

# 9 Review and reform of legislation

The Competition Principles Agreement (CPA) obliged governments to review and, where appropriate, reform legislation that restricts competition by 30 June 2002. 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 remains relevant
- ensure new legislation that restricts competition is consistent with the clause 5(1) guiding principle (see chapter 4).

CPA clause 5 originally set a target date of 2000 for governments to complete the review and reform of all legislation containing restrictions on competition. In November 2000, the Council of Australian Governments (COAG) extended the deadline to 30 June 2002. In the 2002 NCP assessment, for timing reasons, the National Competition Council provided a further year's extension but 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 ... the Council is likely to make adverse recommendations on payments.* (NCC 2002, p. xvi)

Consistent with this caution, for the 2003 NCP assessment the Council recommended competition payment reductions and suspensions for all state and territory governments for failure to complete review and reform activity. The reduced competition payments spurred governments to expedite reforms, resulting in many of the suspensions and deductions being lifted in the 2004 NCP assessment. Given that this 2005 NCP assessment is the final under the current NCP program, it addresses all remaining unmet commitments.

## 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.

In 2000, COAG directed that the Council's assessment of whether governments have met their commitments under CPA clause 5(1) should be guided by the following amendment to the CPA:

*In assessing whether the threshold requirement of clause 5 has been achieved, the NCC should consider whether the conclusion reached in the report is within a range of outcomes that could reasonably be reached based on the information available to a properly constituted review process. Within the range of outcomes that could reasonably be reached it is a matter for government to determine what policy is in the public interest. (COAG 2000)*

Other guidance provided by COAG (2000) included:

- requesting that governments document the public interest reasons supporting their reform decisions and make this reasoning publicly available
- requesting that governments consider the likely impacts of reform measures on specific industry sectors and communities, including the likely adjustment costs
- recognising that satisfactory reform implementation may include a firm transitional arrangement that extends beyond 30 June 2002, where justified by a public interest assessment.

COAG's guidance points to the need for a rigorous analytical approach whereby reviews consider all relevant evidence and logically draw conclusions and recommendations from that evidence. Policy actions in line with review findings and recommendations based on flawed analysis or incomplete evidence may not satisfy the CPA guiding principle.

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 on competition. 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.

## Competition payments

Recognising the resource demands on governments from completing reviews and (where necessary) 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. Accordingly, in 2001, the Council identified priority areas of regulation likely to have nontrivial impacts on competition (see box 4.2 in volume 1 of the 2003 NCP assessment—NCC 2003a). This prioritisation also means that the Council's resources are used more effectively in engaging with governments to progress more significant reforms. The effect of categorising legislation in this way is that the Council scrutinises closely around 800 pieces of priority legislation and monitors activity for a further 1000 nonpriority areas.

Compliance breaches for priority legislation can attract individual penalties or contribute to pool suspensions, whereas compliance breaches for nonpriority legislation do not have *direct* adverse payment implications. However, governments' *overall* performance in meeting their obligations with the suite of nonpriority legislation can bear on competition payments.

The Council's NCP assessments focus on priority legislation areas. Progress with the review and reform of nonpriority legislation is reported periodically in legislation review compendiums. However, because this 2005 NCP assessment is the final under the current NCP program, details of all outstanding nonpriority legislation are provided at the end of each government's assessment chapter (see chapters 10–18).

For this 2005 NCP assessment, the Council determined that jurisdictions would be assessed as meeting CPA obligations where:

- 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.

In many instances, outcomes have not been consistent with the obligations under CPA clause 5(1). In other cases, noncompliance is the result of a government not meeting the deadline. Where review and reform activity is incomplete owing to a need to resolve outstanding national reviews or other interjurisdictional processes, the Council has excluded these matters from its consideration of competition payments recommendations.

In making its recommendations on competition payments, the Council judges 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 the NCP.

Based on its judgment about the significance of each compliance failure, the Council determined in the 2003 and 2004 NCP assessments whether any recommended reduction in competition payments should be a specific deduction or suspension, or whether general pool suspensions should account for the compliance failure (see box 1). The Australian Government accepted all of the Council's recommendations arising from the 2003 and 2004 NCP assessments.

This 2005 NCP assessment is the last such assessment under the current NCP program and the Australian Government has advised that the 2005-06 competition payments are the last such payments. For this reason, the Council has not recommended any suspensions that would require a further review; it has thus limited recommendations on 2005-06 competition payments to deductions.

**Box 9.1:** Competition payments—suspensions and deductions

**Permanent deductions** are irrevocable reductions in governments' competition payments. The Council recommends permanent deductions for specific compliance failures. If the relevant governments have not improved compliance in these areas for the subsequent 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 and 2004, specific suspensions were recommended to apply until the relevant governments met pre-determined conditions, at which time the suspended competition payments would be released. Where commitments have not been made or met for the subsequent NCP assessment, or reform action was not implemented, the Council may recommend that the suspended payments should be withheld permanently.

**Pool suspensions** apply to a pool of outstanding compliance failures. If satisfactory progress has been made to improve compliance for this 2005 NCP assessment, the Council may recommend that the 2004 pool suspension be lifted or reduced. 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.

## Developments since the 2004 NCP assessment

This 2005 NCP assessment considers the actions of governments over the past 12 months in the areas of noncompliance identified in the 2004 NCP assessment. Table 9.1 compares legislation review and reform outcomes in 2004 and 2005, indicating (in broad terms) the progress that has been made.<sup>1</sup>

Most governments made progress in the past year. For priority legislation, however, the improvement in compliance has been mixed. Some governments (such as Victoria and Tasmania) that had made relatively good progress in the past are now faced with a 'rump' of legislation whose reform is mired in national processes and cannot be progressed in the near term.

Those jurisdictions that have historically performed poorly relative to others continue to do so, with Western Australia having completed just over 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 since the 2004 NCP assessment.

---

<sup>1</sup> In interpreting the data, note that:

- the estimates can reflect the differential treatment across jurisdictions—for example, a 'Chiropractors and Osteopaths Act' would be counted once, whereas separate legislation for each profession 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, reform of the Australian Government's superannuation legislation involved 10 pieces of legislation

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

**Table 9.1:** Overall outcomes with the review and reform of legislation<sup>a</sup>

	<i>Proportion of priority legislation complying (%)</i>		<i>Proportion of non-priority legislation complying (%)</i>		<i>Proportion of total legislation complying (%)</i>	
	2004	2005	2004	2005	2004	2005
Australian Government	60	<b>64</b>	77	<b>89</b>	70	<b>78</b>
New South Wales	83	<b>88</b>	84	<b>94</b>	83	<b>91</b>
Victoria	84	<b>84</b>	86	<b>91</b>	85	<b>88</b>
Queensland	83	<b>85</b>	92	<b>92</b>	86	<b>87</b>
Western Australia	46	<b>55</b>	73	<b>77</b>	62	<b>68</b>
South Australia	60	<b>69</b>	90	<b>94</b>	77	<b>83</b>
Tasmania	82	<b>84</b>	95	<b>96</b>	89	<b>91</b>
ACT	81	<b>82</b>	98	<b>98</b>	93	<b>93</b>
Northern Territory	79	<b>82</b>	90	<b>90</b>	83	<b>85</b>
<b>Total</b>	<b>74</b>	<b>78</b>	<b>87</b>	<b>91</b>	<b>81</b>	<b>85</b>

<sup>a</sup> 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.

Tables 9.2–9.10 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 2004 NCP assessment. Shading in the tables denotes legislation that was deemed noncompliant in 2004 but that has now been assessed by the Council as meeting NCP obligations.

Chapters 10–18 provide the detail underlying the 2005 NCP assessments for the outstanding areas. These chapters deal only with the progress of the review and reform of legislation assessed in 2004 as not meeting NCP obligations. (Legislation review and reform areas assessed in previous years as meeting NCP obligations are detailed in the 2003 and 2004 NCP assessment reports.)

## Areas not assessed

Compulsory third party 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.

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. The Productivity Commission's final report (released in June 2004)

concluded that '[t]he literature does not provide a powerful case for either public monopoly or competitive private provision of workers' compensation insurance' (PC 2004c, p. 323).

In its 2004 NCP assessment, the Council was thus unable to assess whether it is necessary to have monopoly provision to achieve governments' objectives for compulsory third party and workers compensation insurance. Accordingly, the Council did not assess compliance with CPA obligations in this area. (Jurisdictions that allow competitive provision of compulsory insurance comply with their CPA clause 5 obligations, by virtue of not restricting competition.) There have been no developments, so the Council has not assessed these matters in this 2005 NCP assessment.

## **Compliance categories**

In the 2003 and 2004 NCP assessments, review and reform activity pertaining to governments' outstanding obligations from the preceding year was encapsulated in summary tables. Each outstanding obligation was delineated as one of the following outcomes:

- 'Meets CPA obligations (year)'
- 'Does not meet CPA obligations (year)'
- 'Incomplete'
- 'Incomplete—interjurisdictional process'.

For this 2005 NCP assessment there are only two categories—'meets CPA obligations' and 'does not meet CPA obligations'. Given that this is the last assessment under the current NCP reform program, incomplete obligations (whether or not due to interjurisdictional processes) represent a failure to comply with the NCP obligations. The Council considers this view to be appropriate in light of COAG setting a timeframe of 30 June 2002 for completion of the legislation review and reform program.

**Table 9.2:** Progress with legislation review and reform—Australian Government

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Wheat Marketing Act 1989</i>	Does not meet CPA obligations (2002)	Does not meet CPA obligations (2002)
<i>Agricultural and Veterinary Chemicals Code Act 1994; Agricultural and Veterinary Chemicals (Administration) Act 1992</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Quarantine Act 1908 (plant and animal)</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Export Control Act 1982 (food)</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	Incomplete	Does not meet CPA obligations (2005)
Regulations under the Export Control Act related to wood	Incomplete	Does not meet CPA obligations (2005)
<i>Shipping Registration Act 1981</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Navigation Act 1912</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Therapeutic Goods Act 1989 (drugs and poisons)</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Health Insurance Act 1973 (part IIA) (pathology collection centre licensing)</i>	Incomplete	Does not meet CPA obligations (2005)
<i>National Health Act 1953 (part 6 and schedule 1); Health Insurance Act 1973 (part III) (restrictions on services covered by private health insurance)</i>	Incomplete	Meets CPA obligations (2005)
<i>Safety, Rehabilitation and Compensation Act 1988</i>	Not assessed (2004)	Not assessed (2004)
<i>Interactive Gambling Act 2001</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2004)
<i>Broadcasting Services Act 1992; Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992; Radio Licence Fees Act 1964; Television Licence Fee Act 1964</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2005)
<i>Radiocommunications Act 1992 and related legislation</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Australian Postal Corporation Act 1989</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2005)
<i>Customs Act 1901 (part XVB); Customs Tariff (Anti-dumping) Act 1975</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2004)
<i>Customs Tariff Act 1995—Textiles clothing and footwear</i>	Incomplete	Meets CPA obligations (2005)



**Table 9.3:** Progress with legislation review and reform—New South Wales

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Grain Marketing Act 1991</i>	Does not meet CPA obligations (2002).	Meets CPA obligations (2005)
<i>Poultry Meat Industry Act 1986</i>	Incomplete	Meets CPA obligations (2005)
<i>Agricultural and Veterinary Chemicals (New South Wales) Act 1994</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Marketing of Primary Products Act 1983</i> (Rice Marketing Board)	Incomplete	Does not meet CPA obligations (2005). (Will meet CPA obligations if proposed reforms are passed by 30 November 2005.)
<i>Stock Medicines Act 1989</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Veterinary Surgeons Act 1986</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2004)
<i>Passenger Transport Act 1990</i> (taxis)	Incomplete	Does not meet CPA obligations (2005)
<i>Tow Truck Industry Act 1998</i>	Incomplete	Meets CPA obligations (2005)
<i>Dental Technicians Registration Act 1975</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2005)
<i>Pharmacy Act 1964</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2004)
<i>Legal Professions Act 1987</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Travel Agents Act 1986</i>	Incomplete — interjurisdictional process	Meets CPA obligations (2005)
<i>Workers Compensation Act 1987</i>	Not assessed (2004)	Not assessed (2004)
<i>Trade Measurement Act 1989; Trade Measurement Administration Act 1989</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Gaming Machines Act 2001</i> (exclusive licence)	Does not meet CPA obligations (2003)	Meets CPA obligations (2005)
<i>Environmental Planning and Assessment Act 1979</i> and planning and land use reform projects	Incomplete	Meets CPA obligations (2005)

**Table 9.4:** Progress with legislation review and reform—Victoria

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Agriculture and Veterinary Chemicals (Victoria) Act 1994</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Fisheries Act 1995</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Drugs, Poisons and Controlled Substances Act 1981</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Pharmacists Act 1974</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Legal Practice Act 1996</i>	Incomplete—interjurisdictional process (general)	Does not meet CPA obligations (2005)
<i>Travel Agents Act 1986</i>	Incomplete (conveyancing restrictions)	
<i>Accident Compensation Act 1985; Accident Compensation (Workcover Insurance) Act 1993</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Transport Accident Act 1986</i>	Not assessed (2004)	Not assessed (2004)
<i>Trade Measurement Act 1995</i>	Not assessed (2004)	Not assessed (2004)
<i>Tattersall Consultation Act 1958; Public Lotteries Act 2000</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)

**Table 9.5:** Progress with legislation review and reform—Queensland

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Agricultural and Veterinary Chemicals (Queensland) Act 1994</i>	Incomplete—interjurisdictional process	
<i>Fisheries Act 1994</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Transport Operations (Passenger Transport) Act 1994 (taxis)</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2005)
<i>Nursing Act 1992</i>	Incomplete	Meets CPA obligations (2005)
<i>Occupational Therapists Act 1979</i>	Does not meet CPA obligations (2002)	Does not meet CPA obligations (2002)
<i>Speech Pathologists Act 1979</i>	Does not meet CPA obligations (2002)	Does not meet CPA obligations (2002)
<i>Pharmacy Act 1976; Pharmacy Registration Act 2001</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Health Act 1937 (drugs and poisons)</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Legal Practitioners Act 1995; Queensland Law Society Act 1952</i>	Incomplete—interjurisdictional process (general)	Does not meet CPA obligations (2005)
	Does not meet CPA obligations (2004) (conveyancing restrictions)	
<i>Travel Agents Act 1988</i>	Incomplete—interjurisdictional process	Meets CPA obligations (2005)
<i>Auctioneers and Agents Act 1971 (maximum commissions for auctioneers and real estate agents); Property Agents and Motor Dealers Act 2000</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Trade Measurement Act 1990</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Workcover Queensland Act 1996</i>	Not assessed (2004)	Not assessed (2004)
<i>Liquor Act 1992</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
<i>Gaming Machine Act 1991</i>	Does not meet CPA obligations (2004)	Meets CPA obligations (April 2005)

**Table 9.6:** Progress with legislation review and reform—Western Australia

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Agricultural and Veterinary Chemicals (Western Australia) Act 1995</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Agricultural Produce (Chemical Residues) Act 1983; Aerial Spraying Control Act 1966; Veterinary Preparations and Animal Feeding Stuffs Act 1976</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Grain Marketing Act 1975</i>	Incomplete	Meets CPA obligations (2005)
<i>Marketing of Potatoes Act 1946</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
<i>Health Act 1911 and Food Regulations under the Health Act</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Veterinary Surgeons Act 1960</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Fish Resources Management Act 1994</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Pearling Act 1990</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2005)
<i>Jetties Act 1926 and Regulations; Lights (Navigation) Protection Act 1938; Shipping and Pilotage Act 1967 and Regulations; Western Australian Marine Act 1982</i>	Incomplete	Meets CPA obligations (2005)
<i>Marine and Harbours Act 1981 and Regulations</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Transport Co-ordination Act 1966 (air route licensing)</i>	Incomplete	Meets CPA obligations (2005)
Health practitioner legislation: <i>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</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Medical Act 1894</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Poisons Act 1964; Health Act 1911 (part VIIA) (drugs and poisons)</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Pharmacy Act 1964</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Legal Practitioners Act 1893</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Auction Sales Act 1973</i>	Incomplete	Does not meet CPA obligations (2005)

(continued)

**Table 9.6** continued

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Travel Agents Act 1985 and Regulations</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Settlement Agents Act 1981</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Pawnbrokers and Second-hand Dealers Act 1994</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Debt Collectors Licensing Act 1964</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Employment Agents Act 1976</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Hairdressers Registration Act 1946</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2005)
<i>Real Estate and Business Agents Act 1978</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Motor Vehicle (Third Party Insurance) Act 1943</i>	Not assessed (2004)	Not assessed (2004)
<i>Retail Trading Hours Act 1987</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
<i>Liquor Licensing Act 1988</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2005)
<i>Petroleum Products Pricing Amendment Act 2000; Petroleum Legislation Amendment Act 2001</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
<i>Retirement Villages Act 1992</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Credit (Administration) Act 1984</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Weights and Measures Act 1915</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Gaming Commission Act 1987 (exclusive licences)</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2005)
<i>Gaming Commission Act 1987 (minor gambling)</i>	Does not meet CPA obligations (2004)	Meets CPA obligations (2005)
<i>Betting Control Act 1954</i>	Does not meet CPA obligations (2003)	Meets CPA obligations (2005)
<i>Racing Restrictions Act 1917; Racing Restrictions Act 1927</i>	Does not meet CPA obligations (2003)	Meet CPA obligations (2005)
<i>Totalisator Agency Board Betting Act 1960</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2005)
<i>Town Planning and Development Act 1928; Western Australian Planning Commission Act 1985; Metropolitan Region Town Planning Scheme Act 1959</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989</i>	Incomplete	Does not meet CPA obligations (2005)

*(continued)*

**Table 9.6** continued

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Architects Act 1921</i>	Incomplete	Meets CPA obligations (2005)
Water legislation (clause 5 obligations)	Incomplete	Does not meet CPA obligations (2005)

**Table 9.7:** Progress with legislation review and reform—South Australia

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Agricultural and Veterinary Chemicals (South Australia) Act 1994</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Barley Marketing Act 1993</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Opal Mining Act 1995</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Fisheries Act 1982</i>	Does not meet CPA obligations (2004)	
<i>Passenger Transport Act 1994 (taxis)</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
<i>Motor Vehicles Act 1959 (tow trucks)</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Dentists Act 1984</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Occupational Therapists Act 1974</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Chiropactors Act 1991</i>	Incomplete	Meets CPA obligations (2005)
<i>Medical Practitioners Act 1983</i>	Incomplete	Meets CPA obligations (2005)
<i>Optometrists Act 1920</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Physiotherapists Act 1991</i>	Incomplete	Meets CPA obligations (2005)
<i>Pharmacy Act 1991</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Psychological Practices Act 1973</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Chiropodists Act 1950</i>	Incomplete	Meets CPA obligations (2005)
<i>Controlled Substances Act 1984</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Legal Practitioners Act 1981</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Employment Agents Registration Act 1993</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Travel Agents Act 1986</i>	Incomplete—interjurisdictional process	Meets CPA obligations (2005)
<i>Motor Vehicles Act 1959</i>	Not assessed (2004)	Not assessed (2004)
<i>Workers Rehabilitation and Compensation Act 1986</i>	Not assessed (2004)	Not assessed (2004)
<i>Liquor Licensing Act 1997</i>	Incomplete	Does not meet CPA obligations (2005)

*(continued)*

**Table 9.7** continued

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Shop Trading Hours Act 1977</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
<i>Petrol Products Regulation Act 1995</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Trade Measurement Act 1993</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Trade Measurement Administration Act 1993</i>	Incomplete—interjurisdictional process	Meets CPA obligations (2005)
<i>State Lotteries Act 1966 (exclusive licence)</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
<i>Gaming Machines Act 1992</i>	Incomplete	Meets CPA obligations (2005)
<i>Architects Act 1939</i>	Incomplete	Does not meet CPA obligations (2005)



**Table 9.8:** Progress with legislation review and reform—Tasmania

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Agricultural and Veterinary Chemicals (Tasmania) Act 1994</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Pharmacy Act 1908 (replaced by Pharmacy Registration Act 2001)</i>	Incomplete	Does not meet CPA obligations (2005)
<i>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)</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Legal Profession Act 1993</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Auctioneers and Real Estate Agents Act 1991</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Travel Agents Act 1987</i>	Incomplete—interjurisdictional process	Meets CPA obligations (2005)
<i>Motor Accidents (Liabilities and Compensation) Act 1973</i>	Not assessed (2004)	Not assessed (2004)
<i>Racing Act 1983</i>	Incomplete	Meets CPA obligations (2005)
<i>Racing and Gaming Act 1952 (except as it relates to minor gaming), which was replaced by the Racing Regulation Act 1952</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Racing and Gaming Act 1952 (relating to minor gaming); Gaming Control Act 1993 (gaming machines)</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2005)
<i>Plumbers and Gas-fitters Registration Act 1951</i>	Incomplete	Does not meet CPA obligations (2005)

**Table 9.9:** Progress with legislation review and reform—the ACT

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Veterinary Surgeons Registration Act 1965</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Motor Traffic Act 1936 (taxis); Road Transport (General) Act 1999; Road Transport (Public Passenger Services) Act 2001</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2004)
<i>Health practitioner legislation: Dental Technicians and Dental Prosthetists Registration Act 1988</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2004)
<i>Pharmacy Act 1931</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Drugs of Dependence Act 1989; Poisons Act 1933; Poisons and Drugs Act 1978 (drugs and poisons)</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Legal Practitioners Act 1970</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Agents Act 1968 (travel agents)</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Agents Act 1968 (employment agents licensing)</i>	Does not meet CPA obligations (2003)	Does not meet CPA obligations (2003)
<i>Trade Measurement Act 1991</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Public Sector Management Act 1994 (superannuation)</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Betting (Corporatisation) (Consequential Provisions) Act 1996</i>	Incomplete	Meets CPA obligations (2005)
<i>Betting (ACTTAB Limited) Act 1964</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Gaming Machine Act 1987</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2004)
<i>Interactive Gambling Act 1998</i>	Incomplete	Does not meet CPA obligations (2004)

**Table 9.10: Progress with legislation review and reform—the Northern Territory**

<i>Title of legislation</i>	<i>2004 NCP assessment</i>	<i>2005 NCP assessment</i>
<i>Agricultural and Veterinary Chemicals (Northern Territory) Act</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Fisheries Act 1996</i>	Incomplete	Does not meet CPA obligations (2003)
<i>Commercial Passenger (Road) Transport Act (taxis)</i>	Incomplete	Does not meet CPA obligations (2003)
<i>Health Practitioners and Allied Professionals Registration Act</i>	Meets CPA obligations (2004), except for reservation of occupational therapist title	Meets CPA obligations (2004), except for reservation of occupational therapist title
<i>Pharmacy Act</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Poisons and Dangerous Drugs Act; Therapeutic Goods and Cosmetics Act (drugs and poisons); Pharmacy Act</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Legal Practitioners Act</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Consumer Affairs and Fair Trading Act (travel agents)</i>	Incomplete—interjurisdictional process	Meets CPA obligations (2005)
<i>Territory Insurance Office Act; Motor Accidents (Compensation) Act</i>	Not assessed (2004)	Not assessed (2004)
<i>Liquor Act</i>	Does not meet CPA obligations (2004)	Does not meet CPA obligations (2003)
<i>Trade Measurement Act</i>	Incomplete—interjurisdictional process	Does not meet CPA obligations (2005)
<i>Community Welfare Act</i>	Incomplete	Does not meet CPA obligations (2005)
<i>Totalisator Licensing and Regulation Act; Sale of NT TAB Act</i>	Does not meet CPA obligations (2004)	Meets CPA obligations (2005)

**Table 9.11:** Key to legislation topic areas in the jurisdictional chapters 10–18

<b>A</b>	<b>Primary industries</b>	<b>F</b>	<b>Insurance and superannuation</b>
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	<b>G</b>	<b>Retail trading</b>
A6	Food	G1	Shop trading hours
A7	Quarantine and food exports	G2	Liquor licensing
A8	Veterinary services	G3	Petrol retailing
A9	Mining		
<b>B</b>	<b>Transport</b>	<b>H</b>	<b>Fair trading and consumer protection</b>
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	<b>I</b>	<b>Social regulation</b>
B6	Ports and sea freight	I1	Education
B7	Air transport		Universities
<b>C</b>	<b>Health and pharmaceutical services</b>	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	<b>J</b>	<b>Planning, construction and development</b>
	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
<b>D</b>	<b>Legal services</b>		Other building trades
<b>E</b>	<b>Other professions</b>	<b>K</b>	<b>Communications</b>
	Commercial agents, inquiry agents and security providers		Broadcasting
	Driving instructors		Radiocommunications
	Motor vehicle and second-hand dealers		Postal services
	Real estate agents	<b>L</b>	<b>Barrier assistance</b>
	Travel agents		PMV
	Auctioneers		TCF
	Conveyancers		Anti-dumping
	Employment agents		
	Hairdressers		
	Other licensed occupations		