

9 Review and reform of legislation

The Competition Principles Agreement (CPA) obliges governments to review and, where appropriate, reform legislation that restricts competition. The guiding principle embodied in CPA clause 5(1) is that restrictions on competition should be removed unless it can be demonstrated that restricting competition benefits the community overall (being in the public interest) and is necessary to achieve the objectives of the legislation.

The CPA clause 5 also obliges governments to:

- review, at least once every 10 years, any restrictive legislation against the guiding principle to ensure regulation is relevant given changes in circumstances and/or in government and community priorities;
- ensure new legislation that restricts competition is consistent with the clause 5(1) guiding principle (see chapter 4).

By requiring the review of the stock of legislation and of all continuing and future legislation containing restrictions on competition, CPA clause 5 provides a ‘cradle to grave’ cycle of scrutiny.

CPA clause 5 originally set a target date of 2000 for governments to complete review and reform of all existing legislation containing restrictions on competition. In November 2000, the Council of Australian Governments (CoAG) extended the deadline to 30 June 2002, with one exception: CoAG agreed that satisfactory implementation of reforms may include a firm transitional arrangement beyond the deadline, provided the arrangement is supported by evidence of a public interest. For the National Competition Council to accept that a phased (or deferred) reform is in the public interest, a government must show evidence of a robust public interest assessment arising from a properly constituted review process. The NCP agreements make no provision for the Council to accept other mitigating circumstances, such as the failure of legislation to pass through hostile upper houses of Parliament.

In 2002, for reasons linked to the timing of the annual NCP assessments and governments’ NCP reporting obligations, the Council provided a further year’s extension for completion of the legislation review program and advised all governments that:

Review and/or reform activity that is incomplete or not consistent with NCP principles at June 2003 will be considered to not comply with NCP obligations. Where noncompliance is significant, because it involves an important area of regulation or several areas of regulation,

the Council is likely to make adverse recommendations on payments.
(NCC 2002, p. xvi)

For the 2003 NCP assessment the Council recommended penalties on all state and territory governments for failure to complete review and reform activity by the extended deadline (see below).

Assessing compliance

The Council considers review activity and reform implementation when assessing governments' compliance with the NCP. It looks for transparent, robust and objective reviews, because these increase the likelihood of policy outcomes that are in the public interest. The Council also looks for governments to implement review recommendations expeditiously, unless a government can demonstrate that review recommendations are not in the public interest.

High quality reviews of legislation contribute to well-considered, effective policy outcomes. Taking into account the guidance provided by CoAG at its November 2000 meeting, the Council's approach in assessing compliance with CPA clause 5 is to look for evidence that reviews:

- had terms of reference based on CPA clause 5(9)
- were conducted by a review panel able to undertake an independent and objective assessment of all matters relevant to the legislation under review, including restrictions on competition and public interest matters
- provided for public participation (including by interested parties)
- assessed all costs and benefits of competition restrictions and considered alternative means of achieving the objective of the legislation
- considered all relevant evidence
- demonstrated a net public benefit when recommending that a government introduce or retain restrictions on competition.

To test whether restrictions on competition are warranted, governments need to consider the (non-exhaustive) public interest factors in CPA clause 1(3). Any restrictions must benefit the whole community, not just particular groups. The Council encourages governments to make their review reports publicly available.

The CPA guiding principle does not mean that governments must always conduct a full public review before reforming restrictions. Governments sometimes repeal redundant legislation after preliminary scrutiny shows that the legislation provides no public benefit. Such action meets the CPA

objectives. Similarly, a government may choose to disregard a review recommendation supporting a restriction or seek to achieve policy outcomes via an approach other than that recommended by a review. Where a government does not implement the recommendation of a properly constituted rigorous review, however, the Council looks for the government to provide a robust net community benefit argument, demonstrating why the approach recommended by the review was inappropriate.

Passage, assent and proclamation

In previous NCP assessments, the Council has, where relevant, considered reforms to be implemented once amending legislation has passed through Parliament. Exceptions to this practice include instances where an Act has come into effect but key regulations and guidelines have not been developed. Where such regulations or guidelines relate to material matters, the Council considers the reform incomplete — for example, although Western Australia's *Grain Marketing Act 2002* was passed in November 2002, the Council assessed in 2003 that the state was yet to meet its NCP obligations because regulations and Ministerial guidelines were being developed (see chapter 15).

Typically, Acts come into effect on the day of royal assent, on a date specified in the Act or on a day to be proclaimed by a Governor or Administrator. Alternatively, if none of these situations arise, an Act may commence 'automatically' after a given period — for example, 28 days after the royal assent in the Australian Government jurisdiction. However, the Council has recently noted some deviations from these standard practices, including part proclamation of Acts and moratoriums on particular sections. New South Wales, for example, informed the Council that it had proclaimed its reforming veterinary legislation, but failed to note that it also had instituted a moratorium on the section of the Act that addressed the primary restriction on competition — in this particular case, the section does not come into effect for at least one year.

Such instances have necessitated the Council more closely scrutinising the date of effect for new legislation. However, although the Council is now less sanguine about regarding the passage of legislation through Parliament as the compliance benchmark, it has continued to accept this benchmark for this 2004 NCP assessment, except where the competition restrictions relate to higher priority legislation or in cases of deliberate obfuscation. Any compliance finding is also contingent on governments implementing the legislative reforms; where they do not, the Council will revoke the positive compliance finding.

Penalty recommendations

The Council assesses governments' review and reform of their priority and nonpriority legislation.¹ In accordance with past practice, the 2003 NCP assessment focused on governments' review and reform performance in the priority areas, and the recommended deductions and suspensions of competition payments were based on compliance failures in these areas.

The Council adopted a more expeditious process in assessing governments' obligations to review and reform nonpriority legislation. This approach reflects the likelihood that such legislation involves 'lower order' restrictions on competition and that the Council's resources are used more effectively in engaging with governments to progress reforms in the priority matters.

In the 2003 NCP assessment, the Council determined that for jurisdictions to be assessed as meeting CPA obligations:

- the review and, where appropriate, reform of a particular piece of legislation met fully the CPA clause 5(1) guiding principle
- the review and reform activity was consistent with the CPA clause 5(1) guiding principle, but reform was yet to be completed because it involved a transitional implementation program, supported by a robust public interest test extending beyond 2003.

In many instances, outcomes were not consistent with the obligations under CPA clause 5(1). In other cases, noncompliance was the result of a government not meeting the (extended) deadline of 30 June 2003. Where review and reform activity was incomplete owing to a need to resolve outstanding national reviews or other interjurisdictional processes, the Council excluded these matters from its consideration of penalty recommendations.

In making its recommendations on competition payments, the Council judged the *significance* of each compliance failure based on the relative importance of a compliance breach's impacts on the community and economy, and on CoAG's direction that the Council account for each state or territory's overall commitment to NCP.

¹ Recognising the resource demands on governments from completing reviews and implementing reforms, the Council considered that the greatest benefit to the community would arise from prioritising review and reform activity to address those restrictions with a greater impact on competition. In 2001, the Council identified priority areas of regulation likely to have nontrivial impacts on competition (see box 4.2 in vol. 1 of the 2003 NCP assessment — NCC 2003). The prioritisation process means the Council scrutinises around 800 pieces of priority legislation and monitors review and reform activity for a further 1000 nonpriority areas.

Based on its judgment about the significance of each compliance failure, the Council determined in the 2003 NCP assessment whether the recommended penalty should take the form of a specific deduction or suspension, or whether the compliance failure should be accounted for in a general pool suspension.

- **Permanent deductions** are irrevocable reductions in governments' competition payments. In 2003, the Council recommended permanent deductions for specific compliance failures. If the relevant governments have not improved compliance in these areas for this 2004 NCP assessment, the Council may recommend that the deductions be ongoing.
- **Specific suspensions** are a temporary hold on competition payments until a government completes its compliance efforts in a particular area. In 2003, suspensions were recommended to apply until the relevant governments met pre-determined conditions, at which time the suspended 2003-04 competition payments would be released. Where commitments have not been made or met for this 2004 NCP assessment, or reform action has not been implemented, the Council may recommend that the suspended payments be withheld permanently.
- **Pool suspensions** apply to a pool of outstanding compliance failures. If satisfactory progress has been made to improve compliance for this 2004 NCP assessment, the Council may recommend that the 2003 suspension be lifted or reduced, and that the funds be released to the relevant jurisdiction. If satisfactory progress has not been made, the Council may recommend that all or part of the suspension be converted to a permanent deduction from competition payments.

The Australian Government announced on 8 December 2003 that it had accepted the Council's penalty recommendations.

Developments since the 2003 NCP assessment

This 2004 NCP assessment considers the actions of governments over the past 12 months in the areas of noncompliance identified in the 2003 NCP assessment. Table 9.1 compares legislation review and reform outcomes in 2003 and 2004, indicating (in broad terms) the progress that has been made.

In interpreting the data, there are some important caveats:

- The estimates reflect the different treatment of legislation across jurisdictions — for example, a 'Chiropractors and Osteopaths Act' in a jurisdiction would be counted once, whereas separate legislation for each profession in another jurisdiction would be counted twice.

- In some cases, a jurisdiction's review and reform activity for one issue might encompass several pieces of legislation — for example, the review and reform of the Australian Government's superannuation legislation involved 10 pieces of separate legislation.

Table 9.1: Overall outcomes with the review and reform of legislation^a

	<i>Proportion of priority complying (%)</i>		<i>Proportion of non-priority complying (%)</i>		<i>Proportion of total complying (%)</i>	
	<i>2003</i>	<i>2004</i>	<i>2003</i>	<i>2004</i>	<i>2003</i>	<i>2004</i>
Australian Government	33	60	66	77	51	70
New South Wales	69	83	79	84	73	83
Victoria	78	84	83	86	81	85
Queensland	61	83	92	92	71	86
Western Australia	31	46	54	73	44	62
South Australia	37	60	82	90	63	77
Tasmania	77	82	90	95	84	89
ACT	59	81	97	98	85	93
Northern Territory	47	79	83	90	62	83
Total	56	74	81	87	69	81

^a Includes the stock of legislation identified by jurisdictions in their original legislation review schedules, jurisdictions' periodic additions, and legislation containing restrictions on competition identified by the Council. Excludes water related legislation, apart from three pieces of such legislation that include matters relevant to non-water legislation areas. Excludes legislation specific to electricity, gas and road transport (except where, for example, it relates to professions such as electricians and gasfitters), which are treated separately in chapters 6, 7 and 8 respectively.

Given that such considerations can skew outcomes, the Council does not place undue emphasis on small deviations in compliance ratios across jurisdictions.

It is apparent from table 9.1 that most governments made sound progress in the past year. For priority legislation, the increased rate of compliance since the 2003 NCP assessment is marked — particularly given that the more difficult reforms have often been left too late in the review and reform timetable. The recent history of overall compliance rates for priority legislation across all jurisdictions is:

- 2001 — 20 per cent
- 2002 — 40 per cent
- 2003 — 56 per cent
- 2004 — 74 per cent.

Those jurisdictions that have historically performed poorly relative to others continue to do so, with Western Australia having completed under half of its priority legislation review and reform program to date. The Australian Government and South Australia also continue to lag below the average. That

said, all three jurisdictions have improved significantly since the 2003 NCP assessment.

Tables 9.4–9.12 at the end of this chapter contain all of the legislation review and reform areas that were subject to specific suspensions, permanent deductions or pool suspensions in the 2003 NCP assessment. **Shading** in the tables denotes legislation that was deemed noncompliant in 2003 but has now been assessed by the Council as meeting NCP obligations.

Chapters 10–18 provide the detail underlying the 2004 NCP assessments for the outstanding areas. These chapters deal only with the progress of the review and reform of legislation assessed in 2003 as not meeting NCP obligations. Legislation review and reform areas assessed in previous years as meeting NCP obligations are detailed in the 2003 NCP assessment.

Difficult reform areas

This section discusses areas in which reform of anticompetitive legislation has been difficult to assess, subject to renegeing on commitments, inordinately slow or suggesting a tension between social policy and competition policy objectives. The discussion underpins the Council's assessments (detailed in chapters 10–18) of governments' progress in these areas.

Agricultural marketing single desks

One area of the NCP that has attracted much controversy is the review of legislation underpinning export 'single desks' for agricultural commodities. Proponents of export single desks argue that this area of commerce should be excised from the NCP program because extracting higher prices from foreign customers is unequivocally in the national interest. For this reason, they argue that it is against the national interest for Australian exporters to undercut each other in the international marketplace. Based on this premise, there has been a concerted campaign to stop the South Australian Government from implementing the recommendations of its two independent reviews of the barley single desk, and also a rearguard action to constrain the reforms implemented under the Western Australian grains legislation. A key question, therefore, is whether the above premise has substance.

There is no debate that a case for restricting competition in export marketing may exist where Australia can extract price premiums in overseas markets, such as where:

- a country's demand for imports from Australia is relatively insensitive to price, supply from competing sources is constrained, and there are limited substitute products

- a country imposes a quota on imports of the product(s) from Australia.

In either case, restricting competition among rival Australian exporters can raise national income. The impact of export single desks, however, may not be confined to export markets — for example, export single desks can:

- reward lower valued products at the expense of higher valued products, discouraging more efficient and innovative growers through the pooling of export returns and the limited recognition of quality and product differentiation
- foster inefficient practices throughout the supply chain via the pooling of transport, storage and handling costs
- limit the availability of risk-spreading opportunities (such as forward contracts and cash prices) for producers and competing domestic marketers alike
- increase domestic commodity prices (where export pool returns include premiums) penalising domestic users, such as livestock industries
- allow poor service to growers to persist longer because growers have less opportunity to take their business elsewhere.

Export single desks are in the overall public interest where the additional income from exports exceeds any income forgone in other export markets and any productivity losses in Australia. The role of NCP reviews is to garner the evidence of all of the potential benefits and costs, consider alternatives and recommend where the public interest lies.

Some reviews have found export single desks to be in the public interest, such as the 1996-97 review of Queensland's raw sugar single desk and the 1996 review of the rice single desk in New South Wales. These single desks have thus continued. Other reviews have recommended retaining an export single desk but allowing competition in exporting to markets where the single desk has no pricing power. As a result of Western Australia's 2002 review of its grain export monopoly, for example, the export of barley, canola and lupins in bags and containers was deregulated. In addition, an independent authority was established to allow bulk grain exports that do not threaten the single desk's pricing power. After one year of operations, it is apparent that reform has benefited growers:² cash prices paid to growers lifted noticeably following

² This is consistent with outcomes in Victoria when that state removed its barley marketing monopoly. Growers subsequently enjoyed many more risk management options, with a variety of forward cash offers available in addition to traditional pools, allowing growers to better align marketing risk with their cropping programs and preferences. Deregulation has also been associated with investment in new, more efficient storage and handling facilities in regional areas. Evidence indicates that the prices offered to barley growers in Victoria have generally exceeded those in New South Wales and South Australia.

the introduction of special export licences, and around 10 per cent of growers took the opportunity to sell grain to the new exporters (NFF 2004). The export single desk and growers that deliver to it have not been adversely affected.

Other reviews, however, have not found that single desks are in the public interest — for example, Victoria and Queensland removed their barley export single desks. Nevertheless, the former single desk operators, ABB Grain in Victoria and GrainCorp in Queensland (formerly Grainco), continue to enjoy strong farmer support, in part because they are providing competitive prices and services. By contrast the New South Wales Grains Board, which enjoyed single desk rights on a wide variety of grains, failed due to mismanagement, leaving growers with no buyer just before harvest — illustrating the all-eggs-in-one-basket risk that single desks pose to farmers.

These examples show that NCP does not sacrifice well-performing export single desks for the sake of domestic deregulation. In contrast, the Australian Government's decision to not subject its wheat marketing restrictions to re-review after the 2000 NCP review found the arrangements were not in the public interest, has discouraged some states from proceeding with recommended reforms.

Pharmacy

In 1999 CoAG commissioned a national review of governments' pharmacy legislation (the Wilkinson Review — see chapter 19). The review recommended lifting restrictions on the number of pharmacies that a pharmacist can own and continuing to allow friendly society pharmacies to own pharmacies, but prohibiting the entry of friendly societies in jurisdictions where they do not already operate. The review also recommended retaining the restriction that only pharmacists can own pharmacies, but added that a jurisdiction that has more competitive arrangements in place 'should not be compelled to extend that regulation' (Wilkinson 2000, p.19).

CoAG referred the review to an intergovernmental working group (the Borthwick working group), which endorsed the recommendation to remove restrictions on the number of pharmacies that a pharmacist may own, but proposed that CoAG reject the recommendation to prevent friendly societies operating pharmacies in jurisdictions where they are not already present. The working group challenged the view that restricting pharmacy ownership to pharmacists is in the public interest.³ However, it proposed that CoAG accept

³ The working group found that the review, in coming to the conclusion that restricting pharmacy ownership is in the public interest, was hampered by a lack of evidence and did not appear to examine business ownership in the context of other Australian professions or overseas experience. It also questioned the value of the ownership restrictions given that requirements for pharmacists' supervision of pharmacies already ensure safe pharmacy services.

the recommendation because deregulating ownership in the short term could be too disruptive for the industry.

CoAG endorsed the recommendations of the working group, and the Australian Government affirmed its commitment to the CoAG outcomes in the Third Community Pharmacy Agreement between the Australian Government and the Pharmacy Guild of Australia, in which it was noted that:

During the period of this Agreement, the parties are committed to achieving ... continued development of an effective, efficient and well-distributed community pharmacy service in Australia which takes account of the recommendations of the Competition Policy Review of Pharmacy and the objectives of National Competition Policy...
(Department of Health and Ageing 2000, p. 8)

Although the working group reported in August 2002, no government had completed the review and reform of its pharmacy legislation at the time of the 2003 NCP assessment.

On 17 February 2004, the New South Wales Government introduced legislation to reform pharmacy regulation consistent with national review outcomes. In response, the Pharmacy Guild of Australia mounted a campaign to attenuate the reforms. On 5 May 2004, the Prime Minister advised the New South Wales Premier that the state would not attract a competition payment penalty if it amended its legislation to:

- increase from three to five the maximum number of pharmacies that an individual pharmacist may own
- permit friendly societies to own and operate up to six pharmacies (Howard 2004a).

The New South Wales Parliament subsequently passed amended legislation that reflected the Prime Minister's advice. Consequently, the reforms fell short of those proposed by the CoAG national review process. Further, restricting friendly societies to six pharmacies represented an increase in restrictions on competition, because no such restriction previously applied.

Several other states and territories also were intending to make CoAG consistent reforms to pharmacy legislation. However, as occurred in New South Wales, the Council is aware of correspondence from the Prime Minister to Premiers and Chief Ministers clarifying the extent to which the national review process could be diluted. This has resulted in the retention and introduction of competition restrictions in pharmacy that have no parallel in any other profession in Australia and for which no objective public interest justification has been provided. Indeed, despite pharmacy ownership restrictions, a Choice September 2004 survey found that the advice given by most surveyed pharmacists was poor and that a limited comparison of medicines revealed that supermarkets were cheaper than pharmacies.

A consequence of the Prime Minister's advice has been observed in the Northern Territory. The Territory's legislation does not contain restrictions on how many pharmacies a pharmacist can own nor does it rule out the ownership of pharmacies by persons other than pharmacists. In this regard, the Wilkinson review stated that:

... [w]here a jurisdiction's regulation does not extend as far as the Review's recommended line, that jurisdiction should not be compelled to extend that regulation. (Wilkinson 2000, p. 19)

In the context of the 2003 NCP assessment, the Council understood that the Territory Government intended to introduce ownership restrictions for pharmacies, with some discretion for the Minister to grant exemptions to the restriction. However, the proposed legislation provided that the Minister could not grant an exemption to friendly societies unless this would meet the needs of the community where the pharmacy business is situated.

As the Territory Government's proposals, by imposing restrictions where none existed, were inconsistent with the outcomes of the Wilkinson Review, the Council requested that the territory provide evidence to demonstrate the net public benefits of the restrictions. The territory therefore completed an independent review of the restrictive provisions. However, following a letter from the Prime Minister that no penalty would attach to the introduction of new restrictions on competition, the territory advised that its independent review report would probably not be released.

Whereas most other jurisdictions responded to the Prime Minister's advice by moderating the degree to which competition restrictions have been removed, the Northern Territory intends to introduce new restrictions that, on the evidence to date, serve the interests of a vested group rather than the community and are inconsistent with CoAG outcomes.

In certain respects, New South Wales, and more so the Northern Territory government positions represent 'backsliding' on pharmacy reforms (see also Queensland assessment).

It is rightly the responsibility of the Australian Government to make determinations on the level of competition payments payable to each jurisdiction. However, under the CPA, the Council has no alternative but to assess governments' progress in implementing recommendations of reviews that meet CoAG requirements for rigour and transparency.

Given the reservations of the Borthwick working group about some of the Wilkinson Review's recommendations, the states' and territories' failure to implement the modest reforms recommended by the national review, and the now widely disparate and non-compliant arrangements applying to the pharmacy sector across Australia, the Council considers it timely for another fully independent and rigorous review covering:

- ownership restrictions and other discriminatory provisions that impede competition by friendly society pharmacies

- the impact of the pharmacy location controls under Australian Government legislation
- the community pharmacy sector's codes of ethics and guidelines which the Productivity Commission considered can restrict price advertising for products for which pharmacists have a monopoly over sale (PC 1999a).

The above considerations relate to the competition impacts of pharmacy regulation. These matters could form part of a broader review extending into other areas.⁴ The Council notes that the Australian Government already intends to review pharmacy location controls as part of the negotiation for a Fourth Community Pharmacy Agreement with the Pharmacy Guild of Australia.

Liquor sales

Liquor licensing laws that prescribe accepted community standards relating to alcohol consumption are consistent with the NCP. These include the prescribed minimum age for legal consumption, the requirements that liquor retailers be suitable persons with adequate knowledge of the relevant legislation, and measures to prevent the sale of alcohol to intoxicated persons.

However, other forms of legislation governing the sale of liquor involve competition restrictions. These include:

- limits on market entry by potential sellers — for example, some governments' legislation contains a 'needs test' that requires licence applicants to show that existing outlets do not already adequately serve the area
- discrimination among sellers — for example, in some jurisdictions, hotel bottle shops are permitted to sell packaged liquor on Sundays whereas other liquor stores are not allowed to compete on that day
- market structure — for example, in Queensland, only the holders of a general (hotel) licence can sell packaged liquor to the public. In other states, venues such as cinemas and petrol stations are not permitted to sell liquor — in these latter cases, reviews have found such prohibitions to be in the public interest.

⁴ For example, the Productivity Commission (PC 1999a, p. IX) noted that a pro-competitive reform package could involve: the abolition of ownership controls; facilitation of price advertising by pharmacists (including an end to the prohibition on the discounting of patient charges for subsidised PBS drugs); a reduced role for the Australian Government in determining pharmacists' remuneration for dispensing subsidised PBS drugs; and the abolition of controls on new pharmacy approvals and pharmacy relocations.

Several governments faced competition payment penalties from the 2003 NCP assessment for failing to meet their CPA obligations. In some instances, interest groups and individuals reacted by placing media stories to the effect that the NCP would promote unrestricted sales of alcohol and escalate social problems.

In undertaking its assessments, the Council accepts the findings of NCP reviews that needs tests that account for the competitive impact of new entrants on incumbent sellers cannot be justified on public interest grounds. The Council considers needs tests to be the most serious breach of CPA obligations in this area because of the significantly anticompetitive impacts arising from erecting barriers to entry. Governments can, of course, have genuine public interest tests that focus on the social impacts of a liquor licence application: Victoria, Tasmania and the ACT, for example, have different ways of assessing liquor licence applications yet all focus on the social, community and health implications.

Provisions that discriminate among sellers also cannot be justified on public interest grounds. While it might be argued that all sellers of packaged liquor should be prohibited from trading on a certain day, no social objective is served by allowing one class of seller a 'competition free day'.

Queensland's arrangements are somewhat different in that they allow any entity to enter the industry so long as it is prepared to run a hotel. The arrangements are a barrier to entry, particularly for specialist packaged liquor retailers, and increase the costs of doing business.

Taxis and hire cars

State and territory legislation generally provides for taxi licences to be issued infrequently on a discretionary basis. This approach has led to a decline in taxis per head of population. An indication of the regulation-induced scarcity of taxis is the artificially high value attached to taxi licences — often in the range of \$200 000 to \$300 000. Ultimately, taxi users bear this cost. The adverse efficiency impacts and the transfers from taxi users to licence holders from regulation can be significant. The Victorian NCP review, for example, estimated that the annual cost to the state community of taxi supply restrictions was \$72 million, comprising transfers from passengers to plate owners of \$66 million and deadweight losses of \$6 million. (In addition, low driver remuneration has accompanied high returns to investor plate owners.)

The key competitive restriction on hire cars is the limit on their numbers, although some jurisdictions allow relatively unrestricted entry, possibly to address taxi shortages. Generally, hire cars are prohibited, however, from rank and hail services, so they only compete with taxis only for pre-booked and phone despatch services. Other restrictions include minimum hiring periods and regulated minimum fares set higher than taxi detention rates.

All jurisdictions have reviewed their taxi and hire car legislation. The South Australian and Queensland reviews endorsed the status quo, whereas the Victorian, Western Australian, ACT and Northern Territory reviews recommended removing restrictions on taxi licence numbers and compensating incumbents, in most cases through licence buybacks. The New South Wales and Tasmanian reviews recommended transitional approaches involving annual increases in licence numbers. Despite the evidence that taxi supply restrictions are not in the public interest, governments have found it difficult to make major progress in this area.

The 2002 NCP assessment, while finding that the public interest evidence from governments' NCP reviews supports the immediate removal of supply restrictions, noted that a more gradual transition to open competition could be consistent with CPA clause 5. Accordingly, the Council wrote to all jurisdictions in 2002 to advise that a gradual transition to open competition could be consistent with the NCP if it conformed to the following principles.

1. There should be regular (at least annual) releases of new licences, with sufficient new licences being released to improve the relative supply of taxis in the short term and medium term, given historical demand trends.
2. There should be a commitment to independent and regular monitoring and review of reform outcomes (at least every two to three years), and to additional action if the demand/supply imbalance is not improving.
3. There should be immediate reform of the other chauffeured passenger transport providers (such as hire cars and minibuses) to increase competition.
4. There must be strong commitment that the program of staged licence increases will proceed.

Despite the reform options available, progress has been slow. Victoria has instituted a 12 year program of staged releases of taxi licences equivalent to a 42 per cent increase in numbers over that period. Provided that demand does not outstrip the incremental increases, the community should benefit. Indeed, the Council's relatively low compliance benchmark for taxi reform was set by the positive assessment it afforded Victoria in the 2003 NCP assessment. That assessment recognised Victoria's forward progress in an area in which governments generally lacked the will to implement any meaningful reform. This year, equity of treatment dictates that the benchmark established for Victoria means Western Australia's taxi reform program is sufficient for it to be assessed as (marginally) meeting its CPA obligations.⁵ This low benchmark should be perceived as an interim step towards governments better meeting the public interest objectives established by NCP reviews.

⁵ Western Australia has adopted a novel approach of intervening in the market as a lessor of taxi licences, setting lease rates that undercut market rates.

Tasmania has instituted a program broadly consistent with the Council's principles, although the reserve price mechanism for licence plate auctions that permit new entrants may delay (backload) the benefits of reform. Apart from this slight reservation, Tasmania's program represents best practice to date. The ACT government proposed a similar approach but encountered resistance from incumbent taxi licence owners and the Legislative Assembly.

This year, New South Wales contended that its NCP review erred in assuming that taxi licences were effectively capped, whereas any person can purchase a licence plate at market value (around \$220 000). The Northern Territory in the late 1990s bought back all taxi licences in tandem with opening the market to new participants. Notwithstanding that taxi users continue to pay for this licence buyback, the government subsequently reintroduced entry restrictions. From the community's perspective, it is not clear what benefit was gained from funding the compensation package.

Other jurisdictions have indicated an intention to retain 'demand management' processes, whereby officials determine taxi numbers based on data such as taxi response times and population growth.

The Council considers that taxi reform has been an intractable area for reform. Many of the NCP reviews are now dated and policy relevant developments have occurred overseas. A study in the United Kingdom by the Office of Fair Trading compared and contrasted local taxi licensing authorities that do not apply entry restrictions to the taxi industry with other areas that do. The office was also able to account for the experience of the several local taxi licensing authorities that have moved from restricting taxi licence numbers to de-restricting them in recent years. Based on this 'controlled experiment', the office found that effective quality regulation rather than restricting taxi numbers is the optimal way of ensuring taxi and driver quality and safety. It recommended that quantity controls be repealed.

The Council considers that it may be necessary for an independent agency, like the Productivity Commission, to examine the models adopted across Australia to determine how best to advance the public interest in light of:

- the inability of some governments to institute meaningful reform
- the variations in the reform models being introduced around the country
- the differences in the extent of competition from substitutes (hire cars)
- the claims of New South Wales that its review erred
- the complex issue of compensation for devalued 'property rights'
- industry arguments that de-restriction will lead to poorer service on thin routes and outside of peak times
- the experience of the rapid de-restriction reforms in Northern Territory and subsequent re-regulation

- the evidence from experiences overseas such as New Zealand and the recent Office of Fair Trading study in the United Kingdom.

Fisheries

Primary legislation for fisheries management makes available a 'toolkit' of controls. The application of fisheries management controls in combinations most suited to particular fisheries is usually the province of secondary or subordinate legislation and other regulatory instruments often referred to as management plans. This lower tier of regulation is extensive. It is necessarily subject to regular review and revision in response to challenges such as new information, natural stock variation and technological advances.

In this light, the Council has adopted the following benchmarks for assessing compliance with CPA clause 5 for fisheries management regulation:

- The review of primary fisheries legislation is complete, and recommendations for specific reforms to this legislation have been implemented, except where declined on reasonable public interest grounds.
- Where an NCP review recommended further review of a specific competition issue, that review has been completed and the government has announced a firm implementation timetable for reform (if any).
- A public interest test is built into the normal processes of review and revision of subordinate fisheries legislative instruments.

The review and reform of all of these elements of fisheries legislation is incomplete in most jurisdictions. Some governments have raised with the Council that further reviews are not scheduled for completion for some time owing to informational demands (such as scientific research into fisheries stocks) and the need for effective management to have sufficient industry support that can be assured only via a consultative review process.

Notwithstanding the strength of such arguments and the Council's broad acceptance that some informational requirements and transitional issues revolving around switching from, say, input controls (for example, lobster pots) to output controls (for example, total allowable catch limits) are complex and will require further research and consultation, the Council must assess jurisdictions as failing to meet their legislation review commitments.

Several compliance breaches in this area revolve around timing failures. That said, the Council does not see merit in imposing inflexible timelines on governments where this could promote outcomes that are not in the community's interest because reform implementation has not been able to use the best science. Accordingly, NCP assessments of fisheries legislation recognise that some delays may be unavoidable in certain areas.

Professions and occupations

Laws regulating professions and occupations are a significant element of the review and reform activity by individual governments. In many of these areas, compliant reforms have been completed. However, reforms are still to be implemented in some important areas

Table 9.2 provides a summary of common forms of professional regulation. The models depicted in the table become increasingly stringent, generally in response to the perceived risks to consumers⁶ — for example, lawn mowing services are essentially self-regulated, whereas surgeons operate under a reservation of title and practice.

Table 9.2: Models for regulation of professions

<i>Type of restriction</i>	<i>Explanation</i>
Self-regulation	There are no occupational licensing or registration laws requiring members to be registered with a statutory body.
Negative licensing	Any person can practise in a self-regulated profession unless placed on a register of persons unable to practice. There is no barrier to entry, but consumers are protected from 'unfit' practitioners.
Co-regulation	Regulatory responsibility is shared by government and the profession. Governments may accredit professional organisations that set membership and disciplinary requirements.
Reservation of title	Particular titles of the profession can be used only by those registered by a relevant board. Unprofessional conduct may lead to deregistration. Title reservation can allow persons who are ineligible to use the title to provide similar services under different title.
Reservation of title and core practices	This category is as above, but with the additional condition that certain risky procedures are restricted by legislation to particular registered professions.
Reservation of title and whole of practice	This category is as above, but with the additional condition that a broad scope of practice may be reserved for particular registered professions.
Ownership restrictions	Only a registered profession can own a business. This restriction applies to pharmacists, but not other practitioners such as doctors, dentists and optometrists.

Regulated professions identified under the legislation review program include several health professions (such as chiropractors, dentists, medical practitioners, nurses, optometrists, pharmacists, physiotherapists, podiatrists, psychologists, occupational therapists, speech pathologists and radiographers), the legal profession and building and development professionals (such as architects, surveyors, engineers, electrical engineers,

⁶ The table draws from Government of Victoria 2003, pp. 17-23.

plumbers, gasfitters and builders). In addition, regulations governing a diverse group of other professions (such as teachers, real estate agents, conveyancers, valuers, veterinarians, hairdressers, travel agents, employment agents, security agents, auctioneers, motor vehicle traders, driving instructors, pawnbrokers and hawkers) are also subject to regulation.

The Council has identified compliance failures following some governments' reform activity, including some residual ownership restrictions for dental, optometry and veterinary practices. (Ownership restrictions apply in the pharmacy sector too, but the national review recommended that these be retained as an interim measure.) Ownership restrictions that place occupational standing above business acumen impede market entry for innovative service providers and inhibit innovation.

The review and reform of the health professionals in Western Australia and South Australia remain outstanding. The Council also assessed that some jurisdictions failed to meet their CPA obligations because they retained title reservation for occupational therapists and speech pathologists. However, as explained in table 9.2, title reservation is a low grade restriction that is unlikely to have a significant impact.

For the legal profession, the Standing Committee of Attorneys-General recently released a model Bill that will form the basis for improving consistency across jurisdictions. While the Bill does not stem from the NCP, the Council accepts that it will justifiably delay completion of the review and reform of the profession in some areas. One area outside of this national process however relates to the reservation of conveyancing for legal practitioners, as occurs in Queensland. In Victoria, conveyancers can compete only in the non-legal aspects of conveyancing. Similarly, in the ACT, conveyancers may not settle real estate transactions. The Council assesses these restrictions in this 2004 NCP assessment.

Outside the health and some building related trades, the forms of regulation are generally less prescriptive and completion of the review program is mixed. Most jurisdictions have outstanding activity in these areas.

Gambling

Gambling legislation involves a sometimes uneasy incursion of competition principles to an important aspect of social policy. The Council's approach to the main categories of competition restrictions in gambling legislation (summarised in NCC 2003a) is informed by the Productivity Commission's findings in its 1999 report on Australia's gambling industries (PC 1999b). On the basis of those findings, the Council accepts that the public interest can be served by competition restrictions aimed at consumer protection — in some cases, this can extend to restrictions on access.

Given the difficulties of disentangling the legitimate social policy objectives of governments from pro-competitive policymaking, the Council has been

prepared to make concessions. It does not regard the arguments for exclusive licences as convincing, but accepts that exclusive casino licences can make a limited contribution to reducing problem gambling by reducing access to table games. The Council also accepts that the cost of compensating licence holders, where exclusive licences are revoked, may justify a decision not to revoke these licences for the life of the existing restriction. This rationale does not extend to issuing new exclusive licences in areas where competitive provision would achieve benefits without compromising social objectives. Similarly, even where an exclusive arrangement is in the public interest, competition for that 'right' can provide a community benefit without jeopardising the social objective.

Gambling regulation extends to casinos, poker machines, clubs, all forms of on-track racing, general sports betting, internet gaming, totalisators, lotteries and so on. The Council considers that restrictions on competition that confer rights on some at the expense of others, or that provide more favourable arrangements for one class of provider over another, need to be supported by a public interest justification in terms of harm minimisation. The Council accepts, however, that achieving equality of regulation to areas such as gaming machines may be a gradual process, given many jurisdictions' reluctance to increase overall machine numbers.

The Council considers that an enhanced level of interjurisdictional cooperation has the potential to remove some competition restrictions in areas such as totalisators, racing and sports betting and lotteries without adding to harm. Such cooperation will be also necessary to ensure legitimate social policy concerns, rather than the protection of existing interests, underpin restrictions surrounding the introduction of new forms of gambling made possible by technological change.

The Council's approach to assessing governments' compliance with CPA clause 5 obligations relating to gambling legislation is, therefore, tempered by the recognition that pro-competitive objectives may not always sit easily with social objectives, particularly where social objectives are not always clearly enunciated and are still developing.

Insurance services

Compulsory third party (CTP) insurance and workers compensation insurance are mandatory forms of accident insurance. For at least one of these forms of insurance, some governments have legislated for monopoly underwriting by a government-owned entity. This arrangement is the principal restriction with NCP implications. Despite the two types of insurance being similar, New South Wales, Queensland, Western Australia, Tasmania and the Northern Territory license multiple private companies to provide one of these two forms of insurance, but legislate for the monopoly supply of the other form (table 9.3). In addition, all states and territories except the ACT require legal practitioners to insure through a monopoly provider (see chapter 19).

Table 9.3: Provider arrangements for CTP and workers' compensation insurance

<i>Government</i>	<i>CTP insurance</i>	<i>Workers' compensation insurance</i>
Australian Government	–	Monopoly insurer for Australian Government employees
New South Wales	Multiple private insurers	Monopoly insurer
Victoria	Monopoly insurer	Monopoly insurer
Queensland	Multiple private insurers	Monopoly insurer
Western Australia	Monopoly insurer	Multiple private insurers
South Australia	Monopoly insurer	Monopoly insurer
Tasmania	Monopoly insurer	Multiple private insurers
ACT	Provision for multiple private insurers (one in practice)	Multiple private insurers
Northern Territory	Monopoly insurer	Multiple private insurers

In the 2003 NCP assessment, the Council discussed the arguments for and against the monopoly provision of compulsory insurance but was unable to complete its assessment because the Productivity Commission was reviewing models for a national framework for the provision of workers compensation insurance. On the matter of public monopoly versus private competitive provision of workers compensation insurance, the Productivity Commission's final report (released in June 2004) indicated a preference for private provision of compulsory insurance because private capital is at risk, market competition may encourage efficiency and innovation, and government influence over premiums may be more transparent. However, it noted that competing private insurers can fail, resulting in pressures on governments to become funders of last resort. It concluded that '[t]he literature does not provide a powerful case for either public monopoly or competitive private provision of workers' compensation insurance' (PC 2004b, p. 323).

In light of the inconclusive nature of the Productivity Commission's findings and the arguments made on both sides of the debate, one option for the Council was to assess outcomes in those jurisdictions in which statutory monopoly provision of insurance has been reviewed. However, in many cases, the NCP reviews recommended introducing competition to the market, only to be followed up by second reviews recommending the opposite. Governments which did not undertake the second review could thus be found to not comply with their CPA obligations.

Given the current understanding of the comparative effects of competitive and monopoly provision, the Council considers that it is not in a position to weigh up the costs and benefits to the community of each form of provision. Further, it would not be appropriate for the Council to override the various, albeit conflicting, reviews. The Council is thus unable to assess whether it is necessary to have monopoly provision to achieve governments' objectives in CTP and workers compensation insurance, despite experience (reflected in table 9.3) throwing doubt on the view that statutory monopoly arrangements are necessary to further the public interest.

For this reason, the Council has not assessed governments that have retained statutory monopoly provision, which is the principal arrangement with NCP implications. However, it maintains the position in earlier NCP assessments that jurisdictions that allow competitive provision of compulsory insurance are complying with their CPA clause 5 obligations, because there is no restriction on competition.

National reviews

Where a review raises issues with a national dimension, the NCP provides that it can be undertaken on a national basis. Although a national process can improve regulatory consistency across jurisdictions, progress has been unacceptable in many cases. Chapter 19 provides information on specific national reviews. In many cases, governments have not yet implemented the recommended reforms because delays have arisen from protracted intergovernmental consultation: some national reviews have taken several years to be completed. Areas in which governments' review and reform of legislation are incomplete because interjurisdictional processes need to be resolved include: agricultural and veterinary chemicals; drugs, poisons and controlled substances; and trade measurement. In the case of trade measurement, governments (except Western Australia) agreed to progress to a uniform legislative scheme in 1990.

National reviews and state and territory based reviews have both advantages and disadvantages. Outcomes appear to depend on two main considerations: first, who conducts the national review and, second, the relative costs and benefits of national consistency versus policy competition.

The robustness of a national review process is critically important. National reviews that are not independent of the executive arm of governments potentially encourage the least reform effort by setting compromise reform targets that all jurisdictions can reach. This has been the experience of some of the national reviews conducted by Ministerial councils. National reviews, should, therefore, be conducted by agencies with a record for robust and independent processes (such as the Productivity Commission's review of architects). This condition is particularly important given that a review report sets the benchmark for determining any coordinated interjurisdictional response to the review's recommendations.

The potential benefits of national reviews are reduced duplication of effort and the scope for greater consistency. These benefits accord with the notion of Australia as a 'single market' in a global environment. Like mutual recognition, consistency in regulation can reduce businesses' compliance costs and consumer's search and transaction costs. The benefits can be stark when set against the possibility that two states could embark on reviews of the same area of regulation and arrive at quite different reforms: if one reform path is rejected by one review but considered compliant by another, the Council faces difficult questions about how to assess outcomes (see box 9.1).

Box 9.1: Competition and non-violent erotica

In the past 12 months the Council received a considerable volume of correspondence from several businesses involved in the production and sale of non-violent erotica. While the Council has no role in relation to the censorship objectives of governments, the matters raised relate to competition impacts in state and territory legislation. In one state, non-violent erotica is prohibited in book form whereas identical images can be sold in video form. The two forms are substitute products, yet producers of non-violent erotica in book form are disadvantaged. In another jurisdiction, the exact converse situation arises: sales of the moving image are banned and sales of the image in book form are permitted.

What should be a censorship matter is manifested as an arbitrary restriction on competition that distorts consumption patterns and production decisions for a legal product with a large market presence. Other such anomalies occur across Australia. None of this legislation is subject to scrutiny under the NCP and, although the Council does not consider this to be a high priority, a national approach could provide some consistency for this not insignificant sector of commerce.

On the other hand, policy competition can also provide benefits. A standardised national reform model carries a risk of large scale regulatory failure, whereas a competitive model facilitates policy learning.⁷

The Council has encountered areas in which innovative approaches in one jurisdiction have been adopted by other jurisdictions. Often reforms in some jurisdictions have provided the spur for other jurisdictions to move in areas that were seemingly (politically) intractable.

⁷ Also, regional variations can mean that standardised regulations are inappropriate — for example, building codes for cyclone prone areas may be unnecessarily prescriptive for regions with more moderate climates.

Table 9.4: Progress with legislation review and reform — Australian Government

Title of legislation	2003 NCP assessment	2004 NCP assessment
Wheat Marketing Act 1989	Does not meet CPA obligations (2002)	Does not meet CPA obligations (2002)
Dairy Produce Act 1986 (export control)	Incomplete	Meets CPA obligations (2004)
Agricultural and Veterinary Chemicals Code Act 1994; Agricultural and Veterinary Chemicals (Administration) Act 1992	Incomplete — interjurisdictional process	Incomplete
Imported Food Control Act 1992	Incomplete	Meets CPA obligations (2004)
Quarantine Act 1908 (plant and animal)	Incomplete	Incomplete
Export Control Act 1982 (food)	Incomplete	Incomplete
Aboriginal Land Rights (Northern Territory) Act 1976	Incomplete	Incomplete
Regulations under the Export Control Act related to wood	Incomplete	Incomplete
Shipping Registration Act 1981	Incomplete	Incomplete
Navigation Act 1912	Incomplete	Incomplete
Motor Vehicle Standards Act 1989	Does not meet CPA obligations (2002)	Meets CPA obligations (2004)
Therapeutic Goods Act 1989 (drugs and poisons)	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Health Insurance Act 1973 (part IIA) (pathology collection centre licensing)	Incomplete	Incomplete
National Health Act 1953 (part 6 & schedule 1); Health Insurance Act 1973 (part III) (restrictions on services covered by private health insurance)	Incomplete	Incomplete
Superannuation Act 1976; Superannuation Act 1990; Superannuation Guarantee (Administration) Act 1992	Incomplete	Meets CPA obligations (2004)
Superannuation Industry (Supervision) Act 1993; Superannuation (Self Managed Superannuation Funds) Taxation Act 1987; Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act 1991; Superannuation (Resolution of Complaints) Act 1993; Occupational Superannuation Standards Regulations Applications Act 1992; Superannuation (Financial Assistance Funding) Levy Act 1993	Incomplete	Meets CPA obligations (2004)

(continued)

Table 9.4 continued

Title of legislation	2003 NCP assessment	2004 NCP assessment
Safety, Rehabilitation and Compensation Act 1988	Incomplete – interjurisdictional process	Not assessed (2004)
Interactive Gambling Act 2001	Incomplete	Does not meet CPA obligations (2004)
Broadcasting Services Act 1992; Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992; Radio Licence Fees Act 1964; Television Licence Fee Act 1964	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Radiocommunications Act 1992 and related legislation	Incomplete	Incomplete
Australian Postal Corporation Act 1989	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Customs Act 1901 (part XVB); Customs Tariff (Anti-dumping) Act 1975	Incomplete	Does not meet CPA obligations (2004)
Customs Tariff Act 1995 – Automotive industry arrangements	Incomplete	Meets CPA obligations (2004)
Customs Tariff Act 1995 – Textiles clothing and footwear	Incomplete	Incomplete

Table 9.5: Progress with legislation review and reform — New South Wales

Title of legislation	2003 NCP assessment	2004 NCP assessment
Grain Marketing Act 1991	Does not meet CPA obligations (2002)	Does not meet CPA obligations (2002). The Council accepts that it is not feasible for the state to comply before September 2005.
Poultry Meat Industry Act 1986	Does not meet CPA obligations (2002)	Incomplete
Agricultural and Veterinary Chemicals (New South Wales) Act 1994	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Marketing of Primary Products Act 1983 (Rice Marketing Board)	Incomplete (outside state's control)	Incomplete
Fisheries Management Act 1994	Incomplete	Meets CPA obligations (2004)
Stock Medicines Act 1989	Incomplete	Incomplete
Food Act 1989	Incomplete	Meets CPA obligations (2004)
Farm Debt Mediation Act 1994	Does not meet CPA obligations (2003)	Meets CPA obligations (2004)
Mines Inspection Act 1901	Incomplete	Meets CPA obligations (2004)
Veterinary Surgeons Act 1986	Incomplete	Does not meet CPA obligations (2004)
Passenger Transport Act 1990 (taxis)	Does not meet CPA obligations (2003)	Incomplete
Tow Truck Industry Act 1998	Incomplete	Incomplete
Marine Safety Act 1998	Incomplete	Meets CPA obligations (2004)
Dentists Act 1989	Does not meet CPA obligations (2003)	Meets CPA obligations (2004)
Dental Technicians Registration Act 1975		Does not meet CPA obligations (2004)
Nurses Act 1991	Incomplete	Meets CPA obligations (2004)
Optical Dispensers Act 1963; Optometrists Act 1930	Does not meet CPA obligations (2003)	Meets CPA obligations (2004)
Podiatrists Act 1989	Incomplete	Meets CPA obligations (2004)
Pharmacy Act 1964	Incomplete	Does not meet CPA obligations (2004)
Legal Professions Act 1987	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process

(continued)

Table 9.5 continued

Title of legislation	2003 NCP assessment	2004 NCP assessment
Wool, Hide and Skin Dealers Act 1935	Incomplete	Meets CPA obligations (2004)
Travel Agents Act 1986	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Shops and Industries Act 1962 (hairdressers)	Incomplete	Meets CPA obligations (2004)
Commercial Agents and Private Inquiry Agents Act 1963	Incomplete	Meets CPA obligations (2004)
Workers Compensation Act 1987	Incomplete — interjurisdictional process	Not assessed (2004)
Registered Clubs Act 1976 (liquor) Liquor Act 1982 (liquor)	Incomplete	Meets CPA obligations (2004)
Funeral Funds Act 1979	Incomplete	Meets CPA obligations (2004)
Trade Measurement Act 1989; Trade Measurement Administration Act 1989	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Children (Care and protection) Act 1987; Children and Young Persons (Care and Protection) Act 1998	Incomplete	Meets CPA obligations (2004)
NSW Lotteries Corporatisation Act 1996; Public Lotteries Act 1996	Incomplete	Meets CPA obligations (2004)
Casino Control Act 1992	Incomplete	Meets CPA obligations (2004)
Gaming Machines Act 2001 (exclusive licence)	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Racing Administration Act 1998	Does not meet CPA obligations (2002)	Meets CPA obligations (2004)
Environmental Planning and Assessment Act 1979 and planning and land use reform projects	Incomplete	Incomplete
Architects Act 1921	Incomplete	Meets CPA obligations (2004)

Table 9.6: Progress with legislation review and reform — Victoria

Title of legislation	2003 NCP assessment	2004 NCP assessment
Agriculture and Veterinary Chemicals (Victoria) Act 1994	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Agriculture and Veterinary Chemicals (Control of Use) Act 1992	Incomplete — interjurisdictional process	Meets CPA obligations (2004)
Fisheries Act 1995	Incomplete	Incomplete
Extractive Industries Development Act 1995	Incomplete	Meets CPA obligations (2004)
Transport Act 1983 (provisions relating to tow trucks) and Transport (Tow Truck) Regulations	Does not meet CPA obligations (2003)	Meets CPA obligations (2004)
Port Services Act 1995	Incomplete	Meets CPA obligations (2004)
Drugs, Poisons and Controlled Substances Act 1981	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Pharmacists Act 1974	Incomplete	Incomplete
Legal Practice Act 1996	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process (general)
		Incomplete (conveyancing restrictions)
Private Agents Act 1966	Incomplete	Meets CPA obligations (2004)
Travel Agents Act 1986	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Accident Compensation Act 1985; Accident Compensation (Workcover Insurance) Act 1993	Incomplete — interjurisdictional process	Not assessed (2004)
Transport Accident Act 1986	Incomplete — interjurisdictional process	Not assessed (2004)
Trade Measurement Act 1995; Trade Measurement (Administration) Act 1995	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Tattersall Consultation Act 1958; Public Lotteries Act 2000	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Building Act 1993 (building approvals and building practitioners)	Incomplete	Meets CPA obligations (2004)
Architects Act 1991	Incomplete	Meets CPA obligations (2004)
Surveyors Act 1978	Incomplete	Meets CPA obligations (2004)

Table 9.7: Progress with legislation review and reform — Queensland

Title of legislation	2003 NCP assessment	2004 NCP assessment
Agricultural and Veterinary Chemicals (Queensland) Act 1994	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Agricultural Chemicals Distribution Control Act 1966	Incomplete	Meets CPA obligations (2004)
Fisheries Act 1994	Incomplete	Incomplete
Sawmills Licensing Act 1936	Incomplete	Meets CPA obligations (2004)
Transport Operations (Passenger Transport) Act 1994 (taxis)	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Transport Infrastructure (Rail) Regulation 1996 — Transport Infrastructure Act 1994	Incomplete	Meets CPA obligations (2004)
Transport Infrastructure (Ports) Regulation 1994 — Transport Infrastructure Act 1994 (activities outside ports)	Does not meet CPA obligations (2002)	Meets CPA obligations (2004)
Health practitioner legislation (practice restrictions): Chiropractors and Osteopaths Act 1979; Dental Act 1971; Dental Technicians and Dental Prosthetists Act 1991; Medical Act 1939; Optometrists Act 1974; Optometrists Registration Act 2001; Physiotherapists Act 1964; Physiotherapists Registration Act 2001; Podiatrists Act 1969; Podiatrists Registration Act 2001	Incomplete	Meets CPA obligations (2004)
Nursing Act 1992	Incomplete	Incomplete
Occupational Therapists Act 1979	Does not meet CPA obligations (2002)	Does not meet CPA obligations (2002)
Speech Pathologists Act 1979	Does not meet CPA obligations (2002)	Does not meet CPA obligations (2002)
Pharmacy Act 1976; Pharmacy Registration Act 2001	Incomplete	Incomplete
Health Act 1937 (drugs and poisons)	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Legal Practitioners Act 1995; Queensland Law Society Act 1952	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process (general)
Health Act 1937 (hairdressing)		Does not meet CPA obligations (2004) (conveyancing restrictions)
Pawnbrokers Act 1984; Second-hand Dealers and Collectors Act 1984	Incomplete	Meets CPA obligations (2004)
	Incomplete	Meets CPA obligations (2004)

(continued)

Table 9.7 continued

Title of legislation	2003 NCP assessment	2004 NCP assessment
Travel Agents Act 1988	Incomplete — interjurisdictional process Incomplete	Incomplete — interjurisdictional process Incomplete
Auctioneers and Agents Act 1971 (maximum commissions for auctioneers and real estate agents); Property Agents and Motor Dealers Act 2000	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Trade Measurement Act 1990	Incomplete — interjurisdictional process	Not assessed (2004)
Workcover Queensland Act 1996	Does not meet CPA obligations (2003)	Meets CPA obligations (2004)
Superannuation (State Public Sector) Act 1990	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Liquor Act 1992	Incomplete	Meets CPA obligations (2004)
Funeral Benefit Business Act 1982	Incomplete	Meets CPA obligations (2004)
Credit Act 1987	Incomplete	Meets CPA obligations (2004)
Keno Act 1996; Charitable and Non-profit Gambling Act 1999	Incomplete	Meets CPA obligations (2004)
Gaming Machine Act 1991	Incomplete	Does not meet CPA obligations (2004)
Wagering Act 1998 (TAB)	Incomplete	Meets CPA obligations (2004)
Interactive Gambling (Player Protection) Act 1998	Incomplete — interjurisdictional process	Meets CPA obligations (2004)
Grammar Schools Act 1975	Incomplete	Meets CPA obligations (2004)
Child Care Act 1991; Child Care (Child Care Centres) Regulation 1991 and Child Care (Family Day Care) Regulation 1991	Incomplete	Meets CPA obligations (2004)
Surveyors Act 1977	Incomplete	Meets CPA obligations (2004)

Table 9.8: Progress with legislation review and reform — Western Australia

Title of legislation	2003 NCP assessment	2004 NCP assessment
Agricultural and Veterinary Chemicals (Western Australia) Act 1995	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Agricultural Produce (Chemical Residues) Act 1983; Aerial Spraying Control Act 1966; Veterinary Preparations and Animal Feeding Stuffs Act 1976	Incomplete — interjurisdictional process	Incomplete
Grain Marketing Act 1975	Incomplete	Incomplete
Marketing of Eggs Act 1945	Incomplete	Meets CPA obligations (2004)
Chicken Meat Industry Act 1977	Incomplete	Meets CPA obligations (2004)
Marketing of Potatoes Act 1946	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Health Act 1911 and Food Regulations under the Health Act	Incomplete	Incomplete
Veterinary Surgeons Act 1960	Incomplete	Incomplete
Fish Resources Management Act 1994	Does not meet CPA obligations (2003)	Incomplete
Pearling Act 1990	Incomplete	Does not meet CPA obligations (2004)
Sandalwood Act 1929	Incomplete	Meets CPA obligations (2004)
Taxi Act 1994	Incomplete	Meets CPA obligations (2004)
Explosives and Dangerous Goods Act 1961	Incomplete	Meets CPA obligations (2004)
Jetties Act 1926 and Regulations; Lights (Navigation) Protection Act 1938; Marine and Harbours Act 1981 and Regulations; Shipping and Pilotage Act 1967 and Regulations; Western Australian Marine Act 1982	Incomplete	Incomplete
Transport Co-ordination Act 1966	Incomplete	Incomplete
Health practitioner legislation: Dental Act 1939; Dental Prosthetists Act 1985; Chiropractors Act 1964; Optical Dispensers Act 1966; Optometrists Act 1940; Nurses Act 1992; Osteopaths Act 1997; Physiotherapists Act 1950; Podiatrists Registration Act 1984; Psychologists Registration Act 1976; Occupational Therapists Registration Act 1980	Incomplete	Incomplete

(continued)

Table 9.8 continued

Title of legislation	2003 NCP assessment	2004 NCP assessment
Medical Act 1894	Incomplete	Incomplete
Poisons Act 1964; Health Act 1911 (part VIIIA) (drugs and poisons)	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Pharmacy Act 1964	Incomplete	Incomplete
Legal Practitioners Act 1893	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Motor Vehicle Driving Instructors Act 1963	Incomplete	Meets CPA obligation (2004)
Auction Sales Act 1973	Incomplete	Incomplete
Travel Agents Act 1985 and Regulations	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Settlement Agents Act 1981	Incomplete	Incomplete
Pawnbrokers and Second-hand Dealers Act 1994	Incomplete	Incomplete
Debt Collectors Licensing Act 1964	Incomplete	Incomplete
Employment Agents Act 1976	Incomplete	Incomplete
Hairdressers Registration Act 1946	Incomplete	Does not meet CPA obligations (2004)
Real Estate and Business Agents Act 1978	Incomplete	Incomplete
Motor Vehicle (Third Party Insurance) Act 1943	Incomplete — interjurisdictional process	Not assessed (2004)
State Superannuation Act 2000	Incomplete	Meets CPA obligations (2004)
Workers Compensation and Rehabilitation Act 1981	Incomplete — interjurisdictional process	Meets CPA obligations (2004)
Retail Trading Hours Act 1987	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Liquor Licensing Act 1988	Does not meet CPA obligations (2003))	Does not meet CPA obligations (2003)
Petroleum Products Pricing Amendment Act 2000; Petroleum Legislation Amendment Act 2001	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Environmental Protection (Diesel and Petrol) Regulations 1999	Does not meet CPA obligations (2003)	Meets CPA obligations (2004)
Retirement Villages Act 1992	Incomplete	Incomplete
Credit (Administration) Act 1984	Incomplete	Incomplete
Hire Purchase Act 1959	Incomplete	Meets CPA obligations (2004)

(continued)

Table 9.8 continued

Title of legislation	2003 NCP assessment	2004 NCP assessment
Weights and Measures Act 1915	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Education Service Providers (Full Fee Overseas Students) Registration Act 1992	Incomplete	Meets CPA obligations (2004)
Curtin University of Technology Act 1966; Edith Cowan University Act 1984; Murdoch University Act 1973; University of Notre Dame Australia Act 1989; University of Western Australia Act 1911	Incomplete	Meets CPA obligations (2004)
Community Services Act 1972 and the Community Services (Child Care) Regulations 1988	Incomplete	Meets CPA obligations (2004)
Lotteries Commission Act 1990	Incomplete	Meets CPA obligations (2004)
Gaming Commission Act 1987 (exclusive licences)	Incomplete	Does not meet CPA obligations (2004)
Betting Control Act 1954; Totalisator Agency Board Betting Act 1960; Racing Restrictions Act 1917; Racing Restrictions Act 1927	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Western Australian Greyhound Racing Association Act 1981	Incomplete	Meets CPA obligations (2004)
Casino (Burswood Island) Agreement Act 1985; Casino Control Act 1984	Incomplete	Meets CPA obligations (2004)
Gaming Commission Act 1987 (minor gambling)	Incomplete	Incomplete
Town Planning and Development Act 1928; Western Australian Planning Commission Act 1985; Metropolitan Region Town Planning Scheme Act 1959	Incomplete	Incomplete
Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989	Incomplete	Incomplete
Architects Act 1921	Incomplete	Incomplete
Licensed Surveyors Act 1909	Incomplete	Meets CPA obligations (2004)
Valuation of Land Act 1987	Incomplete	Meets CPA obligations (2004)
Painters Registration Act 1961	Incomplete	Meets CPA obligations (2004)
Gas Standards Act 1972 and Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999	Incomplete	Meets CPA obligations (2004)
Electricity Act 1945 and Electricity (Licensing) Regulations 1991	Incomplete	Meets CPA obligations (2004)

Table 9.9: Progress with legislation review and reform — South Australia

Title of legislation	2003 NCP assessment	2004 NCP assessment
Agricultural and Veterinary Chemicals (South Australia) Act 1994	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Agricultural Chemicals Act 1955; Stock Foods Act 1941; Stock Medicines Act 1939	Incomplete	Meets CPA obligations (2004)
Chicken Meat Industry Act 2003	Does not meet CPA obligations (2003)	Meets CPA obligations (2004)
Barley Marketing Act 1993	Incomplete	Incomplete
Dairy Industry Act 1992; Meat Hygiene Act 1994	Incomplete	Meets CPA obligations (2004)
Veterinary Surgeons Act 1985	Incomplete	Meets CPA obligations (2004)
Mining Act 1971; Mines and Works Inspection Act 1920	Incomplete	Meets CPA obligations (2004)
Opal Mining Act 1995	Incomplete	Incomplete
Fisheries Act 1982	Incomplete	Does not meet CPA obligations (2004)
Fisheries (Gulf St Vincent Prawn Fishery Rationalization) Act 1987	Incomplete	Meets CPA obligations (2004)
Passenger Transport Act 1994 (taxis)	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Motor Vehicles Act 1959 (tow trucks)	Incomplete	Incomplete
Dangerous Substances Act 1979	Incomplete	Meets CPA obligations (2004)
Harbours and Navigation Act 1993	Incomplete — interjurisdictional process	Meets CPA obligations (2004)
Dentists Act 1984	Does not meet CPA obligations (2003)	Incomplete
Occupational Therapists Act 1974	Incomplete	Incomplete
Chiropractors Act 1991	Incomplete	Incomplete
Medical Practitioners Act 1983	Incomplete	Incomplete
Optometrists Act 1920	Incomplete	Incomplete
Physiotherapists Act 1991	Incomplete	Incomplete
Pharmacy Act 1991	Incomplete	Incomplete
Psychological Practices Act 1973	Incomplete	Incomplete
Chiropractists Act 1950	Incomplete	Incomplete

(continued)

Table 9.9 continued

Title of legislation	2003 NCP assessment	2004 NCP assessment
Controlled Substances Act 1984	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Legal Practitioners Act 1981	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Conveyancers Act 1994	Incomplete	Meets CPA obligations (2004)
Hairdressers Act 1988	Meets CPA obligations (2001) — contingent on re-review	Meets CPA obligations (2004)
Employment Agents Registration Act 1993	Incomplete	Incomplete
Travel Agents Act 1986	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Motor Vehicles Act 1959	Incomplete — interjurisdictional process	Not assessed (2004)
Workers Rehabilitation and Compensation Act 1986	Incomplete — interjurisdictional process	Not assessed (2004)
Southern State Superannuation Act 1987	Does not meet CPA obligations (2003)	Meets CPA obligations (2004)
Liquor Licensing Act 1997	Incomplete	Incomplete
Shop Trading Hours Act 1977	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Petrol Products Regulation Act 1995	Incomplete	Incomplete
Trade Measurement Act 1993; Trade Measurement Administration Act 1993	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Children's Protection Act 1993	Incomplete	Meets CPA obligations (2004)
State Lotteries Act 1966 (exclusive licence)	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Gaming Machines Act 1992	Incomplete	Incomplete
Authorised Betting Operations Act 2000 (racing and betting)	Incomplete	Meets CPA obligations (2004)
Lottery and Gaming Act 1936	Incomplete	Meets CPA obligations (2004)
Architects Act 1939	Incomplete	Incomplete
Survey Act 1992	Incomplete	Meets CPA obligations (2004)
Land Valuers Act 1994	Incomplete	Meets CPA obligations (2004)
Building Work Contractors Act 1995	Incomplete — interjurisdictional process	Meets CPA obligations (2004)

Table 9.10: Progress with legislation review and reform — Tasmania

Title of legislation	2003 NCP assessment	2004 NCP assessment
Agricultural and Veterinary Chemicals (Tasmania) Act 1994	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Agricultural and Veterinary Chemicals (Control of Use) Act 1995	Incomplete	Meets CPA obligations (2004)
Food Act 1998	Incomplete	Meets CPA obligations (2004)
Veterinary Surgeons Act 1987	Does not meet CPA obligations (2003)	Meets CPA obligations (2004)
Marine Farming Planning Act 1995	Does not meet CPA obligations (2003)	Meets CPA obligations (2004)
Taxi and Luxury Hire Car Industries Act 1995	Incomplete	Meets CPA obligations (2004)
Medical Practitioners Registration Act 1996	Incomplete	Meets CPA obligations (2004)
Pharmacy Act 1908 (replaced by Pharmacy Registration Act 2001)	Incomplete	Incomplete
Optometrists Registration Act 1994	Incomplete	Meets CPA obligations (2004)
Poisons Act 1971; Alcohol and Drug Dependency Act 1968; Pharmacy Act 1908 (replaced by Pharmacy Registration Act 2001); Criminal Code Act 1924 (drugs and poisons)	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Legal Profession Act 1993	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Auctioneers and Real Estate Agents Act 1991	Incomplete	Incomplete
Travel Agents Act 1987	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Motor Accidents (Liabilities and Compensation) Act 1973	Incomplete — interjurisdictional process	Not assessed (2004)
Vocational Education and Training Act 1994	Incomplete	Meets CPA obligations (2004)
Racing Act 1983; Racing and Gaming Act 1952 (except as it relates to minor gaming), which was replaced by the Racing Regulation Act 1952	Incomplete	Incomplete
Racing and Gaming Act 1952 (relating to minor gaming); Gaming Control Act 1993 (gaming machines)	Incomplete	Does not meet CPA obligations (2004)
Architects Act 1929	Incomplete	Meets CPA obligations (2004)
Plumbers and Gas-fitters Registration Act 1951	Incomplete	Incomplete

Table 9.11: Progress with legislation review and reform — the ACT

Title of legislation	2003 NCP assessment	2004 NCP assessment
Veterinary Surgeons Registration Act 1965	Incomplete	Incomplete
Dangerous Goods Act 1975	Incomplete	Meets CPA obligations (2004)
Motor Traffic Act 1936 (taxis); Road Transport (General) Act 1999; Road Transport (Public Passenger Services) Act 2001	Incomplete	Does not meet CPA obligations (2004)
Health practitioner legislation: Dentists Act 1931; Chiropractors and Osteopaths Act 1983; Medical Practitioners Act 1930; Nurses Act 1988; Optometrists Act 1956; Physiotherapists Act 1977; Psychologists Act 1994; Podiatrists Act 1994	Incomplete	Meets CPA obligations (2004)
Health practitioner legislation: Dental Technicians and Dental Prosthetists Registration Act 1988	Incomplete	Does not meet CPA obligations (2004)
Pharmacy Act 1931	Incomplete	Incomplete
Drugs of Dependence Act 1989; Poisons Act 1933; Poisons and Drugs Act 1978 (drugs and poisons)	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Legal Practitioners Act 1970	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Agents Act 1968 (travel agents)	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Agents Act 1968 (employment agents licensing)	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
Trade Measurement Act 1991	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Public Sector Management Act 1994 (superannuation)	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Education Act 1937; Schools Authority Act 1976; Public Instruction Act 1880 (NSW); Free Education Act 1906 (NSW)	Incomplete	Meets CPA obligations (2004)
Betting (ACTTAB Limited) Act 1964; Betting (Corporatisation) (Consequential Provisions) Act 1996	Incomplete — pending national task force on cross-border betting	Incomplete
Gaming Machine Act 1987	Incomplete	Does not meet CPA obligations (2004)
Interactive Gambling Act 1998	Incomplete — interjurisdictional process	Incomplete
Architects Act 1959	Incomplete	Meets CPA obligations (2004)
Building Act 1972; Electricity Act 1971 (electrician licensing); Electricity Safety Act 1971; Plumbers, Drainers and Gasfitters Board Act 1982	Incomplete	Meets CPA obligations (2004)

Table 9.12: Progress with legislation review and reform — the Northern Territory

Title of legislation	2003 NCP assessment	2004 NCP assessment
Agricultural and Veterinary Chemicals (Northern Territory) Act	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Poisons and Dangerous Drugs Act (agvet chemicals)	Incomplete	Meets CPA obligations (2004)
Food Act 1986	Incomplete	Meets CPA obligations (2004)
Veterinarians Act 1994	Incomplete	Meets CPA obligations (2004)
Fisheries Act 1996	Incomplete	Incomplete
Mining Act 1980	Incomplete	Meets CPA obligations (2004)
Commercial Passenger (Road) Transport Act (taxis)	Does not meet CPA obligations (2003)	Incomplete
Health practitioner legislation: Dental Act; Medical Act; Nursing Act; Optometrists Act	Incomplete	Meets CPA obligations (2004)
Health Practitioners and Allied Professionals Registration Act	Incomplete	Meets CPA obligations (2004) — apart from title reservation for occupational therapists
Radiographers Act	Incomplete	Meets CPA obligations (2004)
Pharmacy Act	Incomplete	Incomplete
Poisons and Dangerous Drugs Act; Therapeutic Goods and Cosmetics Act (drugs and poisons), Pharmacy Act	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Legal Practitioners Act	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Consumer Affairs and Fair Trading Act (travel agents)	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Territory Insurance Office Act; Motor Accidents (Compensation) Act	Incomplete — interjurisdictional process	Not assessed (2004)
Liquor Act	Incomplete	Does not meet CPA obligations (2004)
Trade Measurement Act	Incomplete — interjurisdictional process	Incomplete — interjurisdictional process
Education Act (higher education)	Incomplete	Meets CPA obligations (2004)
Community Welfare Act	Incomplete	Incomplete
Gaming Control Act and Regulations; Gaming Machine Act and Regulations	Incomplete	Meets CPA obligations (2004)
Totalisator Licensing and Regulation Act; Sale of NT TAB Act	Incomplete	Does not meet CPA obligations (2004)

(continued)

Table 9.12 continued

Racing and Betting Act and Regulations; Unlawful Betting Act and Regulations	Incomplete	Meets CPA obligations (2004)
Architects Act	Incomplete	Meets CPA obligations (2004)

Table 9.13: Key to legislation topic areas in the jurisdictional chapters 10–18

A	Primary industries	F	Insurance and superannuation
A1	Agricultural commodities	F1	Compulsory third party motor vehicle
A2	Farm debt finance		Workers' compensation
A3	Fisheries	F2	Superannuation
A4	Forestry		
A5	Agricultural and veterinary chemicals	G	Retail trading
A6	Food	G1	Shop trading hours
A7	Quarantine and food exports	G2	Liquor licensing
A8	Veterinary services	G3	Petrol retailing
A9	Mining		
B	Transport	H	Fair trading and consumer protection
B1	Taxis and hire cars	H1	Other fair trading legislation
B2	Tow trucks	H2	Consumer credit legislation
B3	Dangerous goods	H3	Trade measurement legislation
B4	Rail		
B5	Vehicle standards	I	Social regulation
B6	Ports and sea freight	I1	Education
B7	Air transport		Universities
C	Health and pharmaceutical services	I2	Child care
C1	Health professions	I3	Gambling
	Chiropractors		TABs
	Dental practitioners		Casinos
	Medical practitioners		Racing and betting
	Nurses		Lotteries
	Optometrists and optical		Gaming machines
	paraprofessionals		Internet gambling
	Osteopaths		Minor gambling
	Pharmacists	J	Planning, construction and development
	Physiotherapists	J1	Planning and approval
	Podiatrists	J2	Building regulations and approval
	Psychologists	J3	Building professions
	Occupational therapists		Architects
	Radiographers		Surveyors
	Speech pathologists		Valuers
C2	Drugs, poisons and controlled substances		Electrical workers
C3	Restrictions on pathology services under Medicare		Plumbers, drainers and gasfitters
	Regulation of private health insurance – product controls		Builders or building practitioners
			Other building trades
D	Legal services	K	Communications
E	Other professions		Broadcasting
	Commercial agents, inquiry agents and security providers		Radiocommunications
	Driving instructors		Postal services
	Motor vehicle and second-hand dealers	L	Barrier assistance
	Real estate agents		PMV
	Travel agents		TCF
	Auctioneers		Anti-dumping
	Conveyancers		
	Employment agents		
	Hairdressers		
	Other licensed occupations		