sale or supply of liquor to persons under 18 years of age.	On the grounds that youth less than 18 years of age may not be sufficiently informed or mature enough to make appropriate decisions regarding alcohol-use.
3	Restrictions that the presence of minors on licensed premises for bar areas in premises with on-licences or on and off-licences (for example, hotels, nightclubs and similar).	Youth under 18 years of age are to be permitted unaccompanied in licensed restaurants. However, existing restrictions remain in respect of hotels, bars, nightclubs due to their more volatile nature.
4	Persons under 18 years of age should continue to be prohibited from selling liquor.	On the grounds that youth under 18 years of age selling liquor may be subject to peer pressure to engage in underage sales and may be not sufficiently mature to enforce liquor laws.
5	Licence applicants subject to suitable person criteria and that they have an adequate knowledge of the Act.	On the grounds that the exclusion of the criminal element from the sale of liquor is an essential element of effective control.
6	Restrictions on the sale or supply of liquor to intoxicated person.	On the grounds that sales of liquor to an intoxicated (drunken) person promote misuse and abuse of alcohol.
7	No licensee or associates can hold more than 8% of packaged liquor or general licenses	The recommendation of the Review Panel is accepted in respect of abolition of the 8% limit on general licences, but not accepted in respect of packaged liquor licences.
8	Poll should be taken of “dry area” residents to assess whether they support modification or retention of the existing provisions.	On the grounds that it is appropriate that affected residents determine the future of “dry areas” through a democratic process.
9	Retain ordinary hours	On the grounds that community concerns regarding amenity, effective enforcement and misuse and abuse of alcohol in rejecting. The concept of “ordinary hours” is maintained in order that targetted provisions may apply to problematic late night trading.
10	Requirement for a BYO permit.	On the grounds that to community concerns regarding the availability of BYO liquor in a range of inappropriate businesses if no regulating regime was maintained.

11	Liquor Control Reform (Prescribed Substance) Regulations 1999: The objective of these Regulations is to contribute to further minimise misuse and abuse of alcohol by persons under the age of 18 years by regulating the supply of food preparations that are intended for consumption in a frozen form e.g. alcoholic icy poles.	The regulations have an impact on the wholesale and retail sale of the products in question in that such sellers are required to be licensed pursuant to the Act and sales of such products may not be made to youth under 18 years of age and drunken persons. Whilst the regulations will restrict the sale of frozen alcoholic food preparations, such a restriction is warranted having regard to public intent in respect of minimising the misuse and abuse of alcohol, particularly by youth under 18 years of age.
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Legislation:	<b>Motor Car Traders Act 1986</b>	Portfolio:	Fair Trading
Reviewer:	In-House (Office of Fair Trading & Business Affairs)	Date review completed:	Early 1998
Consultation:	None	Date response released:	Via legislation passed in Spring 1998

No.	Review Recommendations	Government Response	Implementation
1	The eligibility criterion for a trader to have 'suitable premises' be replaced by a criterion that a trader have all relevant planning approvals for any premises at which the trader carries on business, or proposes to carry on business, as a motor car trader.	Accepted	Amendments made by the Tribunals and Licensing Authorities (Miscellaneous Amendment) Act 1998
2	The eligibility criterion for a trader to carry on a motor trading business 'efficiently' should be removed.	Accepted	See above
3	The potential for unwarranted claims on the Motor Car Traders' Guarantee Fund should be reduced by: <ul style="list-style-type: none"> <li>ensuring that a financier cannot claim in relation to a trader's failure to cancel a security interest where the debtor was a motor car trader;</li> <li>ensuring that a financier cannot claim where a vehicle has been repossessed from a trader's premises and sold at a loss; and</li> <li>specifying the provisions in relation to which a claim can be made for loss incurred from the failure of a trader 'to comply with [the] Act' as sections 36 (prohibition on consignment selling), 38 (prohibition on odometer tampering), 43(3) (disposal of a trade-in vehicle during the cooling-off period), s54(1) (traders' obligations with respect to warranties), and s56(2) (special conditions purporting to limit or modify warranty obligations).</li> </ul>	Accepted	See above

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Licensing of Motor Car Traders	<p>Ordinary carbuyers lack information to assess the safety, quality and reliability of motor vehicles, particularly used vehicles. This information imbalance is compounded by the complexity of the product and the fact that cars are infrequently purchased and essentially experience goods. Third party vehicle testing is costly and only a partial solution to the problem. In an unregulated market, it will be more common for traders to avoid the investment of resources necessary to meet expectations they have created in buyers in relation particular vehicles. Licensing excludes: certain people with criminal records relating to dishonesty, drug trafficking or violence; insolvents; and traders without council approved trade premises.</p> <p>The Act imposes direct costs on traders (and therefore their customers) by requiring them to pay licensing fees and to comply with various conduct requirements. It benefits the community by: reducing the potential for unfair trader conduct (including odometer tampering); improving the chances of and reducing the costs to the buyer of obtaining a safe vehicle of reasonable quality having regard to price; providing for a fund of last resort, the Motor Car Traders Guarantee Fund, which compensates for losses incurred as a result of specified trader misconduct. The Act's</p>

No.	Restrictions on Competition Remaining	Competition Policy Justification
		<p>documentation requirements also make it harder for the trade to be used as a conduit for the disposal of stolen vehicles. While not quantifiable, it is reasonable to conclude that these benefits outweigh the costs.</p> <p>There is no potential for effective self-regulation at present, and lighter-handed regulation such as negative licensing or registration would not sufficiently reduce the threat of serious loss through trader misconduct. General law prohibiting misrepresentations, requiring services to be rendered with due care and skill, and requiring goods sold to be of merchantable quality, is not sufficiently clear-cut and straightforward of enforcement to constrain the types of misconduct observed in this industry. The development and continued availability of reasonably-priced commercial insurance products adequate to cover relevant consumer risks cannot be relied upon. Information strategies are already used where appropriate but are not a panacea.</p>
2	Statutory warranty on certain used cars must be honoured	See above.

Legislation:	<b>Optometrists Registration Act 1958</b>	Portfolio:	Health
Reviewer:	Panel	Date review completed:	1996
Consultation:	Targeted consultation, Invitation to make submissions	Date response released:	1996

No.	Review Recommendations	Government Response	Implementation
1	Retain restriction on use of title (“optometrist”)	Accepted	Act replaced by Optometrists Registration Act 1996 proclaimed on 1 July 1997.
2	Extend restriction rights to prescribe glasses to orthoptists (on referral from an optometrist or ophthalmologist)	Accepted	As above
3	Extend prescribing rights to scheduled drugs to optometrists.	Accepted	As above
4	Retain restrictions on Advertising (limited to fair and accurate)	Accepted	As above

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Use of title (“optometrist”)	Benefits of consumers information more than offset limited costs.
2	Types of work (prescription or referral for prescription of glasses)	Prescription by ophthalmologists and optometrists provide concurrent screening for eye pathologies.
3	Advertising (limited to fair and accurate)	Limited restrictions on advertising should ensure an informed market. Provision mainly gives powers to the Board to investigate advertising

Legislation:	<b>Physiotherapists Registration Act 1978</b>	Portfolio:	Health
Reviewer:	In-House (Panel)	Date review completed:	1998
Consultation:	Discussion paper, public consultation, submissions received, and further targeted consultation	Date response released:	1998

No.	Review Recommendations	Government Response	Implementation
1	Retain restriction on use of title	Accepted	Via the <i>Physiotherapists Registration Act 1998</i> proclaimed on 1 July 1998.
2	Retain restrictions on advertising (limited to fair and accurate)	Accepted	As above

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Use of title	Benefits of consumers information more than offset limited costs
2	Advertising (limited to fair and accurate)	Limited restrictions on advertising should ensure an informed market. Provision mainly gives powers to the Board to investigate advertising



Legislation:	<b>Psychologists Registration Act 1987</b>	Portfolio:	Health
Reviewer:	In-House (Panel)	Date review completed:	1998
Consultation:	Targeted consultation	Date response released:	Pending\June 99

No.	Review Recommendations	Government Response	Implementation
1	Restrictions on statutory registration, use of the title “psychologist”, advertising and enquires into capacity and conduct were necessary to achieve the objectives of the legislation and should be retained	Accepted	It is anticipated that a new Bill will be introduced in Autumn 1999.
2	Restrictions on specialist approvals, psychological tests and consent to use of certain titles by bodies corporate and similar entities were not necessary to achieve the objectives of the legislation. Specialist approvals were to be replaced by less restrictive provisions providing for endorsement of the register with post graduate qualifications and/or training	Accepted	As above
3	In view of the substantial inconsistencies between the PRA and more modern health practitioner registration Acts, the PRA should be repealed and a new Act introduced incorporating the above recommendations and based on the model contained in the <i>Medical Practice Act 1994</i>	Accepted	As above
4	Amendments to model provisions which received endorsement as a result of reviews of the <i>Medical Practice Act 1994</i> and <i>Nurses Act 1993</i> were to be incorporated, where appropriate, in drafting of a new Act	Accepted	As above
5	There are no practice restrictions contained in the current <i>Psychologists Registration Act 1987</i> , and none are contained in the proposal for the new Bill. The remaining restrictions are therefore those arising from the core provisions contained in the <i>Medical Practice Act</i> , as modified by the <i>Physiotherapists Registration Act 1998</i> and <i>Dental Practice Bill</i> .	Accepted	As above
4	In addition to the above recommendations, the proposal provides for: <ul style="list-style-type: none"> <li>• replacement of the current PRB with a new incorporated Board of the same name</li> <li>• the Board to appoint its own staff and administer its own funds, subject to certain limitations</li> <li>• criteria for registration which facilitate mutual recognition</li> <li>• the Board to have the power to impose conditions, limitations or restrictions on registration of a practitioner</li> <li>• the Board to have the discretionary power to require a registered practitioner to have professional indemnity insurance as a condition of registration</li> <li>• inclusion of a provision enabling individuals or those concerned with or taking part in the management of bodies corporate to be prosecuted for use of testimonials or false, misleading or deceptive advertising</li> </ul>	Accepted	As above

	<ul style="list-style-type: none"> <li>inclusion of model provisions relating to disciplinary inquiries, including informal hearings and open formal hearings</li> <li>the Board to notify complainants of action taken with respect to complaints.</li> </ul>		
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No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Use of title	Benefits of consumers information more than offset limited costs
2	Advertising (limited to fair and accurate)	Limited restrictions on advertising should ensure an informed market. Provision mainly gives powers to the Dental Board to investigate advertising

Legislation:	<b>Prevention of Cruelty to Animals Act 1986</b>	Portfolio:	Agriculture & Resources
Reviewer:	Consultant (KPMG)	Date review completed:	November 1997
Consultation:	Release of issues paper and call for submissions, targeted interviews	Date response released:	September 1998

No.	Review Recommendations	Government Response	Implementation
1	Retain requirement for a registered veterinarian to be present at rodeos.	Accepted	-
2	Retain requirement that a registered veterinarian inspect animals and remain on stand-by at rodeo schools.	Accepted	-
3	Remove requirement that an Australian Professional Rodeo Association (APRA) stock contractor supply animals to rodeos and rodeo schools. Stock contractors are to be any stock contractors subject to the introduction of a Code of Practice.	Accepted	Regulations to be amended in 1999. A Code of Practice is being developed and will be tabled in Parliament in Spring 1999.
4	Remove the requirement that rodeo school instructors are APRA accredited.	Accepted	See above.
5	Retain requirements on scientific establishments to adhere to minimum standards concerning animal housing, cleanliness, equipment, record keeping and reporting.	Accepted	-
6	Retain minimum space and other requirements contained in the animal farming and transport codes of practice.	Accepted	-
7	Retain requirement for minimum cage floor areas in egg production.	Accepted	-

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Requirement for a registered veterinarian to be present at rodeos.	No alternative as practitioner must be able to administer drugs and perform surgery.
2	Requirement that a registered veterinarian inspect animals and remain on stand-by at rodeo schools.	No alternative as practitioner must be able to administer drugs and perform surgery.
3	Requirements on scientific establishments to adhere to minimum standards concerning animal housing, cleanliness, equipment, record keeping and reporting.	The requirements do not impose a burden on institutions above that which they would do as a matter of course.
4	Minimum space and other requirements contained in the animal farming and transport codes of practice.	The requirements do not have a substantial effect on competition in the market for production and transport of animals. Further, they contribute to reducing the chance of foreign markets imposing trade sanctions on animal welfare grounds under the relevant WTO agreement.
5	Requirement for minimum cage floor areas in egg production.	Benefit of improved bird welfare outweighs small increase in egg prices. Previous voluntary code found to be ineffective.

Legislation:	<b>Petroleum Act 1958</b>	Portfolio:	Agriculture & Resources
Reviewer:	Consultant (KPMG)	Date review completed:	February 1997
Consultation:	Call for submissions and targeted interviews	Date response released:	March 1999

No.	Review Recommendations	Government Response	Implementation
1	Retention of Crown ownership of petroleum resources, along with the overall permit lease system for petroleum exploration and production, to be justified under NCP.	Accepted	Petroleum Act 1998 passed in Spring 1998 sitting.
2	That a number of changes be made to the legislation in order to remove obstacles to exploration and production of petroleum and to increase administrative efficiency, i.e. a longer term for exploration permits and greater certainty for persons wishing to move from an exploration permit to a production licence.	Accepted	See above.

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	<p>Crown ownership of petroleum resource with access for exploration and production restricted via permit lease system.</p> <p>Two aspects of the permit/licence system may restrict competition due to increased compliance costs for permit and licence holders. The Act requires compensation to be paid to landowners for use and damage to freehold land. The Act also provides for the imposition of conditions on permits, leases and licences with regards to safety standards and protection of the environment.</p> <p>The Act also contains provisions to vary conditions upon consolidation and transfer of titles, at the request of the title holder and otherwise at intervals of not less than 5 years. This provision recognises that the basis of project progress or development may have altered and therefore a review of the ground rules is appropriate both in terms of orderly development and public benefit.</p>	<p>The permit/licence system enhances security of tenure for potential investors without compromising safety and environmental considerations. The allocation process by which tenure is secured will almost exclusively be by a tender process that affords maximum opportunity for participation and hence enhances contestability for petroleum rights.</p> <p>The benefits to the community from the restrictions contained in the proposal will flow from the orderly development of valuable petroleum resources with due regard to public safety and environmental protection. The proposed legislation ensures that petroleum exploration and extraction activities are carried out with minimal effects on the environment and, as the value of recovery of petroleum is very high, that such recovery represents optimal land use without impacting substantially on other land uses. There is also provision for land to be readily returned to some alternate land use upon completion of petroleum activities.</p> <p>Costs to explorers or producers of petroleum arising from restrictions contained in the proposal will arise primarily through complying with requirements for safety and environmental protection, compensation to owners of land and the payment of royalties. Such costs are considered essential in deriving optimal community benefit and to achieve the objectives of the proposal.</p> <p>The costs of any restrictions contained in the proposal are considered to be outweighed in terms of returns to the operator and benefits to the community as a whole. Therefore the proposal satisfies the guiding legislative principle as it pertains to national competition policy considerations.</p>

Legislation:	<b>Residential Tenancies Act 1980, Rooming House Act 1990, Caravan Parks and Moveable Dwellings Act 1988, the Rooming Houses Act 1990, and the then draft Residential Tenancies Bill</b>	Portfolio:	Housing
Reviewer:	In House (Consultant) - Steering Committee had representation from the following departments: Premier and Cabinet; Treasury and Finance; State Development; Justice and Human Services	Date review completed:	April 1997
Consultation:	Targeted - peak real estate industry, landlord and tenant groups - submissions to and findings of the 1995 Ministerial Review into Residential Tenancies Legislation which undertook extensive community consultations and led to the development of new draft legislation	Date response released:	1997

No.	Review Recommendations	Government Response	Implementation
1	The existing and the then proposed new legislation has a negligible impact on competition, but that the legislation can, by setting the framework within which competition operates, have a significant direct impact on market efficiency and equity.	Accepted	-
2	Retain the six month period of notice for termination of a lease without a prescribed reason.	Accepted	The redrafted <i>Residential Tenancies Act</i> 1997 was passed by Parliament in November 1997. The Act came into operation on July 1 1998.
3	Retain the six monthly limit on rent increases.	Accepted	See above.
4	Retain the regulation of bonds.	Accepted	See above.

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	The six month period of notice for termination of a lease without a prescribed reason	The consultants found that the potential restrictions on competition contained in the legislation apply generally to the market and thereby minimise distortions between existing market participants and do not raise significant barriers or disincentives to new entry. Many of the notional restrictions are in fact clarifications of property rights, and/or interventions designed to enhance efficiency and minimise disputes
2	The six monthly limit on rent increases	As above
3	The regulation of bonds	In relation to bonds the consultants found that bonds should continue to be regulated to protect low income tenants, but with some flexibility introduced in respect of guarantees. It was considered that the introduction of guarantees would require additional legislative controls and act counter to the proposed centralised bond fund. A subsequent consultancy (undertaken by the Allen Consulting Group) which primarily addressed the issue of investment in rental housing re-examined this matter in some detail. This consultancy concluded that existing regulations on bonds were not restrictive and compared favourably with arrangements in other states. The KPMG recommendation in relation to guarantees would not measurably increase returns to any potential investors in the private rental market and the common form of guarantee may add legal costs for market participants.

Legislation:	<b>Road Safety Act 1986</b>	Portfolio:	Roads and Ports
Reviewer:	Semi Public (panel)	Date review completed:	1997
Consultation:	Public notice, issues paper, submissions.	Date response released:	1997

No.	Review Recommendations	Government Response	Implementation
1	The review found that the Act did not contain significant restrictions on competition affecting commercial transport service industries..	Accept	No change necessary.

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Licensing of motor vehicle inspections	Road worthiness tests were found to be important to road safety. Licensing of private provides allows for competition.
2	Prescription over equipment used for testing blood alcohol levels.	In accurate readings could contribute to road accidents involving third parties.
3	Drink driving program providers.	Providers are used where a judge order attendance at a rehabilitation program. The review found that exclusion of less than competent providers was necessary to ensure that Court orders are effective in rehabilitating offenders.

Legislation:	<b>Second-hand Dealers and Pawnbrokers Act 1989</b>	Portfolio:	Fair Trading
Reviewer:	In-House (Office of Fair Trading & Business Affairs)	Date review completed:	Late 1996
Consultation:	None	Date response released:	Via passage of legislation in Autumn 1997.

No.	Review Recommendations	Government Response	Implementation
1	The various licensing types for second-hand dealers and pawnbrokers be replaced by a registration system, with provision for prescribing requirements for notification of the type of business being conducted (e.g. dealing from business premises, dealing at markets, pawnbroking).	Accepted	Amendments made by the Law and Justice Legislation Amendment Act 1997
2	The “fit and proper” test for applicants be replaced by a “no serious offences” test, using s.14(5)(e) of the Estate Agents Act 1980 as a model.	Accepted	See above
3	The obligation to retain goods for seven days after acquisition no longer apply for metals except gold and silver (whenever obtained) and copper and brass (when acquired from a source not used in the preceding three months).	Accepted	See above
4	The requirement on dealers to conduct particular transactions only at a registered business premises or a market be removed, and that instead dealers be required to register any place habitually used for holding goods acquired and, where goods subject to the seven day retention requirement are not to be kept at a registered place, to record on acquisition where they will be kept.	Accepted	See above
5	Restrictions on the rates of interest chargeable by pawnbrokers be removed.	Accepted	See above

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Registration	Second-hand dealers may – deliberately or inadvertently – become conduits for stolen property. Registration, together with documentation and storage requirements, are necessary to contain this problem. There is no potential for self-regulation (which would require industry-wide adherence to a code of practice without specific consumer pressure - it is victims of theft, not consumers of dealers’ services, who benefit from regulation. Negative licensing is reactive rather than preventative and insufficient to deal with the problems. The compliance costs are slight and any anti-competitive effect is outweighed by the improved capacity for price comparison this affords.

Legislation:	<b>State Trustees (State Owned Company) Act 1994; Accident Compensation Act (1985) Division 7 of Part 4</b>	Portfolio:	Treasurer, Attorney-General
Reviewer:	In-House (Department of Treasury & Finance)	Date review completed:	June 1997
Consultation:	Targeted consultation	Date response released:	Via legislation assented to in April 1998

No.	Review Recommendations	Government Response	Implementation
1	Remove legislative preference toward State Trustees in the appointment of administrators of estates.	Accepted	Act amended by the State Trustees (Amendment) Act 1998 assented to in April 1998
2	Remove legislative preference for State Trustees to be appointed to administer children’s funds.	Accepted	See above
3	Remove legislative preference for State Trustees in the administration of CSOs	Accepted	See above
4	Remove State Trustees ‘ exclusive powers of administration of “uncared for” properties.	Accepted	See above
5	Allow all estate administrators to advance own monies to beneficiaries or represented persons in necessitous circumstances where there are insufficient estate or personal funds available at the time.	Accepted	See above
6	Remove exclusive right of State Trustees to administer small estates in circumstances where an individual dies and there are no known next of kin.	Accepted	See above
7	Remove exclusive rights to State Trustees to be appointed administrator of worker’s (lump sum) compensation.	Accepted	-
8	Remove exclusive right of State Trustees to hold and manage death benefits payable to surviving children until age 18.	Accepted	-
9	Remove legislative preference for State Trustees or legislative rights to State Trustees providing them with the exclusive right to provide particular services (administrator of certain worker’s compensation payments), by amending Division 7 of Part 4.	Accepted	See above

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	Exclusive reciprocal arrangements with public trustees in other jurisdictions for administration of estates for persons with disabilities.	Private sector companies already have the ability to reciprocate orders through their own interstate links. Therefore, in practice, this section places the State Trustees on an equal footing with private competitors and does not provide a competitive advantage.
2	An explicit government guarantee to discharge liabilities incurred in respect of management of estates by State Trustees (resulting from negligence, wilful default or	If the guarantee was abolished, it would be necessary for any professional insurance to provide the same extent of cover. The current professional insurance held by State Trustees does not indemnify against a claim brought about by a dishonest or fraudulent act by State Trustees or its employees.



No.	Restrictions on Competition Remaining	Competition Policy Justification
	fraud), to the extent that proceeds from any insurance contract and/or the assets of State Trustees are not sufficient to meet the liability.	
3	Exclusive arrangements for public trustees in other jurisdictions to facilitate the administration of deceased estates.	This section provides State Trustees with administrative arrangements designed to overcome jurisdictional constraints and place them on an equal footing with the private sector. Therefore, this restriction in practice does not confer a practical competitive advantage on State Trustees.

Legislation:	<b>Transport Accident Act 1986</b>	Portfolio:	Treasurer
Reviewer:	In-House (Department of Treasury & Finance)	Date review completed:	December 1997
Consultation:	None	Date response released:	October 1998

No.	Review Recommendations	Government Response	Implementation
1	As a means of effectively achieving all of the objectives of the transport accident compensation scheme, the Government should remove existing statutory price setting provisions and allow the introduction of risk reflective premiums. This will enable the identification of existing cross-subsidies which should then be transparently funded or removed.	Not accepted.	-
2	In the medium to longer term, the Government should separate commercial from regulatory and other non-commercial functions in the delivery of transport accident compensation. Structural reform of the public monopoly should be consistent with the principles of structural reform contained in the Competition Principles Agreement.	Not accepted.	-
3	This report should be released for public comment to assist the Government in developing its response to these recommendations.	Not accepted - the Government reviewed the scheme intensively in its 1992 - 1996 term and hence is in a position to respond without further assistance.	-

No.	Restrictions on Competition Remaining	Competition Policy Justification
1	The monopoly held by the Transport Accident Commission on the supply of transport accident compensation through the Transport Accident Fund.	<p><i>See Volume 1 for more detail.</i></p> <ul style="list-style-type: none"> <li>· The Government's view is that the no fault compensation including a provision for lifetime care, lower and more stable premium relative to the other States' average and the community rating in the premium, provide greater benefit to the community than the costs of restricting competition. The benefits have been provided by a stable scheme over a period in excess of 10 years. The costs of restricting competition in Victoria's scheme are judged to be smaller overall than the benefits. The Government has therefore concluded that there is a net benefit to the community as a whole from the existing arrangements.</li> <li>· The Government considers that a competitive model with compulsory coverage, lifetime care and community ratings would result in the problem of high ongoing regulatory costs. Furthermore, the transitional costs that would be required to move from the existing scheme to a competitive model would be a very heavy burden on motorists and could not be justified unless the Government were confident that the benefits would outweigh the costs.</li> <li>· The Government has therefore concluded that at this stage the objectives of the existing scheme can only be achieved by restricting competition.</li> <li>· The Government intends to carefully monitor reforms in other jurisdictions. Any experience that demonstrates scope for improvements will be analysed for possible incorporation in Victoria's public monopoly transport</li> </ul>

No.	Restrictions on Competition Remaining	Competition Policy Justification
		accident compensation scheme.
2	Compulsory payment of contributions to the Fund by all motor vehicle owners.	All vehicle owners share the risk burden associated with transport accidents and it enables cross-subsidisation to maintain premiums at affordable levels. It may be considered socially appropriate and with wide application may potentially reduce the overall cost to the community of compensating for transport accidents. These benefits are considered to outweigh the costs of potentially reduced incentives on the insurer for cost control and product innovation.
3	Governor-in-Council may make regulations prescribing fees.	The introduction of risk reflective premia is unlikely to modify driver behaviour more than the pain and suffering arising from personal injury. It would also be inequitable for road users such as motorcyclists who are usually innocent victims of accidents caused by other users. The Government must also have regard to ability to pay.

*Section 2*

*Legislation Reviews: Completed but Response Still Under Consideration*

***Reviews where the report has been released***

No.	Legislation	Portfolio
1	<b>Agricultural Industry Development Act 1990 and Orders made under that Act</b>	Agriculture & Resources
2	<ul style="list-style-type: none"> <li>• <b>Dentists Act 1972</b></li> <li>• <b>Dental Technicians Act 1972</b></li> </ul>	Health
3	<b>Marine Act 1988 (&amp; Notices made under Section 15)</b>	Roads and Ports
4	<b>Mental Health Act 1986</b>	Health
5	<b>Mineral Resources Development Act 1990</b>	Agriculture & Resources
6	<b>Pipelines Act 1967</b>	Agriculture & Resources

Details on these released reviews follow.

Legislation:	<b>Agricultural Industry Development Act 1990 and Orders made under that Act</b>	Portfolio:	Agriculture & Resources
Reviewer:	Consultant (KPMG)	Date review completed:	January 1999
Consultation:	Release of an issues paper and call for submissions, targeted interviews		

No.	Review Recommendations
1	The Murray Valley (Victoria) Wine Grape Industry Marketing Order 1994 not be renewed after it expires on 23 November 1998.
2	The Murray Valley (New South Wales) Wine Grape Processing Industry Marketing Order 1995 not be renewed after it expires on 30 November 1998.
3	Murray Valley Wine Grape Industry Development Order (Victoria) 1994 and Murray Valley (New South Wales) Wine Grape Processing Industry Marketing Order 1995: <ul style="list-style-type: none"> <li>• remove the function prescribed in sub-clauses 8(a) regarding closer relationships between industry participants and 8(c) regarding provision of resources to the Murray Valley Wine Grape Growers Council;</li> <li>• retain the market information function prescribed in sub-clauses 8(b) and (d) in the short term while considering whether these could be undertaken by industry organisations; and</li> <li>• review the activities of the Grape and Wine Research and Development Corporation to determine whether it could undertake or fund the research and development currently undertaken by the Murray Valley Wine Grape Industry Development Council.</li> </ul>
4	Remove from the Northern Victoria Fresh Tomato Industry Development Order 1995 and the Victorian Strawberry Industry Development Order 1996 sub-clause 10(b) which provides a power for the respective Industry Development Council to act as a purchasing agent.
5	Remove from the Emu Industry Development Order 1996 the discretionary function in sub-clause 11(b) of providing resources to the Emu Producers Association of Victoria.
6	Review the effectiveness of the Northern Victoria Fresh Tomato, Victorian Strawberry and Emu Industry Development Councils in undertaking or funding research and development and promotion. Examine whether other statutory-based agricultural research and development and promotion bodies could undertake or fund these activities. Seek an explanation from each of these Industry Development Councils for the level of unexpended funds and examine the appropriateness of the investment of the funds.
7	Remove from the Agricultural Industry Development Act provisions relating to price recommendation and payment terms and conditions functions of Negotiating Committees.
8	Remove from the Agricultural Industry Development Act the power for an Industry Development Council to act as a purchasing agent.
9	Consider amending the Act to provide that all Orders made must require reasons for any retention of funds raised from charges to be published in the Industry Development Council financial statements in annual reports; particularly in view of the fact that Orders are limited in time to four years.

Legislation:	<b>Dentists Act 1972</b> <b>Dental Technicians Act 1972</b>	Portfolio:	Health
Reviewer:	Semi Public (Panel)	Date review completed:	Jan 1999
Consultation:	Release of an issues paper and call for submissions		

No.	Review Recommendations
1	Retain restrictions on use of title (“dentist, dental technician”)
2	Retain restrictions on types of work
3	Retain restrictions on advertising (limited to fair and accurate)

Legislation:	<b>Marine Act 1988 (&amp; Notices made under Section 15)</b>	Portfolio:	Roads and Ports
Reviewer:	Semi-public (Panel)	Date review completed:	1998
Consultation:	Public notice, submissions, targeted discussions.		

No.	Review Recommendations
1	Clarify responsibilities of harbour masters
2	Retain licensing of ships pilots
3	Increase competition for ships pilotage services (NB this recommendation has been accepted and a Bill is in preparation)
4	Establish performance based standards for crewing
5	No changes on recreational vessels



Legislation:	<b>Mental Health Act 1986</b>	Portfolio:	Health
Reviewer:	In House (Panel)	Date review completed:	1998
Consultation:	Targeted consultation		

No.	Review Recommendations
1	In relation to community support services, the panel considered that the registration requirements were unnecessarily restrictive in their current form and were not necessary to achieve the objectives of the legislation. The panel recommended that the definition of ‘community support service’ remain in the Act (without a requirement to register with the Department) to ensure that the regulatory mechanisms in the Act continue to apply.
2	The panel also considered that the current funding provisions of the Act should be removed and that community support services should be funded pursuant to the <i>Health Services Act</i> as are other non-government service providers. This allows streamlined and consistent funding across agencies.
3	The panel considered that in relation to proclamation of services, ECT licensing requirements and the regulation making power, the benefits of the restriction on the market outweighed the costs to the community.
4	In view of the above, the restrictions in relation to proclamation of services, ECT licensing requirements and the regulation making power remain in the Act.

Legislation:	<b>Mineral Resources Development Act 1990</b>	Portfolio:	Agriculture & Resources
Reviewer:	Consultant (Peter Day Consulting)	Date review completed:	March 1997
Consultation:	Call for public submissions and targeted interviews		

No.	Review Recommendations
1	Reference to “fit and proper, intends to comply and genuinely intends to do work or cause work to be done” in relation to applying for a licence, should be revoked.
2	Compensation provisions for assessment of the value of land for agricultural purposes should replace provisions relating to determination of economic significance of proposals on agricultural land.
3	Reference to employment condition in relation to granting of a licence should be revoked.
4	Any renewal of an exploration licence beyond 5 years should be limited to the area of interest to the licensee and not the total area covered by the licence.
5	The requirement to give notice to the chief mining inspector prior to commencing work should be revoked.
6	All entry requirements for certification of mine managers not related to health and safety skills, experience and knowledge should be deleted.
7	An application for a small area mining licence should be able to be registered before the consent of a prior tenement holder is negotiated.
8	It should be an offence for the holder of an exploration licence to seek or receive a financial incentive to grant consent for a mining licence without the agreement of both parties and the Minister.

Legislation:	<b>Pipelines Act 1967</b>	Portfolio:	Agriculture & Resources
Reviewer:	Consultant (Alex Dobes)	Date review completed:	February 1997
Consultation:	Call for public submissions and targeted interviews		

No.	Review Recommendations
1	Victoria should initiate moves to introduce a consistent regulatory regime for pipelines throughout Australia. If national harmonisation is not possible, the next best option is harmonisation with neighbouring markets and with large markets. If full harmonisation is not possible, an initial step of harmonising elements such as safety regulations should take place.
2	The exact definition of which pipelines fall under the Pipelines Act should be placed in the Act itself.
3	Consideration should be given to formalising time limits for government assessment of pipeline projects.
4	The system of separate permits and licences should be clarified and consideration given to a system of stages of approval.
5	The restrictions on tradeability of pipelines, permits and licences should be relaxed in a way which removes possible delays from the mergers and acquisitions process, but which maintains safety and environmental standards.
6	Unilateral powers on the part of regulators to alter permits or licences should be subject to appeal to the Victorian Civil and Administrative Tribunal.
7	The restriction on transporting only authorised substances in pipelines should be retained.
8	Open access provisions should be removed from the Act and open access should be governed by the forthcoming National Gas Access Code. If open access provisions are to remain in the Act, they should be clarified by specific regulations concerning the exercise of those powers, and those powers should be subject to appeal.
9	Safety requirements within the Act should be based on future guidelines being developed by the Department of Treasury and Finance.
10	Absolute prohibitions on damage should be modified to allow for prior agreed compensation for damage.
11	The liability of operators for damages should be extended beyond two years.
12	The Government should consider issues connected with future rehabilitation and compensation expenses, possibly through a detailed review.
13	The Government should retain control over the development of permitted pipelines. This control should be clarified in regulations.
14	The Government should examine the possibilities for the introduction of a standard electronic format for lodgement of maps and other documents.

*Reviews where the report is yet to be released*

No.	Legislation	Portfolio	Reviewer	Consultation	Date Review Completed
1	<b>Adoption Act 1984</b>	Attorney-General, Youth and Community Services	In-House (Departments of Justice and Human Services)	Notice and call for submissions, targeted interviews (various organisations representing domestic and intercountry adoption agencies, birth mothers, adoptees and adoptive families)	Late 1998
2	<b>Agriculture and Veterinary Chemicals (Control of Use) Act 1992; Agriculture and Veterinary Chemicals (Victoria) Act 1994</b>	Agriculture & Resources	Consultant (PriceWaterhouseCoopers)	Release of an issues paper and call for submissions, targeted interviews	January 1999
3	<b>Borrowing &amp; Investment Powers Act 1987</b>	Treasurer	In-house (Department of Treasury and Finance)	Targeted	July 1997
4	<b>Cemeteries Act 1958</b>	Health	Semi Public (Panel)	Discussion paper released, extensive consultation undertaken.	1998
5	<b>Club Keno Act 1993</b>	Gaming	In-house (Department of Treasury and Finance)	Targeted	August 1997
6	<b>Domestic (Feral and Nuisance) Animals Act 1994</b>	Agriculture & Resources	Consultant (KPMG)	Release of an issues paper and call for submissions, public meetings and targeted interviews	November 1998
7	<b>Electricity Industry Act 1993 and State Electricity Commission Act 1958</b>	Treasurer	Consultant (Freehill, Hollingdale and Page)	None	January 1998
8	<b>Flora &amp; Fauna Guarantee Act 1988</b>	Conservation & Land Management	Consultant (KPMG)	Issues paper and call for submissions, targeted interviews	
9	<b>Food Act 1984</b>	Health	National	Extensive consultation by ANZFA	1998
10	<b>Forests Act 1958</b>	Conservation & Land Management	Consultant (KPMG)	Call for public submissions, public meetings and targeted interviews	April 1998
11	<b>Gaming &amp; Betting Act 1994 (all, except Part 5, Div 2 of Part 6, Part 15 of Div 2, &amp; Div 2 of Part 18,</b>	Gaming	Consultant (Centre for International Economics)	Release of issues paper and call for submissions	November 1998

No.	Legislation	Portfolio	Reviewer	Consultation	Date Review Completed
	<b>which are jointly administered by the Office of Racing).</b>				
12	<b>Legal Aid Act 1978</b>	Attorney-General	Consultant (KPMG)	Targeted (legal professional bodies, Federation of Community Legal Centres, and Victoria Legal Aid)	November 1998
13	<b>Museums Act 1983</b>	Arts	In House (Consultant)	Targeted	1998
14	<b>Racing and betting legislation (Racing Act 1958, Rules of the Harness Racing Board, Rules of the Greyhound Racing Control Board, Lotteries Gaming and Betting Act 1966, Gaming and Betting Act 1994, Casino Control Act 1991)</b>	Sport and Gaming	Semi Public (Consultant)	Issues Paper, Discussion Paper, submissions, public consultation, targeted consultation and meetings with industry, and interested groups	December 1998
15	<b>Surveyors Act 1978</b>	Conservation and Land Management	Consultant (Southbridge)	Call for submissions, targeted interviews	July 1997
16	<b>Tattersall Consultations Act 1958</b>	Gaming & Treasurer	Panel (Michael Pryles and Peter Swan)	Targeted consultation	January 1998
17	<b>Wildlife Act 1975</b>	Conservation & Land Management	Consultant (KPMG)	Release of issues paper and call for submissions and targeted interviews	November 1998

*Section 3*

*Legislation Reviews: Commenced but not Completed*

No.	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
1	<b>Ambulance Services Act 1986</b>	Health	Semi Public (consultant)	Discussion paper published in December 1998 and targeted consultation	Report in April 1999. Any changes to the Act will proceed in Autumn 2000
2	<b>Auction Sales Act 1958</b>	Fair Trading	Consultant (Public Sector Research Unit, Victoria University of Technology)	Release of issues paper and call for submissions.	June 1999
3	<b>Broiler Chicken Industry Act 1978</b>	Agriculture & Resources	Consultant (KPMG)	Release of issues paper and call for submissions and targeted interviews	May 1999
4	<b>Building Act 1993; Architects Act 1991</b>	Planning and Local Government	Semi Public (Consultant)	Public notice, issues paper, submissions, targeted consultation.	March 1999
5	<b>Consumer Credit (Victoria) Act 1995</b>	Fair Trading	National review led by NSW and conducted by a consultant	Release of issues paper and call for submissions	June 2000
6	<b>Dairy Industry Act 1992</b>	Agriculture & Resources	Consultant (Centre for International Economics)	Release of issues paper and call for submissions and targeted interviews	July 1999
7	<ul style="list-style-type: none"> <li>• <b>Education Act 1958</b></li> <li>• <b>Ministerial Order No. 14 1998 (Payment of fees by overseas students) which has replaced Ministerial Order No. 3 1995, Ministerial Order No. 4 1995, and Ministerial Order No. 5 1995</b></li> </ul>	Education	<p>The initial part of the review was undertaken by a Department of Education Legislative Review Steering Committee comprising representatives of the Departments of Education, Premier &amp; Cabinet and Treasury &amp; Finance</p> <p>The review of school education policy is to be undertaken by a consultant (Melbourne Economics) working for review and steering committees comprising representatives from the Departments of</p>	<p>With respect to the registration of teachers and non-government schools, consultation was undertaken with the Catholic Education Office and the Association of Independent Schools in Victoria</p> <p>With respect to the setting of fees for overseas students, provision was made for consultation with the Association of School Councils in Victoria, the International Students Policy and Programs Unit of the Department and relevant parent/school council</p>	June 1999

No.	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
			Education, Treasury & Finance, Premier & Cabinet.	groups With respect to the school education policy review, consultation, as appropriate, will be conducted following receipt of the consultant's report	
8	<b>Environment Protection Act 1970; Litter Act 1987</b>	Conservation & Land Management	Consultant (The Allen Consulting Group)	Release of issues paper and call for submissions and targeted interviews or meetings	July 1999
9	<b>Estate Agents Act 1980</b>	Fair Trading	In-House (Office of Fair Trading & Business Affairs)	None	December 1999
10	<b>Fisheries Acts 1995 (including the remaining provisions of the Fisheries Act 1968)</b>	Agriculture & Resources	Consultant (ACIL)	Release of issues paper and call for submissions, public meetings and targeted interviews	April 1999
11	<b>Health Act 1958</b>	Health	In-House (Panel)	Discussion paper published in December 1998. Submissions closed 26 February 1999.	May 1999.
12	<b>Health Services Act 1988</b>	Health	Semi Public (consultant)	Targeted consultation, Discussion paper to be released in March 1999, there will be public consultation and submissions received.	June 1999
13	<b>Heritage Act 1995</b>	Planning and Local Government	Semi Public (Consultant)	Public notice, issues paper, submissions, targeted consultation.	March 1999
14	<b>Medical Practice Act 1994</b>	Health	In House (Panel)	Release of issues paper and call for submissions, targeted interviews	March 1999
15	<b>Mines Act 1958</b>	Agriculture & Resources	Victorian WorkCover Authority	No public consultation	April 1999
16	<b>Murray Valley Citrus Marketing Act 1989</b>	Agriculture & Resources	Consultant (Centre for International Economics)	Release of issues paper and call for submissions, public meetings and targeted interviews	April 1999
17	<b>Nurses Act 1993</b>	Health	In House (Panel)	Release of issues paper and call for submissions, targeted	March 1999



No.	Legislation	Portfolio	Reviewer	Consultation	Expected Completion Date
				interviews	
18	<b>Pathology Services Accreditation Act 1984</b>	Health	In House (Panel)	public notice, discussion paper will be published in June 1999, submissions	Nov 1999
19	<b>Planning &amp; Environment Act 1987</b>	Planning and Local Government	Semi Public (Consultant)	Public notice, issues paper, submissions, targeted consultation.	late 1999
20	<b>Public Transport Competition Act 1995</b>	Roads and Ports	Semi Public (Consultant)	Public notice, issues paper, submissions, targeted consultation.	Dec 1999
21	<b>Tobacco Act 1987</b>	Health	In-House (Consultant)	No consultation	1999
22	<b>Transport Act 1983 - Part 6: Division 5 (Commercial Passenger Vehicles)</b>	Transport and Roads and Ports	Semi Public (Consultant)	Public notice, issues paper, submissions, targeted consultation.	March 1999
23	<b>Transport Act 1983 - Part 6: Division 8 (Tow Trucks)</b>	Roads and Ports	Semi Public (Consultant)	Public notice, issues paper, submissions, targeted consultation.	April 1999
24	<b>Transport Act 1993 - Schedule 7 (Covenants to be Included in Deed of Assignment)</b>	Roads and Ports	Semi Public (Consultant)	Public notice, issues paper, submissions, targeted consultation.	April 1999
25	<b>Travel Agents Act 1986</b>	Fair Trading	National review led by Western Australia and conducted by a consultant (CIE)	Release of issues paper and call for submissions, targeted meetings	December 1999

*Section 4*

*Legislation Reviews: Completion Expected to be Delayed*

No.	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
1	<b>Ambulance Services Act 1986</b>	Health	December 1997	March 1999	Delayed due to reorganisation within the Department of Human Services.
2	<b>Auction Sales Act 1958</b>	Fair Trading	June 1997	June 1999	Delayed pending completion of general policy review. Terms of reference now approved and consultant appointed.
3	<b>Broiler Chicken Industry Act 1978</b>	Agriculture & Resources	December 1998	May 1999	Delayed to allow other reviews to be brought forward.
4	<b>Business Names Act 1962</b>	Fair Trading	June 1998	December 1999	Delayed due to resource constraints.
5	<b>Civil Aviation (Carriers' Liability) Act 1961</b>	Industry, Science and Technology	Dec 1998	unknown *	This Act adopts Commonwealth legislation as part of a national uniform scheme. Due to the nature of this arrangement, unilateral action by Victoria is not feasible. A national review is being considered.
6	<b>Corrections Act 1986</b>	Corrections	July 1997	-	A review has been delayed pending an assessment of whether the Act contains restrictions.
7	<b>Council of Law Reporting in Victoria Act 1983</b>	Attorney-General	December 1997	December 1999	Delay due to resource constraints. Terms of reference are being prepared.
8	<b>Dairy Industry Act 1992</b>	Agriculture & Resources	December 1998	May 1999	Delayed to allow other reviews to be brought forward.
9	<b>Drugs, Poisons &amp; Controlled Substances Act 1981</b>	Health	Aug 1998	Dec 1999 *	National Review, Cwth has delayed commencement until 1999. The end date for the review of this Act is specified in the Timetable as August 1998. This Act is part of a national review which is about to start.
10	<ul style="list-style-type: none"> <li>• <b>Education Act 1958</b></li> <li>• <b>Ministerial Order No. 14 1998 (Payment of fees by overseas students) which has replaced Ministerial Order No. 3 1995, Ministerial Order No. 4 1995, and Ministerial Order No. 5 1995</b></li> </ul>	Education	June 1997	June 1999	The legislation review was delayed for inclusion in a special policy review of the application of competition principles in the school education sector.
11	<b>Employment Agents Act 1983</b>	Industry, Science and Technology	Dec 1996	-	The Act has never been brought into operation and as such is considered redundant.

No.	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
					Consideration is being given to reviewing the Act for repeal.
12	<b>Environment Protection Act 1970; Litter Act 1987</b>	Conservation & Land Management	January 1997 and December 1997 respectively	July 1999	Review delayed due to proposed legislative amendments to Environment Protection Act in 1998. Review commenced February 1999.
13	<b>Estate Agents Act 1980</b>	Fair Trading	June 1997	December 1999	Delayed for consultancy on framework for assessing fair trading legislation. Review now underway.
14	<b>Extractive Industries Development Act 1995</b>	Agriculture & Resources	July 1999	December 1999	Delayed to allow other reviews to be brought forward.
15	<b>Gaming Machine Control Act 1991</b>	Gaming	June 1998	June 2000	Postponed for inclusion in planned wider policy review of the Act.
16	<b>Health Act 1958</b>	Health	December 1998	May 1999	Minor delay.
17	<b>Health Services Act 1988</b>	Health	December 1997	Late 1999	Delayed due to decision to include in a wider review of the policy framework underlying this legislation.
18	<b>Housing Act 1983</b>	Housing	January 1999	to be determined	<p>The regulatory parts of the Act have been repealed. The <i>Housing (Amendment) Act</i> of 1996 removed regulatory control over standards of habitation (Part 7 of the Act) from the Director of Housing and transferred remaining powers to local government. Provisions relating to Rental Housing Cooperatives (and associated regulations) under part 6 of the Act were repealed under the <i>Cooperatives Act</i> of 1996.</p> <p>A scoping review of the remaining Housing Act was undertaken during 1998. This review found that the Housing Act generally provides enabling powers only (for the Director of Housing and the Commonwealth State Housing Agreement (CSHA)), has no significant regulatory functions, and that therefore the Act did not operate to reduce competition.</p> <p>Two issues were, however, raised in this</p>

No.	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
					review on which external advice has been sought. The issues related to insurance and the powers of the Director of Housing acting as an agent for CSHA matters, as set out in the Act. Preliminary external advice obtained from KPMG Consulting has raised some potential competition policy issues in relation to the delivery and administration of public housing. Such matters go beyond the provisions of the Housing Act alone, however, and involve the CSHA. These wider CSHA matters are under examination with other jurisdictions. Particular issues include subsidy arrangements and any potential monopoly market outcomes. It is expected the completion date will be extended until December 1999.
19	<b>Labour &amp; Industry Act 1958</b>	Industry, Science and Technology	July 1997	-	This Act is largely redundant. Consideration is being given to reviewing the Act for repeal.
20	<b>Livestock Disease Control Act 1994; Stock (Seller Liability &amp; Declarations) Act 1993</b>	Agriculture & Resources	April 1999	December 1999	Review delayed due to legislative changes in 1998 and 1999.
21	<b>Long Service Leave Act 1992 (formerly Employee Relations Act 1992)</b>	Industry, Science and Technology	Dec 1997	1999	Review of this Act was delayed due to makes provision with respect to long service leave entitlements of certain employees. The changes to the Act occurred at the scheduled time of the competition policy review resulting in the deferral of the review. The Act is listed as a low priority review. An assessment is now underway to determine whether or not any of the remaining provisions of the Act restrict competition.
22	<b>Medical Practice Act 1994</b>	Health	December 1998	March 1999	Delay minor.
23	<b>Melbourne Market Authority Act 1977</b>	Agriculture & Resources	June 1998	December 1999	This review was delayed pending the completion of a competitive neutrality review of the Authority in 1998. The legislative review will be undertaken in 1999.

No.	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
24	<b>Mines Act 1958</b>	Agriculture & Resources	February 1998	April 1999	This legislation is jointly administered by the Department of Natural Resources and Environment and the WorkCover Authority. This Act has largely been repealed. The few remaining provisions relate to occupational health and safety. Consequently the WorkCover Authority is undertaking the review.
25	<b>National Parks Act 1975; Water Industry Act 1994 (Part 4)</b>	Conservation & Land Management	December 1998	December 1999	These Acts are to be reviewed concurrently with land legislation (Land Act, Crown Land Reserves Act and various minor land acts) to promote a consistent approach to competition issues in relation to leases, licences and permits on Crown land. Preliminary work has been done for this review but commencement has been delayed while preliminary work is done for land reviews.
26	<b>Nurses Act 1993</b>	Health	December 1998	March 1999	Delay minor.
27	<b>Partnership Act 1958</b>	Fair Trading	June 1999	December 1999	Delayed due to resource constraints.
28	<b>Pathology Services Accreditation Act 1984</b>	Health	June 1997	Late 1999	Delayed by difficulties of finding independent pathology experts for the review panel.
29	<b>Petroleum Retail Selling Sites Act 1981</b>	Fair Trading	June 1999		Referred to Scrutiny of Acts and Regulation Committee of Parliament which will consider, in June 1999, the case for repeal.
30	<b>Petroleum (Submerged Lands) Act 1982</b>	Agriculture & Resources	December 1997	July 2000	This is national legislation with mirror legislation in each state. Victoria is unable to review its legislation until the Commonwealth proceeds with its review or initiates a multi-jurisdictional review.
31	<b>Pharmacists Act 1974</b>	Health	Aug 1997	Dec 1999 *	National Review, Cwth has delayed commencement until 1999. The end date for the review of this Act is specified in the Timetable as August 1998. This Act is proposed to be part of a national review. Terms of reference have been circulated to jurisdictions and the Minister has agreed to the

No.	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
					proposed terms of reference.
32	<b>Plant Health &amp; Plant Products Act 1995</b>	Agriculture & Resources	April 1999	December 1999	Delayed to allow other reviews to be brought forward.
32	<b>Police Regulation Act 1958</b>	Police and Emergency Services	June 1998	-	Delayed pending policy review of policing by the Police Board. Need for NCP review to be reconsidered.
34	<b>Private Agents Act 1966</b>	Police and Emergency Services	June 1998	June 1999	Delay due to proposal for national review. Terms of reference being prepared.
35	<b>Road Transport (Dangerous Goods) Act 1995</b>	Finance (formerly Industry Science & Technology)	December 1998	Unknown	This is mirror legislation to the Commonwealth's 1994 Act of the same name. Awaiting outcome of Commonwealth review.
36	<b>Therapeutic Goods (Victoria) Act 1994</b>	Health	Feb 1998	May 1999 *	It is anticipated that the review will commence in February 1999. The end date for the review of this Act is specified in the Timetable as December 1998. This Act is scheduled to report in May 1999. It has not been started as yet as the Public Health and Development Division has a heavy program of legislative review and has directed available resources to other reviews to date. It is expected that this review will commence in March 1999 and report to the Minister on time in May 1999.
37	<b>Tobacco Act 1987</b>	Health	November 1997	March 1999	Internal Departmental consultation only.
38	<b>Trade Measurement Act 1995</b>	Industry, Science and Technology	Dec 1998	June 1999	This Act forms part of a national uniform scheme and requires a national review. The Ministerial Council for Consumer Affairs has proposed a national review to be undertaken by Queensland. The review is proposed to be completed by June 1999.
39	<ul style="list-style-type: none"> <li>• <b>Transport Act 1993 - Schedule 5 (Provisions with Respect to Roads)</b></li> <li>• <b>Transport Act 1993 - Schedule 4 (Further Particular Powers of the Roads Corporation)</b></li> <li>• <b>Transport Act 1983 - Part 6:</b></li> </ul>	Transport and Roads and Ports	Dec 1998	March 1999	Nominated for an in-house assessment jointly with the Powers of the Corporations, Financial and Traffic Regulations. Assessment delayed to accommodate the process of transport reforms.

No.	Legislation	Portfolio	Scheduled Completion Date	Expected Completion Date	Comment
	<b>(Traffic Regulation, Registration &amp; Licensing) Division 1 (General Provisions)</b> <ul style="list-style-type: none"> <li>• <b>Transport Act 1993 - Part 4 (Financial)</b></li> <li>• <b>Transport Act 1993 - Part 3 (Powers of the Corporations)</b></li> </ul>				
40	<b>Travel Agents Act 1986</b>	Fair Trading	June 1998	December 1999	Approval of the national review process was delayed. Terms of reference has been approved and a consultant appointed.
41	<b>Trustee Act 1958</b>	Fair Trading	June 1998	December 1999	Delayed due to resource constraints.
42	<b>Wheat Marketing Act 1989</b>	Agriculture & Resources	June 1999	July 2000	The Commonwealth Act is the main wheat marketing legislation. Each state has complementary legislation. Consequently Victoria is unable to review its legislation until the Commonwealth proceeds with its review or initiates a multi-jurisdictional review.



*Section 5*

*Legislation Reviews: Removed*

No.	Legislation	Portfolio	Reason for Removal
1	<b>Victorian Plantations Corporation Act 1993</b>	Agriculture & Resources	The assets of the Corporation were sold in December 1998. Consequently most of the Act will be repealed leaving only provisions related to the Crown's residual interests in the land, licence and legislated supply agreements.
2	<b>Dried Fruits Act 1958</b>	Agriculture & Resources	Act repealed by the Dried Fruits (Repeal) Act 1998 following industry decision to wind-up the Dried Fruits Board.
3	<b>Biological Control Act</b>	Agriculture & Resources	National legislative scheme. Not considered to restrict competition because it requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.
4	<b>Veterinary Surgeons Act 1958</b>	Agriculture & Resources	Act repealed and replaced by the Veterinary Practice Act 1997.
5	<b>Rules of the Council of Legal Education 1993</b>	Attorney-General	The Rules are to be replaced by proposed new Rules pursuant to the Legal Practice Act 1996, subject to an RIS review. Rules are being drafted for the RIS. The competition review and the RIS process will be combined.
6	<b>Housing Act 1983 (Part IV)</b>	Attorney-General	Part VI of the Act (relating to rental housing co-operatives) was repealed and replaced by the Co-operatives Act 1996. The Housing (Rental Housing Co-operative) Regulations 1994 are redundant and will be revoked.
7	<b>Registration of Births, Deaths &amp; Marriages Act 1959</b>	Attorney-General	Act repealed and replaced by Births, Deaths and Marriages Act 1996. The new Act was assessed against Competition Policy and did not contain restrictions.
8	<b>Benefit Associations Act 1958</b>	Attorney-General	Act is obsolete and no associations are registered under it. Some finalisation of outstanding matters is required before repeal can be progressed.
9	<b>Alpine Resorts Act 1983</b>	Conservation & Land Management	Act replaced by the Alpine Resorts (Management) Act 1997.
10	<b>Range of forest agreement Acts (primarily for softwoods) including: Victree Forests Agreement; Australian Newsprint Mill Limited; Bowater-Scott Agreement; Laminex Industries Agreement; Pulpwood Agreement; and Wood Pulp Agreement.</b>	Conservation & Land Management	These are contractual agreements between the owner of the Victorian Plantations Corporation (VPC) and private parties. They were taken on by the newly privatised VPC on behalf of the Government. Several of these agreements have expired/terminated and the legislation will be repealed. These include the Victree Forests Agreement & Bowater-Scott Agreement. The Australian Newsprint Mill Ltd, Laminex Industries Agreement & Woodpulp Agreement remain and have been exempted from review as there is no scope for amendment without renegotiation and compensation.
11	<b>Order - authorises the Alpine Resorts Commission to act as a gas undertaking solely within the Mount Buller Alpine Resort</b>	Conservation & Land Management	Order made under Gas & Fuel Corporation Act which is administered by the Department of Treasury and Finance. Amendments made by an order under the Gas Industry Act make this order redundant.
12	<b>Victorian Prison Industries Commission Act 1983</b>	Corrections	Act repealed by the Corrections (Amendment) Act 1996.
13	<b>Business Investigations Act 1958</b>	Fair Trading	To be repealed.
14	<b>Trustee Companies Act 1984</b>	Fair Trading	To be repealed and replaced by uniform national legislation currently under development.

No.	Legislation	Portfolio	Reason for Removal
15	<b>Prostitution Control Act 1994</b>	Fair Trading	No scope for change due to overriding social objectives.
16	<b>Building Societies Act 1986</b>	Fair Trading	To be repealed once jurisdiction passes to the Commonwealth under financial sector reforms.
17	<b>Co-operation Act 1981</b>	Fair Trading	This Act was repealed and replaced by the Cooperatives Act 1996.
18	<b>Financial Institutions (Victoria) Act 1992</b>	Fair Trading	To be repealed once jurisdiction passes to the Commonwealth under financial sector reforms.
19	<b>Friendly Societies Act 1986</b>	Fair Trading	Repealed and replaced by the Friendly Societies (Victoria) Act 1996
20	<b>Industrial and Provident Societies Act 1958</b>	Fair Trading	To be repealed once jurisdiction passes to the Commonwealth under financial sector reforms.
21	<b>Fundraising Appeals Act 1984</b>	Fair Trading	Repealed and replaced by Fundraising Appeals Act 1998.
22	<b>Construction Industry Long Service Leave Act 1983</b>	Finance	Repealed by the Construction Industry Long Service Leave Act 1997.
23	<b>Dangerous Goods Act 1985</b>	Finance	The Act prohibits the sale of prescribed goods. As no legal market is permitted this is not a restriction on competition. Various regulations made under the Act are being reviewed as they sunset over the next few years via a RIS process.
24	<b>State Superannuation Act 1988</b>	Finance	Removed as, following various changes made by the [what] (Amendment) Act 1996, no restrictions on competition remain.
25	<b>Workers Compensation Act 1958 (Div 8 of Part 1)</b>	Finance & Attorney General	Assessed as non-restrictive as compensation payments are no longer awarded under this Act.
26	<b>Casino Control Act 1991 (excluding sections 128H to 128L which are administered by the Minister for Major Projects, excepting section 128K(2), which administered by the Minister for Finance)</b>	Gaming	Withdrawn due to lack of scope for amendment without varying contractual arrangements with the existing casino operator and requiring payment of compensation.
27	<b>Lotteries Gaming &amp; Betting Act 1966 (all except Parts I, IA, II, III, IV &amp; V which are jointly administered with the Office of Racing)</b>	Gaming	Legislation related to minor gaming was amended in 1997. The amendments were essentially in the form of enabling legislation to set up a framework under which various forms of minor gaming are regulated. This replaced the previous enforcement-based approach.
28	<b>Casino (Management Agreement) Act 1993</b>	Gaming	Withdrawn due to lack of scope for amendment without varying contractual arrangements with the existing casino operator and requiring payment of compensation.
29	<b>Fuel Emergency Act 1977</b>	Industry, Science and Technology	The review of the Fuel Emergency Act 1977 was undertaken in conjunction with other emergency powers legislation by the Department of Premier and Cabinet Legislative Review Steering Committee. The other Acts being the Public Safety Preservation Act 1958, the Vital State Projects Act 1976 and the Vital State Industries (Works and Services) Act 1992. The Committee concluded that the Acts did not entail restrictions on competition and recommended that they be removed from the legislative review timetable. The Premier subsequently agreed on 18 November 1997 with the assessment and the removal of the Fuel

No.	Legislation	Portfolio	Reason for Removal
			Emergency Act (and the other emergency powers Acts) from the review timetable.
30	<b>Local Government Act 1989.</b>	Planning and Local Government	Assessed as non-restrictive
31	<b>Cultural &amp; Recreational Lands Act 1963.</b>	Planning and Local Government	Assessed as non-restrictive
32	<b>Impounding of Livestock Act 1994</b>	Planning and Local Government	Assessed as non-restrictive
33	<b>Building Control (Plumbers Gasfitters &amp; Drainers) Act 1981 No. 9720</b>	Planning and Local Government	Act repealed by the Building (Amendment) Act 1996
34	<b>Environment Effects Act 1978 No. 9135</b>	Planning and Local Government	Assessed as non-restrictive
35	<b>Subdivision Act 1988 No. 53/1988</b>	Planning and Local Government	Assessed as non-restrictive
36	<b>Urban Land Authority Act 1979 No. 9320</b>	Planning and Local Government	Act replaced by the Urban Land Corporation Act 1997
37	<b>Bourke Street Mall Act 1982.</b>	Planning and Local Government	Act repealed
38	<b>Public Authorities Marks Act 1958.</b>	Planning and Local Government	Assessed as non-restrictive
39	<b>City of Greater Geelong 1993 (excluding Part 5).</b>	Planning and Local Government	Act repealed
40	<b>City of Melbourne Act 1993.</b>	Planning and Local Government	Act repealed
41	<b>Project Development &amp; Construction Management Act 1994</b>	Planning and Local Government	Assessed as non-restrictive
42	<b>Ministerial Direction No.1, Tendering Provisions</b>	Planning and Local Government	Assessed as non-restrictive
43	<b>Land (Goonawarra Golf Course) Act</b>	Planning and Local Government	Assessed as non-restrictive
44	<b>Planning Authorities Repeal Act 1994</b>	Planning and Local Government	Now Part 3(8) of the Planning and Environment Act
45	<b>Firearms Act 1958</b>	Police and Emergency Services	Repealed and replaced by the Firearms Act 1996
46	<b>Control of Weapons Act 1990</b>	Police and Emergency Services	No scope for change due to overriding social objectives.
47	<b>Vital State Projects Act 1976 {excluding ss 5 to 16 (these provisions are administered by the Attorney General)}</b>	Premier	Assessed as non-restrictive
48	<b>Vital State Industries (Works and Services) Act 1992</b>	Premier	Assessed as non-restrictive
49	<b>Superannuation (Public Sector) Act 1992 {Part 2 (the Act is otherwise administered by the Minister for</b>	Premier	Assessed as non-restrictive

No.	Legislation	Portfolio	Reason for Removal
	<b>Finance)}</b>		
50	<b>Public Safety Preservation Act 1958</b>	Premier	Assessed as non-restrictive
51	<b>Parliamentary Salaries and Superannuation Act 1968</b> {excluding: Part II (this part, concerned with the superannuation scheme, is administered by the Minister for Finance)}	Premier	Assessed as non-restrictive
52	<b>Transport Act 1983 - Part 6: Division 7 (Hire &amp; Drive Omnibuses)</b>	Roads and Ports	Repealed by the Transport Acts (Amendment) Act 1997
53	<b>Transport Act 1983 - Part 6: Division 9 (Commercial Goods Vehicles)</b>	Roads and Ports	Repealed by the Transport Acts (Amendment) Act 1997
54	<b>Transport Act 1983 - Part 6: Division 6 (Private Omnibuses)</b>	Roads and Ports	Repealed by the Transport Acts (Amendment) Act 1997
55	<b>Pollution of Waters by Oil &amp; Noxious Substances Act 1986</b>	Roads and Ports and Conservation and Land Management	Assessed as non-restrictive
56	<b>Chattel Securities Act 1987 - Part 3 (Registrable Goods)</b>	Roads and Ports and Fair Trading	Assessed as non-restrictive
57	<b>South Australian &amp; Victorian Border Railways Act 1930</b>	Transport	Act repealed
58	<b>Railways (Standardisation Agreement) Act 1958</b>	Transport	Act repealed
59	<b>Transport Act 1983 - Part 6: Division 10 (Passenger Ferry Services)</b>	Transport	To be repealed in the 1999 Autumn session.
60	<b>Transport Act 1993 - Schedule 8 (Classes, Kinds or Descriptions of Goods)</b>	Transport	Repealed by the Transport (Amendment) Act 1998.
61	<b>Gas Industry Act 1994</b>	Treasurer	The Act has been very substantially amended over the past two years in order to progress reform of the industry and to facilitate privatisation. These amendments were subjected to the Competition Policy Test.
62	<b>Snowy Mountains Hydro-Electric Agreements Act 1958</b>	Treasurer	The Act is expected to be repealed upon proclamation of the legislation corporatising the Snowy Mountains Hydro Electric Scheme. This legislation has been passed in Vic, NSW and the Commonwealth but proclamation has been delayed pending satisfactory resolution of environmental and other concerns.

No.	Legislation	Portfolio	Reason for Removal
63	<b>Business Franchise (Tobacco) Act 1974</b>	Treasurer	Following High Court ruling on excises the licensing provision of this Act no longer operate and the Act will be repealed.
64	<b>Energy Consumption Levy Act 1982</b>	Treasurer	Repealed by the Gas Industry (Amendment) Act 1997.
65	<b>Electric Light &amp; Power Act 1958</b>	Treasurer	Repealed by the Electricity Safety Act 1998.

## *Section 6*

*New Legislation that Restricts Competition*  
*(other than that implementing a Government response to an NCP Legislative Review)*

No.	Legislation	Portfolio
1	<b>Alpine Resorts (Management) Act 1997</b>	Conservation and Land Management
2	<b>Building (Plumbing) Act 1998</b>	Planning and Local Government
3	<b>Drugs Poisons and Controlled Substances (Amendment) Act 1997</b>	Agriculture and Resources
4	<b>Electrical Safety Act 1997</b>	Treasurer
5	<b>Fisheries (Further Amendment) Act 1997</b>	Agriculture & Resources
6	<b>Gas Industry Act 1998</b>	Treasurer
7	<b>Gas Safety Act 1997</b>	Treasurer
8	<b>Hire Purchase (Amendment) Act 1997</b>	Fair Trading
9	<b>Introduction Agents Act 1997</b>	Fair Trading
10	<b>Legal Practice (Amendment) Act 1998</b>	Attorney-General
11	<b>National Parks (Amendment) Act 1997</b>	Conservation & Land Management
12	<b>National Parks (Amendment) Act 1998</b>	Conservation & Land Management
13	<b>Parks Victoria Act 1998</b>	Conservation & Land Management
14	<b>Police and Corrections (Amendment) Act 1997</b>	Police and Emergency Services
15	<b>Road Safety (Amendment) Act 1998</b>	Roads and Ports
16	<b>Shop Trading Reform Act 1996</b>	Industry, Science and Technology
16	<b>Transport Acts (Amendment) Act 1997</b>	Transport
17	<b>Travel Agents Regulations 1997</b>	Fair Trading
18	<b>Wildlife (Amendment) Act 1997</b>	Conservation & Land Management

Details on restrictions contained in the above new legislation follow.



Legislation:	<b>Alpine Resorts (Management) Act 1997</b>		
Portfolio:	Conservation & Land Management	Date passed:	Assented to on 9 December 1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	<p>Planning controls may restrict the commercial activities of resorts and the smaller business units within these resorts.</p>	<p>In 1983 the Alpine Resorts Act was enacted to establish a common management regime for Victoria’s alpine resorts. The Act also established the Alpine Resorts Commission (ARC). The Alpine Resorts (Management) Act 1997 repealed the original Act and replaced it with new legislation which disaggregated the functions of the ARC. It placed some broader regulatory functions, such as land use planning, within the ambit of normal state-wide controls, and other functions, such as day to day operations, within the management of resort-specific management boards.</p> <p>The Crown, as landowner, will continue to be the sole supplier of the resource and resorts will be subject to planning control under the State-wide regime and guidelines issued by the Minister. While these controls operate consistently between resorts, they may place some restrictions on the commercial activities and management of resorts and the smaller business units operated within resorts.</p> <p>The restrictions imposed by Crown ownership and environmental requirements may have some effect on the prices charged within alpine resorts. However, it is considered that the creation of a competitive market between resorts will tend to minimise any impacts.</p> <p>Further, there are benefits to the community from the assurance of sustainable management of the land resource. The alpine resort areas are contained within some of the most environmentally sensitive land areas in Victoria and are consequently best retained in Government ownership. As such, the alternative of relinquishing the Government ownership of the land resource would not be in the public interest. Consequently the benefits of the restrictions outweigh the costs.</p>

Legislation:	<b>Building (Plumbing) Act 1998</b>		
Portfolio:	Planning and Local Government	Date passed:	1998

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	Removal of the exemption from licensing or registration of refrigeration mechanics.	This exemption was anomalous and could not be justified. The costs and benefits of the regulation of refrigeration mechanics had been fully assessed and it was concluded that the removal of the exemption is justified in the public interest. The benefits to the public of this regulation overwhelmingly outweigh the costs.

Legislation:	<b>Drugs Poisons and Controlled Substances (Amendment) Act 1997</b>		
Portfolio:	Agriculture and Resources	Date passed:	Assented to on 21 October 1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	<p>Authorisations for producers to cultivate, possess and supply low-THC hemp are limited to persons who are determined to be fit and proper. Further, the costs associated with meeting the authorisation criteria and the authorisation application fees may limit entry into the market.</p>	<p>Previous provisions of the Drugs, Poisons and Controlled Substances Act 1981 prohibited persons from possessing low-THC hemp without a permit, cultivating low-THC hemp without an authorisation, and manufacturing and selling low-THC hemp products without a licence. Consequently, processed products containing hemp material would have been deemed to be Cannabis within the meaning of the Act. Given that Cannabis fibre can be readily identified in hemp products such as paper and fabric, any person purchasing such products would have been committing the offence of being in possession of a drug of dependence.</p> <p>The Drugs, Poisons and Controlled Substances Act 1981 was amended to remove disincentives to investment in the development of a hemp industry. The amendments exempt from the provisions of the Act, processed hemp products, which do not pose a drug risk or jeopardise the ability to effectively police illegal activities associated with Cannabis. They also empower the Minister for Agriculture and Resources to authorise and impose conditions on fit and proper persons to cultivate, possess, process and sell low-THC industrial hemp for commercial or research purposes.</p> <p>The amendments increased competition by deregulating the sale and possession of processed hemp products which do not pose a drug risk. However, authorisations to cultivate, possess and supply low-THC hemp are limited to persons who are determined to be fit and proper persons on the basis of documented evidence, including a national police records check, and those who can provide documented evidence of bona fide research plans or a commercial end use for their products.</p> <p>Costs are imposed on potential market entrants in meeting the criteria required for authorisation. In addition to these costs, authorisation application fees are to be imposed to meet administrative costs associated with the scheme. Some producers may view these costs as prohibitive.</p> <p>Restrictions on entry to the market and conditions imposed on the cultivation and disposal of low-THC hemp material and hemp seed ensure that unauthorised possession and use of Cannabis remains an offence which can be effectively policed without costly evidence procedures. They are also necessary to minimise the risk of:</p> <ul style="list-style-type: none"> <li>• cultivation of low-THC hemp being used as a cover for illegal cultivation of high-THC plants for drug purposes;</li> <li>• low-THC plant material being diverted and sold for drug purposes, with consequent "pay-back" action by purchasers when they discover that it is low-THC material;</li> <li>• low-THC Cannabis becoming naturalised in favourable environments and becoming a serious weed; and</li> <li>• low-THC cannabis varieties reverting over time to high THC levels.</li> </ul>

No.	Restrictions on Competition Introduced	Competition Policy Justification
		<p>There are no alternative means of achieving the desired outcome without statutory restrictions on competition.</p> <p>The economic and social benefits arising from the restrictions would far outweigh the costs to market participants and the community as a whole. Benefits are gained through minimising the risk of criminal activity associated with the production and processing of low-THC hemp. Unregulated production of low-THC hemp would inevitably result in criminals using the low-THC crops as a cover for the production of high-THC Cannabis for drug purposes, with consequent additional high costs of drug law enforcement. This would ruin the opportunity for Victorian farmers to develop a profitable hemp enterprise and the development by processors and manufacturers of domestic and export markets for hemp pulp and manufactured end products.</p>

Legislation:	<b>Electrical Safety Act 1997</b>		
Portfolio:	Treasurer	Date passed:	May 1998

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	The Office of the Chief Electrical Inspector licences electrical workers and persons contracting with customers to carry out electrical wiring work.	<p>The benefits of the restrictions are to enable the easy identification of specific areas of work for specialist licensing and competencies and to encourage high standards of electrical work. The need to ensure safety standards and hence a high level of safe use of electrical goods and safe conduct in the provision of electrical services in the community is paramount. In the event of an electrical accident, the negative externalities placed on the community could be substantial in terms of disruption to households and businesses. Assurance of safety standards also helps overcome an information asymmetry, whereby relatively uninformed consumers (in a technical sense) may be unable to properly assess the safety implications of complex products. Similarly, consumers may be unable to assess the competencies and expertise of electrical tradesmen. In this sense, setting minimum standards of safety for equipment and licensing electrical workers meets consumer protection objectives.</p> <p>It is recognised that there may be some cost to the restrictions in terms of diminished competition. However, it was assessed that the imperatives of assuring public safety and enhancing consumer protection outweighed any anti-competitive element.</p>
2	The Office of the Chief Electrical Inspector may introduce provisions enabling identification of specific areas of work for specialist licensing and the competencies required by persons working in those areas; and	See above.
3	The Office of the Chief Electrical Inspector may set minimum safety standards for all electrical equipment for sale or hire (or that can be advertised).	See above.

Legislation:	<b>Fisheries (Further Amendment) Act 1997</b>		
Portfolio:	Agriculture & Resources	Date passed:	Assented to on 22 April 1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	Limiting the number of commercial fishing licences in particular categories and limiting the total catch for prescribed fisheries potentially restricts competition in the short term.	<p>This act amends existing commercial fishing licensing provisions. It limits the number of licence holders and limits some catches to enable the harvesting of fisheries resources to be managed at a sustainable level. It also allows for other uses of the resource (eg recreational fishing).</p> <p>Such regulation is considered necessary to ensure sustainable commercial harvesting of those fisheries concerned. Without these restrictions, fisheries would be over exploited and subsequently collapse.</p> <p>A major review of the Fisheries Act 1995, including the amendments made under this Act, is being undertaken in 1999.</p>

Legislation:	<b>Gas Industry Act 1998</b>		
Portfolio:	Treasurer	Date passed:	November 1998

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	Licenses issued to a retailer may be made subject to a condition requiring the licensee to meet specified standards in relation to the supply of gas.	<p>The benefits of the restriction are that all customers in Victoria have a safe supply of gas and that there is a smooth transition for customers as the industry is reformed and privatised. It is paramount to the successful operation of industry that peak deliverability standards for gas supply can be met. Unlike electricity, significant safety and operational issues arise from an interruption to gas supply.</p> <p>In addition, the continuation of the requirement will be at the discretion of the Office of the Regulator General. If, having regard to the competitiveness of the market, the ORG considers the measure inappropriate, the measure can be removed. The measure should, therefore, be seen as predominantly transitional, to preserve the safe supply of gas in the move to a competitive market. Although it is acknowledged that there are costs associated with this measure (namely the inhibition of competitive behaviour of gas retailers), it is considered that the benefits of the restriction outweigh the costs.</p>

Legislation:	<b>Gas Safety Act 1997</b>		
Portfolio:	Treasurer	Date passed:	December 1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	Equipment that may be sold or installed must be approved as meeting safety standards set by the Office of Gas Safety. Under certain circumstances, customers are able to develop their own safety standards and use safety equipment which matches the particular risks of their own organisation.	The new legislation was introduced to accompany the introduction of competition in the supply of gas. Previously, the government –owned entities had been responsible for the safe supply of gas. The benefits of the new legislation are to maintain public confidence in the safe supply of gas under the new competitive arrangements governing the supply of gas. Ensuring high safety standards in the provision and installation of gas equipment is the main benefit from the restriction. The sale or installation of faulty gas equipment could potentially result in significant externalities for the community. The costs of the restriction include, arguably, restricted choice, higher prices and lack of competition on the supply side. These benefits were assessed to outweigh these costs.
2	Persons carrying out upstream gas work must be approved by the Office of Gas Safety. Approval criteria are educational and experience appropriate to the work.	See above.



Legislation:	<b>Hire Purchase (Amendment) Act 1997</b>		
Portfolio:	Fair Trading	Date passed:	Autumn 1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	Retains the principal Act's special consumer protection measures for new hire-purchase agreements for farm machinery for two years, (while removing all other new hire-purchase agreements from coverage).	There is benefit in continuing to use the Act to address rural sector difficulties in relation to hire purchase for two years while a more comprehensive policy is developed in relation to finance in the rural sector.

Legislation:	<b>Introduction Agents Act 1997</b>		
Portfolio:	Fair Trading	Date passed:	Spring 1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	Imposes disclosure requirements and a cooling-off period.	<p>Regulation was only introduced after other forms of intervention had demonstrably failed to correct problems in the market for introductory services: large advance payments were frequently being extracted for services which did not meet the expectations created in clients; consumer complaints were not being heeded, and civil action by aggrieved consumers was not deterring further malpractice.</p> <p>The benefits of better informed consumers and reduced consumer loss due to poor service delivery following advance payments outweigh the compliance costs imposed. No less restrictive alternatives would achieve the objective of deterring dishonest operators and promoting effective competition in the industry.</p>
2	Restricts the acceptance of advance payments to 30% of the total contract price.	See above
3	Provides for certain operators to be excluded from the market (negative licensing).	See above

Legislation:	<b>Legal Practice (Amendment) Act 1998</b>		
Portfolio:	Attorney-General	Date passed:	Spring 1998

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	Retention of statutory mutual fund monopoly on supply of compulsory professional indemnity insurance for solicitors.	<p>The benefits of lower and more stable premiums outweigh the costs flowing from reduced incentives for product innovation and tailoring to different solicitor's needs (and those of their clientele). In addition the objectives of comprehensive cover for legal service consumers, and access to the services of sole and small firm practices, cannot be met without restricting competition.</p> <p>See Volume I for further information.</p>

Legislation:	<b>National Parks (Amendment) Act 1997</b>		
Portfolio:	Conservation & Land Management	Date passed:	Assented to on 22 April 1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	The reservation of areas as national parks may preclude certain activities, such as mining and forestry, which may otherwise be permitted.	<p>The National Parks Act 1975 provides for the reservation, protection and appropriate use of certain areas of Crown land. Various activities, such as mineral exploration, mining and timber harvesting, are mostly not permitted in areas reserved under the Act depending on special provisions and the category of the park.</p> <p>The National Parks (Amendment) Act 1997 reserved an additional 23,000 hectares of Crown Land under the National Parks Act and changed the status of several parks already reserved under the Act. Included in the new reservations is land at Arthurs Seat. The Act also provides for the existing Arthurs Seat chairlift to run its term and for the Minister to grant a new lease to the successful tenderer upon its expiry.</p> <p>The reservation of areas as national parks may preclude certain activities which may otherwise be permitted. However, as the mining and forestry sectors have access to resources from elsewhere, the impact on competition of this restriction is minor. Further, the reservation of additional areas under the National Parks Act will provide long term statutory protection to significant parts of the State’s natural and cultural heritage. The exclusion of activities that may negatively impact on those values is necessary to achieve this protection.</p> <p>There are no workable alternatives to this statutory restriction. The non-reservation of land does not provide the long-term and accepted statutory protection which reservation under the National Parks Act provides.</p>
2	The provisions relating to the tenancy of the Arthurs Seat chairlift provide for a 20-year lease. This may be considered to have some impact on competition by reducing the opportunities for firms to compete to enter the market.	<p>Any new tenancy of the Arthurs Seat chairlift will be open to competitive tendering. However, providing for a 20-year lease may be considered to have some impact on competition by restricting the frequency of which firms can compete to enter the market.</p> <p>The potential restriction is justified as the operation of a chairlift at Arthurs Seat State Park requires a tenancy provision to be included in the Act and the 20-year lease ensures that appropriate private sector investment in the facilities can be attracted.</p>

Legislation:	<b>National Parks (Amendment) Act 1998</b>		
Portfolio:	Conservation & Land Management	Date passed:	Assented to 4 November 1998

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	The Act restricts the provision of park management services to one provider.	<p>This Act includes provisions that will empower the Secretary to the Department of Natural Resources and Environment to enter into an agreement with Parks Victoria only for the management of land under the National Parks Act. This is considered a deemed restriction as it limits the provision of services to one provider.</p> <p>Areas reserved under the National Parks Act have special environmental attributes that require expert and careful management. The proposal aims to ensure that all of these areas are managed by the State's expert management authority (Parks Victoria) to ensure consistent and appropriate management across the state.</p> <p>The Government considers that the alternative of allowing other service providers to manage national parks would not provide adequate protection of these parks and their resources. Further, given the environmental management expertise required for these areas, the opportunity for other providers to enter the market is considered limited. The private sector can, and does, provide a range of secondary services in these areas.</p>

Legislation:	<b>Parks Victoria Act 1998</b>		
Portfolio:	Conservation & Land Management	Date passed:	Assented to 26 May 1998

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	The merger of the National Parks Service (NPS) and Melbourne Parks and Waterways (MPW) potentially restricts competition by reducing (by one) the number of potential providers of park management services and giving Parks Victoria an advantage compared to other providers.	<p>Parks Victoria was established in 1996 by combining NPS and MPW. The main purpose of the Parks Victoria Act is to establish Parks Victoria as a statutory corporation.</p> <p>The benefits of this potential restriction outweigh the costs as the formation of Parks Victoria allows for the skills and resources of the two leading and complementary, park management agencies to be combined to deliver an enhanced service to the State. The alternative of retaining MPW and NPS as separate organisations would be less efficient and impede resource re-allocation for the benefit of the State’s national parks and conservation reserves.</p>

Legislation:	<b>Police and Corrections (Amendment) Act 1997</b>		
Portfolio:	Police and Emergency Services	Date passed:	Autumn 1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	<p>Pursuant to a national agreement between Police Ministers only certain persons may use body armour. These are:</p> <ul style="list-style-type: none"> <li>• classes of persons specified by order of the Governor in Council (the military, enforcement personnel, licensed security agents) may use specified types of body armour; and</li> <li>• individuals approved by the Chief Commissioner of Police for temporary purposes (e.g. witnesses, stalking victims, persons attending dangerous situations)</li> </ul>	<p>Exemptions will be available for authorised users and export markets, which largely covers the existing market for body armour. The amendments implement an agreed national approach, so there will be no effect on competition between suppliers in different States. The benefit to the community of restricting the availability of body armour to persons requiring it for recognised purposes and preventing criminals gaining access to it is considered to outweigh any negative impact on activity in this market.</p>

Legislation:	<b>Road Safety (Amendment) Act 1998</b>		
Portfolio:	Roads and Ports	Date passed:	1998

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	The introduction of the registration scheme with mandatory minimum standards restricts competition by imposing additional costs on entry to the market for the provision of driving instruction for hire or reward and by excluding potential entrants who do not meet the standards.	The costs relate to the requirements to attain minimum competency standards and to undergo criminal and driving record checks and to the administration of the scheme by a Government agency. However, the overall public benefits outweigh the compliance costs.



Legislation:	<b>Shop Trading Reform Act 1996</b>		
Portfolio:	Industry, Science and Technology	Date passed:	October 1996

Note: The Shop Trading Act 1987 and the Capital City (Shop Trading) Act 1992 were listed for review in the Victorian Government Timetable for Review of Legislative Restrictions on Competition of June 1996. The review period was listed from July 1996 to January 1997. However, the Government undertook a review of shop trading laws before these dates and before the release of the Victorian Government Guidelines for Review of Legislative Restrictions on Competition under a commitment given to the community prior to the March 1996 election. The Shop Trading Act 1987 and the Capital City (Shop Trading) Act 1992 were listed for review in the Victorian Government Timetable for Review of Legislative Restrictions on Competition of June 1996. The review period was listed from July 1996 to January 1997. However, the Government undertook a review of shop trading laws before these dates and before the release of the Victorian Government Guidelines for Review of Legislative Restrictions on Competition under a commitment given to the community prior to the March 1996 election. The major restriction to competition removed by the new Act was the repeal of times in which shops could not trade. These times included Sundays, public holidays and the hours on a Saturday between 5.00 pm and midnight in metropolitan areas and 1.00 pm and midnight in non-metropolitan areas.

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	The only times that shops, except exempt shops, are now not permitted to trade are on Christmas Day, Good Friday and Anzac Day until 1.00 pm.	The restriction is minimal.
2	The new Act also provides that a municipal council may make a local law requiring shops, other than exempt shops, to close on Sundays or between certain hours on Sundays.	Such a local law can only be made if a poll is conducted and carried in the local area.

Legislation:	<b>Transport Acts (Amendment) Act 1997</b>		
Portfolio:	Transport	Date passed:	1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	The provisions introduced in this amendment do no restrict competition, with the exception of the amendments to the <i>Public Transport Competition Act 1995</i> relating to accrediting hire and drive and courtesy bus services.	These restrictions were justified on public safety considerations.

Legislation:	<b>Travel Agents Regulations 1997</b>		
Portfolio:	Fair Trading	Date passed:	January 1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	Prescribed qualifications for managers of travel agency offices.	<p>The prescribed qualifications are minimal but provide some assurance that bookings made through a travel agent will not miscarry due to incompetence on the part of the agency and that the national compensation fund remains viable.</p> <p>The Travel Agents Act 1986 and these regulations are currently subject to a national review.</p>

Legislation:	<b>Wildlife (Amendment) Act 1997</b>		
Portfolio:	Conservation & Land Management	Date passed:	Assented to on 2 December 1997

No.	Restrictions on Competition Introduced	Competition Policy Justification
1	Limitations to the number of permits made available to whale and dolphin tour operators in Port Phillip Bay.	Limiting the number of permits for whale and dolphin tour operators restricts entry into the dolphin tour market. However, this restriction is justified on the grounds of protecting the welfare of the animals and maintaining sustainable tourist access. Too many tour boats in close vicinity of dolphins in the Bay are likely to stress the animals and encourage their departure from the Bay. This in turn would result in the collapse of the industry. Consequently there are no alternatives to restricting entry into this market.