

National Competition Council

Legislation Review Compendium

Fourth Edition

February 2002

© Commonwealth of Australia 2002

ISBN 0-9578892-4-0

This work is subject to copyright. Apart from any use as permitted under the Copyright Act 1968, the work may be reproduced in whole or in part for study or training purposes, subject to the inclusion of an acknowledgement of the source. Reproduction for commercial use or sale requires prior written permission from AusInfo. Requests and inquiries concerning reproduction and rights should be addressed to the Manager, Legislative Services, AusInfo, GPO Box 1920, Canberra, ACT, 2601.

Inquiries or comments on this report should be directed to:

Communications Officer
National Competition Council
12 / 2 Lonsdale Street
MELBOURNE VIC 3000

Ph: (03) 9285 7474
Fax: (03) 9285 7477
Email: info@ncc.gov.au

An appropriate citation for this paper is:

National Competition Council 2001, *Legislation Review Compendium, Fourth edition, February 2002*, AusInfo, Canberra.

The National Competition Council

The National Competition Council was established on 6 November 1995 by the *Competition Policy Reform Act 1995* following agreement by the Commonwealth, State and Territory governments.

It is a federal statutory authority which functions as an independent advisory body for all governments on the implementation of the National Competition Policy reforms. The Council's aim is to 'help raise the living standards of the Australian community by ensuring that conditions for competition prevail throughout the economy which promote growth, innovation and productivity'.

Information on the National Competition Council, its publications and its current work program can be found on the internet at www.ncc.gov.au or by contacting NCC Communications on (03) 9285 7474.

Table of contents

Abbreviations	iv
1 Introduction	1
2 Commonwealth	5
3 New South Wales	35
4 Victoria	87
5 Queensland	149
6 Western Australia	203
7 South Australia	267
8 Tasmania	297
9 Australian Capital Territory	349
10 Northern Territory	393
11 Water	421
Appendix A Legislation review – clause 5 of the Competition Principles Agreement	443
Appendix B Changes to National Competition Policy Agreements (Council of Australian Governments November 2000)	445
Appendix C National Competition Policy contacts	449
References	451

Abbreviations

ABB	Australian Barley Board
ACCC	Australian Competition and Consumer Commission
ACT	Australian Capital Territory
ACTTAB	Australian Capital Territory Totalizator Agency Board
AHC	Australian Horticulture Corporation
AHMAC	Australian Health Ministers Advisory Council
ANZFA	Australia New Zealand Food Authority
ANZMEC	Australian and New Zealand Minerals and Energy Council
ARMCANZ	Agriculture and Resource Management Council of Australia and New Zealand
ARPANSA	The Australian Radiation Protection and Nuclear Safety Agency
BIC	Banana Industry Committee
BMA	Brisbane Market Authority
BRC	Bookmakers Revision Committee
CAA	Capital Assistance Authorities
CBHL	Co-operative Bulk Handling Limited
CIE	Centre for International Economics
CoAG	Council of Australian Governments
CPA	Competition Principles Agreement
CRR	Committee on Regulatory Reform
CSO	Customer Service Obligations
CTP	Compulsory Third Party
DMS	Domestic Market Support

EFIC	Export Finance and Insurance Corporation
FAG	Financial Assistance Grant
GBE	Government business enterprise
GPO	General Post Office
HEC	Hydro-Electric Commission
HP(H)C	Hastings Port (Holding) Corporation
IPART	Independent Pricing and Regulatory Tribunal (NSW)
IRG	Industry Reference Group
kW	Kilowatt
LPG	Liquid Petroleum Gas
LRP	Legislation Review Program
MCCA	Ministerial Council on Consumer Affairs
MIA	Murrumbidgee Irrigation Area
MPC	Melbourne Port Corporation
MW	Megawatt
NCC	National Competition Council
NCP	National Competition Policy
NOHSC	National Occupational Health and Safety Commission
NRA	National Registration Authority
NSW	New South Wales
NT	Northern Territory
NTGPASS	Northern Territory Government and Public Authorities Superannuation Scheme
ORR	Office of Regulation Review
PAR	Performance Assessment Regime
PC	Productivity Commission
QBSA	Queensland Building Services Authority

QCSC	Queensland Corrective Services Commission
QIRC	Queensland Industrial Relations Commission
QR	Queensland Rail
RCL	Ricegrower's Co-operative Limited
REA	Rice Export Authority
RIS	Regulatory/Regulation Impact Statement
RMB	Rice Marketing Board
SA	South Australia
SCAG	Standing Committee of Attorneys General
SCARM	Standing Committee of Agriculture and Resources Management
TAB	Totalizator Agency Board
TABCORP	Totalizator Agency Board Corporation
TCV	Treasury Corporation of Victoria
TPA	<i>Trade Practices Act 1974</i>
VCA	Victorian Channels Authority
VFF	Victorian Farmers Federation
WA	Western Australia
WAIRC	Western Australian Industrial Relations Commission

1 Introduction

Australia's nine governments signed three agreements establishing the National Competition Policy (NCP) on 11 April 1995. These agreements are:

- the Competition Principles Agreement (CPA);
- the Conduct Code Agreement; and
- the Agreement to Implement the National Competition Policy and Related Reforms.

The agreements are reproduced in the National Competition Council publication, *Compendium of National Competition Policy Agreements - Second Edition* (June 1998), and are accessible on the Council's website: <http://www.ncc.gov.au>.

Under clause 5 of the Competition Principles Agreement (CPA),¹ governments undertook to conduct a program for the review, and where appropriate, reform of legislation that restricts competition. The CPA originally set 2000 as the deadline for governments to complete their programs. The Council of Australian Governments (CoAG) extended this timeframe on 3 November 2000 and the target date is now 30 June 2002 (CoAG 2000). Satisfactory implementation of reform may include, where justified by a public interest assessment, having a firm transitional arrangement that may extend beyond 30 June 2002.²

The principles guiding legislation review and reform are outlined in Clause 5 of the CPA. Governments agree that legislation should not restrict competition unless they can show that:

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

New legislation that restricts competition must also be shown to meet these guiding principles. All States and Territories have legislation gatekeeping processes to assess new legislation against the CPA principles.

¹ The full text of clause 5 is reproduced in appendix A.

² See appendix B, which reproduces relevant material from the communique of the CoAG meeting of 3 November 2000.

Each government established a timetable for reviewing its restrictive legislation over the period June 1996 to June 2002 and each reports annually on its progress. Review timetables and annual reports are available from respective State and Territory competition policy officials. Contact details for State and Territory competition policy officials are provided in appendix C.

The legislation review compendium

The compendium provides summary information, provided by each government current to September 2001.³

- Name of legislation
- Agency — the department, authority or Minister responsible for the legislation
- Major restrictions — the nature of the restriction(s) on competition
- Review activity — the nature and status of review activity
- Reform activity — a summary of the reforms implemented following the review

The compendium reports governments' legislation review and reform activity relating to the NCP water reform program in chapter 11.

The compendium is a guide to review programs and their progress, and does not replace the legislation review timetables or annual reports produced by each government.

What is legislation that restricts competition?

While there is almost no regulatory activity that is neutral in its implications for competition, the types of regulation which impact on competition most directly are those which restrict entry to markets and those which restrict competitive conduct by participants in markets (Hilmer, Rayner and Taperell 1993, p. 191).

³ The agency information for the Northern Territory has been updated to reflect the machinery of government changes made by the new government elected in 2001.

Legislation affecting competition may directly or indirectly:

- govern the entry and exit of firms or individuals into or out of markets;
- control prices or production levels;
- restrict the quality, level or location of goods and services available;
- restrict advertising and promotional activities;
- restrict price or type of inputs used in the production process;
- be likely to confer significant costs on businesses; or
- provide advantages to some firms over others by, for example, sheltering some activities from the pressures of competition.

Legislation is defined broadly in the CPA to include Acts, enactments, Ordinances or regulations.

The terms of reference for reviews

The CPA provides guidance on the matters that should be taken into account in undertaking a review of anticompetitive legislation. Without limiting the terms of reference, a review should:

- clarify the objectives of the legislation;
- identify the nature of the restriction on competition;
- analyse the likely effect of the restriction on competition and on the economy generally;
- assess and balance the costs and benefits of the restriction; and
- consider alternative means of achieving the same result including non-legislative approaches.⁴

National reviews

In some cases, particular legislation will have a national dimension or effect on competition (or both), and a national rather than a State based review may

⁴ See CPA subclause 5(9). Clause 5 is reproduced in appendix A of this compendium.

be appropriate. National reviews of similar legislation may be proposed where some or all jurisdictions agree on terms of reference. The CoAG Committee on Regulatory Reform facilitates identification of possible national reviews and agreement by jurisdictions on review arrangements.

Water industry legislation

Chapter 11 reports on progress by State and Territory governments in reviewing and reforming legislation relating to the water industry. The chapter reports on both the work undertaken by governments as a result of the Competition Principles Agreement legislation review and reform obligation and on actions by governments to address the water reform obligations set by the Council of Australian Governments. The information in the chapter is current to September 2001.

Using the compendium

For each jurisdiction, the compendium reports the legislation being reviewed alphabetically.

The government agencies responsible for administering the legislation are listed in the tables in abbreviated form, with a key to the abbreviations included in the introduction to each jurisdiction's chapter.

For information about specific reviews, users should contact the relevant jurisdiction's competition policy unit. Contact details are provided in appendix C of this compendium.

If you have questions about competition policy and legislation review you are welcome to contact the National Competition Council Secretariat located in Melbourne. The telephone number of the Secretariat is (03) 9285 7474.

2 Commonwealth

Agency abbreviations

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

AFFA	Department of Agriculture, Fisheries and Forestry
AG	Attorney-General's Department
C	Comcare
D	Department of Defence
DCITA	Department of Communications, Information Technology and the Arts
DEH	Department of the Environment and Heritage
DETYA	Department of Education, Training and Youth Affairs
DEWRSB	Department of Employment, Workplace Relations and Small Business
DOFA	Department of Finance and Administration
DFAT	Department of Foreign Affairs and Trade
DHAC	Department of Health and Aged Care
DIMA	Department of Immigration and Multicultural Affairs
DISR	Department of Industry, Science and Resources
DTRS	Department of Transport and Regional Services
DVA	Department of Veterans' Affairs
PMC	Department of Prime Minister and Cabinet
T	Department of the Treasury

Legislation review schedule: Commonwealth

Updated to September 2001

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	DEH		Evatt Review completed in 1996.	Recommendations were taken into consideration when formulating the Aboriginal and Torres Strait Islander Heritage Protection Bill 1998.
Aboriginal Land Rights (Northern Territory) Act 1976 and Regulation	PMC	Provides for the granting of land to traditional Aboriginal owners and gives certain rights over granted land, including a veto over mineral exploration.	Review completed, and report released publicly in August 1999.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Affirmative Action (Equal Employment Opportunity for Women) Act 1986	DEWRSB		Review by a five member independent committee completed in July 1998.	<p>The Government announced its response to the review on 16 December 1998, endorsing the main recommendations. Of those recommendations that were rejected, none were considered to be pro-competitive. Key changes to be implemented include the establishment of an Advisory Board and the introduction of a simpler reporting system to reduce the paperwork burden on business.</p> <p>To implement the endorsed recommendations the revised and renamed Equal Employment Opportunity for Women in the Workplace Act 1999 came into effect from 1 January 2000.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural and Veterinary Chemicals (Administration) Act 1992, and Agricultural and Veterinary Chemicals Code Act 1994	AFFA	<p>Chemicals not to be imported, supplied or held unless approved or exempt.</p> <p>Approval of chemicals solely by the National Registration Authority (NRA). Assessment services purchased solely from certain authorities. Chemicals not approved unless NRA is satisfied as to efficacy. Licensing of chemical manufacturers.</p> <p>Data protected from rivals unless compensation is paid. Analysts must have minimum qualifications and experience. Fees and levies impose an entry barrier and discriminate between firms.</p>	<p>Review completed, and report released by the Standing Committee of Agriculture and Resources Management (SCARM) in March 1999. In relation to the National Registration Scheme, it recommended:</p> <ul style="list-style-type: none"> • retaining the monopoly on approval of chemicals; • lowering of regulatory costs for low risk chemicals; • including principles in the Code to guide inclusion/exclusion of chemicals in the scheme; • accepting alternative suppliers of assessment services; • limiting of the efficacy review to truth of claimed efficacy; • recovering NRA costs via a simple flat rate sales levy and cost-reflective application fees; • retaining licensing of veterinary chemical manufacturers; • removing provision to licence agricultural chemical manufacturers until case is made; and • applying the Trade Practices Act 1974 (TPA) third party access pricing to data protection provisions. <p>Data protection is to be considered in a wider review by the Department of similar provisions.</p>	<p>Intergovernmental response completed in 2000 by SCARM/Agriculture and Resources Management Council of Australia and New Zealand (ARMCANZ) Signatories Working Group. It supported all recommendations except:</p> <ul style="list-style-type: none"> • removing provision to licence agricultural chemical manufacturers; and • limiting efficacy review. <p>Working groups have been established to further consider:</p> <ul style="list-style-type: none"> • implications for other chemical regulation of a low cost regulatory system for low risk agvet chemicals; • how to monitor quality of assessment services; and • if there is a case for licensing agricultural chemical manufacturers. <p>On 18 August 2000, ARMCANZ agreed to this response.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Anti-dumping Authority Act 1988, Customs Act 1901 Pt XVB, and Customs Tariff (Anti-dumping) Act 1975	AG		Review has not commenced. The Government has not finalised the timing or manner of review of legislation relevant to anti-dumping and countervailing measures.	Reference to the Anti-dumping Authority Act 1988 has been deleted, as this Act was repealed in December 1998 following changes to the administration of the anti-dumping and countervailing investigations.
Australia New Zealand Food Authority Act 1991, and Food Standards Code	DHAC	<p>The Act establishes the Australia New Zealand Food Authority (ANZFA) which develops food standards, coordinates food surveillance and recall systems, and develops codes of practice with the industry.</p> <p>The Code sets standards for composition and labelling of food.</p>	<p>Blair Review of Food Regulation completed in 1998, recommending the Act be amended to clarify regulatory objectives and require ANZFA, in carrying out its regulatory functions, to apply a National Competition Policy (NCP) test.</p> <p>An interdepartmental review of the Food Standards Code was completed in late 2000 following ANZFA's detailed review of individual food standards. As required by the Council of Australian Governments' (CoAG) Principles and Guidelines for National Standard Setting and Regulatory Action, two key proposals for inclusion in the Code, mandatory percentage labelling and mandatory nutritional panels, were subject to regulation impact statements (RIS). The Commonwealth Office of Regulation Review (ORR) considered the cost benefit analysis in the statements to be inadequate.</p>	<p>Act amended by Australia New Zealand Food Authority Amendment Act 1999 to address the key recommendations. In November 2000, CoAG announced that ANZFA would be replaced in 2001 by a new body - Food Safety Australia New Zealand.</p> <p>Also in November 2000 the Australia New Zealand Food Standards Council adopted the new joint Food Standards Code. The Council addressed concerns about the adequacy of the associated RIS by agreeing to:</p> <ul style="list-style-type: none"> • a two-year implementation period so that industry has an opportunity to minimise their costs; and • the preparation of a report on how the implementation cost of the code can be further reduced.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian Maritime Safety Authority Act 1990	DTRS		Review completed in 1997. Review recommended that the safety regulatory functions of Australian Maritime Safety Authority continue to be undertaken by the government and that the current administrative arrangements should continue (with the Board able to review the scope to contract out administrative activities).	Recommendations implemented.
Australian Postal Corporation Act 1989	DCITA	Legislated monopoly.	Review completed in 1998. Recommended a package of reforms to open up letter delivery to more competition.	The Government accepted that the letter delivery market could be opened to more competition, but decided to do this by way of an access regime. However, the Government withdrew amending legislation in March 2001 as it did not attract the support necessary for passage.
Australian Radiation Protection and Nuclear Safety Act 1998, Australian Radiation Protection and Nuclear Safety Regulations 1999, and Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998	DHAC		Not part of the Commonwealth's legislation review program (LRP). However, the Acts were reviewed as part of a national review of radiation protection legislation. National review completed.	The Government is considering the review recommendations.
Bankruptcy Act 1966, and Bankruptcy (Registration Charges) Act 1997	AG	Trustee registration.	Review completed in December 1998.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bills of Exchange Act 1909	T		Review underway. The review commenced in April 1997. It is being undertaken by a taskforce of officials, comprising representatives of the Commonwealth Treasury, the Reserve Bank of Australia and the Attorney-General's Department. A final report is being finalised by the working group.	
Bounty (Books) Act 1986	DISR		Review completed.	Bounty ceased on 31 December 1997.
Bounty (Fuel Ethanol) Act 1994	DISR		Review completed.	Ethanol Bounty Scheme terminated.
Bounty (Machine Tools and Robots) Act 1985	DISR		Review completed.	Bounty ceased on 30 June 1997.
Broadcasting Services Act 1992, Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992, Radio Licence Fees Act 1964, and Television Licence Fees Act 1964	DCITA	Restrictions on entry, ownership, and control.	Review by the Productivity Commission (PC) completed in March 2000. Public consultation involved public release of issues paper, draft report, consultation, public hearings and receipt of submissions. Review raised significant questions and made extensive recommendations for reform.	The Government is considering the review recommendations.
Census and Statistics Act 1905	T		Review completed in 1996 as part of the Small Business Deregulation Taskforce.	Australian Bureau of Statistics required to reduce the cost of completing statistical returns by 20 per cent in 1996-97. Code of conduct for private sector statistical collection agencies.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Coastal Trade Provisions of the Navigation Act 1912 (Part VI)	DTRS	The Navigation Act 1912 provides a legislative basis for many of the Commonwealth's responsibilities for maritime matters including ship safety, coastal trade, employment of seafarers and shipboard aspects of the protection of the maritime environment. It also regulates wreck and salvage operations, passengers, tonnage measurement of ships and a range of administrative measures relating to ships and seafarers. Part VI relates to processes for engaging in coastal trade.	The Act was reviewed in two stages. The first stage considered repeal of matters that impede shipping reform or are inconsistent with the concept of company employment. This was completed in 1998. The second stage was a comprehensive review of the Act (except for part VI dealing with coastal trade) and was completed in June 2000. The report was publicly released in August 2000. The review was conducted by officials of the Department and the Australian Maritime Safety Authority under the guidance of an independent Steering Group. The review found that the benefits of regulating ship safety and environmental protection outweigh potential costs of restrictions on competition. The Shipping Reform Group had considered Part VI of the Act in 1997.	<p>Stage 1 review led to the Navigation Amendment (Employment of Seafarers) Bill 1998. The Bill removes the employment related provisions in the Act that are inconsistent with the Workplace Relations Act 1996 and the concept of company employment. The Bill was introduced into Parliament on 25 June 1998.</p> <p>On 8 March 2000 the Senate proposed significant amendments. Further action is being considered in conjunction with decisions on the stage 2 review. The Maritime Legislation Amendment Bill 2000 was introduced into Parliament on 31 August 2000. Given the broad range of matters in the legislation, the Minister for Transport and Regional Services and the Minister for Financial Services and Regulation have agreed to develop a whole of government response.</p> <p>Part VI (coastal trade) provisions have been streamlined: the criteria for issuing permits for ships to engage in coastal trade broadened and the cost of permits significantly reduced.</p>
Commerce (Imports) Regulations, and Customs (Prohibited Imports) Regulations	AG		<p>The review of the Commerce (Imports) Regulations and Commerce (Trade Descriptions) Act commenced on 3 July 2001. Report due by February 2002.</p> <p>The timing and scope of the review of the Customs Prohibited Imports Regulation is still to be determined.</p>	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Corporations Act 1989	T		Deleted from the Commonwealth's LRP. Review subsumed into Corporate Law Economic Reform Program, which commenced March 1997.	New Corporations Act 2001 passed along with consequential State and Territory legislation.
Customs Act 1901 Regulation 11 (Prohibited exports - nuclear materials)	AG		Deleted from the Commonwealth's LRP in 1999, with the agreement of the Prime Minister, as the removal of the "three mines policy" and the discontinuation of price scrutiny have removed the anticompetitive elements of the Regulation.	
Customs Act 1901 Sections 154-161L	AG		Interdepartmental review completed, and report released in June 1999. Review recommended: sections 154 to 161L be repealed and redrafted in a clear straightforward 'plain English' format that incorporates the language and terms of the World Trade Organisation Agreement on Customs Valuation as far as possible and is consistent with that Agreement; the redrafted legislation contain statements of its purpose and objectives; the proposed new legislation make clear the statutory basis on which importers are required to self-assess the value of imported goods; the legislation or its supporting material should clearly explain the principles which underpin import valuation procedures and the intent behind each of the provisions; the Customs Service examine the feasibility of adopting a system of public valuation rulings; and the Customs Service introduce, at the same time the new legislation comes into effect, a public information program about the requirements for valuation of imports under the proposed new legislation.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Customs Tariff Act 1995 - Automotive Industry Arrangements	DISR		Industry Commission inquiry into the automotive industry completed in 1997.	Tariff phase down to 15% in 2000, followed by a pause until 2005, then further tariff reductions to 10% in 2005.
Customs Tariff Act 1995 - Textiles Clothing and Footwear Arrangements	DISR		Industry Commission Inquiry into the textile, clothing and footwear industry completed in 1997.	Tariff phase down until 2000, maintained until 2005, then further tariff reductions, with the aim of a free trade environment beyond 2010.
Dairy Industry Legislation	AFFA	The legislation establishes the Australian Dairy Corporation which has an industry promotions and information role as well as an export licensing role over some export products into markets with access restrictions. The legislation also imposes a tariff quota system on imported dairy manufactures and sets out the Domestic Market Support (DMS) scheme which is levied on producers and paid to producers of manufacturing milk exports.	Review, originally scheduled for 1998-99, deferred pending the outcome of the national dairy reform process. In 2001, the Government agreed to defer commencement of a review of any remaining restrictions on competition pending the receipt of industry proposals to restructure the statutory body arrangements, with a review to be undertaken as early as possible in 2002.	DMS scheme ceased in mid-2000 in line with the existing legislated sunset and the broader dairy industry reforms. On 8 April 2000 the Commonwealth passed legislation establishing the dairy industry adjustment program, which includes structural adjustment payments for producers who remain in the industry, an exit program for those wishing to leave the industry, and assistance for dairy-based communities. The assistance package is funded by an 11c/ltr levy on retail milk over a minimum of 8 years and is being administered by the Dairy Adjustment Authority. The first structural adjustment payments were made to producers in November 2000.
Defence Act 1903 (Army and Airforce Canteen Services Regulations)	D		Review had not commenced by 30 June 2001. The Department is discussing the terms of reference with the Commonwealth ORR.	
Defence Force (Home Loans Assistance) Act 1990	D		Internal review by officials completed. The Commonwealth is still to assess whether the internal review has addressed NCP legislation review requirements.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Defence Housing Authority Act 1987	D		The terms of reference for the review were agreed to in June 1998. The Department is seeking advice on whether there are grounds for the review to be removed from the Commonwealth LRP.	Defence Housing Authority applying competitive neutrality principles from 2000-01, including the application of tax equivalent payments.
Disability Discrimination Act 1992	AG		This Act was added to the Commonwealth LRP timetable in 1998-99. The review was deferred to 1999-2000, however, this review has not commenced by 30 June 2001. Discussions are taking place to determine an appropriate body to carry out the review, the terms of reference and to reach agreement on a revised time frame.	
Dried Vine Fruits Legislation	AFFA	<p>The Dried Vine Fruits Equalization Act 1978 equalises returns from the export of dried fruit.</p> <p>The Dried Sultana Production Underwriting Act 1982 underwrites the production of sultanas.</p> <p>The regulations under the Australian Horticultural Corporation (AHC) Act 1987 restrict the export of dried fruits.</p>	<p>Review of the Regulations under the Australian Horticultural Corporation Act 1987 (AHC (Australian Dried Fruit Board) Regulations and AHC (Dried Fruit Export Control) Regulations) was deferred to the second half of 2000 pending the completion of the major horticultural industry review.</p> <p>Under the horticulture legislation reforms, regulations relating to export controls made under the Australian Horticulture Corporation Act 1987 will expire after a two year transition period. During this period Horticulture Australia Limited is to consider the case for extending the export controls.</p> <p>The review of the Regulations has not commenced as at 31 August 2001.</p>	The following Acts have been repealed without review: Dried Vine Fruits Equalization Act 1978, Dried Sultana Production Underwriting Act 1982 and Dried Vine Fruits Legislation Amendment Act 1991.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Duty Drawback (Customs Regulations 129-136B) and TEXCO (Tariff Export Concession Scheme) - Customs Tariff Act 1995, Schedule 4, Item 21, Treatment Code 421	AG		Review completed in 1997.	TEXCO and Duty Drawback integrated into simplified and more accessible scheme - TRADEX.
Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991	DETYA	Requires registration of providers of education to overseas students.	Review completed.	Act extended until 2001 to allow development of self regulating measures.
Employment Services Act 1994 (case management issues)	DEWRSB		Review removed from the LRP.	Provisions to be replaced (Reform of Employment Services Bill 1996).
Environmental Protection (Nuclear Codes) Act 1978	DHAC		Review has not commenced, although Codes are being subjected to the RIS process.	Act to be repealed by the Australian Radiation Protection and Nuclear Safety (Consequential Amendments) Act 1998. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) will oversee the codes.
Export Control (Unprocessed Wood) Regulations under the Export Control Act 1982	AFFA	Licensing of unprocessed wood exporters.	Review underway. Draft report has been released, comments were due by 22 June 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Export Control Act 1982 (fish, grains, dairy, processed foods etc)	AFFA	Restricts export of prescribed goods (such as dairy, meat and fish products) by requiring registration of processing premises, imposing standards and regulatory charges.	<p>Review of provisions related to fish, grain, dairy and processed food completed in February 2000. It recommended:</p> <ul style="list-style-type: none"> • introducing a 3 tier model for export standards; • harmonising domestic and international standards; • retaining a monopoly on certification of exports; and • making monitoring and inspection contestable. <p>Provisions relating to the licensing of unprocessed wood exporters currently under review by the Department.</p>	The Government is considering the review recommendations.
Export Finance and Insurance Corporation Act 1991, and Export Finance and Insurance Corporation (Transitional Provisions and Consequential Amendments) Act 1991	DFAT		NCP review deferred pending the outcome of a separate review process expected to address competition issues.	The Export Finance and Insurance Corporation Amendment Act 2000 implements the Government's decision to apply competitive neutrality principles to the Export Finance and Insurance Corporation's (EFIC) short-term insurance operations. The separate review led to a decision that EFIC would enter an alliance with a private insurer in regard to short-term credit insurance, with the Government looking eventually to withdraw from this commercial element of EFIC's business.
Financial Corporations Act 1974	T		Review completed as part of Wallis Inquiry process. Not on Commonwealth's LRP.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Financial system - comprehensive review of the regulatory framework	T		Review completed in 1997. The Wallis Inquiry examined the Australian financial system, making recommendations on regulatory change.	The Government announced a package of reforms in September 1997. Suite of legislation passed in all jurisdictions in 1998-99, and in 2001, in line with recommendations.
Financial Transactions Reports Act 1988	AG		Review by a taskforce of Commonwealth officials with a reference group of two non-government persons completed in August 2000. Review recommended minor changes.	The Government is considering the review recommendations.
Fisheries Legislation	AFFA	Licensing of commercial fishers. Permits for fish receivers. Input controls on boats, gear and fishing methods. Output controls such as total allowable catches, individual transferable quota (transfer of which is subject to various restrictions), size limits, prohibitions on taking certain species and restrictions on by-catch.	Review underway, but as at 31 August 2001 the review had not been completed.	
Foreign investment policy and associated regulation	T		Review completed in September 1999.	On 3 September 1999, the Treasurer announced a number of foreign investment policy and administrative changes arising from the review. These changes reduce notification obligations on business and streamline the administration of foreign investment policy, while continuing to ensure that foreign investment is consistent with the interests of the Australian public. A number of changes required regulation, which took effect from September 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
General Insurance Supervisory Levy Act 1989	T		Deleted from the Commonwealth LRP.	Act repealed by Financial Sector Reform (Amendments and Transitional Provisions) Act 1998.
Hazardous Waste (Regulation of Imports and Exports) Act 1989, Hazardous Waste (Regulation of Imports and Exports) Amendment Bill 1995 and related regulations	DEH		Review by a taskforce of officials from Environment Australia, Attorney-General's Department, the Department of Foreign Affairs and Trade, the Department of Industry, Science and Resources and the Department of Health and Aged Care completed. The taskforce was supported by the Hazardous Waste Act Policy Reference Group, acting as a reference group of independent members. Review report available on the Department's website (www.ea.gov.au).	The Government is considering the review recommendations.
Health Insurance Act 1973, Part IIA	DHAC	Pathology collection centre licensing.	Major review underway. Steering group appointed, terms of reference released, and public submissions invited. Review report due second half of 2001.	Legislative changes in June 2001 simplified licensed collection centre scheme while retaining licensing.
Higher Education Funding Act 1988, Vocational Education and Training Funding Act 1992, and other regulation with similar effects to the Higher Education Funding Act 1988.	DETYA		Review completed in 1998 as part of the West Review of Higher Education Financing and Policy. Proposed changes relate to the equal treatment of private and public institutions.	The Government is considering the review recommendations.
Home and Community Care Act 1985	DHAC		Review not required. Act removed from the Commonwealth's LRP on the basis of: earlier removal of competitive restrictions from the Act opening the program to commercial care providers; and advice from the Commonwealth ORR indicating that the Home and Community Care Guidelines neither impose costs nor provide benefits to business.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Imported Food Control Act 1992 and Regulations	AFFA	Imported food must meet Australian standards. Imported food subject to risk-based inspection and testing. Testing is performed only by Australian Government Analytical Laboratories.	Review completed in 1998, recommending: <ul style="list-style-type: none"> • quality assurance processes of importers be recognised; • inspection rates and strategies be tailored to importer performance and agreements on certification and compliance; and • qualified laboratories be permitted to test imported food. 	The Government announced its response to the review on 29 June 2000, endorsing all the recommendations. Recommendations requiring amendment to the Act are being prepared for introduction into Parliament, and amendments to subordinate legislation are under consideration.
Income Equalisation Deposits (Interest Adjustment) Act 1984, and Loan (Income Equalisation Deposits) Act 1976	AFFA		Review completed.	These schemes were replaced by the Farm Management Deposit Scheme in 1998. The new scheme is a commercially available arrangement operating through deposit taking institutions (such as banks, credit unions and building societies).
Industrial Relations Act 1988	DEWRSB		Review subsumed into major restructuring of industrial relations legislation.	Changes to structure for negotiating wages and conditions. Legislation replaced by the Workplace Relations Act 1996.
Insurance (Agents and Brokers) Act 1984	T	Licensing.	Scheduled review previously deferred because the Act was expected to be repealed as a result of the Corporations Law and Economic Reform Program.	The Financial Services Reform Bill 2001 introduced 5 April 2001 proposes complete overhaul in line with Wallis recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Intellectual property protection legislation (Designs Act 1906, Patents Act 1990, Trade Marks Act 1995, Copyright Act 1968 and possibly the Circuit Layouts Act 1989)	AG and DISR		Review by an independent committee completed in September 2000. Public consultation included releasing an issues paper and an interim report, receiving submissions, and consultation. The review committee presented its Report on Parallel Importing under the Copyright Act 1968 in June 2000 and its final report, Review of Intellectual Property Legislation under the Competition Principles Agreement, in September 2000. The final report is available on the review committee's website (www.ipcr.gov.au).	In June 2000, the Government announced the decision to allow parallel imports of books, periodicals, printed music and software products (with the decision being informed, inter alia, by the June 2000 report noted above). The Government announced its response to the final report on 28 August 2001.
International Air Service Agreements	DTRS		Review by the PC completed in September 1998. This review has been combined with the review of International Air Services Commission Act 1992.	The Government issued a joint statement by the Treasurer and the Minister on international aviation policy on 3 June 1999.
International Air Services Commission Act 1992	DTRS		Review by the PC completed in September 1998. This review has been combined with the review of International Air Service Agreements.	The Government issued a joint statement by the Treasurer and the Minister on international aviation policy on 3 June 1999.
International Arbitration Act 1974	AG		Review completed. Act assessed as not restricting competition.	The Government accepted the review recommendations.
Land Acquisitions Acts (Lands Acquisition (Defence) Act 1968, Lands Acquisition (Northern Territory Pastoral Leases) Act 1981, and Lands Acquisition Act 1989 and Regulations)	DOFA		Review by officers of the Department reporting to an internal Steering Committee completed. The review was advertised nationally and public comment sought from interested persons. The review identified some operational and administrative issues but concluded that the legislation substantially complies with NCP principles.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Life Insurance Supervisory Levy Act 1989	T		Deleted from the Commonwealth's LRP.	Act repealed by the Financial Sector Reform (Amendments and Transitional Provisions) Act 1998.
Marine Insurance Act 1909	AG		Review by the Australian Law Reform Commission completed in April 2001, recommending minor changes. These include bringing marine insurance brokers and agents into the financial services reform regulatory framework.	
Migration Act 1958 - sub-classes 120 and 121 (business visas)	DIMA		Review completed in 1997.	Amendments, aimed at strengthening and streamlining the skilled entry programs, came into effect in November 1997.
Migration Act 1958 - sub-classes 560, 562 and 563 (student visas)	DIMA		Review completed in 1998.	Recommendations implemented to further deregulate the student visa program without compromising the integrity of the immigration program.
Migration Act 1958 - sub-classes 676 and 686 (tourist visas)	DIMA		<p>In June 1998, the Minister for Immigration and Multicultural Affairs sought permission from the Prime Minister and the Treasurer to remove the review of sub-classes 676 and 686 of the Migration Act 1958 (tourist visas) from the LRP on the basis that: the Joint Standing Committee on Migration will report by June 1999 on entry arrangements for the Olympic Games; the terms of reference will address the issue of existing temporary arrangements; and in the 1998 Budget, the Government introduced a \$50 visitor visa charge to take effect from 1 July 1998.</p> <p>The Minister assisting the Prime Minister agreed to the removal of this review from the Commonwealth's LRP.</p>	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Migration Act 1958, Part 3 (Migration Agents and Immigration Assistance) and Regulations	DIMA		Review completed in 1997. Review combined with that for Migration Agents Registration (Application) Levy Act 1992 and Migration Agents Registration (Renewal) Levy Act 1992. Review concluded that due to consumer protection concerns voluntary self-regulation was not immediately achievable, and a transitional arrangement needs to be in place to enable the industry to prepare for self regulation.	The Government accepted the review recommendations, and passed legislation to implement statutory self-regulation for two years then voluntary self-regulation. Also announced a further review of statutory self-regulation during the two-year period to assess the extent to which the migration advice industry had developed the capacity to be fully self-regulating.
Migration Agents Registration (Application) Levy Act 1992, and Migration Agents Registration (Renewal) Levy Act 1992	DIMA		Review completed in 1997. Review combined with that for Migration Act 1958 Part 3.	The Government decided to move the migration advice industry to statutory self-regulation. Legislation to give effect to this decision commenced in March 1998.
Moomba-Sydney Pipeline System Sale Act 1994 - Part 6 (access provisions)	T		Deleted from the Commonwealth's LRP.	Legislation repealed.
Motor Vehicle Standards Act 1989	DTRS	Restrictions on imports of used vehicles.	Review completed. Recommended a number of changes to the administrative and legislative arrangements to improve clarity and efficiency. While the Low Volume Scheme should be maintained it should be extended to full volume manufacturers and some other modifications to the scheme should be made. The review also recommended changes to the vehicle import arrangements and cost recovery.	The Government announced changes on 8 May 2000, accepting nearly all recommendations except those relating to restrictions on imports of vehicles under the Low Volume Scheme. A new scheme, the Specialist and Enthusiasts Vehicle Scheme is now in place.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mutual Recognition Act 1992	DETYA and PMC		National review completed in July 1998. Review conducted by a working group of CoAG Committee on Regulatory Reform (CRR), comprising representatives from the Commonwealth, NSW, Queensland (Chair) and WA. The report noted that the scheme is generally working well. It made thirty recommendations addressing the operation of different aspects of the Act and recommended that jurisdictions endorse the continued operation of the Act.	The Government is developing a joint response. All jurisdictions generally support the review recommendations, except for Queensland and Victoria, which have reservations about some recommendations. A CRR working group was established in May 1999 to further consider the recommendations that jurisdictions are concerned about; consider issues that the report recommended CRR consider further; and examine implementation issues relating to the recommendations. The Working Group will report to CRR as particular matters are resolved. As at September 2001 no matters have been resolved.
National Health Act 1953 (Part 6 and Schedule 1,) and Health Insurance Act 1973 (Part 3)	DHAC	Community rating of private health insurance, limits on rebateable services.	Review completed in 1997. Review included as part of Industry Commission inquiry into private health insurance.	The Government accepted most of the recommendations. Succession of legislative changes from 1998. Lifetime Health Cover introduced July 2000.
National Residue Survey Administration Act 1992 and related Acts	AFFA		Review by a committee of officials completed. The review committee concluded that the legislation did not restrict competition and actually provided a substantial competitive benefit to Australian producers by facilitating local and international trade.	The Government is considering the review recommendations.
National Road Transport Commission Act 1991 and related Acts	DTRS		Review completed in 1997.	CoAG has endorsed the final report, but has requested that legislation be finalised before the report is publicly released. Act extended to January 1999 to continue reform process.
Native Title Act 1993 and Regulations	PMC		Review had not commenced as at August 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nuclear Safeguards (Producers of Uranium Ore Concentrates) Charge Act 1993 and Regulations	DFAT		Review completed in 1997.	The Government announced its response in December 1997, accepting all but one recommendation.
Ozone Protection Act 1989, and Ozone Protection (Amendment) Act 1995	DEH		Review underway. The review panel is made up of representatives from Environment Australia, the Australian Greenhouse Office and the Attorney-General's Department, and is assisted by PricewaterhouseCoopers. Consultation involved release of an issues paper in April 2000, seeking submissions and releasing a draft report in September 2000. The draft report identified various possible avenues for anticompetitive effects arising from the legislated phase out of ozone depleting substances, however none of the submissions indicated that anticompetitive behaviour was perceived as a problem. Submissions were due by 1 November 2000. Final report is available on the Department's website (www.ea.gov.au/atmosphere/ozone).	The responsible Minister has agreed to the review recommendations. The Department and the Greenhouse Office are undertaking further work to implement review recommendations.
Petroleum (Submerged Lands) Act 1967	AFFA		National review completed in 1999-2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	Amendments to be developed by the Commonwealth in mid 2001 and subsequently reflected in State and Territory legislation. Reforms to be implemented shortly. Some details of reforms still to be finalised.
Petroleum Retail Marketing Franchise Act 1980	DISR		Review not undertaken due to Government's commitment to repeal Act.	Act to be repealed once the petroleum industry establishes an Oil Code and appropriate Code of Conduct.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum Retail Marketing Sites Act 1980	DISR		Review not undertaken due to Government's commitment to repeal Act.	Act to be repealed once the petroleum industry establishes an Oil Code and appropriate Code of Conduct.
Pig Industry Act 1986 and related Acts	AFFA		Work on the review suspended following advice from industry.	Act repealed and replaced by the Pig Industry Act 2001 which allows for the declaration of a pig industry services body, established under Corporations Law, responsible for the industry's strategic policy development as well as the industry's marketing and research and development services, formerly provided by the Australian Pork Corporation and the Pig Research and Development Corporation.
Pooled Development Funds Act 1992	DISR		Review completed in 1998.	The Pooled Development Funds Amendments Bill introduced late 1999.
Prawn Boat Levy Act 1995	AFFA	The Act is part of legislative scheme to promote Australian sea-caught prawns in overseas markets using funds raised from industry by means of the export charge and boat levy. The Act imposes a boat levy under section 4.	Deleted from the Commonwealth's LRP. Review not required as policy decision made to repeal the Act (and others making up the legislative scheme).	The Fisheries Legislation Amendment Act (No. 1) 1998 provided for the repeal of the Act three years after Royal Assent in order to allow the collection of outstanding levies.
Prices Surveillance Act 1983	T		Review by the PC completed. Final reports provided to the Government in August 2001.	The Government is considering the review recommendations.
Primary Industries Levies Act (and related Collection Acts)	AFFA	Legislation authorises the collection of statutory levies imposed on primary industries under separate legislation for specified purposes.	Review by officials completed in 2000. Review recommendations are under consideration by an interdepartmental committee.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Proceeds of Crime Act 1987 and Regulations	AG		Review underway. A working group was established in February 2000 (in conjunction with the NCP review of the Financial Transaction Reports Act and Regulations).	
Protection of Movable Cultural Heritage Act 1986	DCITA		Review completed.	The Government is considering the review recommendations.
Quarantine Act 1908 (in relation to human quarantine)	DHAC	Goods and passengers entering Australia subject to screening.	Departmental review of provisions relating to human quarantine completed in 1998. Review found minimal impact on competition and public health benefits in excess of costs.	The Government announced its response in July 1998, approving the report and endorsing the proposal for a second phase review of the human quarantine provisions.
Quarantine Act 1908 (in relation to plant and animal quarantine)	AFFA	Prohibits import of certain goods, animals and plants unless with a permit.	Nairn Review of quarantine arrangements completed in 1996. It focussed on increasing the internal efficiency and effectiveness of institutions administering plant and animal quarantine. The Department will conduct a further review of those elements of the Act, if any, that were unchanged following the Nairn Review and that restrict competition.	
Radiocommunications Act 1992 and related Acts	DCITA		A review commenced in 1997. However, the national competition principles aspects of the review were not completed. The PC commenced a review of the Act in July 2001, to be completed in July 2002.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rural Adjustment Act 1992, and States and Northern Territory Grants (Rural Adjustment) Acts	AFFA		Review completed in 1997. The report made a number of recommendations for future government programs to address rural adjustment.	Review recommendations were addressed in the Government's package Agriculture - Advancing Australia announced on 14 September 1997. Consistent with the review recommendations, a range of other support schemes replaced the Rural Adjustment Scheme.
Safety, Rehabilitation and Compensation Act 1988	C	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review completed in 1997, recommending introducing competition to Comcare.	
Shipping Registration Act 1981	DTRS	Registration of ships.	Review completed in 1997.	The Government accepted the review recommendations and is progressively implementing legislative changes.
Spectrum Management Agency - review of Spectrum Management Agency's market-based reforms and activities	DCITA		Review by the PC underway. Due to be completed in July 2002.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Superannuation (Financial Assistance Funding) Levy Act 1993, Occupational Superannuation Standards Regulations Applications Act 1992, Superannuation Industry (Supervision) Act 1993, and Superannuation (Resolution of Complaints) Act 1993	T		Review by the PC underway. Legislation to be reviewed includes: Superannuation Industry (Supervision) Act 1993; Superannuation (Resolution of Complaints) Act 1993; Superannuation (Financial Assistance Funding) Levy Act 1993; Superannuation (Self Managed Superannuation Funds) Taxation Act 1987; Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act 1991; and Occupational Superannuation Standards Regulations Applications Act 1992. Issues paper released 27 March 2001. Report by the PC completed by 10 December 2001, and will be released by the Commonwealth within 25 Parliamentary sitting days of receipt of report (that is, during 2002).	
Torres Strait Fisheries Act 1984	AFFA	Licensing of community and commercial fishers. Wide Ministerial powers to prohibit taking of certain species; prohibit taking fish under certain sizes; and impose a variety of input controls. Collection of a research and development levy.	Reviewed completed in 1999 by Commonwealth and Queensland officials. The review recommended: <ul style="list-style-type: none"> • a new statement of objectives for the Act; • maintaining the distinction between community and commercial fishing; • retaining licensing of fishing; and • retaining wide Ministerial powers to regulate fishing. 	The report was presented to the Torres Strait Protected Zone Joint Authority in March 2000. The Authority noted the findings and recommendations of the review and referred these to the Torres Strait fisheries consultative and advisory committees for further consideration. The Authority is waiting for the Torres Strait Fisheries Committee's comments prior to considering the findings of the review.
Trade Practices (Consumer Product Information Standards) (Care for clothing and other textile products labelling) Regulations	T		Review completed in 1997.	The Government introduced a less prescriptive consumer product information standard.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations	T		Review completed in 1998.	Regulations replaced by Trade Practices (Consumer Product Information Standards) Amendment Regulations, requiring a list of ingredients and a nomenclature used by the United States and the European Union.
Trade Practices Act (including exemptions) - Part IIIA (access regime)	T		Review by the PC completed. Issues paper released on 11 October 2000 and a position paper released in March 2001. Final report provided to the Government in October 2001.	The Government is considering the review recommendations.
Trade Practices Act 1974 - 2D exemptions (local government activities)	T		Review by the PC commenced in late September 2001 to report in September 2002.	
Trade Practices Act 1974 - fees charged	T		Review included in the twelve month PC inquiry "Cost Recovery by Regulatory, Administrative and Information Agencies - including Fees charged under the Trade Practices Act", which commenced in August 2000. The PC released an issues paper and public hearings were held in late November and early December. A draft report was released in April 2001 and the final report was provided to the Government in August 2001.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Practices Act 1974 (s51(2) and s51(3) exemption provisions)	T	Legislation provides for exemptions for a number of activities relating to intellectual property rights, employment regulations, export arrangements, and approved standards from many of the competition laws contained within Part IV of the TPA.	Review completed in 1999. Now the subject of a further review by the Intellectual Property and Competition Review Committee.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Practices Act 1974 Part X (shipping lines)	DTRS	<p>Part X administered by the Commonwealth as an industry specific legislated industry code which exempts shipping conferences from sections 45 and 47 of TPA (with exception of third line forcing provisions). Conferences allow liner shipping companies to coordinate their services, set joint freight rates, pool earnings and costs, establish loyalty agreements with customers, rationalise capacity and restrict new entrants to the conference agreements. Australia's trading partners also exempt conferences from competition law.</p>	<p>Review of Part X by the PC released by the Commonwealth Government in September 1999. The PC concluded that restrictions in Part X are in the public interest because they result in Australian shippers obtaining quality services at the best possible prices and because there are no more efficient ways of achieving these results. The PC recommended various improvements to Part X to clarify the scope of the exemptions from the TPA with regard to land-based activities. These would extend the range of sanctions available to the Minister in the event of a breach of an undertaking by a conference.</p>	<p>The Government enacted the Trade Practices Amendment (International Liner Cargo Shipping) Act 2000 in October 2000, which generally picks up the review recommendations. Act limits the exemption relating to rate setting by more clearly defining the service to which the exemption applies. Exemption covers terminal to terminal services solely for ocean transport and cargo handling at the terminal. Definition of terminal was widened to include terminals away from ports where exports/imports are made/distributed. Exemptions do not apply to inland haulage rates.</p> <p>The Act changes arrangements for stevedoring conferences. There are exemptions to endorse current stevedoring practices. Generally importers are given similar countervailing protection from the TPA. The Act grants additional powers to the Minister and the Australian Competition and Consumer Commission (ACCC) to review agreements that may result in an unreasonable reduction in shipping services and/or an unreasonable increase in liner shipping freight prices. The Act also repeals section that prohibited price discrimination.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tradesmen's Rights Regulation Act 1946	DEWRSB	National recognition of metal and electrical trade skills developed informally.	Review completed in November 1998. Recommendations included repealing the Act. Also recommended that the Commonwealth Government vacate the domestic skills recognition field (and that Registered Training Organisations established under the Australian Recognition Framework undertake skill recognition on a free competition basis) and that detailed consideration be given to the implementation arrangements.	The Government accepted the review recommendations. Bill to repeal legislation introduced into Parliament. The Government is continuing consultations with industry about the new arrangements for domestic skills recognition and migration skills assessment.
Veterans' Entitlement Act 1986 - Treatment Principles (s90) and Repatriation Private Patient Principles (s90A)	DVA		Review not commenced as at August 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wheat Marketing Act 1989	AFFA	Prohibits the export of wheat except with consent of Wheat Export Authority or by AWB International Limited.	<p>Review by an independent review committee completed in 2000. Review found that introducing competition was more likely to deliver net benefits than continuing the export controls. However, it also found it would be premature to repeal the Act before a relatively short evaluation period of new commercial arrangements. It recommended:</p> <ul style="list-style-type: none"> • retaining the export single desk until the 2004 review; • incorporating NCP principles into the 2004 review; • developing performance indicators for the 2004 review; • moving from export consents to export licensing; • removing for a three-year trial the requirement that the Authority consult AWB International Limited on consents for export of bagged and containerised wheat; and • removing for a three-year trial the requirement that the Authority obtain written approval from AWB International Limited for export of durum wheat. 	<p>The Government announced its response to the review in April 2001, accepting the recommendations, except that it:</p> <ul style="list-style-type: none"> • declined to incorporate NCP principles in the 2004 review; • retained the requirement for consultation with AWB International Limited on consents for export of bagged and containerised wheat; and • retained the requirement for written approval of AWB International Limited for export of durum wheat. <p>Performance indicators for the 2004 review are yet to be released.</p>

3 New South Wales

Agency abbreviations

The following abbreviations are used in the 'Agency' column of the New South Wales legislation review timetable.

A	Arts
Ag	Agriculture
AG	Attorney-General
E	Energy
Env	Environment
F	Fisheries
FT	Fair Trading
GR	Gaming and Racing
H	Health
IR	Industrial Relations/WorkCover
IT	Information Technology
LG	Local Government
MR	Mineral Resources
Po	Police
PW	Ports and Waterways
PWS	Public Works and Services
R	Roads
SD	State Development

SR	Sport and Recreation
Tpt	Transport
Tr	Treasury
UAP	Urban Affairs and Planning

Legislation review schedule: New South Wales

Updated to September 2001

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural Tenancies Act 1990	Ag	Regulates the rights of agricultural landowners, tenants, share-farmers and other tenant related issues where the farmers have not made their own agreements; and provides for determination of disputes by compulsory arbitration.	Review completed in 1999. It recommended: <ul style="list-style-type: none"> rewriting the objectives of the Act to protect the environment, achieving certainty in tenancy agreements, and dispute resolution; providing for referral of the parties to mediation before starting an arbitration; and providing for referral of disputes to courts of competent jurisdiction and for appeals to the Administrative Decisions Tribunal. 	The recommended changes were passed by the NSW Parliament in April 2001.
Agriculture and Veterinary Chemicals (New South Wales) Act 1994	Ag	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Air Transport Act 1964	Tpt	Prohibits, in certain circumstances, the carriage by aircraft of passengers or goods from one place to another within NSW except if a licence is granted by the Minister. Amends certain Acts.	Review completed.	The Government announced its response in August 1999, stating it would pursue deregulation via administrative means. From 26 March 2000, restrictions on the number of airlines that operate on routes to and from Sydney Airport, with annual air patronage exceeding 20,000, were removed. These 17 routes account for 86% of all intrastate passenger journeys.
Animal Research Act 1985	Ag	Regulates the carrying out of animal research and the supply of animals for research. Requires that authorisations may only be granted for recognised research purposes involving research, teaching, testing and the production of biological products.	Review underway, including the release of an issues paper and public submissions. Final report in preparation.	
Apiaries Act 1985	Ag	Requires beekeepers to register, with fees. Prohibits the sale or disposal of diseased bees or appliances, or importing of bees likely to spread diseases. Bees must be kept in identified hives. Beekeeping on premises can be prohibited or restricted. Inspectors can enter and inspect premises.	Review underway - part of a generic review of all plant and animal disease legislation. Final report in preparation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1921	PWS	Registration, entry requirements, reservation of title, disciplinary processes, and business restrictions.	National review conducted by the Productivity Commission (PC) completed in August 2000, and publicly released in November 2000. (Previous State review commenced but not completed). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of the Act.	A States and Territories working group is developing a national response to the PC review.
Australian Jockey Club Act 1873	GR	Extends the period for which the trustees of the Randwick Racecourse are enabled to grant leases and to enable members of the Australian Jockey Club to sue and be sued in the name of the Chairman.	Review, in conjunction with the Sydney Turf Club Act 1943, completed in 1999. Current arrangements found to be in the public interest.	Act retained without reform.
Banana Industry Act 1987	Ag	Empowers the Banana Industry Committee (BIC) to regulate the quality of bananas produced in NSW and their subsequent transport to major intrastate markets, and impose compulsory charges on growers to fund industry service functions.	Review completed in 1998. It recommended removing the BIC's power to regulate the marketing and transport of bananas.	The Government's response (Banana Industry Amendment Act 2000): <ul style="list-style-type: none"> • allowed the retention of the BIC's power to provide industry service functions and impose compulsory charges on banana growers to fund these service functions; • removed some obsolete and unexercised powers of the BIC; and • removed the BIC's transport direction power.
Biological Control Act 1985	Ag	Makes provision for the biological control of pests in NSW. Complementary to Commonwealth legislation.	Deleted from review schedule as the Council of Australian Governments (CoAG) Committee on Regulatory Reform (CRR) determined that the legislation has no anticompetitive impacts.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bookmakers Taxation Act 1917		Bookmakers are subject to scrutiny by the Bookmakers Revision Committee (BRC) for probity and financial competence. A bookmaker may not operate without a current tax receipt issued by the BRC.	See the Racing Administration Act 1998 - omnibus review of racing and betting legislation.	
Boxing and Wrestling Control Act 1986	SR	Conduct of professional boxing, provision for the Boxing Authority of NSW and definition of its functions, conduct of wrestling and amateur boxing contests.	Review underway. Issues paper released in July 2001. Public submissions are being considered.	
Bread Act 1969	IR	Restricts times for the baking and delivery of bread. Licensing of bread manufacturers. Certification of operative bakers. Standard bread size. Constitutes a Bread Industry Advisory Council.	Review completed.	Act repealed.
Building Services Corporation Act 1989	FT	Licensing, registration, entry requirements (qualifications or pass exams, experience, age, character), the reservation of practice (building work, electrical wiring work, plumbing and drainage work, roof plumbing work, refrigeration work, air-conditioning work), business conduct (including insurance for building work over \$5000 from approved private insurer), and business licensing.	Review completed in March 1998, recommending reforms to remove unnecessary components of the licensing system, subject to an assessment of the expected impact on the home warranty insurance scheme. Consultations concluded that some licensing requirements were needed to underpin the insurance system.	Changed name to the Home Building Act 1989, privatised compulsory insurance and abolished business licensing. Government released a White Paper in February 2001 proposing: a tighter licensing system; faster disciplinary process; increased penalties for noncompliance; changes to insurance scheme; an early intervention dispute resolution system; and strategies to raise consumer awareness of available remedies when things go wrong. Government is considering stakeholder comments.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Franchise Licence (Petroleum Products) Act 1987	Tr	Provides for the licensing of people carrying on the business of selling certain petroleum products.	Review completed.	Act repealed in December 1997.
Business Franchise Licence (Tobacco) Act 1987	Tr	Provides for the licensing of people carrying on the business of selling tobacco.	Review completed.	Act repealed in December 1997.
Business Licences Act 1990	FT	Relates to business licences.	Review completed.	Act repealed by the Business Licences Repeal and Miscellaneous Amendments Act 2001.
Business Names Act 1962	FT	Regulates and controls the registration and use of business names. There are restrictions on names that are able to be registered, as well as restrictions relating to certain words or phrases.	Final report completed in mid 2001. Progress has been delayed by the proposed establishment of the Australian Business Register as an element of the New Tax System arrangements.	The Government is considering the review recommendations.
Casino Control Act 1992	GR	Establishes the Casino Control Authority and issues exclusive licence for Sydney casino.	Review completed in 1998. Recommended retaining exclusive licence. Report referred to Treasury for updating. Work is in the final stages.	The Government accepted the review recommendations. Act retained without reform.
Cattle Compensation Act 1951	Ag	Provides for the levy of a rate by Rural Lands Protection Boards with the proceeds of the levy being payable to the Cattle Compensation Fund and provides for payment of compensation to owners of cattle and carcasses of cattle destroyed because of disease.	Review not required.	Act repealed in April 2001 by the Cattle Compensation Repeal Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Charitable Fundraising Act 1991		Regulates who may conduct or participate in charitable fundraising activities and the manner in which such activities are carried out.	See the Lotteries and Art Unions Act.	
Chiropractors and Osteopaths Act 1991	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in January 2000. Recommended separation of Acts, removal of minimum age criteria, reserved practice provisions to be moved to the Public Health Act, changes to administration and disciplinary processes and removal of most restrictions on advertising.	New Chiropractors Act and Osteopaths Act passed in April 2001.
Classification (Publications Films and Computer Games) Enforcement Act 1995	AG	Provides for a classification scheme for publications, films and computer games. Complementary to Commonwealth legislation.	Review not required.	National classification scheme. A revised censorship regime with the support of all Australian jurisdictions came into operation on 1 January 1996.
Coal Ownership (Restitution) Act 1990 (1), and Coal Acquisition Act 1981 (2)	MR	(1) Provides for the restitution of certain coal acquired by the Crown as a result of the Coal Acquisition Act 1981. (2) Vests all coal in the Crown.	Review completed.	Acts will be superseded by Coal Acquisition Amendment Act 1997. The Acts are likely to be repealed when the Coal Compensation Board is abolished.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commercial Agents and Private Inquiry Agents Act 1963	Po	Licensing (commercial agents, private inquiry agents and their subagents), registration, entry requirements (qualifications, experience, good fame and character, fit and proper person, aged at least 18 years, not convicted of an offence punishable on indictment within past 10 years), the reservation of practice, disciplinary processes, and business conduct (advertising must specify agent's name and place of business, maintain records, trust account, fidelity bonds).	Review completed. Review recommended the Act should be repealed and replaced by new legislation. Recommended new legislation should involve business licensing (rather than occupational licensing) and should remove licensing for repossession agents and process servers.	Dealt with under the Licence Reduction Program. Reform deferred pending outcomes of Royal Commission and Industrial Relations Inquiry, the Peterson Report on the security industry and revisions to the Security Industry Act.
Commercial Vessels Act 1979 (1), Maritime Services Act 1935 (2), and Marine Pilotage Licensing Act 1971 (3)	PW	(1) Regulates the use of certain vessels and of certain motors for propelling vessels; and provides for marking of load lines and the carriage of certain equipment by vessels. (2) Provides for the constitution of the Maritime Services Board of NSW and its powers. (3) Provides for the licensing of pilots.	See the Marine Safety Act 1998. Review of the Commercial Vessels Act 1979, the Maritime Services Act 1935 and the Marine Pilotage Licensing Act 1971 completed.	Dealt with under the Licensing Reduction Program. Ten licences and permits abolished. Legislation subsequently repealed and replaced by the Marine Safety Act 1998.
Construction Safety Act 1912	IR	Provides for the regulation and inspection of construction work and consolidates the Acts controlling scaffolding and lifts.	Review completed as part of the Regulatory Impact Statement (RIS) for the Occupational Health and Safety Regulation 2001.	New consolidated Occupational Health and Safety Regulation 2001 enacted on 1 September 2001.
Consumer Credit (NSW) Act 1995	FT	Regulates the provision of consumer credit.	National review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Conveyancers Licensing Act 1995	FT	Licensing, registration, entry requirements (age, qualifications, training, experience), the reservation of practice (lawyers also able to provide these services), disciplinary processes, and business conduct (record keeping, trust monies, receipts, professional indemnity insurance).	Review underway. Issues paper released in March 2000. Final report in preparation.	
Cooperatives Act 1992 (1), and Cooperation Act 1923 (2)	FT	(1) Conduct. (2) Registration and conduct.	Review completed.	The Government approved the preparation of legislation in line with the review recommendations.
Council of Law Reporting Act 1969	AG	Constitutes a Council of Law Reporting to NSW and defines its powers, authorities, duties and functions.	Review completed. Review recommended the Act be retained, but administrative changes be made to introduce competitive tendering for licence to publish reports. Publication of on-line reports open to any one for a fee.	The Government implemented the review recommendations.
Country Industries (Payroll Tax Rebates) Act 1977	SD	Allows rebates of payroll tax in respect of certain country manufacturing or processing industries.	Review, in conjunction with the State Development and Industries Assistance Act 1966 and the Small Business Loans Guarantee Act 1977, underway.	
Credit (Finance Brokers) Act 1984	FT	Relates to the conduct of business of finance brokers.	Final report completed in June 2001.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dairy Industry Act 1979	Ag	Vesting of milk in the Dairy Corporation. Farmgate price-setting for market milk. Market milk quotas. Licensing of farmers and processors.	Review completed in November 1997. Chair and industry members recommended retention of restrictions subject to review again in 2003. Other government members recommended removal of restrictions within three to five years if national reform did not occur.	<p>The Government initially accepted the recommendation to retain restrictions until 2003.</p> <p>In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, NSW passed Dairy Industry Act 2000 on 29 June 2000, deregulating the industry from 1 July 2000.</p> <p>Food safety regulation previously integrated under Food Production (Safety) Act 1998.</p>
Dangerous Goods Act 1975	IR	Restrictions on transport, storage and handling of explosives and other dangerous substances.	Review completed as part of the development of a new National Standard for the regulation of dangerous goods.	<p>Legislative amendments involving the transport of dangerous goods commenced 20 April 1998 to give effect to the first module of reforms to national road transport law developed through the National Road Transport Commission. The proposed Dangerous Goods (General) Regulation was released for public comment.</p> <p>The National Standard for the Storage and Handling of Dangerous Goods was gazetted in March 2001. All States and Territories have agreed to implement the National Standard. Extensive review and development work needs to be completed to effect the necessary legislative changes in NSW.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Technician Registration Act 1975	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Final report completed in March 2001.	Bill introduced into Parliament in September 2001.
Dentists Act 1989	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Final report completed in March 2001.	Bill introduced into Parliament in September 2001.
Door to Door Sales Act 1967	FT	Controls and regulates certain agreements relating to the sale or bailment of goods and the provision of services on credit.	Review, in conjunction with the Fair Trading Act 1987, underway. Final report in preparation.	
Dried Fruits Act 1939	Ag	Regulated the dried fruits industry. Constitutes the NSW Dried Fruits Board.	Review not required as, on 1 July 1997, the Board resolved to advise the Minister for Agriculture that its affairs should be wound up.	Transitional arrangements made for the prune industry involve the making of a Prune Industry Marketing Order (expired 31/12/99) under the Marketing of Primary Products Act. Remaining sections of the Act repealed as of 1 July 2000.
Driving Instructors Act 1992	R	Licensing, entry requirements (completed course, aged at least 21 years, may require test, medical exam, character), the reservation of practice (teach for monetary or other reward), and business conduct (maintenance of records, regulations may make provisions for displaying identification and advertising).	Final report completed in August 2001.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity (Pacific Power) Act 1950	E	Provides for the constitution of Pacific Power and to define its principal objectives, powers, authorities, duties and functions. Amends and repeals certain other Acts.	Review not required.	The Government announced its response in May 2000, establishing of a new state-owned corporation from Pacific Power's generation business. The new corporation, Eraring Energy, commenced operations in August 2000. It is envisaged that after a transitional phase the Act will become redundant and will eventually be repealed.
Electricity Safety Act 1945	E	Provides for the development of electricity supply; confers certain powers, authorities, duties and functions on the Energy Corporation of NSW; provides for the regulation of the sale and hiring of electrical apparatus; and amends certain Acts.	Review underway. Issues paper being finalised.	
Electricity Supply Act 1995	E	Regulates the supply of electricity in the wholesale and retail markets; and sets out the functions of persons engaged in the conveyance and supply of electricity.	Review not required. Due to the major amendments to the Act which have, or are, taking place, it is not intended that a review of the Act will be undertaken under the auspices of the National Competition Policy (NCP).	
Electricity Transmission Authority Act 1994	E	Establishes the NSW Electricity Transmission Authority and defines its functions.	Review not required.	Act repealed by s5 of the Energy Services Corporations Amendment (TransGrid Corporatisation) Act 1998 on 14 December 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Employment Agents Act 1996	FT	Licensing, entry requirements (fit and proper person, aged at least 18 years, suitable premises, no previous cancellation), the reservation of practice, and business conduct (separate licence for each premises, registered person in charge, no charge to jobseekers, maintenance of records, no misleading advertising).	Final report completed in February 2001.	The Government is considering the review recommendations.
Energy Administration Act 1987	E	Establishes the Ministry of Energy and the Energy Corporation of NSW, and defines the functions of the Energy Corporation.	Review not required.	Licence and approval requirements repealed by Electricity Supply Act 1995. Sections 35A and 35B dealt with as part of the structural reform of the gas industry.
Entertainment Industry Act 1989	IR	Licensing for entertainment industry agents, managers and venue consultants, and maximum fees for entertainment industry agent.	Review underway. Issues paper released in September 2001.	
Environmentally Hazardous Chemicals Act 1985	Env	Provides for the control of the effect on the environment of chemicals and chemical waste. Constitutes the Hazardous Chemicals Advisory Committee.	Review completed.	Dealt with under the Licence Reduction Program. Partially replaced by the Contaminated Land Management Act 1997.
Exhibited Animals Protection Act 1986	Ag	Requirements for licences and permits, with fees. Restricts breeding and trading of some animals. Imposes best practice welfare standards. Imposes requirements for educational components.	Review, in conjunction with the Non-Indigenous Animals Act 1987, underway. Final report in preparation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Exotic Diseases of Animals Act 1991	Ag	Compulsory reporting of disease outbreaks. Prohibits or restricts the movement of animals, animal products and vehicles. Provides compensation for animals destroyed for disease-control. Bans introduction into the State of certain animals. Allows for destruction orders. Empowers inspectors to enter and search premises, and test and disinfect animals.	Review underway - part of a generic review of all plant and animal disease legislation. Final report in preparation.	
Factories, Shops and Industries Act 1962 - Part 4	IR	Part 4 restricts trading hours. General Stores (those that are not classified as "scheduled" or "small" shops) are not permitted to open on Sundays or public holidays. The legislation allows for exemptions which are determined by the Department.	Review completed. Trading hours in NSW largely deregulated (by exemptions) and a comprehensive public benefit test is in place for any remaining restrictions.	Reform is via the Department issuing exemptions to "general stores" to enable them to trade on Sundays and some public holidays. Exemptions are readily obtained resulting in substantial deregulation.
Factories, Shops and Industries Act 1962 - Part 6	IR	Licensing for hairdressers, entry requirements (training and exams or otherwise qualified), reservation of practice (act as a hairdresser for fee, gain or reward), and disciplinary processes.	Review underway. Issues paper released in June 2000. Final report in preparation.	
Fair Trading Act 1987	FT	Regulates the supply, advertising and distribution of goods and services and, in certain respects, the disposal of interests in land.	Review, in conjunction with the Door to Door Sales Act 1967, underway. Final report in preparation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Farm Debt Mediation Act 1994	Ag	The Act requires creditors to undertake mediation if a farmer chooses to exercise this statutory right; and requires that the mediator must be accredited.	Review completed in November 2000.	The Government is considering the review recommendations.
Farm Produce Act 1983	Ag	Makes provision for the registration and regulation of farm produce merchants and farm produce agents.	Review completed.	Act repealed.
Fertilisers Act 1985	Ag	Registration of brand names for soil improving agents. Conformation with registered particulars and composition standards. Labelling requirements.	Review completed. Part of a generic review of all chemical residue legislation. Final report completed in December 1999. The review recommended: <ul style="list-style-type: none"> • removal of requirements for the brand names to be registered; • removal of minimum content requirements; and • retention and strengthening of provisions relating to food safety, overseas market access requirements and environment protection. Examples include maximum composition standards for heavy metals and labelling requirements. 	Some recommendations implemented via the Fertilisers Amendment Act 1999. Other recommendations will be progressed after the NCP review of plant and animal health legislation is completed.
Fisheries Management Act 1994	F	Licensing of fishers. Access to share managed fisheries by owning shares. Input controls on boats, gear, crew levels and fishing methods. Output controls such as total allowable catches, bag limits, size limits and prohibitions on taking certain species.	Final report completed in May 2001.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Food Act 1989	H	Various food safety offences. Wide powers to make orders prohibiting or requiring conduct.	National review completed in 2000. Outcome was the Model Food Bill, which provides a uniform regulatory framework and, in particular: requires notification by all food businesses; requires registration by high-risk food business; and allows contestability of audit and laboratory services subject to approval of providers.	All Australian governments agreed in November 2000 to adopt the core provisions of the Model Food Bill by November 2001.
Friendly Societies Act 1989	Tr	Provides for the formation, registration, management and regulation of friendly societies.	Review not required.	Act repealed. In 1999, NSW reached agreement with the Commonwealth regarding the transfer of prudential regulatory responsibilities for credit unions, building societies and friendly societies to the Commonwealth. The Friendly Societies Reform (NSW) Act 1999 gives effect to this transfer.
Friendly Societies Dispensaries Enabling Act 1945	H	Enables Friendly Societies to operate pharmacies.	Review completed in 1997.	Act repealed and relevant provisions incorporated into Pharmacy Act 1964 (part of the national review of pharmacy legislation).
Funeral Funds Act 1979	FT	Controls and regulates contributory and pre-arranged funeral funds.	Review underway. Issues paper released in early 2000. Final report is being prepared.	
Funeral Services Industry (Days of Operation) Act 1990	IR	Regulates the days of operation of businesses providing funeral, burial or cremation services.	Review not required.	Act repealed and replaced by the Funeral Services Industry (Days of Operation) Act 2000.
Gambling (Two-up) Act 1998	GR	Act prescribes the rules of Two-up, and the circumstances under which it may be played. Two-up is permitted to be played on Anzac Day, in Broken Hill and at the Sydney casino.	Review completed. Retention of restrictions justified as being in the public benefit.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming and Betting Act 1912	GR	Consolidates Acts relating to games, wagers and betting houses, the restriction of race meetings and the licensing of racecourses.	Review of the Gambling (Two-up) Act 1998 completed. Review of the Racing Administration Act underway in 2000. See separate entries for each Act. No review required of the Unlawful Gambling Act 1988 because it relates to criminal activity and is not subject to NCP.	Act repealed and remade in three parts to be separately reviewed: <ul style="list-style-type: none"> • core gaming and betting provisions (Unlawful Gambling Act 1998); • racecourse licensing (Racing Administration Act 1998); and • two-up (Gambling (Two-up) Act 1998).
Gas Industry Restructuring Act 1986	E	Makes provision with respect to the structure of AGL.	Review not required.	Act repealed by Gas Supply Act 1996, which corporatised AGL.
Government Guarantees Act 1934	Tr	Validates certain guarantees given to certain banks, authorises the Treasurer to execute certain guarantees.	Review completed in January 2000. Review found there was potential for the implementation of the Act to contravene competitive neutrality principles.	The Treasurer's circular issued in September 2000 requiring Ministers to include analysis of wider public interest issues in applications for Government guarantees under any Act authorising their issue.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Grain Marketing Act 1991	Ag	Establishes the NSW Grains Boards, vests coarse grains and oilseeds grown in NSW to the Grains Board, and confers monopoly marketing rights over NSW grains on the Grains Board.	<p>A joint government-industry review reported to the NSW Minister for Agriculture in July 1999. The review recommended that restrictions on:</p> <ul style="list-style-type: none"> • all domestic sales be removed for malting barley by no later than 31 August 2001, and for all other grains by no later than 31 August 2000; • export sales of feed and malting barley remain for only overseas markets where market power or access premiums can be demonstrated, and review again by 31 August 2004; and • export sales of all other grains be removed - for canola, by 31 August 2001 - and for sorghum, oats, safflowers, linseed and soybeans, by 31 August 2000. 	<p>In October 2000, the Government announced that it would:</p> <ul style="list-style-type: none"> • remove vesting powers under the Act except for barley, canola and grain sorghum; • sunset vesting powers for barley, canola and sorghum by 30 September 2005; and • dissolve the Grains Board by 30 September 2005. <p>Grainco Australia Limited was appointed to act as agent for the now insolvent Grains Board.</p> <p>The legislation is due to be amended in 2001. Some reforms have been implemented administratively.</p>
Greyhound Racing Authority Act 1985		Establishes the controlling body for this code. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so.	See the Racing Administration Act 1998 – omnibus review of racing and betting legislation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Harness Racing Act 1977		Establishes the controlling body for this code. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so.	See the Racing Administration Act 1998 – omnibus review of racing and betting legislation.	
Hawkers Act 1974	FT	Licensing, and business conduct.	Review completed.	Act repealed by the Pawnbrokers and Second Hand Dealers Act 1996.
Homing Pigeons Protection Act 1909	Ag	Provides for the protection of homing pigeons during flights.	Review completed.	Act repealed.
Horticultural Stock and Nurseries Act 1969	Ag	Registration of certain nurserymen and resellers of horticultural stock. Regulates the sale or propagation of certain horticultural stock.	Review completed.	Act repealed in December 2000 by the Horticultural Legislation Amendment Act 2000.
Human Tissue Act 1983	H	Relates to the donation of tissue by living persons, the removal of tissue from deceased persons and the conduct of post-mortem examinations of deceased persons.	Review underway. Issues papers released. Discussion papers released on Assisted Reproductive Technologies (October 1997) and Regulation of the Supply of Blood and Blood Products (January 1998). Final report on review of Blood and Bone Products in preparation.	Human Tissue Bill 2001 introduced into Parliament in April 2001 to provide for greater consent. Further reform action to follow completion of the blood and bone products review.
Industrial Relations Act 1991	FT	Restates and reforms the law concerning industrial relations.	Review completed.	Act repealed and replaced by the Industrial Relations Act 1996. Regulation of employment agents was separated from the Industrial Relations Act into the Employment Agents Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Innkeepers Act 1968	GR	<p>Make provisions with respect to certain rights and liabilities of innkeepers and persons having dealings with innkeepers.</p> <p>The Act makes a distinction between "inns" and other accommodation providers. It gives innkeepers limited liability with respect to guests property, whereas other accommodation providers are subject to unlimited liability under common law.</p>	<p>Review completed in 2000. Review recommended that the current Act should be retained, as it is procompetitive. However, if there were to be a new Act, it should be written in conjunction with other Australian jurisdictions. There would also need to be consideration of international developments in this industry.</p>	<p>Final report referred to the Tourism Ministers' Council in July 2001. The Council established an interdepartmental committee to develop recommendations to attain consistent liability for innkeepers across Australia.</p>
Land Development Contribution Act 1970	UAP	<p>Levies a contribution in relation to certain land within the Sydney region.</p>	<p>Review not required.</p>	<p>The Act was introduced to collect contributions from developers who benefit from rezonings. The Act has not been used to collect contributions for several years, and the subordinate legislation which provided the power to collect contributions has been repealed. The Government has agreed to repeal the Act.</p>
Legal Profession Act 1987	AG	<p>Licensing, registration, reservation of title and practice, disciplinary processes, and business conduct (including professional indemnity insurance monopoly, advertising (must not be false, misleading or deceptive) and mandatory continuing legal education).</p>	<p>Review completed in 1998. Recommendations included allowing incorporation of legal practice and allowing competition in professional indemnity insurance.</p>	<p>Implementation underway. To date, the rule requiring solicitors to have majority control of multidisciplinary practices has been abolished, and legislation allowing solicitors to incorporate was passed in October 2000 (commenced on 1 July 2001). Government not yet responded to the professional indemnity insurance issue. New advertising restrictions for workers' compensation services introduced in May 2001.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Library Act 1939 (Library Regulation 1995)	A	Makes further provisions for the establishment, maintenance and management of libraries, library services and information services and creates certification scheme for librarians.	Review completed.	Certification scheme abolished.
Liquefied Petroleum Gas Act 1961, and Liquefied Petroleum Gas (Grants) Act 1980	E	Regulates the supply of liquid petroleum gas (LPG).	Review completed in 1996.	Act repealed by the Gas Supply Act 1996.
Liquor Act 1982 – Part 1 of 2, Gambling	GR	Regulates the use and supply of gaming devices.	Preliminary review undertaken in conjunction with the Registered Clubs Act 1976. This work has been overtaken by events including the restrictions placed on machine numbers and new harm minimisation measures.	
Liquor Act 1982 – Part 2 of 2, Liquor Licensing	GR	Regulates the sale and supply of liquor and regulates the use of premises at which liquor is sold. Needs test is contained in s45 which allows objection to the grant of a licence on the grounds that needs of the public can be met by existing facilities.	Combined review of liquor and club management provisions underway (see also the Registered Clubs Act 1976). There will be further consultation on preliminary findings and reform options.	
Local Government (Theatre and Public Halls) Amendment Act 1989	LG	Amends the Local Government Act to make provision for approval and regulation of places of public entertainment and certain structures.	Review completed.	Dealt with under the Licence Reduction Program. Licence retained as issues of public safety outweigh costs.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government Act 1993	LG	Act has some restrictions such as: <ul style="list-style-type: none"> • approval required to operate businesses such as a mortuary or an undertakers business; and • the ability of councils to provide goods, services, and other facilities pursuant to section 24 of the Act. 	Two staged review. Review of the whole Act commenced in 1998 and report tabled in Parliament in June 1999. Review, focused more specifically on the interaction between NCP and the Act, completed in July 2001.	The Government is considering the review recommendations.
Lord Howe Island Act 1953, and Lord Howe Island Regulation 1994	Env	Section 23 gives preference to Islanders who can buy property at valuation by Valuer General.	Final report completed in May 2000.	An interdepartmental committee will be established to develop the Government's response to the review recommendations, including socio-economic impact assessment.
Lotteries and Art Unions Act 1901	GR	The Act imposes general restrictions that limit the opportunity to profit from the conduct of community gaming to charities and other non-profit organisations.	Review, in conjunction with the Charitable Fundraising Act 1991, underway. Final report in preparation. See the Charitable Fundraising Act 1991.	
Lotto Act 1979	GR		Review not required. See the NSW Lotteries Act 1990 and the Soccer Football Pools Act 1975.	Act repealed and replaced by NSW Lotteries Corporatisation Act 1996 and Public Lotteries Act 1996.
Marine (Boating Safety - Alcohol and Drugs) Act 1991	PW		Review not required.	Act repealed and replaced by the Marine Safety Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marine Safety Act 1998	PW	Regulates the use of vessels, motors, marking of load lines and the carriage of certain equipment. Provides for licensing of pilots and navigation requirements. The Act repeals and consolidates the following legislation: Commercial Vessels Act 1979; Maritime Services Act 1935; Marine Pilotage Licensing Act 1971; Marine (Boating Safety - Alcohol and Drugs) Act 1991; and Navigation Act 1901.	New legislation subject to clause 5(5) of the Competition Principles Agreement (CPA). The Act remains largely uncommenced. The NCP review will be conducted 12 months after the Act is fully commenced.	
Marketing of Primary Products Act 1983	Ag	Relates to the marketing of certain primary products and provides for the establishment of marketing boards in relation to certain of those products, and to enable the making of marketing orders.	Review not required as the three marketing authorities constituted by the Act are under separate reviews.	Act to be repealed if and when the marketing authorities terminate or are reconstituted under other legislation.
Meat Industry Act 1987	Ag	Constitutes the NSW Meat Industry Authority and provides for various classes of licences.	Review completed in 1998.	Responsibility for meat industry food safety transferred to Safe Food Production by the Food Production (Safety) Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Practice Act 1992	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in December 1998. Recommendations include insertion of an objectives clause, greater clarity for entry requirements and the disciplinary system. Recommended removal of business and practice restrictions.	The Medical Practice Amendment Act 2000 passed in July 2000 in line with review recommendations. Health Care Liability Act 2001 enacted to: <ul style="list-style-type: none"> • make provision with respect to the recovery of damages for injury or death caused by medical practitioners and other health care providers; • make professional indemnity insurance compulsory for medical practitioners and to regulate the provision of that insurance; and • protect medical practitioners, nurses and certain other health practitioners from liability when providing voluntary health care in an emergency.
MIA Citrus Fruit Promotion Marketing Committee (under the Marketing of Primary Products Act 1983)	Ag	The Act imposes a compulsory charge on producers of citrus in the Murrumbidgee Irrigation Area (MIA).	Review completed.	The Government decided that the Committee should continue its role of providing various services to growers subject to limiting its role in representing the industry. In March 1998, a grower poll supported the proposed arrangements and the Committee was re-established for a further four-year term.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
MIA Wine Grapes Marketing Board	Ag	Constitutes the MIA Wine Grapes Marketing Board - a statutory marketing authority responsible for the marketing of MIA wine grapes and representing the interests of growers. The main restrictions were vesting and price setting powers.	Review completed in 1996. It recommended that the Board's vesting power not be continued beyond 30 November 1996 and that the Board become an industry service organisation, using existing powers under the Marketing of Primary Products Act 1983. A second NCP review is underway to assess the proposed powers and functions of the Board.	The Government extended the Board's vesting power to 31 July 2000, subject to a number of constraints, via the Marketing of Primary Products Amendment (Wine Grapes Marketing Board) Act 1997. The vesting power sunsetted on 31 July 2000.
Mines Inspection Act 1901 (1), and Coal Mines Regulation Act 1982 (2)	MR	(1) Makes better provision for the regulation and inspection of mines, other than coal and shale mines, and regulates the treatment of the products of such mines. (2) Regulates coal mines (and oil shale and kerosene shale mines) and certain related places.	The NCP review has been incorporated into a comprehensive review of all mine safety legislation, consistent with the findings of the 1997 Mine Safety Review and the Gretley Inquiry. Extensive stakeholder consultation is required.	
Mining Act 1992	MR	Makes provisions with respect to prospecting for, and mining of, minerals.	Restrictions other than licensing will be included in a comprehensive review of all mine safety legislation, consistent with the findings of the 1997 Mine Safety Review and the Gretley Inquiry.	Licensing requirements dealt with under the Licence Reduction Program.
Monopolies Act 1923	AG	Amends the law in relation to monopolies and restraint of trade.	Review completed.	Act repealed.
Motor Accidents Act 1988, and Motor Vehicles (Third Party Insurance) Act 1942	AG	Mandatory insurance, licensing of insurers, and file and write premium settings.	Review completed in 1997.	Legislation passed in line with recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Dealers Act 1974 No 52, and Motor Vehicles Repair Act 1980	FT	Licensing (motor dealer, wrecker, wholesaler, motor vehicle parts reconstruction, car market operator, motor vehicle consultant), entry requirements (fit and proper person, sufficient financial resources, dealer qualifications and expertise or experience), the reservation of practice, disciplinary processes, and business conduct (record keeping, motor dealers compensation fund).	Review completed. Recommendations included: allowing licensees to operate from more than one place of business; and keeping registers of stock and parts only at one place of business where multiple locations are operated by one licensee.	The Government is considering the review recommendations.
Motor Vehicle Sports (Public Safety) Act 1985	SR	Makes provision for the control and regulation of meetings for motor vehicle racing.	Review underway. Issues paper being prepared. Consultants are providing assistance with the consideration of submissions and compilation of final report.	
Murray Valley Citrus Marketing Act 1989	Ag	Constitutes a joint NSW-Victorian Murray Valley Citrus Marketing Board. Imposes a compulsory charge on citrus producers in the Murray Valley. Power (unused) to set minimum quality standards and minimum prices.	Joint review with Victoria completed. Final report submitted to both governments in August 1999 and publicly released on the basis that it was not an endorsed government position. It recommended: <ul style="list-style-type: none"> • legislation should continue to underpin the operations of the Board; • core functions which provide benefits of a 'public good' nature continue to be funded by a compulsory levy where growers vote this to be beneficial; and • any future legislation should clearly reflect the purpose of the Board in facilitating marketing and enhancing technological innovation. 	Extensive public consultation is being undertaken in developing a joint government response to the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Murray Valley Wines Grapes Industry Committees (under the Marketing of Primary Products Act 1983)	Ag	Murray Valley Wines Grapes Industry Development Committee. Murray Valley Wine Grapes Industry Negotiation Committee.	Joint review with Victoria completed in early 1999.	The Murray Valley Wine Grapes Industry Negotiation Committee, whose term of office expired in November 1998, was not renewed. The Murray Valley Wine Grapes Industry Development Committee was re-constituted as an Industry Service Committee under the Agricultural Industry Services Act 1998.
National Parks and Wildlife Act 1974	Env	Consolidates and amends the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas, as well as the protection of certain fauna, native plants and aboriginal relics.	Review completed.	Dealt with under Licence Reduction Program.
National Rail Corporation (Agreement) Act 1991	Tpt	Approves and gives effect to an agreement between NSW, the Commonwealth and other States relating to the National Rail Corporation Ltd.	During the presale process, shareholders agreed to remove the restriction in section 7 that prevents the corporation from carrying intrastate freight. Further review not required.	Section 7 repealed in August 2000. The Act will need to be repealed when the National Rail Corporation is privatised.
Non Indigenous Animals Act 1987	Ag	The Act restricts competition by requiring licences and permits, and payment of fees. There are also restrictions on trading of higher-risk exotic animals and security standards.	Review, in conjunction with the Exhibited Animals Protection Act 1986, underway. Final report in preparation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Noxious Weeds Act 1993	Ag	Requires control of declared noxious weeds. Restricts the sale of declared noxious weeds. Restricts movement of material containing notifiable noxious weeds. Requires cleaning and inspection of agricultural machinery at the Queensland border. Regulates the supply of materials, equipment and services by local control authorities.	Review completed in October 1998.	The Government is considering the review recommendations.
NSW Lotteries Act 1990	GR		Review not required. See the Lotto Act 1979 and the Soccer Football Pools Act 1975.	Act repealed and replaced by NSW Lotteries Corporatisation Act 1996 and Public Lotteries Act 1996.
Nurses Act 1991	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Final report completed. Note separate review of nurse practitioner provisions completed 2000.	The Government is considering the review recommendations.
Nursing Homes Act 1988	H	Provides for the licensing and control of nursing homes.	Review underway. Issues paper released in June 2000. Final report in preparation.	
Occupational Health and Safety Act 1983	IR	To secure the health, safety and welfare of persons at work and to amend certain other Acts.	Review completed as part of the RIS for the Occupational Health and Safety Regulations 2001.	New consolidated Occupational Health and Safety Regulation 2001 enacted on 1 September 2001.
Optical Dispensers Act 1963	H	Restrictions on registration, entry, title, and disciplinary provisions.	Review not required.	Consideration of competition policy issues by the Commonwealth-State review of partially regulated occupations.
Optometrists Act 1930	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in December 1999 and released in April 2001. Recommendations included removing ownership restrictions, limiting reserved practice and extending prescribing rights.	Bill ready for introduction into NSW Parliament.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Ozone Protection Act 1989	Env	Empowers the regulation and prohibition of the manufacture, sale, distribution, use, emission, recycle, storing and disposal of stratospheric ozone depleting substances and articles which contain those substances.	Review completed.	Dealt with under the Licence Reduction Program.
Parking Space Levy Act 1992	Tpt	To discourage car use in business districts by imposing a levy on off-street parking and using the revenue to develop infrastructure and encourage the use of public transport.	Review completed.	Act retained on the basis that competition restrictions were notional only.
Partnerships Act 1892	AG		Review has not commenced.	National issue as legislation largely restates the Common Law. Need to examine following consideration of the Tasmanian review of similar legislation.
Passenger Transport Act 1990	Tpt	Regulates public transport services - buses, taxis and hire cars, and ferries.	<p>Buses: review conducted by the Independent Pricing and Regulatory Tribunal (IPART) in 1996-97. IPART recommended amending the Act to require bus operators to meet a Performance Assessment Regime (PAR) as condition of contract renewal.</p> <p>Taxis/hire cars: review conducted by IPART. Final report (Nov 1999), recommended deregulation of hire car industry. Review identified net benefits from deregulating taxis in long run, but favoured a long transitional period. Hence it recommended issue of 5% of new licences annually from 2000-2005, and further review in 2003.</p> <p>Ferries: review has not commenced.</p>	<p>Buses: Act amended in 1997. Two discussion papers released. Concerns raised by operators regarding cost of implementing some PAR initiatives. These issues currently under review.</p> <p>The new Passenger Transport Amendment (Transitways) Act 2001 provides that contracts to provide bus services on designated transitways will include performance standards.</p> <p>Taxis/hire cars: partial implementation of IPART recommendations regarding taxis. The Government introduced a package of hire care reforms on 31 August 2001.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pathology Laboratories Accreditation Act 1981	H	Licensing.	Review completed.	Act repealed.
Pawnbrokers and Second Hand Dealers Act 1996	FT	Licensing (pawnbrokers, second-hand dealers for prescribed goods), registration, entry requirements (aged over 18 years, not mentally incapacitated, not undischarged bankrupt, no conviction of dishonesty offence in past 10 years), the reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, computer records, public auction of unredeemed goods over \$50, minimum redemption period of three months, operation from fixed premises; second-hand dealers: prescribed records, computer records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Final report completed in September 2001. Public consultation on a draft Exposure Bill is envisaged.	
Payroll Tax Act 1971	Tr	Imposes a tax upon employers in respect of certain wages and provides for the assessment and collection of the tax.	Review completed.	Dealt with under the Licence Reduction Program.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pesticides Act 1978	Env	Controls the sale, supply, use and possession of pesticides, the application of pesticides from aircraft and provides for the prevention of foodstuff contamination.	Review completed. Part 7 of the Act is currently subject to further review in the context of a generic review of several Acts dealing with chemical residues.	Dealt with under Licence Reduction Program. The review recommendations have been incorporated into the NSW Pesticides Act 1999. The recommendations are also being considered in the development of regulations under the Act. NCP considerations are specifically included in the public RIS on the draft Regulations.
Petroleum (Onshore) Act 1991	MR	Regulates the search for, and mining of, petroleum.	Review completed.	Dealt with under the Licence Reduction Program. Authority for exploration retained. Business compliance costs minimised.
Petroleum (Submerged Lands) Act 1982	MR	Relates to the exploration for, and exploitation of, undersea petroleum resources. This legislation forms part of a national scheme.	National review completed on 25 August 2000.	Some parts dealt with under the Licence Reduction Program. Amendments to be developed by the Commonwealth and subsequently reflected in State and Territory legislation.
Petroleum Products Subsidy Act 1965	Tr	Implements a Commonwealth scheme for the subsidisation of fuel transport costs in rural areas.	Review not required. The Act enables NSW to provide administrative arrangements for the payment of Commonwealth subsidies to distributors of petroleum. It does not involve the imposition of any restrictions on competition by the NSW Government.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1964	H	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing, and disciplinary provisions.	National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.	CoAG referred the Wilkinson Review to a senior officials' working party, which is yet to report back to CoAG.
Physiotherapists Registration Act 1945	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in March 2001. The review made 28 recommendations, including that an objectives clause be inserted, title be restricted, spinal manipulation and electrotherapeutic treatments be reserved, the minimum age requirement be repealed, advertising restrictions be reduced, and changes to the board and disciplinary structures.	The Physiotherapists Bill 2001 is in the NSW Parliament.
Pipelines Act 1967	E	Relates to the construction, operation and maintenance of pipelines.	Review completed. The report concluded that the legislation does not contain any significant anticompetitive provisions	Act retained without reform.
Plant Diseases Act 1924	Ag	Permits declaration of quarantine areas. Establishment of quarantine stations for plants. Allows control of the storage and movement of some items. Inspectors have powers to enter and search premises, and seize and destroy plants.	Review underway - part of generic review of all plant and animal disease legislation. Final report in preparation.	
Podiatrists Act 1989	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway. Issues paper released in April 2000. Final report in preparation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poisons Act 1966	H	Regulates, controls and prohibits the sale and use of poisons, restricted substances, drugs of addiction and certain dangerous drugs.	National review completed. Final review report under consideration by the Australian Health Ministers Advisory Council (AHMAC).	
Ports Corporatisation and Waterways Management Act 1995	PW	Establishes statutory State-owned corporations to manage the State's major port facilities; transfers waterways management and other marine safety functions to the Minister; and establishes the Waterways Authority and provides for port charges, pilotage and other marine matters.	Review underway. Final report in preparation.	
Poultry Meat Industry Act 1986	Ag	Prohibits supply of chickens unless under an agreement approved by the Poultry Meat Industry Committee.	First review completed in mid-2000. Second review of the Act undertaken.	On 10 November the NSW Premier announced that the Government would not be changing the regulations under which poultry growing prices are determined.
Poultry Processing Act 1969	Ag	Registration of plants in which poultry is processed for sale. Minimum standards in the slaughtering and processing of poultry.	Review, in conjunction with the Meat Industry Act 1987, completed.	Act repealed on 1 July 1999 when the Meat Industry Amendment Act 1998 commenced. Food safety regulation of the NSW poultry industry is now provided through the Food Production (Safety) Act 1998 and the Food Production (Meat Food Safety Scheme) Regulation 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Prevention of Cruelty to Animals Act 1979	Ag	Controls or prohibits certain activities associated with animal breeding, animal husbandry, entertainment, veterinary services, animal derived production and processing and transportation. Imposes compliance costs. Authorising a range of direct interventions by regulatory officials and courts.	Review underway. Issues paper was released in March 2001. Submissions are currently being considered. The review will consider linkages with five other Acts: the Animal Research Act 1985, the Exhibited Animals Protection Act 1986, the Veterinary Surgeons Act 1986, the Companion Animals Act 1998 and the National Parks and Wildlife Act 1974.	
Prices Regulation Act 1948	FT	Makes provision for the regulation of prices and rates of certain goods and services.	Review completed.	The Prices Commission was abolished and prices regulation powers were transferred to IPART.
Prickly Pear Act 1987	Ag	Provides for the control and destruction of Prickly Pear.	Review completed.	Act repealed and replaced by provisions under the Noxious Weeds Act 1993.
Private Hospitals and Day Procedures Centres Act 1988	H	Licensing and conduct.	Review underway. Issues paper released in December 2000. Interim report in preparation to enable further consultation.	
Professional Standards Act 1994	AG	Provides for the limitation of liability of members of occupational associations in certain circumstances and to facilitate the improvement of the standards of services provided by those members.	Review underway. Issues paper released in mid 2001. Final report in preparation.	Professional Standards Amendment Act 1999 passed, instituting an 'opt-out' clause for professional indemnity insurance schemes run by associations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Property, Stock and Business Agents Act 1941	FT	Licensing (real estate, stock and station, business and managing agents), registration, entry requirements (qualifications, sufficient experience, fit and proper person), the reservation of practice, disciplinary processes, and business conduct (auctions, trust accounts).	Review completed.	The Government approved the preparation of an Exposure Bill for consultation in late 2001.
Psychologists Act 1989	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review report completed in December 1999, recommending the retention of registration, but the removal of restrictions on advertising and premises. A number of recommendations provide clarity and accountability.	The Psychologists Bill 2001 is in the NSW Parliament.
Public Finance and Audit Act 1983 (1), and Public Authorities (Financial Arrangements) Regulations 1997 (2)	Tr	(1) Makes provision with respect to the administration and audit of public finances. (2) Makes provisions with respect to certain financial arrangements and investments of public authorities; and constitutes the NSW Capital Works Financing Corporation.	Review completed in 1998. Potential competitive restrictions were identified as part of a consultation program conducted in 1998 concerning a proposal to merge five Acts (of which these were two) into a new single statute. The review of the restrictions revealed that there were net public benefits supporting their retention.	The Government is considering the review recommendations.
Public Health Act 1991	H	Regulates the funeral industry, skin penetration, microbial control and other matters.	Final report completed in March 2001.	The Government is considering the review recommendations.
Public Notaries Act 1985	AG	Provides for the appointment, enrolment and disciplinary procedures for Public Notaries.	Review completed.	New Act in place.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Sector Management (Goods and Services) Regulation 1995	PWS	Establishes the State Contracts Control Board, which arranges for the supply of goods and services and disposal of goods for the Public Service. The restriction on competition is that certain government agencies are prevented from independently negotiating contracts for the supply of goods or services other than through the Board.	Review completed. The Regulation was subject to a joint NCP and Subordinate Legislation Act 1989 review by the Department. A RIS was released for public consultation in April 2000. The review found that the benefits to the State from centralised procurement outweigh any costs associated with restrictions on choices available to government agencies. It therefore recommended that the Regulation be re-made with existing coverage and application.	In 2000 the Government re-made the regulation as recommended by the review.
Public Trustee Act 1913	AG		Review completed.	Legislation was rejected by the NSW Parliament. Other measures to implement the review recommendations are being considered by the Government.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing Administration Act 1998	GR	Bans proprietary racing; bans racing for betting other than thoroughbred, greyhound and harness racing; bans advertising the availability of bookmaker or totalisator services from another jurisdiction; bans provision of betting services other than for the NSW Totalizator Agency Board (TAB) and provision of information on alternative sources by way of internet, subscription TV or other on-line communications; bookmakers may only conduct telephone and on-line or sports betting if authorised by the Minister to do so; for telephone betting restricted to a closed mobile phone system and a minimum \$200 bet; bookmakers may only bet on sports events declared by the Minister to be available for such purposes; and bookmakers are subject to controls over the advertising of their services.	Omnibus review, in conjunction with the Bookmakers Taxation Act 1917, the Greyhound Racing Authority Act 1985, the Harness Racing Act 1977 and the Thoroughbred Racing Board Act 1996, completed in August 2001.	The Government accepted the review recommendations.
Radiation Control Act 1990, and Radiation Control Regulation 1993	Env	Makes provision for the regulation and control of the sale, use, keeping and disposal of radioactive substances and radiation apparatus.		Dealt with under the Licence Reduction Program. The national review of radiation control legislation may have implications for this Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rail Safety Act 1993	Tpt	Potential for restraint on competition in pursuit of safe construction, operation and maintenance of railways.	Statutory review completed in September 1999. The review's proposed recommendations and the subsequent NCP review have been deferred. The NCP review needs to be fully cognisant of the possibly wide-ranging changes to the Rail Safety Act 1993 that may arise as a result of the Government's response to the Final Report into the Glenbrook Rail Accident.	
Recreation Vehicles Act 1983	Env	Regulates the off-road use of motor vehicles.	Review not required.	Vehicle registrations can no longer be made under this Act, as the relevant regulation expired in 1999 and will not be re-made. Management of recreational vehicles will in future rely on existing NCP-compliant powers located within road transport legislation.
Registered Clubs Act 1976	GR	Makes provisions with respect to the registration of clubs and their rules and management.	See the Liquor Act 1982 (both Part 1 of 2 and Part 2 of 2).	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Residential Tenancies Act 1987 (1), and Landlord and Tenant (Rental Bonds) Act 1977 (2)	FT	(1) Relates to the rights and obligations of landlords and tenants under residential tenancy agreements; makes provision with respect to excessive rent increases and rents; confers functions onto the Residential Tenancies Tribunal of NSW with respect to landlords and tenants. (2) Constitutes a Rental Bond Board; confers and imposes certain powers, authorities, duties and functions on the Board; requires lessors of residential premises to deposit rental bonds with the Board; and provides for the paying out of rental bonds and enabled the investment of rental bonds and the investment and expenditure of rental bonds.	Final report completed.	The Government is considering the review recommendations.
Restraints of Trade Act 1976	AG	Provides for Supreme Court action based on applications against activities which create restraints of trade. Act strengthens public interest test found in the common law.	Review completed.	Act to be retained with amendment to indicate that it is subject to the Trade Practices Act 1974 (TPA) and the Competition Policy Reform (NSW) Act 1995.
Retail Leases Act 1994	SD	Makes provision with respect to the leasing of certain retail shops and the rights and obligations of lessors and lessees of those shops.	Review underway. Issues paper is being finalised for release.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Retirement Villages Act 1989	FT	Relates to the termination of occupation rights of residents in retirement villages and confers jurisdiction over certain matters relating to retirement villages, on the Residential Tenancies Tribunal.	Review completed.	Act replaced by Retirement Villages Act 1999. New legislation is consistent with the review recommendations.
Rice Marketing Board	Ag	The Marketing of Primary Products Act 1983 establishes and confers a monopoly over the domestic and export marketing of rice grown in NSW on the Rice Marketing Board (RMB). The RMB, under an exclusive licensing arrangement, delegates its marketing functions to the Ricegrower's Co-operative Limited (RCL).	<p>Joint government/industry review of the rice arrangements completed in 1996. It found the benefits from the current regulatory arrangements, when taken as a whole, were estimated to be in the range of \$26-35 million in 1996-97, rising to \$36-45 million in 2000-01. These benefits significantly exceed the domestic costs of the regulation, which were estimated to be between \$2-12 million annually.</p> <p>The review recommended removing the RMB's monopoly over domestic marketing, but retaining the export monopoly. It proposed this be achieved by repealing the State-based arrangements whereby the entire NSW crop 'vests' with the RMB and establishing an export monopoly under Commonwealth jurisdiction.</p>	<p>The Government initially decided to maintain current arrangements until at least 2004. It subsequently agreed-in-principle for the Commonwealth to consult with other jurisdictions on a reform model, ie:</p> <ul style="list-style-type: none"> • rice exports to be controlled by a Commonwealth Rice Export Authority (REA); • the Ricegrowers Cooperative Limited (RCL) to hold an export right for 3-5 years; • non-competing exports to be approved by the REA; and • open competition in the domestic market.
Roads Act 1993	R	Makes provision with respect to the roads of NSW. Regulates the carrying out of certain activities on public roads.	Final report completed in August 2001.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rural Assistance Act 1989	Ag	Constitutes the NSW Rural Assistance Authority. The Review Group considered the Protection Orders provision to be a potentially significant competition restriction.	Review completed in February 1999. It recommended: <ul style="list-style-type: none"> • public benefit provisions should be included in the Act to apply to existing and new programs; • programs to include objectives that clearly target defined market failure(s); and • provisions relating to the Protection Orders be repealed. 	Minor amendments to the Act, including the repeal of Protection Orders, were made by the Rural Assistance Amendment Act 2000 as recommended by the NCP review.
Rural Lands Protection Act 1989	Ag	Establishes Rural Lands Protection Districts and associated boards that levy and collect rates, provide animal health services and control of noxious weeds and animals. The Review Group is yet to identify potential restrictions on competition.	Review underway. To be completed after full commencement of the Act.	
Rural Workers Accommodation Act 1969	IR	Provides for the accommodation of rural workers and constitutes the Rural Workers Accommodation Advisory Council. Creates certificate of compliance for accommodation.	Review completed as part of the RIS for the Occupational Health and Safety Regulation 2001.	
Security (Protection) Industry Act 1985	Po	Licensing (providers of security or protection for persons or property) and regulation.	Review completed.	Act repealed and replaced by the Security Industry Act 1997.
Seeds Act 1982	Ag	Imposes labelling requirements on seed parcel sales. Sets standards and conditions which limits participation in seed varietal verification schemes.	Review underway. Final report in preparation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Small Business Loans Guarantee Act 1977	SD	Authorises the execution of guarantees for the repayment of loans made to certain small businesses.	Review, in conjunction with the Country Industries (Payroll Tax Rebates) Act 1977 and the State Development and Industries Assistance Act 1966, underway.	
Soccer Football Pools Act 1975	GR		See the NSW Lotteries Act 1990.	
Standard Time Act 1987	AG	Relates to standard time and daylight saving in NSW.	Review not required. Act withdrawn as there are no anticompetitive issues in the Act.	
State Development and Industries Assistance Act 1966	SD	Constitutes the Minister administering the Act as a corporation sole and confers certain powers on that sole relating to the establishment, expansion and development of certain industries and to the acquisition of land.	Review, in conjunction with the Country Industries (Payroll Tax Rebates) Act 1977 and the Small Business Loans Guarantee Act 1977, underway.	
Stock (Artificial Breeding) Act 1985	Ag	Restricts who may carry out or supervise an artificial breeding procedure. Requires licensing of artificial breeding premises. Imposes mandatory standards on licensed premises.	Review, in conjunction with the Veterinary Surgeons Act 1986, completed.	The Government is considering the review recommendations.
Stock (Chemical Residues) Act 1975	Ag	Imposes restrictions on chemically affected stock (for example on sale, movement or destruction).	Review completed - part of a generic review of all chemical residue legislation. Final report completed in December 1999. See the Pesticides Act 1978.	The Government is considering the review recommendations in conjunction with the outcomes of the NCP review of plant and animal disease legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stock Diseases Act 1982	Ag	Restricting or prohibiting imports of stock or other items from a disease affected area. Declaration of quarantine areas. Testing and treatment of stock. Closing of roads and building of fences and gates. Declaring quarantine lines and setting conditions for crossing such lines. Ordering destruction of stock.	Review underway - part of a generic review of all plant and animal disease legislation. Final report in preparation.	
Stock Foods Act 1940	Ag	Regulates labelling of manufactured stock food. Sets composition standards for stock food (limits on foreign ingredients).	Review completed - part of a generic review of all chemical residue legislation. Final report completed in December 1999. See the Pesticides Act 1978.	The Government is considering the review recommendations in conjunction with the outcomes of the NCP review of plant and animal disease legislation.
Stock Medicines Act 1989	Ag	Unregistered chemicals not to be held or used on food-producing stock unless prescribed by a veterinary surgeon. Minimum qualifications and experience for analysts. Restricts advertising.	Review completed – part of a generic review of all chemical residue legislation. Final report completed in December 1999. See the Pesticides Act 1978.	The Government is considering the review recommendations in conjunction with the outcomes of the NCP review of plant and animal disease legislation.
Strata Schemes Management Act 1996	FT	Provides for the management of strata schemes and the resolution of disputes in connection with strata schemes.	Review underway. Issues paper released in August 2000. Final report in preparation.	
Strata Titles Act 1973, and Strata Titles (Leasehold Development) Act 1986	FT		Review not required.	Acts replaced by the Strata Schemes Management Act 1996 which provides for the management of strata schemes and the resolution of disputes in connection with strata schemes.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Superannuation Administration Act 1996	Tr	Provides for trustees for State public sector superannuation schemes and the provision of investment and administration services for such schemes.	Review not required.	Legislation to corporatise the Superannuation Administration Authority was introduced into Parliament in May 1999. The legislation provided for fixed superannuation contracts to be put in place for three to five years, following which competitive tendering will apply. No residual anticompetitive provisions will remain following the expiry of these transitional contracts.
Surveyors Act 1929	IT	Licensing, registration, entry requirements (qualification, exam, two years experience, aged at least 21 years, good fame and character), the reservation of title and practice, disciplinary processes, and business conduct (regulating the making of surveys and advertising).	Final report completed in August 2001.	The Government is considering the review recommendations.
Swine Compensation Act 1928	Ag	Provides for the establishment of a Swine Compensation Fund and for payment of compensation to owners of pigs and carcasses of pigs destroyed as suffering from disease.	Review underway - part of a generic review of all plant and animal disease legislation. Final report in preparation.	
Sydney Market Authority Act 1968	Ag	Constitutes the Sydney Market Authority and defines its powers, authorities, duties and functions, and vests certain property in the Authority.	Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sydney Turf Club Act 1943		Constitutes and incorporates the Sydney Turf Club and declares its objects, functions and powers and provides for associated matters.	Review, in conjunction with the Australian Jockey Club Act 1873, completed in 1999. Current arrangements found to be in the public interest.	Act retained without reform.
Theatres and Public Halls Act 1908	AG	Provides for the licensing and regulation of theatres and public halls and of places used for public entertainment or public meetings, and the licensing and regulation of the holding of public entertainment and public meetings in temporary structures.	Review not required.	Act to be repealed in 2001.
Therapeutic Goods and Cosmetics 1972	H	Regulates the manufacture, distribution and advertising of certain therapeutic goods and imposes standards in relation to certain therapeutic goods and cosmetics.	Review completed.	Act repealed. Provisions relating to cosmetics not re-enacted. Licences for wholesalers of therapeutic goods eliminated. Remaining provisions incorporated into Poisons Act 1966 and Therapeutic Goods Act 1972.
Thoroughbred Racing Board Act 1996		Establishes the controlling body for thoroughbred racing. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so.	See the Racing Administration Act 1998 – omnibus review of racing and betting legislation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tobacco Advertising Prohibition Act 1991	H	Prohibits the advertising of tobacco and tobacco products, trade marks, brand names and logos.	Review completed.	Act repealed. Advertising restrictions were minimised and incorporated into the Public Health Act 1991.
Tobacco Leaf Stabilisation Act 1976	Ag	Makes provisions with respect to the stabilisation of the tobacco leaf industry.	Review completed.	Act repealed.
Totalizator (Off-Course Betting) Act 1964	GR	Makes provision with respect to off-course betting by means of the totalizator system; provides for the conduct of sweepstakes in respect of certain events; and establishes a TAB and defines its powers, authorities, duties and functions.	Review not required.	Act repealed and replaced by Totalizator Act 1997, privatising the TAB.
Totalizator Act 1916	GR	Amends and consolidates the law as it relates to the conduct of totalizators and the regulation of totalizator betting.	Review not required.	Act repealed and replaced by Totalizator Act 1997, privatising the TAB.
Tow Truck Act 1989	Tpt	Provides for a licensing and certification scheme for tow truck drivers and operators, regulates other matters, and constitutes the Tow Truck Industry Council.	Review not required.	Act repealed and replaced by Tow Truck Act 1998. The new Act includes licensing, a job allocation scheme and pricing controls. Review of the Tow Truck Act 1998 will commence six months after the new job allocation scheme has commenced.
Trade Measurement Act 1989	FT	Relates to trade measurement in NSW as part of the scheme for uniform trade measurement legislation throughout Australia.	National review underway.	
Traffic Act 1909	R	Provides for the regulation of vehicles and of vehicular and pedestrian traffic.	Review completed.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1986	FT	Licensing, compulsory consumer compensation fund, and business restrictions.	National review underway (coordinated by WA). A final review report by Centre for International Economics (CIE) was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and compulsory insurance maintained, but the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option.	
Trustee Companies Act 1964	AG	Restrictions, liabilities, privileges and powers of trustee companies.	National review underway. The Standing Committee of Attorneys General (SCAG) released an issues paper and draft Bill in June 2001. Submissions closed in August and officers are presently considering the submissions.	Draft SCAG Bill providing for uniform legislation is well advanced.
Unhealthy Building Act 1990	Env	Provides for the declaration of certain land as unhealthy building land and for the effect of such a declaration.	Review completed.	Dealt with under the Licence Reduction Program.
Valuers Registration Act 1975	FT	For real estate valuers: licensing, registration, entry requirements (education, supervised training, good character), disciplinary processes, and the reservation of practice. It also confers functions on the Property Services Council.	Review completed in 2000, recommending a 'negative licensing' scheme to replace the current system. The scheme would involve core legislation with entry requirements (qualifications, practice requirements and good character). Continuing professional development and professional indemnity insurance would not be a compulsory pre-condition to carry on business as a valuer.	The Government is considering the review recommendations. Further analysis and consultation required prior to implementation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Veterinary Surgeons Act 1986	Ag	Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, and controls on business names.	Final review report, in conjunction with the Stock (Artificial Breeding) Act 1985, completed.	The Government is considering the review recommendations.
Waste Disposal Act 1970	Env	Provides for the constitution of a corporation to be called the 'Metropolitan Waste Disposal Authority'; confers and imposes on the corporation responsibilities, powers, authorities, duties and functions with respect to the transport, collection, reception, treatment, storage and disposal of waste within the Metropolitan Waste Disposal Region.	Review not required.	Act repealed and replaced by the Waste Minimisation and Management Act 1995.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Waste Minimisation and Management Act 1995	Env	<p>The Act relates to the management, regulation and reduction of waste. Potential restrictions on competition include:</p> <ul style="list-style-type: none"> • the powers of regional waste boards to direct councils' charging policies; • requirements for industry waste reduction plans; • licensees that are not public authorities cannot hold licences for facilities that receive putrescible waste, unless a separate supervisory licence is granted to a public authority; • environmental protection licensing; and • the waste levy. 	Review completed in 2001.	<p>In June 2001, Government agreed to modify the NSW waste policy settings in line with the outcomes of the NCP review (and statutory review).</p> <p>The reforms include legislative amendments to replace regional waste boards with a single State agency; and a package of measures to improve the performance of the waste levy as an economic incentive for finding alternatives to waste disposal.</p>
Wheat Marketing Act 1989	Ag	Imports Commonwealth Act into State jurisdiction.	Review not required.	Act to be repealed under the State Law Revision Program.
White Phosphorous Matches Prohibition Act 1915	IR	Prohibits the use of white phosphorus in the manufacture of matches and prohibits the sale of matches made with white phosphorous.	Review completed.	Act repealed.
Wool, Hides and Skins Dealers Act 1935	Po	Restrictions on the buying and selling of wool, hides and skins.	Review completed in 1996. Review recommended the Act be repealed.	The Government is considering the review recommendations. concurrently with the findings of the Pastoral and Agricultural Crime Working Party, completed in late 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workers Compensation Act 1987	IR	Mandatory insurance, monopoly insurer, and centralised premium.	Review completed in 1997-98, recommending removing the monopoly insurer in favour of competitive underwriting. Further examination of the scheme in 2000-01 resulted in proposals for changes to scheme design elements.	Legislation passed to introduce private underwriting in October 1999. Subsequent legislation has delayed implementation to a date to be determined by the Minister. Scheme design changes introduced in 2001.

4 Victoria

Agency abbreviations

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

DEET	Department of Education, Employment and Training
DHS	Department of Human Services
DoI	Department of Infrastructure
J	Department of Justice
NRE	Department of Natural Resources and Environment
P&C	Department of Premier and Cabinet
SRD	Department of State and Regional Development
T&F	Department of Treasury and Finance

Legislation review schedule: Victoria

Updated to September 2001

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Accident Compensation (WorkCover Insurance) Act 1993	T&F	Mandatory insurance, monopoly insurer, and centralised premium setting.	<p>Review completed in 1997-98, recommending retention of compulsory insurance and removal of the monopoly.</p> <p>Another review, by PricewaterhouseCoopers, was completed in 2000. This review recommended retention of compulsory insurance, retention of the monopoly and charges remaining to be set by the Victorian Workcover Authority. The report recommended the consideration of market testing some functions and greater transparency through pricing. The report also recommended retention of occupational rehabilitation service provider licensing and increasing the ability to self-insure.</p>	<p>The Government rejected the recommendation of the first review, raising issues concerning National Competition Policy (NCP) compliance in June 1999. Minor changes to restrictions were accepted. Restrictions to remain on: public underwriting, premium setting and funds management; approval conditions for insurers and occupational rehabilitation providers; and types of firms permitted to self-insure. Government provisionally accepted the PricewaterhouseCoopers recommendations.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Accident Compensation Act 1985	T&F	Mandatory insurance, monopoly insurer, centralised premium setting.	Review completed in 1997-98, recommending retention of compulsory insurance and removal of the monopoly. Another review, by PricewaterhouseCoopers, was completed in 2000. This review recommended retention of compulsory insurance, retention of the monopoly and charges remaining to be set by the Victorian Workcover Authority. The report recommended the consideration of market testing some functions and greater transparency through pricing. The report also recommended retention of occupational rehabilitation service provider licensing and increasing the ability to self-insure.	The Government rejected the recommendation of the first review, raising issues concerning NCP compliance in June 1999. Minor changes to restrictions were accepted. Restrictions to remain on: public underwriting, premium setting and funds management; approval conditions for insurers and occupational rehabilitation providers; and types of firms permitted to self-insure. Government provisionally accepted the PricewaterhouseCoopers recommendations.
Adoption Act 1984	DHS		Review completed in 1998. Recommended retention of restrictions in order to protect the interests of children and meet international obligations.	The Adoption (Amendment) Act 2000 passed to deal with bilateral issues.
Adult, Community and Further Education Act 1991 (to establish Adult Community Further Education Board, Regional Councils and make provision with respect to Adult, Community and Further Education)	DEET	Sets accreditation procedures for courses and registration requirements for community education providers. Allows Minister to direct on fees and charges.	Review completed in 1997 as part of the Tertiary Education and Training Review. Recommended restrictions on fee setting and accreditation procedures be retained in the public interest and reform of the registration system.	The Government accepted the review recommendations. Reforms to the legislation were passed by Parliament in the Spring sittings 1997.
Adult, Community and Further Education Act 1991 (Ministerial direction on fees and charges)	DEET		The Tertiary Education and Training Review completed in 1997. Retention of restrictions, relating to accreditation, registration of private providers and Ministerial setting of fees, justified as being in the public benefit.	Reforms to the legislation were passed by Parliament in the Spring sittings in 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural Industry Development Act 1990 (including orders related to the Murray Valley winegrapes industry)	NRE	<p>Allows for establishment of industry development bodies which may:</p> <ul style="list-style-type: none"> • act as purchasing agents; • provide resources to grower representative bodies; and • undertake research and development. <p>Also allows for establishment of negotiating committees which may recommend industry-wide prices and payment terms and conditions.</p>	<p>Review jointly with NSW, by independent consultants KPMG, completed in 1999. It recommended:</p> <ul style="list-style-type: none"> • not renewing the Murray Valley winegrapes marketing order; • removing powers of industry development bodies to provide resources to grower representative bodies and to act as purchasing agents; • improving accountability of industry development bodies for application of funds raised from compulsory levies; and • removing provisions relating to price recommendation and payment terms and conditions functions of negotiating committees. 	Act amended by the Agricultural Industry Development (Amendment) Act 2000 as recommended.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agriculture and Veterinary Chemicals (Control of Use) Act 1992	NRE	Allows off-label use of chemicals subject to conditions. Conditions vary markedly between jurisdictions. Veterinary surgeons exempt from various controls. Licensing of spray contractors.	National review of agvet chemicals completed in 1999. Report released by the Standing Committee of Agriculture and Resources Management (SCARM)/Agriculture and Resources Management Council of Australia and New Zealand (ARMCANZ) in March 1999 recommended, in relation to control-of-use legislation: <ul style="list-style-type: none"> • developing a nationally consistent approach to off-label use; • retaining the veterinary surgeon exemption, but not for agricultural chemicals; • licensing of spraying businesses subject to maintenance of records, employing licensed persons and provision of necessary infrastructure; • licensing of persons spraying for fee or reward subject to accreditation of competency and working only for a licensed business; and • exempting persons spraying on own land from licensing. 	Intergovernmental response completed in 2000. A task force was established to develop a nationally consistent approach to control-of-use regulation and to report to ARMCANZ.
Agriculture and Veterinary Chemicals (Victoria) Act 1994	NRE	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.
Alpine Resorts Act 1983	NRE			Act repealed and largely replaced by the Alpine Resorts Management Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Ambulance Services Act 1986	DHS		Review completed in November 1999, recommending that competition be introduced in the provision of emergency services in the Metropolitan area.	
Architects Act 1991	Dol	Registration, entry requirements, reservation of title, disciplinary processes, and business restrictions (ownership provisions that at least two thirds of directors of the company must be registered architects).	Review completed in February 1999. Review recommended retention of title restriction and registration requirements, and reduced business restrictions (including reducing ownership provisions to at least one director or partner is a registered architect). National review (except Victoria), by the Productivity Commission (PC), completed in August 2000 and publicly released in November 2000. (Previously completed Victorian review put on hold). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of the Act.	The Government is developing its response to the review and also considering the PC review report.
Associations Incorporation Act 1981	J		Review completed in 1998.	Minor restriction removed with the Associations Incorporation (Amendment) Act 1997.
Auction Sales Act 1958	J	Licensing, entry requirements (resident in State, character), the reservation of practice (auctioneers of goods, including livestock), and business conduct (suitable premises, no music, no disorderly conduct, maintenance of register for cattle and sheepskins, no collusion).	Review by Victoria University completed in November 1999. Review recommended that licensing be discontinued, but that a minimal registration scheme be introduced for livestock auctioneers, in the interests of livestock disease control.	The Government accepted the review recommendation to discontinue licensing, but rejected the registration proposal as unnecessary. An Auction Sales (Repeal) Bill been introduced into Parliament and is scheduled for passage in the Spring 2001 session.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Audit Act 1994 Parts 1,2 and 6 (Part 7 repealed) (the Act is otherwise administered by the Minister for Finance)	P&C		Review completed in 1997.	Act repealed and replaced by Audit Act 1997.
Australian Grand Prix Act 1994	SRD		Review completed. Act assessed as not restricting competition.	
Barley Marketing Act 1993	NRE	Established the former Australian Barley Board and conferred on it a monopoly over the marketing of Victorian barley.	Independent review by Centre for International Economics (CIE) completed in 1998 jointly with SA, recommending that Victoria: <ul style="list-style-type: none"> • remove the domestic barley marketing monopoly; • retain the export barley marketing monopoly for only the 'shortest possible transition period'; and • restructure the Australian Barley Board as a private grower-owned company. 	Act amended in 1999 to remove monopoly on domestic barley from 1 July 1999 and export barley from 1 July 2001. The Board was transferred into grower ownership on 1 July 1999. It has no regulatory powers. The Act sunsetted on 1 July 2001.
Benefit Associations Act 1958	J		Review scheduled for December 1997.	Act expected to be repealed.
Biological Control Act 1986	NRE	Act assessed as not restricting competition. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.	Review not required.	Act retained without reform.
Border Railways Act 1922	Dol		Review completed. No provisions considered restrictive.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Borrowing and Investment Powers Act 1987	T&F	Restriction on government business enterprises (GBEs) and regulated authorities, excluding them from dealing directly with financial markets for borrowings. Only the Treasury Corporation of Victoria (TCV) may transact in these markets.	In-house review completed in July 1997. The Department steering committee endorsed the final report. The review recommended that the Government reviews internal prudential requirements for selected GBEs and statutory bodies, with the aim of making them a subset of global corporate planning approvals and monitoring and selected GBEs and regulated authorities are no longer required to use the TCV to access debt markets.	The Government accepted the first recommendation, and has undertaken to monitor administrative arrangements applying to GBEs and regulated authorities to ensure all borrowing and investment approvals are consistent with corporate planning approvals and monitoring, and where possible this administrative process is streamlined. The second recommendation was rejected. If this restriction was removed the Department is of the view that significant additional costs would be imposed on Victorian taxpayers and thus should be retained in the public interest. The savings to taxpayers as a result of TCV being the State's single interface to financial markets are: TCV is able to derive economies of scale in issuing securities, thereby lowering the State's debt costs; GBEs and other statutory authorities no longer need to each have a fully resourced treasury dealing operation; and moral hazard arising from GBEs and other statutory bodies entering into inappropriate financial markets transactions is reduced.
Bourke Street Mall Act 1982	Dol		Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Broiler Chicken Industry Act 1978	NRE	Prohibits supply of chickens unless under an agreement consistent with terms determined by the Industry Negotiation Committee.	Independent review by KPMG completed in 1999, recommending that producers seek the Australian Competition and Consumer Commission's (ACCC) authorisation for collective bargaining, and that the Government repeal the Act.	<p>The Government is assisting the industry to adopt the recommended approach.</p> <p>On 29 June 2001 the ACCC announced that it had authorised collective negotiations between Victorian chicken growers and their individual processors in light of the proposed industry deregulation.</p> <p>On 27 July 2001 the Victorian Farmers Federation (VFF) Chicken Meat group announced its intention to challenge the authorisation in the Federal Court.</p>
Building (Plumbing) Act 1998	Dol	Licensing and registration for refrigeration mechanics.	New restrictions assessed as in the public interest under Victoria's legislation gatekeeping arrangements. Public interest justification: previously the work of refrigeration mechanics did not have the usual 10 year warranty arising from the issue of compliance certifications under Part 12A. There were no standards applying to such installations. This was anomalous as some licensed plumbers perform this work in conjunction with plumbing work which is regulated under Part 12A, while refrigeration mechanics who carry out refrigeration work alone were not regulated. The public was not given the usual protection afforded in Part 12A and it was difficult for some consumers to identify which service providers are covered.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Act 1993	Dol	Licensing (engineers, quantity surveyors, building surveyors, building practitioners, plumbers, drainers, gasfitters), the reservation of title and practice (plumbing: mechanical services, residential and domestic fire sprinklers, roofing (stormwater), sanitary, water supply, draining, gasfitting), registration requirements, permit requirements, and business conduct (insurance).	Review completed in 1998. Recommendations included: integrating the Act with Architects Act; making companies and partnerships subject to registration requirements; retaining Minister's power to issue compulsory insurance orders; increasing the use of audits of building surveyors to ensure standards are maintained; repealing exemptions to public sector employees, public authorities and the Crown retain those that exempt certain high security Crown buildings from requirement to lodge permit documents with relevant council; and basing the building permit levy on a formula that is cost-reflective and includes incentives for cost-effective administration of legislation.	The Government is considering the review recommendations.
Building Control (Plumbers Gasfitters & Drainers) Act 1981 No. 9720	Dol			Act repealed and replaced by Building Act 1993.
Building Societies Act 1986	J			Act to be repealed once jurisdiction passes to Commonwealth under financial sector reforms.
Business Franchise (Tobacco) Act 1974	T&F			Following the High Court ruling on excises the licensing provision of this Act no longer operate and the Act will be repealed.
Business Investigations Act 1958	J			Act to be repealed.
Business Names Act 1962	J	Scoping study has shown that the legislation does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Caravan Parks and Moveable Dwellings Act 1988	DHS		Review completed in 1997 and retention of overall restrictions justified as being in the public benefit.	Act repealed and replaced by the Residential Tenancies Act 1997.
Casino (Management Agreement) Act 1993	T&F	Licences, and exclusive licence.	Deleted from the review timetable due to lack of scope for amendment without varying contractual arrangements with the existing casino operator and requiring payment of compensation.	
Casino Control Act 1991 - Part 5A	T&F	Restricts sports betting to the casino.	Public review by CIE completed in 1998.	The Government is retaining the restriction as it is in line with the decision not to expand the sports betting licensing regime on the grounds of problem gambling and regulatory efficiency.
Casino Control Act 1991 (excluding sections 128H to 128L which are administered by the Minister for Major Projects, excepting section 128K(2), which is administered by the Minister for Finance)	T&F		Deleted from the review timetable due to lack of scope for amendment without varying contractual arrangements with the existing casino operator and requiring payment of compensation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Casino Control Act 1991	T&F	Market conduct, and operations.		<p>New restrictions introduced by the Gambling Legislation (Miscellaneous Amendments) Act 2000, which changes the Casino Control Act to allow increased accountability of the gaming industry. It allows for full reporting and enhanced probity checks, allows the Victorian Casino and Gaming Authority to conduct open hearings and gives the community the right to know details of applications.</p> <p>The Gambling Legislation (Responsible Gambling) Act 2000 changes the Casino Control Act to provide for players of gaming machines to be given information relevant to gaming on those machines.</p>
Cemeteries Act 1958	DHS		Review completed in December 2000.	
Chattel Securities Act 1987 - Part 3 (Registrable Goods)	DoI	Act assessed as not restricting competition.	Review not required.	
Children's Services Act 1996	DHS	Licensing.	The original Act was screened as part of the gatekeeper provisions when introduced into Parliament.	Amendments to the Act, to incorporate family day care and outside school hours care, being drafted. Bill to be introduced in Spring 2001.
Chinese Medicine Registration Act 2000	DHS	Restrictions on entry, registration, title, advertising, insurance, and disciplinary provisions.	Review completed in 2000. Victoria-led Australian Health Ministers Advisory Council (AHMAC) investigation of the need for registration. Decision made to register.	New licensing legislation passed May 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropodists Act 1968	DHS	Restrictions on entry, registration, title, practice, advertising, business licensing, and disciplinary provisions.	Review completed in 1997.	Act replaced by the Podiatrists Registration Act 1997 in line with recommendations. Most restrictions on commercial practice and reservation of practice removed from the Act. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained.
Chiropractors and Osteopaths Act 1978	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1996.	Act repealed and replaced by Chiropractors Registration Act 1996 and Osteopaths Registration Act 1996. Most restrictions on commercial practice and reservation of practice removed from the Act. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained in the new Acts.
Chiropractors Registration Act 1996	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.		Act replaced the Chiropractors and Osteopaths Act 1978 in line with recommendations. Most restrictions on commercial practice and reservation of practice removed from the Act. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained in the new Act.
City of Greater Geelong 1993 (excluding Part 5)	Dol		Review not required.	Act (excluding Part 5) repealed.
City of Melbourne Act 1993	Dol		Review not required.	Act repealed.
Civil Aviation (Carriers' Liability) Act 1961	Dol	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Club Keno Act 1993	T&F	Sets out provisions for allowing the playing of Club Keno and the rules for participants.	Review completed in 1997. Report not released.	The Government is considering the review recommendations.
Conservation Forests & Lands Act 1987	NRE	Act assessed as not restricting competition.	Review not required.	
Construction Industry Long Service Leave Act 1983 (to transfer to the Industry Science and Technology portfolio from 1 January 1999)	T&F			Act repealed and replaced by the Construction Industry Long Service Leave Act 1997.
Consumer Credit (Finance Brokers) Act 1998	J	Licensing.	Review completed in 1998. Review concluded some restrictions, relating to licensing and fee structures, are justified as being in the public benefit.	Act replaced the Finance Brokers Act 1969.
Consumer Credit (Victoria) Act 1995	J		National review underway.	
Control of Weapons Act 1990	J		Deleted from review schedule due to overriding public safety considerations.	
Co-operation Act 1981	J			Act repealed and replaced by the Co-operatives Act 1996.
Co-operatives Act 1996	J			Act repealed and replaced the Co-operation Act 1981.
Corrections Act 1986	J	No competition restrictions in the legislation which creates a framework for the multi-provider (ie public and private sector) corrections system in Victoria.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Council of Law Reporting in Victoria Act 1967	J	Single series of authorised law reports.	<p>Review completed on 20 October 2000, in consultation with: the High Court and Federal Court of Australia; all Victorian Courts; Supreme Court library; Council of Law Reporting; all Victorian universities; publishers of law books; electronic law services; legal professional bodies and associations; and Legal Aid.</p> <p>The review concluded the restrictions: ensure continuation of a single series in a small market not large enough to sustain more than one publisher; ensure that the costs of law reports are as low as possible; and ensure that only relevant and important cases are reported and reduce the likelihood of confusion that would be caused by a multiplicity of law reports. There is no alternative means of achieving the objectives of the Act.</p> <p>The review recommended no legislative changes.</p>	The Government accepted the review recommendations.
Country Fire Authority Act 1958	J		Review not required.	Function has been divested.
Credit (Administration) Act 1984	J	Scoping study has shown that the legislation does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Crown Lands (Reserves) Act 1978 and related Acts (eg Kew and Heidelberg Lands Act 1933, Melbourne Cricket Ground Act 1933, Royal Botanic Gardens Act 1991, Shrine of Remembrance Act 1978, and Zoological Parks and Gardens Act 1967)	NRE	Leases and licensing may result in anticompetitive outcomes.	Major public review by external consultants underway. Issues paper published June 2000, and public comment sought in 2001.	
Cultural and Recreational Lands Act 1963	Dol	Act assessed as not restricting competition.	Review not required.	
Dairy Industry Act 1992	NRE	Vesting of milk in Victorian Dairy Industry Authority. Farmgate price-setting for market milk. Pooling of market milk returns. Licensing of farmers, processors, distributors and carriers.	Review by independent consultant, CIE, completed in 1999. It recommended the removal of all restrictions except those that safeguard public health. It further recommended third party auditing of dairy food safety subject to acceptance of importing countries.	<p>In December 1999 the newly elected Victorian Government conducted a plebiscite of all Victorian dairy producers on whether to reform the state's market milk arrangements. Victorian producers overwhelmingly supported reform in conjunction with the Commonwealth's proposed industry adjustment package.</p> <p>In line with the March 2000 communique signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Victoria passed Dairy Act 2000 on 1 June 2000, deregulating the industry from 1 July 2000.</p> <p>New Act also establishes Dairy Food Safety Victoria to regulate dairy food safety.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dangerous Goods Act 1985 and Regulations 2000 (Explosive), (Storage and Handling) and (Major Hazards)	T&F	Licences required to manufacture, store, transport use, import and otherwise handle explosives.	Review underway.	New legislation. The regulations require a licence to manufacture, store, sell, transport, drive and import explosives or to use them for blasting at minesites and quarries. A licence is also required to discharge fireworks or to be a pyrotechnician. Shipping berths are to be approved for the transfer and handling of explosives. Major hazard facilities are required to be registered and licensed. These requirements may create barriers to entry into industries which undertake these activities. The restrictions are primarily aimed at safety and are justified on this basis.
Defence Reserves Re-employment Act 1995	J	Scoping study has shown that the legislation does not restrict competition.	Review not required.	
Dental Practice Act 1999	DHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.		New legislation. Enacted following the review of the Dental Technicians Act 1972 and Dentists Act 1972 completed in July 1998. The Health Practitioner Acts (Amendment) Act 2000 added professional indemnity insurance requirement and an ability for the dental board to issue guidelines on advertising.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Technicians Act 1972, and Dentists Act 1972	DHS	Restrictions on entry, registration, title, practice, advertising, ownership, and disciplinary provisions.	Review of the Dental Technicians Act 1972 and the Dentists Act 1972 completed in July 1998, recommended retention of restrictions on use of title, types of work, and a requirement for fair and accurate advertising. Recommendations also included the removal of ownership restrictions, removal of the restriction on 'disparaging remarks' in advertising, and allowing dental therapists to work in the private sector. The Victorian Law Reform Commission recommended compulsory professional indemnity insurance in 1999.	The Dental Practice Act 1999 replaced the Dental Technicians Act 1972 and the Dentists Act 1972. The Health Practitioner Acts (Amendment) Act 2000 added a requirement for professional indemnity insurance and an ability for the board to issue guidelines on advertising.
Discharged Servicemen's Preference Act 1943	J	Scoping study has shown that the legislation does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Domestic (Feral and Nuisance) Animals Act 1994	NRE	Registration of domestic animal suppliers. Code of practice for domestic animal suppliers. Prohibition on the supply of animals from other than premises. Exemptions and concessions for specific associations.	Review by independent consultants KPMG completed in November 1998. It recommended: <ul style="list-style-type: none"> • retaining registrations and code of practise for domestic animal suppliers; • retaining prohibition on supply of animal from other than premises; • narrow exemption to breeders with no more than 2-3 animals; • allow all recognised animal associations access to exemptions and concessions; • remove "for profit" distinction between domestic animal suppliers; • repeal provisions relating to obedience training establishments; • regularly review the code of practise; • retain provisions relating boarding kennels and catteries until self-regulation is shown to be effective; and • improve consistency of enforcement by local councils. 	The Government accepted most of the review recommendations and the Act was amended in 2000. The Government rejected the recommendation relating to the 'for profit' distinction.
Dried Fruits Act 1958	NRE		Review not required as the industry decided to wind-up the Dried Fruits Board. See also the Dried Fruit Act 1939 (NSW).	Act repealed by Dried Fruits (Repeal) Act 1998.
Drugs, Poisons and Controlled Substances Act 1981	DHS	Licensing, storage, distribution and dispensing restrictions.	Part of Galbally Review. Final report under consideration by AHMAC.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Education Act 1958	DEET	<p>Requires the registration of private schools and endorsement of schools as suitable for overseas students and governs setting of fees for overseas students.</p> <p>Also provides for teacher licensing, registration and entry requirements (qualifications/teacher training, good character – including not convicted or guilty of a sexual offence), reservation of practice (all subjects except instrumental music, choral music, voice production and religion), and disciplinary processes.</p>	<p>Review completed May 2000. Victoria's review proposed less restrictive criteria than those in the existing legislation. The review recommended that schools satisfy three criteria (relating to suitable curriculum, suitable teachers, and suitable premises) but that a fourth criterion (concerning minimum student numbers) be dropped. Review recommended the existing system of teacher registration for teachers in non-government schools should be retained.</p>	<p>The Government opted to retain the fourth registration criterion, arguing that it ensures a school can offer a sufficient range of subject options and that it has a direct bearing on the financial viability of the school.</p> <p>Victoria's review committee also considered a proposal for a differential fee structure for overseas students attending government schools. The Government decided to retain the present restriction because the government school system is marketed as a whole and thus discontinuation of the present system would have a negative impact on broader marketing strategies across all education sectors.</p> <p>The Government accepted the review recommendations on teacher registration.</p>
Electric Light and Power Act 1958	T&F			Act repealed and replaced by the Electricity Safety Act 1998.
Electricity Industry Act 1993	NRE	The Act is one of the mechanisms by which the Government has effected competition reform of the Electricity Industry.		Act repealed and replaced by the Electricity Industry Act 2000. The Electricity Industry (Residual Provisions) Act 1993 now contains the remaining provisions from the 1993 Act that are relevant for historical purposes, including the privatisation provisions.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Industry Act 2000	NRE	The Act is one of the mechanisms by which the Government has effected competition reform of the electricity industry.	Victoria assessed the Act against NCP principles at introduction. This assessment found the Act's provisions to be consistent with NCP principles, that is they do not restrict competition, but rather underpin existing competition and facilitate its introduction for domestic and small business customers.	Act replaced the Electricity Industry Act 1993. It substantially re-enacted various provisions of the 1993 Act relevant to the regulation of the electricity industry.
Electricity Safety (Equipment) Regulations 1999	NRE	All electrical equipment supplied in Victoria is required to comply with Australian and New Zealand Standard AS/NZS: 1998 unless a certificate of acceptance has been issued by the Office of the Chief Electrical Inspector. Also, certain prescribed electrical equipment must be approved by the Office of the Chief Electrical Inspector or a prescribed authority.	Victoria assessed the regulations were against NCP principles at introduction. The assessment found the restrictions were justified in the public interest on public safety and consumer protection grounds. The regulations address consumers' inability to detect hazardous products.	Restrictive provisions retained.
Electricity Safety (Installations) Regulations 1999	NRE	Licensing (electrical workers and inspectors), registration (electrical contractors), entry requirements (qualifications, also training course for person responsible for business management and administration), business conduct (insurance), prescribed methods for carrying out installation work, and standards for the quality of materials, fittings and apparatus.		New legislation to address information asymmetries. Regulations commenced 3 May 1999. Government notes regulations are justified because unskilled workers, contractors or inspectors or the use of inappropriate methods or substandard materials can result in loss of life, injury, industry downtime and property damage.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Safety Act 1998	T&F	Licensing for electrical workers and persons contracting with customers to carry out electrical wiring work. Office of Chief Electrical Inspector may introduce provisions enabling identification of specific areas of work for specialist licensing, and may set minimum standards for all electrical equipment for hire.	Victoria assessed the Act against NCP principles at introduction. The assessment found the restrictions were justified in the public interest on public safety and consumer protection grounds. The Act addresses consumers' inability to detect hazardous products and assess the competency of tradespeople.	Act replaced the Electric Light and Power Act 1958. Restrictive provisions retained.
Employment Agents Act 1983	SRD		Review not required.	Act never brought into operation. Act repealed by the Training and Further Education Acts (Amendment) Act 2000.
Energy Consumption Levy Act 1982	T&F			Act repealed and replaced by section 19, Gas Industry (Amendment) Act 1997.
Environment Effects Act 1978	DoI	Act assessed as not restricting competition.	Review not required.	
Environmental Protection Act 1970	NRE		Review completed in August 2000.	Legislation introduced into Parliament in Spring 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Estate Agents Act 1980	J	Licensing (real estate agents not their representatives who are negatively licensed), registration, entry requirements (agents: licensed in past five years or qualifications and experience, over 18, fit and proper person (not insolvent, not convicted of prescribed offence or disqualified under Act); agent's representative: similar but no experience and lower level training), the reservation of practice (includes auctions of real estate or property), disciplinary processes, business conduct (ownership, name of business and address in advertising, agent's representatives only one employer, no commission sharing, professional conduct, trust accounts, Estate Agents Guarantee Fund (funded from interest on trust accounts) to pay for administration and defalcation), and business licensing.	Review completed in 2000. Recommended: retaining full licensing for residential property sales, but making experience and education requirements less restrictive; applying a less restrictive form of licensing to agents selling commercial property and business and managing property; and retaining regulation to protect against defalcation.	The Government released the report for consultation in formulating its response.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Extractive Industries Development Act 1995	NRE	Regulates the quarrying of stone. The main purposes of the Act are to: provide a coordinated assessment and approvals process for extractive industries; ensure that extractive industry operations are carried out with safe operating standards and in a manner that ensures the rehabilitation of quarried land to a safe and stable landform; provide a procedure for notification of proposed extractive industries to licence-holders under the Mineral Resources Development Act 1990; and provide for the payment of royalties for stone extracted from Crown land.	Review underway. Review period extended to allow for additional consultation. Review expected to be completed in 2001.	
Fair Trading Act 1999	J	Requirements imposed on 'Off-Business Premises Sales' in Part 4 entail some restriction on competition.	The Act was assessed against NCP principles at introduction. The assessment recommended retention of restrictions on the grounds that they are the least restrictive means of achieving the Act's objectives, and so are in the public interest.	Restrictive provisions retained.
Finance Brokers Act 1969	J	Licensing.	Review completed and retention of some restrictions, relating to licensing and fee structures, justified as being in the public benefit.	Act repealed and replaced by the Consumer Credit (Finance Brokers) Act 1998.
Financial Institutions (Victoria) Act 1992	J			Act repealed by the Financial Sector Reform (Victoria) Act 1999.
Firearms Act 1958	J			Act repealed and replaced by the Firearms Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fisheries Acts 1968 and 1995	NRE	Licensing of commercial and recreational fishers. Input controls on boat size, gear and fishing methods. Output controls such as total allowable catches, individual transferable quota, and bag and size limits.	<p>Review by independent economic advisers ACIL Consulting completed in 1999. It recommended:</p> <ul style="list-style-type: none"> • retaining access licences but for longer periods and with automatic renewal; • introducing full cost recovery; • considering royalty or rent taxes to limit fishing; • removing restrictions on quota transfers and holdings for abalone; and • replacing input controls with output controls for rock lobster. 	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Flora and Fauna Guarantee Act 1988	NRE		<p>Review by consultant (KPMG) completed in February 1999. Consultation involved an issues paper, call for submissions, and targeted interviews. The review recommended no changes to :</p> <ul style="list-style-type: none"> • the listing process for species; • the provisions outlining management processes; • the provisions detailing Interim Conservation Orders; • the current permit provisions for native flora collection. However, there are effects on competition created by the division of the permit system by land ownership (public or private) and the pricing of these permits. Charging for permits should reflect full costs, including opportunity costs of alternative land uses. Decision guidelines for issuing of permits should facilitate transparency and reflect awareness of competition issues; and • the processes used in the operation of the Act. Consideration should be given to taking a broader legislative approach to environmental regulation. 	
Food Act 1984	DHS	<p>Various food safety offences. Food to meet prescribed food standards. Registration of food premises and vehicles. Food safety programs required for declared food premises/vehicles. Approval of food safety auditors.</p>	<p>National review completed in 2000 (see the NSW Food Act 1989).</p>	<p>All Australian governments agreed in November 2000 to adopt the core provisions of the Model Food Bill by November 2001. Act amended by Food (Amendment) Act 2001 to adopt provisions of Model Food Bill.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Forest agreement Acts (primarily for softwoods) including: Victree Forests Agreement, Australian Newsprint Mill Limited, Bowater-Scott Agreement, Laminex Industries Agreement, Pulpwood Agreement, and Wood Pulp Agreement.	NRE	Acts import into statute agreements between the Government and wood processors to supply softwood timber.	Review of Acts not required as they cannot be amended without renegotiating the agreements and paying compensation.	Following the sale of the Victorian Plantations Corporation, the Victree Forests Agreement & Bowater-Scott Agreement Acts have been repealed. The other Acts remain and the associated agreements are performed by the new owner of the plantations.
Forest agreement Acts (relating to hardwoods) eg Forests (Masonite Agreement) Act 1956	NRE			
Forests Act 1958	NRE	Exclusive control and management of State forests by the Department. Licensing of timber harvesting. Permits and leases for grazing and other uses of State forest. Administrative discretion over how licences and produce are allocated and priced. Logs harvested to equal sustainable yield.	Review by independent economic advisers, KPMG, completed in 1998. The review recommended most importantly: allowing purchaser/provider structure for management of State forests; removing requirement for minimum level of logging; developing market-based processes for log allocation and pricing; and separating policy, regulatory and commercial forestry functions of the department.	In August 2000 the commercial forestry function was established as a commercially-focused business unit within the Department, with separate financial reporting. A revised response to the review is under preparation. The Government has also commissioned an independent review of timber pricing. In June 2001 a discussion paper was released for public comment.
Friendly Societies (Victoria) Act 1996	J			Act replaced the Friendly Societies Act 1986 and repealed by Financial Sector Reform (Victoria) Bill 1999.
Friendly Societies Act 1986	J			Act repealed and replaced by the Friendly Societies (Victoria) Act 1996.
Fuel Emergency Act 1977	SRD		Review completed. Act assessed as not restricting competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fuel Prices Regulation Act 1981	J	Scoping study has shown that the legislation does not restrict competition.	Review not required.	
Fundraising Appeals Act 1984	J			Act to be replaced by new legislation for passage in Spring 1998.
Funerals (Pre-Paid Money) Act 1993	J	Scoping study has shown that the legislation does not restrict competition.	Review not required.	
Gaming and Betting Act 1994	T&F	Allows for the issuing of a wagering and gaming licence to Totalizator Agency Board Corporation (TABCORP) Holdings Ltd providing that the company has entered into an unincorporated joint venture with the racing industry. Establishes the Victorian Casino and Gaming Authority as the regulator of the gaming and wagering licence. Generally regulates the operation of totalizator and fixed odds betting by TABCORP. Prescribes the taxation regime for totalizator and fixed odds betting by TABCORP.	Review of racing and betting legislation in Victoria completed in November 1998. Review included the Racing Act 1958, the Gaming and Betting Act 1994, the Lotteries Gaming and Betting Act 1966, and the Casino Control Act 1991(as it relates to betting). Concluded that the need for adequate totalizator pools justified the single licence arrangements. It also identified a public benefit in the arrangements for funding the Victorian racing industry.	The Government did not accept the review recommendations for an expansion of the sports betting licences, arguing that there was a public benefit in restricting the number of licences and the venues where such betting could be conducted (this was for reasons of monitoring and supervision).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming Machine Control Act 1991 - Part 1 of 2	T&F	Generally regulates the gaming machine industry in which the racing industry and TABCORP are participants.	<p>Review completed in November 2000. Recommendations included:</p> <ul style="list-style-type: none"> • that the current licences should end as soon as practicable; • that the on-going support of the racing industry be renegotiated to accommodate the licence restructure; • removal of the requirement that monitoring and control be a requirement of the operator's licence; • removal of the minimum 20 per cent allocation of gaming machines to non-metropolitan Victoria; • the club/hotel 50:50 split be retained; • a package of reforms of the club sector; and • that restrictions on matters such as machine numbers per venue, 24-hour gaming, licensing, ministerial discretion and probity should be retained. 	The Government accepted most of the review recommendations. It noted in principle support for changes to the licence structure and consequential changes to the support for the racing industry.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Gaming Machine Control Act 1991 - Part 2 of 2 CI5(5) applies</p>	<p>T&F</p>			<p>New restrictions introduced in the Gambling Legislation (Miscellaneous Amendments) Act 2000, which changes the Gaming Machine Control Act to allow increased accountability of the gaming industry. It allows for full reporting and enhanced probity checks, allows the Victorian Casino and Gaming Authority to conduct open hearings and gives the community the right to know details of applications.</p> <p>The Gambling Legislation (Responsible Gambling) Act 2000 changes the Gaming Machine Control Act to provide for players of gaming machines to be given information relevant to gaming on those machines. The local community is now considered in the locations of new venues through Councils having the opportunity to comment on proposals. Regional gaming machine caps have been put into place in areas where gaming is likely to cause harm. No 24-hour venues are permitted in regional and rural Victoria.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming No 2 Act 1997	T&F	Restrictions on minor gambling such as bingo.		<p>New restrictions introduced in the Gaming No 2 (Community Benefit) Act 2000, which revises the Gaming No 2 Act by guaranteeing a portion of bingo revenues returns to charity and community groups to counter the growing market power of the bingo venues. It also allows community organisations to use trade promotions so that they can broaden their revenue raising opportunities.</p> <p>The amendments also ban the offer of cash or cash redeemable prizes in amusement centres, so as to reduce the inducements to gamble in areas children frequent.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Industry Act 1994 and Amendment Acts	T&F	<p>Act currently provides for:</p> <ul style="list-style-type: none"> • licensing regime administered by Office of Regulator-General; • market and system operation rules for Victorian gas market; • cross-ownership restrictions to prevent re-aggregation of Victorian gas industry; and • prohibitions on significant producers (the Bass Strait producers) engaging in anticompetitive conduct. 		<p>The Act has been substantially amended over the past few years in order to progress reform of the industry and to facilitate privatisation. These amendments were subjected to NCP principles. Reform continuing. Further amendments planned for 2001 to further facilitate orderly introduction of full retail contestability. Amendments to be as consistent as possible with reforms in electricity industry.</p> <p>Full retail contestability amendments introduced in 2000 will facilitate orderly introduction of full retail contestability:</p> <ul style="list-style-type: none"> • a safety net for domestic customers, including interim reserve price regulation power to be reviewed in August 2004; and • requirement for retailers to enter community service agreements.
Gas Safety Act 1997 and Regulations	NRE			<p>New restrictive regulations introduced in relation to Gas Appeals Board, gas installations, and gas quality and safety case. Aim of new regulations is to ensure safety. Uniform gas quality specifications aim to ensure gas in distribution pipelines is safe for end use.</p> <p>Efforts made to minimise compliance costs by restricting the scope of restrictions to minimum functional requirements and avoiding prescription of style or format.</p> <p>No further reforms planned.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1958 (Part V, Division 2AA), and Health (Radiation Safety) Regulations 1994	DHS		National review completed in December 2000.	
Health Services Act 1988	DHS		Review completed in March 2000. Recommendations include removal of bed caps, consideration of clinical performance indicators and consumer access to health records.	Bed caps for private hospitals and day procedure centres removed in July 2000. Health Records Bill before Parliament as at June 2001 to provide for consumer access to health records.
Heritage Act 1995	Dol	Monopolistic administrative powers granted to Executive Director of Heritage Victoria and heritage protection constraints on the real estate market.	Review by Freehill, Hollingdale and Page completed in April 1999. Consultation involved public notification, targeted consultation, and consideration of submissions by interested parties. Review concluded legislation procures net benefit to the community and no preferred alternative. Recommended some changes to administrative processes and develop and report key performance indicators to observe and encourage compliance with the practice notes.	The Government accepted all of the review recommendations. The Heritage Council has prepared draft practice notes, legislation has included changes to further improve legislative clarity and transparency, and from 2001, the Heritage Council will report annually on its compliance with the practice notes.
Hire Purchase (Amendment) Act 1997	J	Retains the principal Act's special consumer protection measures for new hire-purchase agreements for farm machinery for two years (while removing all other new hire-purchase agreements from coverage).	Victoria provided the following competition policy justification for the Act's introduction: there is benefit in continuing to use the Act to address rural sector difficulties in relation to hire purchase for two years while a more comprehensive policy is developed in relation to finance in the rural sector.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hire Purchase (Amendment) Act 2000	J	Retains the principal Act's special consumer protection measures for new hire-purchase agreements for farm machinery for a further three years.	Victoria provided the following competition policy justification for the Act's introduction: there is benefit in continuing to use the Act to address rural sector difficulties in relation to hire purchase while a more comprehensive policy is developed in relation to finance in the rural sector. Further time is needed for this policy work.	
Housing Act 1983	DHS	Act assessed as not restricting competition.	Review not required.	
Housing Act 1983 (Part VI)	J			Part VI of the Act (relating to rental housing co-operatives) repealed and replaced by the Co-operatives Act 1996. The Housing (Rental Housing Co-operative) Regulations 1994 are redundant and will be revoked.
Impounding of Livestock Act 1994	NRE	Act assessed as not restricting competition.	Review not required.	
Industrial and Provident Societies Act 1958	J			Act to be repealed once jurisdiction passes to the Commonwealth under financial sector reforms, amended by the Financial Sector Reform (Victoria) Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Interactive Gaming (Player Protection) Act 1999	T&F	The Act makes provisions for the protection of consumers participating in interactive games by regulating the provision of interactive gaming services.		New legislation. The Act introduces various restrictions that will help ensure that consumers who use interactive gambling services are adequately protected. Players will be protected by measures that: ban the use of credit betting; restrict access to minors; involve strict player registration guidelines; have self-exclusion; detail operator licensing procedures; set betting limits; and ensure there is a minimum seven day cooling off period before increasing the betting limit.
Introduction Agents Act 1997	J	Negative licensing, business conduct (disclosure requirements, cooling-off period, restriction on advance payments to 30 per cent of the total contract price).	Victoria's public interest justification: regulation only introduced after other forms of intervention had demonstrably failed to correct problems in the market for introduction services: large advance payments were frequently being extracted for services which did not meet the expectations created in clients; consumer complaints were not being heeded; and civil action by aggrieved consumers was not deterring further malpractice. The benefit of better informed consumers and reduced consumer loss due to poor service delivery following advance payments outweigh the compliance costs imposed. Less restrictive alternatives would not achieve the objective of deterring dishonest operators and promoting effective competition in the industry.	New legislation.
Labour and Industry Act 1958	SRD	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land (Goonawarra Golf Course) Act No. 6/1988	Dol	Act assessed as not restricting competition.	Review not required.	
Land Act 1958	NRE	Leases and licensing.	Review underway. Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders. Part of coordinated review with the Crown Land Reserves Act 1978, the National Parks Act 1975, the Water Industry Act 1994 (Part 4) and various minor land Acts.	
Landlord and Tenant Act 1958	J	Scoping study has shown that the legislation does not restrict competition.	Review not required.	
Legal Aid Act 1978 (as amended 1995)	J		Review underway. Completion is contingent on resolution of discussions with the Commonwealth over legal aid funding. Expected completion in December 2001.	
Legal Practice Act 1996	J	Licensing, registration, entry requirements, reservation of title and practice, disciplinary processes, and business conduct (including professional indemnity insurance monopoly).	Review of legal practice legislation completed in 1996. Victoria has also undertaken two reviews into professional indemnity insurance, by KPMG (recommending removing the monopoly provision of professional indemnity insurance) and the Legal Practice Board (recommending maintaining the monopoly). The latter report was released for public comment in November 2000.	Range of reforms being implemented. A draft Government response to the Legal Practice Board review was released in November 2000, for public comment. Response proposed to maintain monopoly provision of professional indemnity insurance (through the Legal Practice Liability Committee).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practice (Amendment) Act 1998	J	Statutory mutual fund monopoly on supply of compulsory professional indemnity insurance for solicitors.		New legislation. The benefits of lower and more stable premiums outweigh the costs flowing from reduced incentives for product innovation and tailoring to different solicitor's needs (and those of their clientele). In addition the objectives of comprehensive cover for consumers of legal service and access to the services of sole and small firm practices, cannot be met without restricting competition.
Liquor Control Act 1987	SRD	Contained a needs test, 8 per cent rule and multiple licence categories.	Review completed in 1998 and recommended significant pro-competitive reform including abolition of needs criteria, simplification of licencing arrangements and removal of the 8 per cent rule.	Some restrictions (relating to sale of liquor, trading hours, licensing etc) retained as in the public interest based on review recommendations. Retained 8 per cent rule contrary to review recommendation. Amendments to Act, and repeal of Regulations, implemented through Liquor Control Reform Act 1998.
Liquor Control Reform Act 1998	SRD	Contains 8 per cent rule under which no licensee can own more than 8 per cent of general or packaged liquor licences.	Review completed and report publicly released in September 2000. It found that the 8 per cent rule is not an effective way to promote the viability of small business and creates inconvenience for consumers. The review recommended that the 8 per cent rule should not be removed until there is a mechanism in place to ensure diversity in the market place. It provided three examples of potential mechanisms including a phase out of the 8 per cent limit linked to an industry adjustment program aimed at improving the competitiveness of small liquor stores.	Act replaced Liquor Control Act 1997. In January 2001 the Government announced that it would introduce a gradual phase-out of the 8 per cent cap from the end of 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Litter Act 1987	NRE		Review completed in August 2000.	Legislation introduced into Parliament in Spring 2000.
Livestock Disease Control Act 1994	NRE		Review by independent consultants, PricewaterhouseCoopers, underway. Review in conjunction with the Stock (Seller Liability and Declarations) Act 1993.	
Local Government Act 1989	DoI	Act assessed as not restricting competition.	Review not required.	
Long Service Leave Act 1992	SRD	Formerly the Employee Relations Act 1992. Act assessed as not restricting competition.	Review not required.	
Lotteries Gaming and Betting Act 1966 (all except Parts I, IA, II, III, IV & V which are jointly administered with the Office of Racing) (Gaming restrictions)	T&F	Prohibits 'unlawful gambling'. Two-up can only be played on Anzac Day.		Legislation relating to minor gaming amended in 1997. The amendments were essentially in the form of enabling legislation to set up a framework under which various forms of minor gaming are regulated. This replaced the previous enforcement-based approach.
Lotteries Gaming and Betting Act 1966 (as it relates to racing and betting)	T&F	Contains enforcement provisions against illegal betting (eg SP bookmaking). Regulates the advertising and communication of betting related information.	Review of racing and betting legislation, by CIE, completed in November 1998. Review included the Racing Act 1958, the Gaming and Betting Act 1994, the Lotteries Gaming and Betting Act 1966, and the Casino Control Act 1991 (as it relates to betting). Recommended that betting operators continue to be regulated as this provided a net public benefit.	The Government accepted the review recommendations to remove restrictions on cross-border advertising by betting operators, subject to the development of national uniformity. It accepted the recommendation to deregulate tipping services.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marine Act 1988 (and Notices made under Section 15)	Dol	Pilotage restrictions (marine safety). Vessel registration.	<p>Review completed in 1998. Review made several recommendations aimed at ensuring the Act meets its objectives as effectively as possible, including:</p> <ul style="list-style-type: none"> • retaining licensing of ship pilots; • consideration of legislation aimed at increasing competition for ship pilotage services; • establishing performance based standards for ship crewing • management of local ports for local authorities; and • no change to provisions for recreational vessels. 	<p>The Government has incorporated review recommendations in the Marine Bill. Major provisions: rules, standards and determinations issued by the Marine Board reviewed and amended to ensure they are consistent with NCP principles; licensing standards for Harbour Masters in commercial ports; power to appoint and licence harbour masters in local ports transferred from Marine Board to local port authorities; licencing and compulsory use of pilots retained; monopoly provision of pilotage services sunsetted but legislation amended to ensure competition does not adversely affect safety standards; survey services able to be undertaken by a private contractor subject to safety; Marine Board to continue to determine crewing levels subject to future Commonwealth regulation; and registration of vessels retained as fees contribute to safety and provision of facilities.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Meat Industry Act 1993	NRE	Licensing of processing facilities and vehicles. Quality assurance programs required for certain premises. Minimum qualifications for inspectors. Minimum experience and qualifications for auditors.	Review completed by consultant in March 2001. It recommended: <ul style="list-style-type: none"> • retaining licensing of processing facilities and vehicles; • retaining minimum qualifications for inspectors, and minimum experience and qualifications for auditors; • improved accountability of the Meat Industry Authority; and • prohibiting discriminatory exercise of Ministerial powers. 	
Medical Practice Act 1994	DHS	Restriction on entry, registration, title, practice, advertising and disciplinary provisions.	Review completed in March 2001.	The Health Practitioner Acts (Amendment) Act 2000 passed with amended advertising provisions, including the ability of the board to issue guidelines.
Melbourne Market Authority Act 1977	NRE		Review not required as the only restrictions were those identified in the competitive neutrality review of the Authority.	
Mental Health Act 1986	DHS		Review completed in 1998, recommending removing funding and registration provisions, and retaining electroconvulsive therapy licensing and regulation provisions.	Review recommendations implemented through amending legislation in 1999.
Metropolitan Fire Brigades Act 1958	J		Review not required.	Function has been divested.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mineral Resources Development Act 1990	NRE	Vests ownership of minerals in the Crown. Establishes a uniform system for access to land for mineral search and development, and for the management of environmental issues. Restrictions relate to exclusive rights to explore and mine, and the granting of licences and permits to explore and mine.	Review completed in 1999. Review concluded that the majority of restrictions are necessary to achieve the objectives of the legislation and are justified in the public interest.	The Government rejected some review recommendations, but accepted and implemented most recommendations in Spring 2000. Other recommendations have been or will be implemented through changes in policies and practices, including Ministerial guidelines on fit and proper person provisions.
Mines Act 1958	NRE		Review not required. Occupational health and safety provisions to be reviewed in consultation with the WorkCover Authority with a view to consolidating them with occupational health and safety legislation.	Act largely repealed. The few remaining provisions relate to occupational health and safety.
Ministerial Direction No.1, Tendering Provisions	DoI		Review completed and retention of restrictions justified as being in the public benefit.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Car Traders Act 1986	J	Licensing, registration, entry requirements (age at least 18 years, financial resources, fit and proper person - that is, person who is not insolvent, person who is 'likely to carry on such a business honestly and fairly', and person (and spouse and business partner) who was not convicted of serious offence in past 10 years), the reservation of practice, disciplinary processes, business conduct (statutory warranties, requirement for authority to conduct public auction, maintenance of records, no tampering with odometers, cooling-off period, fees and penalties paid into Motor Car Traders' Guarantee Fund for losses from licensed traders not complying with Act, no consignment selling, suitable premises, advertising).	Internal departmental review completed in 1998. Review recommended: replacing the eligibility criterion of 'suitable premises' by a criterion that a trader have all relevant planning approvals for any premises at which the trader conducts business, or proposed to carry on business, as a motor car trader; removing the eligibility criterion for a trader conducting a business 'efficiently'; and reducing the potential for unwarranted claims on the Motor Car Traders' Guarantee Fund.	The Government accepted the review recommendations, with amendments made by Tribunals and Licensing Authorities (Miscellaneous Amendment) Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Murray Valley Citrus Marketing Act 1989	NRE	Joint NSW-Victorian scheme that establishes the Murray Valley Citrus Marketing Board that provides information services to growers and allows it to be engaged in the marketing and processing of citrus fruit.	Joint review with NSW by independent consultants, CIE, completed in July 1999. It recommended: <ul style="list-style-type: none"> • removing powers of the Murray Valley Citrus Marketing Board to be engaged in marketing or processing of citrus fruit; • improving accountability of the Board to growers; • introducing user charging for services with private benefits; and • repealing the Act and reconstituting the Board under the Agricultural Industry Development Act. 	Act repealed and Board reconstituted by regulation under the Agricultural Industry Development Act 1990.
Museums Act 1983	P&C		Targeted review by consultant completed in 1998.	
National Parks Act 1975	NRE		Review by independent consultants, the Allen Consulting Group, underway. The review is also considering the Part IV of the Water Industry Act 1994.	
National Rail Corporation (Victoria) Act 1991	DoI	Gives effect to an agreement between some states and the Commonwealth relating to the conduct of the National Rail Corporation Ltd. Scoping study concluded legislation did not restrict competition	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nurses Act 1993	DHS	Restrictions on entry, registration, title and disciplinary provisions.	Review completed in 2000. Discussion paper released in October 1998, but final report not released. Separate Nurse Practitioner Report released June 2000.	Amending legislation passed in November 2000, also amends the Drugs, Poisons and Controlled Substances Act 1981. New legislation includes nurse practitioner and prescribing provisions, a requirement for professional indemnity insurance, disciplinary changes, and introduces advertising restrictions.
Optometrists Registration Act 1958	DHS	Restrictions on entry, registration, title, practice, advertising and disciplinary provisions.	Review completed in 1996. Review justified retention of restrictions relating to the use of title and fair and accurate advertising in the net public benefit.	Act repealed and replaced by the Optometrists Registration Act 1996. Most restrictions on commercial practice and reservation of practice removed from the Act. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained.
Optometrists Registration Act 1996	DHS	Restrictions on entry, registration, title, practice, advertising and disciplinary provisions.		Act repealed and replaced the Optometrists Registration Act 1958. Most restrictions on commercial practice and reservation of practice removed from the Act. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained.
Order - authorises the Alpine Resorts Commission to act as a gas undertaking solely within the Mount Buller Alpine Resort	NRE	Order made under Gas and Fuel Corporation Act which is administered by the Department of Treasury and Finance.		Amendments made by an order under the Gas Industry Act make this order redundant.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Osteopaths Registration Act 1996	DHS	Restrictions on entry, registration, title, practice, advertising and disciplinary provisions.		Act replaced the Chiropractors and Osteopaths Act 1978 in line with recommendations. Most restrictions on commercial practice and reservation of practice removed from the Act. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained in the new Acts.
Parliamentary Salaries and Superannuation Act 1968	P&C	Act assessed as not restricting competition.	Review not required.	
Partnership Act 1958	J	Scoping study has shown that the Act does not restrict competition.	Review not required.	
Pathology Services Accreditation Act 1984	DHS	Licensing.	Review underway, and due for completion mid to late 2001.	
Petroleum (Submerged Lands) Act 1982	NRE	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	Amendments to be developed by the Commonwealth and subsequently reflected in State and Territory legislation.
Petroleum Act 1958	NRE	Provides for Crown ownership of petroleum resources and a permit system for exploration and production.	Review completed. Review recommended changes to remove obstacles to the exploration and production of petroleum and to improve administrative efficiency.	Act repealed and replaced by the Petroleum Act 1998. New Act retains Crown ownership of petroleum resources and permits lease system, and removes obstacles to exploration, production, and administrative efficiency.
Petroleum Retail Selling Sites Act 1981	J	Scoping study has shown that the legislation does not restrict competition.	Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacists Act 1974	DHS	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing and discipline provisions.	National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.	The Council of Australian Governments (CoAG) referred the Wilkinson Review to a senior officials' working party, which is yet to report back to CoAG.
Physiotherapists Act 1978	DHS	Restrictions on entry, registration, title, practice, advertising and disciplinary provisions.	Review completed in 1997.	Act repealed and replaced by the Physiotherapists Registration Act 1998. Most restrictions on commercial practice and reservation of practice removed from the Act. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained.
Physiotherapists Registration Act 1998	DHS	Restrictions on entry, registration, title, advertising and disciplinary provisions.		Act repealed and replaced the Physiotherapists Act 1978. Most restrictions on commercial practice and reservation of practice removed from the Act. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pipelines Act 1967	NRE	Regulates construction and operation of pipelines.	<p>Review completed. Review recommendations included:</p> <ul style="list-style-type: none"> • introduction of a nationally consistent regulatory regime; • formalised time limits for Government assessment of pipeline projects; • some relaxation of restrictions on tradability of pipelines, permits, and licences; • introduction of appeals to the Victorian Civil and Administrative Tribunal against regulatory alteration of permits or licences; • removal of open access provisions; • development of safety guidelines by Department of Treasury and Finance; and • changes to compensation provisions to extend possible liability. 	The Government is considering the review recommendations.
Planning and Environment Act 1987	Dol	Controls the uses to which land may be put. Sets procedures for the issue of planning permits and approval.	<p>Review by Deacons Lawyers completed in 2001. Public consultation involved submissions and written invitations for comment to stakeholders. The review found that in the main the legislation achieved its objective in an effective and efficient manner and that the restrictions identified were in the public interest. The review recommendations aimed at improving the manner in which the Act is administered to ensure that effectiveness and efficiency is improved and maintained.</p>	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Planning Authorities Repeal Act 1994 No. 118/1994	Dol		Review not required.	Act repealed and replaced by Part 3(8) of the Planning and Environment Act.
Plant Health and Plant Products Act 1995	NRE		Review by independent consultants, PricewaterhouseCoopers, underway.	
Podiatrists Registration Act 1997	DHS	Restrictions on entry, registration, title, advertising and disciplinary provisions.		Act replaced the Chiropodists Act 1968 in line with recommendations. Most restrictions on commercial practice and reservation of practice removed from the new Act. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained.
Police Regulation Act 1958	J	Act assessed as not restricting competition.	Review not required.	
Port Services Act 1995 - Hastings Port (Holding) Corporation	Dol	Competitive neutrality: Hastings Port (Holding) Corporation (HP(H)C) exempt from Commonwealth and State taxes and local rates. The HP(H)C's primary business is to administer the port management agreement with a private operator (Hastings Port has been contracted out since 1997), not to trade in goods and services directly with end users.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Port Services Act 1995 - Melbourne Port Corporation	Dol	<p>Competitive neutrality.</p> <p>The Melbourne Port Corporation (MPC) is subject to all Commonwealth and State taxes, including compliance with the Victorian Income Tax Equivalent System. The MPC is subject to all local government rates and charges, and also to the Victorian Government's Financial Accommodation Levy, which aims to offset the competitive advantage associated with government guarantees. The MPC is subject to all Commonwealth and State regulations applying to private sector organisations.</p> <p>The MPC does not undertake community service obligations unless directed by the Treasurer in accordance with Section 38 of the Port Services Act 1995 and financially compensated accordingly.</p>		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Port Services Act 1995 - Victorian Channels Authority	Dol	Competitive neutrality. The Victorian Channels Authority (VCA) is subject to all Commonwealth and State taxes, including compliance with the Victorian Income Tax Equivalent System, and all local government charges and rates. The VCA is also subject to the Victorian Government's Financial Accommodation Levy, which aims to offset the competitive advantage associated with government guarantees, although the VCA currently does not have any external borrowings requiring government guarantees. The VCA is subject to all Commonwealth and State regulations applying to private sector organisations. The VCA does not provide any community service obligations.		
Prevention of Cruelty to Animals Act 1986	NRE		Review completed. It recommended retaining most restrictions on animal welfare grounds.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Private Agents Act 1966	J	Security guards, crowd controllers, security firms, inquiry agents (private detectives), commercial agents (debt collectors), and commercial sub-agents. Licensing, registration, entry requirements (all good character, others vary), the reservation of practice, disciplinary processes, and business conduct (no misleading or deceptive conduct, financial sureties for commercial agents).	<p>Review by Freehills Regulatory Group of currently regulated activities completed in October 1999. Recommended: retaining occupational licensing; reviewing exemptions of certain groups, and making efforts to develop a national regulatory model for the industry; for commercial agents, removing licensing requirements and replacing them with a 'light-handed' registration requirement (with greater use of general trade practices/fair trading legislation to deal with problem operators); reforming the financial surety scheme; and considering establishing an appropriate compensation fund or minimum insurance requirement.</p> <p>Review of unregulated activities underway. Discussion paper released in 2000.</p>	Draft Bill expected to be released for public comment when review completed.
Professional Boxing and Martial Arts Act 1985	SRD	Registration (professional contestants, promoters, trainers, match-makers, referees and judges), and business conduct.	<p>Departmental review completed in August 1999. Consultation involved release of discussion paper, receipt of submissions and further targeted consultation. Review recommendations were to: streamline contestant registration system so the Act refers to competition in a professional contest (rather than a boxing or martial arts contest); examine scope for replacing detailed rules and conditions with less prescriptive national or international standards; and amend the provision that exempts the Victorian Amateur Boxing Association from the Act's requirements so other suitable qualified amateur boxing association can be exempted.</p>	The Government accepted all the review recommendations except to examine scope for replacing detailed rules and conditions. Government rejected this because the industry is fragmented into different bodies that follow various rules, so it is not possible for it to adopt one set of rules. Parliament considering amending legislation (Bill will change the name of legislation to Professional Boxing and Combat Sports Act).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Project Development and Construction Management Act 1994 No. 101/199	Dol	Act assessed as not restricting competition.	Review not required.	
Property Law Act 1958	J	Only competition policy issues relate to the registry function.	Review of registry function and associated regulations have been added to the Department of Natural Resources and Environment schedule.	
Prostitution Control Act 1994	J		Review not required. No scope for change due to overriding social policy objectives.	
Psychologists Registration Act 1987	DHS	Restrictions on entry, registration, title, practice, advertising, business conduct and disciplinary provisions.	Review completed in 1998. Review recommended removal of most restrictions on commercial practice and reservation of practice.	Replacement legislation, the Psychologists Registration Act 2000 enacted. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained.
Psychologists Registration Act 2000	DHS	Restrictions on entry, registration, title, practice, advertising and disciplinary provisions.		Act replaced the Psychologists Registration Act 1987. Reserved title and investigation of advertising provisions (to ensure fairness and accuracy) retained. Advertising provisions include the ability of the board to impose additional restrictions.
Public Authorities Marks Act 1958	Dol		Review not required.	Act repealed.
Public Lotteries Act 2000	T&F	Exclusive licence.		Act replaced the Tattersall Consultations Act 1958. Gives effect to the recommendations of the review of the Tattersall Consultations Act 1958 to remove the legislated monopoly at the end of the current licence.
Public Safety Preservation Act 1958	P&C	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Transport Competition Act 1995	Dol	Provisions relating to large commercial passenger vehicles - buses. The main purpose of this Act is to improve the operation of road-based public transport by providing for the accreditation of operators and implementing a system of service contracts for certain types of transport service.	Review, in conjunction with Part 6 Division 5 of the Transport Act, completed in August 2000.	The Government is considering the review recommendations.
Racing Act 1958, including Rules of the Harness Racing Board, and Rules of the Greyhound Racing Control Board	SRD	Regulates the conduct of race meetings and governs the licensing of racecourses and racing clubs. (Only the three established codes are granted 'as right' to conduct race meetings). Regulates the races in which jockeys can participate. Other restrictions on alternative codes establishing themselves. Proprietary racing is prohibited. Controlling bodies can make rules for the licensing of bookmakers.	Review of racing and betting legislation in Victoria by CIE completed in November 1998. Review included the Racing Act, the Gaming and Betting Act, the Lotteries Gaming and Betting Act and the Casino Control Act (as it relates to betting).	The Government accepted most of the review recommendations, including measures to allow other codes of racing, maintenance of the prohibition on proprietary racing until proponents can provide detailed, costed recommendations for their regulation (submission from Teletrak underway), and abolition of the minimum telephone bets for bookmakers (staged reduction). In addition, subject to consultations and proposals from bookmakers, the Government has accepted the recommendations on 24 hour bookmaking and internet betting by bookmakers. Victoria will abolish the restrictions on advertising subject to a uniform national approach.
Railways (Standardisation Agreement) Act 1958	Dol	Potential to restrain competition through application of standards.	Review not required.	Act repealed.
Registration of Births, Deaths and Marriages Act 1959	J			Act repealed and replaced by Births, Deaths and Marriages Registration Act 1996.
Residential Tenancies Act 1980	DHS		Review completed in 1997 and retention of overall restrictions justified as being in the public benefit.	Act repealed and replaced by Residential Tenancies Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Retirement Villages Act 1986	DHS	Scoping study has shown that the legislation does not restrict competition.	Review not required.	
Road Safety (Driving Instructors) Act 1998	Dol	Licensing, entry requirements (mandatory minimum standards including requirement to pass a training course, fit and proper person, held licence for at least three years, criminal and driving record checks), the reservation of practice (teaching someone without a licence on a highway for financial gain), and business conduct (display photograph, instructor to have zero blood alcohol level).	Victoria's public interest justification: introduction of the registration scheme with mandatory minimum standards will restrict competition by imposing additional costs on entry to the market for the provision of driving instruction for hire or reward and by excluding potential entrants who do not meet the standards. The costs relate to the requirements to attain minimum competency standards and to undergo criminal and driving record checks and to the administration of the scheme by a government agency. The restrictions imposed by the mandatory minimum standards are consistent with NCP because the overall public benefits outweigh the compliance costs.	New legislation.
Road Safety Act 1986	Dol		Review completed in 1997. Act assessed as not restricting competition. Minor restrictions relating to drink driving program providers and blood alcohol testing equipment justified as being in the public benefit.	
Road Transport (Dangerous Goods) Act 1995	T&F		Review not required.	Part of the NCP road reform program. Based on the Commonwealth Road Transport Reform (Dangerous Goods) Act, which was used as template legislation for national reform. Replaces licences and other restrictions with a code of conduct.
Rooming House Act 1990	DHS			Act repealed and replaced by the Residential Tenancies Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rules of the Council of Legal Education 1993 201/1993	J			Made under the Legal Profession Practice Act 1959 which has been replaced by the Legal Practice Act 1996. The Rules are to be replaced by proposed new Rules subject to a Regulation Impact Statement (RIS) review.
Second-hand Dealers and Pawnbrokers Act 1989	J	Licensing (pawnbrokers, second-hand dealers for not exempt goods), registration, entry requirements (not convicted disqualifying offence in past five years, not insolvent), the reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, auction of unredeemed goods over \$40; second-hand dealers: prescribed records, hold goods for prescribed period, requirement that seller provide identification, interest rates, cooperation with police).	Departmental review completed in 1996. Recommended: replacing 'fit and proper' with 'no serious offences'; removing obligation to retain metals for seven days after acquisition (with some exceptions); removing requirement for dealers to conduct certain transactions at registered business premises or a market (instead requiring dealers to register any place habitually used); and removing interest rate restrictions.	The Government accepted all the review recommendations. Amendments made by the Law and Justice Legislation Amendment Act 1997.
Shop Trading Act 1987 and Capital City (Shop Trading) Act 1992	SRD	Restrictions on opening hours based on shop type or employee numbers.	Review completed in 1996.	Acts repealed and replaced by Shop Trading Reform Act 1996.
Snowy Mountains Hydro-Electric Agreements Act 1958	T&F		Review not required.	Act repealed.
South Australian and Victorian Border Railways Act 1930	DoI	Potential to restrain competition.	Review not required.	Act repealed.
State Electricity Commission Act 1958	NRE	Scoping study has shown that the legislation does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
State Superannuation Act 1988	T&F	Limits on choice of funds.	Review completed in 1999.	Government employees now have a choice of superannuation fund – they can use VicSuper or a private superannuation fund.
State Trustees (State Owned Company) Act 1994	T&F		Review completed in 1998.	Minor restriction addressed in incidental amendments made by the State Trustees (Amendment) Act 1998. Removal of many exclusive rights and legislative preference towards State trustees. Retention of reciprocal arrangements between public trustees in other jurisdictions, in keeping with private company practices to do same.
Stock (Seller Liability and Declarations) Act 1993	NRE		Review by independent consultants, PricewaterhouseCoopers, underway. Review jointly with the Livestock Disease Control Act 1994.	
Subdivision Act 1988 No. 53/1988	DoI	Act assessed as not restricting competition.	Review not required.	
Superannuation (Public Sector) Act 1992	P&C	Limits on choice of funds. Act assessed as not restricting competition.	Review not required.	
Surveyors Act 1978	NRE	Licensing, registration, entry requirements (education, experience, integrity criteria), the reservation of title and practice, disciplinary processes, and business conduct (ownership restrictions, fees).	Review completed in 1997. Recommendations included: retaining restrictions on entry; making integrity criteria specific; reducing some commercial restrictions, such as the requirement for surveyors or related professions to form a majority of members/directors of a firm engaging in cadastral survey work and removing the power of the regulatory body to set fees for surveying services; and reducing barriers to the interstate mobility of surveyors.	The Government accepted most of the review recommendations and introduced amending legislation during the autumn 2001 sitting of Parliament. The Government has put in place a transitional surveyors board with a greater proportion of nonsurveyors as members in response to the recommendation that nonsurveyors should form a greater proportion of members of the regulatory body.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tattersall Consultations Act 1958	T&F	Licence for conducting Tattslotto, Super 66, Instant Lotteries and so on.	Review completed in 1998. Recommended that the legislative monopoly to Tattersall's should be removed at the end of current licence; the Government should reserve the right to issue one or more licence; and the tax should be converted from turnover to player loss basis.	The Government accepted the review recommendations. New legislation passed. See the Public Lotteries Act 2000.
Tertiary Education Act 1993	DEET	Requires accreditation, registration of private providers and Ministerial setting of fees.	Review, as part of the Tertiary Education and Training Review completed in 1997. Recommended restrictions on fee setting and accreditation procedures be retained in the public interest and reform of the registration system.	The Government accepted the review recommendations. Reforms to legislation were passed by Parliament in 1997.
Therapeutic Goods (Victoria) Act 1994	DHS	Licensing, scheduling and labelling of goods.	Review completed.	
Tobacco Act 1987	DHS	Various restrictions on the sale and advertising of tobacco products.	Review by officials completed in February 2000. It recommended retaining all restrictions as they are necessary to meet the objectives of the Act.	
Trade Measurement Act 1995	SRD		National review underway.	
Transfer of Land Act 1958	NRE	The legislation contains a small number of minor restrictions that are necessary to the achievement of the objectives of the legislation and the restrictions are mainly in the form of compliance costs which are contained in the subordinate legislation made under the Act and subject to RIS requirements.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Accident Act 1986	T&F	Mandatory insurance, monopoly insurer, centralised premium setting.	First review completed in 1998, recommending retention of compulsory insurance and removal of the monopoly. Second review, by PricewaterhouseCoopers, completed in 2000. This review recommended retention of compulsory insurance, and retention of the monopoly and charges set by the government. The report recommends the consideration of market testing some functions and greater transparency through pricing. The report also recommends retention of occupational rehabilitation service provider licensing and increasing the ability to self insure.	The Government rejected the recommendation of the 1998 report, regarding retention of compulsory insurance and removal of the monopoly. Minor changes to restrictions were accepted. Restrictions to remain on: public underwriting, premium setting and funds management; approval conditions for insurers and occupational rehabilitation providers; and types of firms permitted to self-insure. The Government accepted the recommendations of the 2000 report.
Transport Act 1983 - Part 1 of 13 - (Traffic Regulation, Registration and Licensing) Part 6: Division 1 (General Provisions)	Dol		Originally scheduled for December 1998, but delayed to accommodate Victoria's transport reform process. Subsequently removed from timetable on basis that it does not restrict competition.	
Transport Act 1983 - Part 2 of 13 - Commercial Passenger Vehicles - Part 6: Division 5	Dol	Restriction on taxi and hire car licence numbers.	Review completed in July 1999. Taxis: review recommended removal of restrictions on taxi and hire car licence numbers, and buy-back of existing licences to be funded by annual licence fees over several years.	The Government is considering the review recommendations.
Transport Act 1983 - Part 3 of 13 - Private Omnibuses - Part 6: Division 6	Dol			Act repealed by the Transport Acts (Amendment) Act 1997.
Transport Act 1983 - Part 4 of 13 - Hire and Drive Omnibuses - Part 6: Division 7	Dol			Act repealed by the Transport Acts (Amendment) Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Act 1983 - Part 5 of 13 - Tow Trucks - Part 6: Division 8	Dol	Restrictions on conduct and operations of tow trucks, licensing.	Review completed in December 2000, and report available for public consultation. Review recommended removal of entry restrictions for the heavy vehicle towing market, the development of an industry code of practice, a more pro-active role by insurers in educating their customers, retention of the allocation system and the introduction of a franchise scheme for the Melbourne Metropolitan area.	
Transport Act 1983 - Part 6 of 13 - Commercial Goods Vehicles – Part 6: Division 9	Dol			Act repealed by the Transport Acts (Amendment) Act 1998.
Transport Act 1983 - Part 7 of 13 – Powers of the Corporations - Part 3	Dol	Legislation assessed as not restricting competition.	Review not required. (Review originally scheduled for December 1998, but delayed to accommodate the transport reform process.)	
Transport Act 1983 - Part 8 of 13 – Financial - Part 4	Dol	Legislation assessed as not restricting competition.	Review not required. (Review originally scheduled for December 1998, but delayed to accommodate the transport reform process.)	
Transport Act 1983 - Part 9 of 13 - Further Particular Powers of the Roads Corporation - Schedule 4	Dol	Legislation assessed as not restricting competition.	Review not required. (Review originally scheduled for December 1998, delayed to accommodate the transport reform process.)	
Transport Act 1983 – Part 10 of 13 – Provisions with Respect to Roads - Schedule 6	Dol	Legislation assessed as not restricting competition.	Review not required. (Review originally scheduled for December 1998, but delayed to accommodate Victoria's transport reform process.)	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Act 1983 – Part 11 of 13 - Covenants to be Included in Deed of Assignment – Schedule 7	Dol		Review, in conjunction with the Transport Act 1983 - Part 2 of 12 - Commercial Passenger Vehicles - Part 6: Division 5, completed in December 2000. Report publicly available.	The Government is considering the review recommendations.
Transport Act 1983 – Part 12 of 13 - Classes, Kinds or Descriptions of Goods - Schedule 8	Dol			Act repealed by the Transport Acts (Amendment) Act 1998.
Transport Act 1983 - Part 13 of 13 - Part 6: Division 10 (Passenger Ferry Services)	Dol			Act repealed in 1999.
Travel Agents Act 1986	J	Licensing, compulsory consumer compensation fund, and business restrictions.	National review underway (coordinated by WA). A final review report by CIE was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. Final report has been released for further consultation. Public comments are to be considered by the Ministerial Council for Consumer Affairs (MCCA).	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Act 1958	J	Scoping study suggests that the legislation does not restrict competition but further research required.		
Trustee Companies Act 1984	J			Act to be repealed. Uniform legislation under development.
Urban Land Authority Act 1979 No. 9320	DoI		Review not required.	Act replaced by the Urban Land Corporation Act 1997.
Veterinary Practice Act 1997	NRE	Licensing of veterinary surgeons, reservation of practices, reservation of title, and advertising restrictions.	The Act was subject to a Competition Principles Agreement (CPA) clause 5(5) like NCP review during its development.	New legislation. Act repealed and replaced the Veterinary Surgeons Act 1958. Compared with the old Act it removed restrictions on the advertising and the ownership of veterinary practices, and narrowed reservations on professional practice.
Veterinary Surgeons Act 1958	NRE	Established the Veterinary Practitioners Board of Victoria, professional registration, disciplinary procedures, reservation of professional practice, and restrictions on advertising and practice ownership.	Review not required.	Act repealed and replaced by the Veterinary Practice Act 1997.
Victorian Plantations Corporation Act 1993	T&F	Establishes the Victorian Plantations Corporation, the state-owned operator of softwood plantations.	Review not required.	Act largely repealed following the sale of the Corporations' plantation assets. Remaining provisions relate to the Crown's residual interests in the land, licences and legislated supply agreements.
Victorian Prison Industries Commission Act 1983	J			Act repealed and replaced by the Corrections (Amendment) Act 1996.
Vital State Industries (Works and Services) Act 1992	P&C	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Vital State Projects Act 1976 (excluding Sections 5 to 16 (these provisions are administered by the Attorney General))	P&C	Act assessed as not restricting competition.	Review not required.	
Vocation Education and Training Act 1990	DEET	Provides for registration of training providers, accreditation of training courses, sets guidelines for provision of services to overseas students, and allows Minister to set fees and charges.	Review, as part of the Tertiary Education and Training Review, completed in 1997. Recommended restrictions on fee setting and accreditation procedures be retained in the public interest and reform of the registration system.	The Government accepted the review recommendations. Parliament passed reform legislation in 1997.
Wheat Marketing Act 1989	NRE	Imports Commonwealth Act into State jurisdiction.	Review delayed until completion of the Commonwealth review.	
Wildlife Act 1975	NRE		Review by independent consultants, KPMG, completed in September 1998. It found few significant restrictions on competition but recommended: auctioning of dolphin interaction permits once maximum sustainable access to this resource is reached; and fees for waterfowl hunting licenses should reflect opportunity cost of wetlands.	The Government is considering the review recommendations.
Workers' Compensation Act 1958 (Division 8 of Part 1)	T&F	Act assessed as not restricting competition. Compensation payments are no longer awarded under this Act.	Review not required.	

5 Queensland

Agency abbreviations

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

CS	Corrective Services
E	Education
EPA	Environmental Protection Agency
ES	Emergency Services
ET	Employment and Training
F	Families
H	Health
HO	Housing
IIESR	Innovation and Information Economy, Sport and Recreation Queensland
IR	Industrial Relations
JAG	Justice and Attorney-General
LGP	Local Government and Planning
MR	Main Roads
NR&M	Natural Resources and Mines
P&C	Premier and Cabinet
PI	Primary Industry
PW	Public Works
SD	State Development

T	Transport
TR	Queensland Treasury
TR&FT	Tourism, Racing and Fair Trade

Legislation review schedule: Queensland

Updated to September 2001

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural and Veterinary Chemicals (Queensland) Act 1994	PI	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.
Agricultural Chemicals Distribution Control Act 1966 and Regulations 1970	PI	Licensing of chemical spray contractors.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).
Ambulance Service Act 1991	ES	Restricts use of the words 'Ambulance Service' and 'Ambulance', 'collections of money' and 'first aid training'.	Review by independent consultants underway. First aid training to be separated from other restrictions and examined as a separate review.	
Architects Act 1985 and Regulation	PW	Registration, entry requirements reservation of title, disciplinary processes, business restrictions, and business licensing.	National review conducted by the Productivity Commission (PC) completed in August 2000, and publicly released in November 2000. PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of the Act.	A States and Territories working group has developed a national response to the PC review. The Queensland Government response, framed against national outcomes, is being developed as at October 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Auctioneers and Agents Act 1971 and Regulation 1986	TR&FT	Licensing (real estate agents, motor vehicle dealers, commercial agents, auctioneers and pastoral house corporations), entry requirements, the reservation of practice, disciplinary processes, and business conduct (maximum fees).	Review completed in 2000. Targeted public model, undertaken by PricewaterhouseCoopers. Public consultation involved circulation of issues paper, submissions, and consultations. Review recommendations included: reducing some requirements for licensing; expanding licensing requirements to some property developers; introducing a time limit for exclusive real estate agent arrangements; and removing maximum commissions subject to monitoring and transitional arrangements including a public education campaign.	The Government repealed the Auctioneers and Agents Act 1971 and replaced it with the Property Agents and Motor Dealers Act 2000. Legislation incorporates most of review recommendations. Recommendation to remove maximum commissions subject to monitoring and transitional arrangements including a public education campaign.
Beach Protection Act 1968, and Coastal Management Control Districts Regulation 1984	EPA	Legislation provides for the regulation and provision of advice in respect to activities affecting the coast, and functions to minimise the damage to property from erosion and encroachment of tidal water.	Reduced National Competition Policy (NCP) review completed in November 1998, and report made available to the public. Review supported retention of provisions which do not materially restrict competition and are in the public interest.	
Building Act 1975, Standard Building Regulation 1993, and Building Regulation 1991	LGP	Sets building regulations and specifies building approval procedures and accreditation of building certifiers.	Departmental review underway and expected to be completed in early 2002.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Names Act 1962 and Regulation 1986	TR&FT	Requirement that a person cannot carry on business in Queensland under a business name unless it is registered under this Act could restrict interstate or overseas participants. Other provisions may be seen as restrictions on business conduct although legislation applies a common set of requirements.	Reduced NCP review underway. Although the legislation is common to all States, a national review has not been undertaken. Queensland review will take account of interstate legislation review exercises. Expected completion in early 2002 following consideration of results of consultation on a business regulation review exercise occurring in parallel with the NCP review.	
Casino Agreement Acts – Jupiters Casino Agreement Act 1983, Breakwater Island Casino Agreement Act 1984, Brisbane Casino Agreement Act 1992, and Cairns Casino Agreement Act 1993.	TR	Licences, restrictions on conduct and operations.	These 'Agreement Acts' are effectively contractual arrangements between the State and the respective licensees. These were not previously listed for review. Due to the confidential and contractual nature of the agreements an internal review was conducted.	Provisions retained without reform.
Casino Control Act 1982 and Regulation 1984	TR	Legislation provides for the granting of casino licences by the Queensland Government subject to prescribed probity, structural, financial and other qualifications and prescribes subsequent restrictions on the conduct of licensees and casino operations. Under the Act, the conduct of gaming, which would otherwise be illegal, is made lawful within a licensed casino.	Review deferred subject to outcome of PC inquiry into gambling in Australia. That inquiry released its report in December 1999. A single NCP report on all gambling legislation in the Treasury portfolio is currently being developed and is due for completion by late 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Charitable and Non-profit Gaming Act 1999	TR	Current legislation provides for a range of licence, permit and approval requirements in regard to the conduct of art unions and games such as bingo. Public amusements, which were also regulated under the Art Unions and Public Amusements Regulation 1992, were completely deregulated in June 1997.	Review deferred subject to outcome of PC inquiry into gambling in Australia. That inquiry released its report in December 1999. A single NCP report on all gambling legislation in the Treasury portfolio is currently being developed and is due for completion by late 2001.	The Charitable and Non-profit Gaming Act 1999 replaced the Art Unions and Public Amusements Act 1992.
Chemical Usage (Agricultural and Veterinary) Control Act 1988 and Regulation 1989	PI	Allows off-label use of chemicals subject to conditions. Conditions vary markedly between jurisdictions. Veterinary surgeons exempt from various controls.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).
Chicken Meat Industry Committee 1976	PI	Prohibits supply of chickens unless under an agreement approved by the Industry Committee.	Review completed in 1997, recommending the industry committee convene groups of producers to negotiate with processors, but it be barred from intervening in negotiations on initial growing fees. It also recommended that individual growers be able to negotiate directly with a processor.	Amending legislation, including authorisation of collective bargaining under the Trade Practices Act 1974 (TPA), passed by the Queensland Parliament in September 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Child Care Act 1991, Child Care (Child Care Centres) Regulation 1991, and Child Care (Family Day Care) Regulation 1991	F	Provides for the licensing of childcare services (eg kindergartens and limited hours care centres) and family day care centres. Prescribes matters such as: qualifications of child care personnel; building and physical environment standards; minimum staffing levels; maximum capacity; food and safety standards for child care facilities; and required content for child care programs. Operation of child care facilities is prohibited in certain locations (such as premises adjacent to a place where flammable materials or dangerous chemicals are manufactured or stored).	Draft report was under consideration in February 1999. At that time, the incoming Minister responsible for the legislation established a forum to examine all aspects of child care legislation in consultation with a wide cross section of stakeholders. NCP requirements were addressed as part of the forum's deliberations in developing new legislative proposals. Major themes considered include the level of prescription of the current legislation and possible tiering of regulatory requirements. A framework and terms of reference for the review of all aspects of child care was approved by the Treasurer in November 2000. The review, which involved public consultation will be finalised during 2001.	Cabinet and parliamentary processes for new legislation expected to be completed by mid 2002.
Chiropractors and Osteopaths Act 1979	H	Restrictions on entry, registration, title, practice, advertising, business licensing, and disciplinary provisions.	Part of Queensland health professions review process, which recommended changes to disciplinary system, advertising and business restrictions.	Act repealed and replaced by the Chiropractors Registration Act 2001.
Chiropractors Registration Act 2001	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Core practice review underway.	Act replaced the Chiropractors and Osteopaths Act 1979 following health professions review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
City of Brisbane Market Act 1960 and Regulation (formerly By-laws) 1982	PI	Legislation provides for the establishment and operation of the central wholesale fruit and vegetable market, and provides for the exclusive operation of such a market within the Brisbane metropolitan area by the Brisbane Market Authority (BMA). Broadly similar arrangements for capital city wholesale markets previously existed under NSW and Victorian legislation, and still exist in WA.	Full public review completed in May 1998. Joint review covering ownership, competitive neutrality and legislation review.	The Government removed BMA's statutory monopoly status as a wholesale market in the Brisbane area, effective from 31 August 1999 and corporatised the BMA as of 13 December 1999.
Coal Industry (Control) Act 1948 and Orders	NR&M	Contains reserve powers in relation to regulation of the industry by the Queensland Coal Board, including powers to: compulsorily acquire coal; regulate prices for sale, purchase or resale of coal; and regulate the opening, closing and abandonment of coal mines (all currently dormant). Certain orders issued under the Act require certain users of coal to purchase coal from specific coal mines; however, the orders relate only to three small coal mines in the south-east of the State and therefore do not affect the major export coal mining operations.	Formal NCP review not required. Departmental examination of the legislation resulted in its repeal.	Legislation repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Coal Mining Act 1925	NR&M	Regulates the operation of coal mines, particularly health and safety issues.		Act repealed by the Coal Mining Safety and Health Act 1999 and Regulations. New Act and Regulations deal with health and safety issues across the coal, metalliferous and quarrying industries. New Act and Regulations reviewed under the gatekeeper provisions and considered to be in the public interest and less restrictive than the previous legislation.
Coastal Protection and Management Act 1995	EPA	Legislation provides for the conservation, rehabilitation and management of the coast. This can impact on coastal commercial development through coastal plans and the declaration of control districts that can restrict or prohibit certain developments or mandate certain requirements.	Review completed in November 1998. Review found restrictions in the Act to be in the public interest.	Provisions subjected to NCP review have been retained without reform.
Competition Policy Reform (Queensland) Public Passenger Service Authorisations Regulation 2000	T	The regulation excludes various passenger transport arrangements (such as those governing Airtrain) from the provisions of the TPA.	Public Benefit Test supported exclusion of integrated ticketing in southeast Queensland from the TPA. Queensland advised Australian Competition and Consumer Commission (ACCC) as required under NCP agreements.	
Consumer Credit (Queensland) Act 1994, Consumer Credit Regulation 1995, and Consumer Credit Code	TR&FT		National review of consumer credit legislation underway. Review process has been approved by the Committee on Regulatory Reform (CRR). Awaiting approval by the Ministerial Council on Consumer Affairs (MCCA).	Amendments to be made to the Consumer Credit (Queensland) Act 1994 and Consumer Credit Code if necessary as part of co-operative Commonwealth-State regulatory arrangements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Contaminated Land Act 1991 and Regulation	EPA	Legislation categorises land according to the risk of contamination and restricts certain land uses on certain sites.	Targeted public review completed in August 2000.	Act subsumed within the Environmental Protection Act 1994 in 1997 without any increase in restrictions on competition. See the Environmental Protection Act 1994.
Co-operatives Act 1997	TR&FT			Queensland participates in national cooperatives legislation. This resulted in the repeal of the Co-operative and Other Societies Act 1967 and the Primary Producers' Co-operative Associations Act 1923, and the introduction during 1997 of co-operatives legislation (Co-operatives Act 1997) containing core provisions and Regulations consistent with other jurisdictions. This national scheme of regulation was developed, and NCP justification provided, by Victoria.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Corrective Services Act 1988, and Corrective Services (Administration) Act 1988	CS	Legislation arguably gives the Queensland Corrective Services Commission (QCSC) monopoly powers in respect to the provision of prisons and community correction centres. However, the legislation authorises the QCSC to engage other parties to conduct any part of its operations (which underpins contract management arrangements for a number of correctional facilities).	Review not required.	<p>Corrective Services Legislation Amendment Act 1999 abolished the QCSC and the Government Owned Corporation: Queensland Corrections. The amending legislation also established the Corrective Services Advisory Council and provided for a new head of power for the new Department of Corrective Services.</p> <p>The Corrective Services (Administration) Act 1988 also amended. The legislation gives the Department responsibility for corrective services in Queensland. Where the Government opts for service delivery by private contractor, there will be a competitive tendering process.</p> <p>Corrective Services Act 2000 passed by Parliament in November 2000. The Act was proclaimed on 2 April 2001 (except certain sections which commenced on 24 November 2000). This legislation replaces the Corrective Services Act 1988 and the Corrective Services Administration Act 1988. The Corrective Services Act 2000 is not likely to restrict competition and, as a result, a formal review was not undertaken.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Credit Act 1987, and Credit Regulations 1988	TR&FT	The Credit Act was established to regulate the provision of personal loans up to \$40000. It was replaced by the Consumer Credit Code in November 1996 and now only regulates a few remaining personal loans up to \$40000 entered into prior to November 1996.	It is proposed to repeal the Credit Act without review.	Repeal expected in 2002-2003 after finalisation of outstanding litigation.
Cremation Act 1913	H	Prohibition on cremation at places other than established crematoria.	Review not required.	Certain restrictions removed in December 1993 (ie repeal of licensing and establishment provisions for crematoria). Decision taken by the Department to repeal the remaining restrictive provisions without review. Anticompetitive provisions repealed late 1998.
Dairy Industry Act 1993 and Regulation and Standards, and Dairy Industry (Market Milk Prices) Order 1995	PI	Vesting of milk in Queensland Dairy Industry Authority. Farmgate price-setting for market milk. Market milk quotas. Licensing of farmers and processors.	Review by a joint government-industry panel completed in 1998. Review recommended: <ul style="list-style-type: none"> • retention of farmgate price regulation for five years to December 2003, but reviewed again before 1 January 2001; and • extension of quota arrangements from South into Central and North Queensland for five years. 	The Government initially accepted the review recommendations. In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Queensland passed the Dairy Industry (Implementation of National Adjustment Arrangements) Amendment Act 2000 on 22 June 2000, deregulating the industry from 1 July 2000. Food Safety Queensland to assume responsibility for dairy food safety under the Food Production (Safety) Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Act 1971	H	Restrictions on entry, registration, title, practice, advertising, business, and disciplinary provisions.	Review of health practitioner Acts completed in 1999. NCP issues considered and documented at that time.	Framework legislation in place. New Dental Practitioners Registration Act and Dental Technicians and Prosthetists Registration Act passed in May 2001, removing most business restrictions.
Dental Practitioners Registration Act 2001	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	New Act, which retained practice restrictions subject to a further review. The review of the restrictions on the practice of dentistry was completed in 2000, and released for public consultation in June 2001.	Act implemented in May 2001, following review of health professions, with amended title restrictions, business restrictions and disciplinary systems. Practice restrictions retained from the previous Act, and a review of these restrictions is under consideration by the Government.
Dental Technicians and Dental Prosthetists Registration Act 2001	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	New Act, which retained practice restrictions subject to a further review. The review of the restrictions on the practice of dentistry was completed in 2000, and released for public consultation in June 2001.	Act implemented in May 2001, following review of health professions, with amended title restrictions, business restrictions and disciplinary systems. Practice restrictions retained from the previous Act, and a review of these restrictions is under consideration by the Government.
Education (Capital Assistance) Act 1993	E	Limits the provision of certain funding assistance to schools affiliated with two nominated Capital Assistance Authorities (CAA). It also includes limitations regarding the type of financial institutions that can receive deposits/investment of CAA capital assistance funds.	A formal review was not undertaken.	The restriction related to affiliation and was resolved through amendment to legislation which requires schools to be listed (but not affiliated) with a group. The remaining issue of the type of financial institution that can receive deposits/investments was subjected to further analysis and was determined not to be restrictive. Legislation has been amended accordingly.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Education (General Provisions) Act 1989 and Regulation	E	Covers a range of matters including: approval of school curricula; restrictions on the commercial use of State educational facilities; and specifying the powers and proceedings of Parents and Citizens Associations (including comparatively minor restrictions such as regulating the items permitted to be sold in a school canteen or tuckshop).	Departmental review of proposed new legislation pertaining to establishment, registration and accountability of non-State schools, in conjunction with the Education (General Provisions) Act 1989, underway. General policy review of legislation and proposed new legislation pertaining to registration and accountability of non-state schools are also underway. Review expected to be finalised 2001. It is proposed that the new Act will be rewritten.	
Education (Overseas Students) Act 1996	E	Provides for the registration of education service providers in respect to training courses for overseas students and for the registration of education and training courses for overseas students. Gives effect to a decision of the Australian Education Council in regard to the marketing of Australian education and training courses.	Reduced NCP review completed in January 2000. NCP justification provided for 1999 amendments and this provided input to review the Act. Final report submitted to Treasury in April 2000.	New legislation. The Treasurer endorsed the review recommendations in June 2000. Existing regulatory regime retained in the public interest.
Education (Teacher Registration) Act 1988 and Regulation 1989, and Board of Teacher Registration By-laws 1989	E	Licensing, registration (primary and secondary school teaching staff, including private schools), entry requirements (qualifications, experience, good character), reservation of practice, and disciplinary processes.	Departmental review completed in May 2000. Review recommended existing legislation be retained (including qualification requirements, registration fees and processes in the election of registered teachers to positions on the Board of Teacher Registration).	The Government endorsed review recommendations in October 2000. Teacher registration requirements retained in the public interest.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Egg Industry (Restructuring) Act 1993	PI	The Act provides for the restructuring of the egg industry marketing and regulatory arrangements and includes transitional regulation of the production and marketing of eggs.	Review not required.	Decision taken to repeal the Act without review. Act allowed to sunset on 31 December 1998 thereby removing all anticompetitive legislative provisions.
Electricity Act 1994 and Regulation - Part 1 of 2	TR	Legislation contains extensive provisions relating to the conduct of the industry including the issuing of authorities for generation, transmission and supply entities; powers (including 'reserve Ministerial powers') about electricity pricing and restrictions on the trading activities of transmission and generation authorities and supply entities. Regulation provides for the licensing of electrical workers (such as electricians) and electrical contractors.	Part of the broader Council of Australian Governments (CoAG) electricity reform process (to give effect to market restructuring and establish the National Electricity Market). A separate legislation review exercise was not undertaken at this time. Following amendments to the legislation to give effect to the CoAG reforms in 1997 (three tranches of significant amendments to the Act were passed and changes made to the Regulation), some provisions remaining in the legislation have been identified as potentially restricting competition. These aspects are currently being examined under NCP. Departmental review underway, and expected to be completed in the first quarter of 2002.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Act 1994 and Regulation - Part 2 of 2 (Electrical Safety)	TR	Licensing (electrical workers, electrical contractors), registration, entry requirements (qualifications and experience, also suitable person financial requirements for electrical contractor), disciplinary processes, and business conduct (advertising whereby workers must state whether licensed, name licensed under and identifying number; public liability insurance for electrical contractor).	Review underway, and expected to be completed in the first quarter of 2002.	
Environmental Protection Act 1994 and Interim Regulation 1995, Regulation 1998 and Interim Waste Regulation 1996	EPA	Legislation is designed to protect Queensland's environment while allowing for ecologically sustainable development. Licensing and approval requirements (which could be issued subject to compliance conditions, for example, prescribing allowable levels of discharge for certain substances) apply for certain specified environmentally relevant business activities.	Review completed in August 2000. Review incorporated Environmental Protection Policies and Regulations passed under gatekeeping arrangements in 1997-98, as well as contaminated land provisions which were subsumed within this Act. The restrictions related primarily to licensing and approval requirements.	The Treasurer endorsed the review recommendations. Provisions subjected to NCP review retained without reform.
Explosives Act 1952 and Regulation 1955	NR&M	Legislation provides for the issue of licences for various activities in the importation and exportation, manufacture, carriage, storage, sale and use of explosives. Certain explosives that are considered dangerous to the public are prohibited.	Review not required. The National Competition Council (NCC) supported removal of legislation from review timetable on the basis that the provisions are in the public interest and are not for the purpose of restricting competition.	Legislation is moving in the direction of national standards and has been modernised.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1989, and Fair Trading Regulation 1989	TR&FT	Legislation intended to provide for a statutory minimum standard of conduct engaged in by persons offering goods and services, in the interests of consumer protection. Similar legislation exists in the other jurisdictions. State and Territory fair trading legislation in part mirrors Part IV of the TPA and, in this sense, forms part of a national uniform scheme.	Minor departmental review underway.	
Farm Produce Marketing Act 1964 and Regulation 1984	PI	Legislation regulates commercial arrangements for the sale of fruit and vegetables between producers and wholesalers (agents and merchants), provides for the licensing of agents and merchants and business conduct requirements. Conditions to qualify for licences (eg posting of fidelity bonds) and restrictions on the business practices of licence holders (eg regulation of maximum rates of commission) would be the principal areas for review.	Review completed in June 1999. It found that the Act was largely ineffective as most transactions occur outside its scope and therefore there was no public benefit in retaining the legislation.	Act sunsetted on 31 July 2000. A voluntary code of conduct is to replace it.
Financial Intermediaries Act 1996	TR	Prudentially-based supervisory system.	It had been expected that the supervision of the institutions covered by this Act would be transferred to the Commonwealth. However some institutions continue to be covered by this Act. It is currently being assessed to identify potential restrictions.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fire Services Act 1990	ES	Various restrictions restrict potential competition in the fire services market. For example, by conferring extensive powers relating to the protection of persons and property from fire on 'authorised fire officers' of metropolitan and rural fire brigades which are not available to private operators and which could expose them to claims relating to property damage in the course of fighting a fire.	Reduced NCP review completed in August 2000. Restrictions were identified in relation to the powers of officers which are not available to other providers under the legislation and the imposition of compulsory fire levies. Final report recommending retention of status quo released.	The Treasurer endorsed the review recommendations in September 2000.
Fisheries Act 1994 and Regulation 1995	PI	Licensing of fishers and crew. Input controls on boat and gear. Output controls such as total allowable catches, individual transferable quotas, bag and size limits.	Review completed.	The Government is considering the review recommendations.
Food Act 1981, Food Hygiene Regulation 1989, and Food Standards Regulation 1994	H	Various food safety offences. Food to meet prescribed food standards. Registration of food premises (under associated regulations).	National review completed in 2000 (see the NSW Food Act 1989).	All Australian governments agreed in November 2000 to adopt the core provisions of the Model Food Bill by November 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Forestry Act 1959 and Regulation 1987	PI	Management and control of forest products on State land vested in the Department under agreement with the Queensland Parks and Wildlife Service and regulated by that service. Licensing of timber collection and of taking of other resources. Administrative discretion over how licences and produce are allocated and priced. Logs harvested not to exceed sustainable yield. Levy to fund timber research.	Review by officials completed in 1999. Review recommended retaining the native forest sawlog allocation system as, while pro-competitive reform would bring economic gains, it avoided imposing significant social costs on several rural communities and retaining the timber research levy. A subsequent review of agricultural levies recommended removal of the timber research levy.	The Government accepted the recommendations and in late 1999 the Forestry Amendment Act 1999 was passed which exempted the allocation system from the trade practices law until 2009. In January 2000, following a separate review of agricultural levies, the Government removed a stumpage levy to fund the Timber Research and Development Advisory Council.
Fruit Marketing Organisation Act 1923	PI	Contains statutory marketing provisions for fruit and vegetables.		Industry agreed to repeal of the Act. Act sunsetted on 21 January 2000.
Funeral Benefit Business Act 1982, and Funeral Benefit Business Regulation 1989	TR&FT	Legislation limits the registration of corporations and provides for business conduct requirements. Similar legislation exists in some other jurisdictions (including Victoria and NSW).	Departmental review underway. Draft NCP report under consideration by the Department of Tourism, Racing and Fair Trading and Treasury. Final report expected to be endorsed by the Treasurer in the fourth quarter of 2001.	
Gaming Machine Act 1991 and Regulation	TR	Possession and playing of gaming machines, which would otherwise be illegal, is made lawful at a licensed site.	Review deferred subject to outcome of the PC inquiry into gaming in Australia. That inquiry released its report in December 1999. A NCP report on all gambling legislation in the Treasury portfolio is currently being developed and is due for completion by late 2001.	Certain reforms have been implemented as a result of a general review of the legislation. Reforms to date include the removal of the Government's exclusivity over the purchase of gaming machines, instead requiring that manufacturers and suppliers of gaming machines be licensed to ensure that the probity and integrity of the industry is maintained.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Act 1965 and Regulations 1989	TR	Provisions of the Act relating to granting gas franchises (effectively an exclusive right to lay pipes in an area and thus to supply gas to that area) and requirements for Government approval for large gas contracts establishes a virtual statutory monopoly situation. Legislation also enables quantitative restrictions to be placed on the supply of gas in certain (emergency) situations while the Gas Tribunal has the power to recommend price restrictions. Other jurisdictions have legislation pertaining to the particular circumstances of their gas industry. A common provision, as per Queensland Gas Regulations, is the licensing of persons engaged in gas installation and servicing which is considered essential for public safety.	The Gas Act and Regulations were reviewed as part of the CoAG gas reform process. The legislation review component has occurred and amendment is proposed in accordance with franchising and licensing principles of the CoAG Natural Gas Pipelines Access Agreement. Review completed of those parts of the Gas Act and the Petroleum Act not the subject of the national review of the Petroleum and Submerged Land Act.	Exposure draft of new Petroleum and Gas Bill released for public comment. The aim is to replace the Gas Act 1965 and the Petroleum Act 1923 with a single Act covering both areas, dealing with exploration, development, production, transmission, distribution, and in the case of gas, use. New legislation expected to be introduced late 2001.
Gas Suppliers (Shareholdings) Act 1972	TR	Prohibition relates to a statutory limitation on the level of ownership of shares in a nominated gas supplier (ie to prevent a corporate takeover) and hence restricts the ownership of a gas utility although it only relates to one company at present. A similar restriction is understood to apply in regard to the same company in NSW.		Act repealed in October 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Grain Industry (Restructuring) Act 1993	PI	Legislation provided for the restructuring of the previously statutory grain industry organisations. Statutory domestic and export powers conferred on Grainco over barley state-wide and grain sorghum produced in Central Queensland. Powers over wheat 'parked' while Commonwealth arrangements in place and, under section 10(3), can only be activated by regulation if a public benefit assessment shows this to be consistent with Competition Principles Agreement (CPA) clause 5(1).	<p>Joint government-industry review completed in 1997, recommending that Queensland remove the domestic monopoly; and extend the export monopoly until at least mid-2002.</p> <p>A related review of accountability requirements applying to Grainco was completed in November 1998. Review recommended a supervisory panel be established in lieu of current government appointments to Board of Grainco. Application of a number of Acts to Grainco also modified.</p> <p>In late 1999, the Government initiated a re-examination by officials of its grain marketing arrangements following the export reform recommendations arising from the joint Victoria/SA review and the liberalisation of controls over barley imports into Japan. This re-examination was delayed pending a decision by NSW following its grains review. This re-examination has since taken place and the outcome is under consideration within Government.</p>	The Government accepted the recommendations and, via the Primary Industries Legislation Amendment Act 1999, exempted from vesting grain sold for consumption in the domestic market (see section 20 of the principal Act). It also undertook to review the export monopoly before mid-2002 if either grain arrangements in other States, or the policy of the Japanese Food Agency, changed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Grammar Schools Act 1975	E	Imposes a Government approval mechanism for the establishment of a grammar school and provides for various Government intervention measures (such as the capacity to withhold or grant assistance funds) and controls/limitations on activities of grammar schools (eg borrowing and investment practices). These may restrict the ability of such schools to compete in the overall market for secondary education.	Original departmental review completed in September 1997. Review re-opened and is being conducted in accordance with revised framework for scoping and conducting the review guidelines. Public Benefit Test has been completed and has been submitted for Ministerial approval.	
Harbours (Reclamation of Land) Regulation 1979, and Marine Land (Dredging) By-Laws under the Harbours Act 1955 (sections 91-93)	EPA	Legislative provisions set out certain external approval requirements for activities in tidal waters (such as land reclamation and harbour works).		Provisions were to sunset in December 2000. The regulation has been extended until June 2002. The purpose of the extension is to keep the regulation in force until the Coastal Regulation is integrated with the Integrated Development Approval System (now expected to occur in March 2002 with the passage of the Coastal Protection and Other Legislation Amendment Bill).
Hawkers Act 1984 and Regulation 1994	TR&FT	Licensing, entry requirements (age, no mental disease, fit and proper person), and business conduct (no business between 6 p.m. and 7 a.m.). Act does not apply to certain businesses (for example, charity or sale by maker of goods).	Reduced NCP review completed.	The Government is considering the review recommendations.
Health Act 1937 - Health (Drugs and Poisons) Regulation 1996	H	Licensing, storage, handling and dispensing of goods.	Part of Galbally Review. Final report under consideration by the Australian Health Ministers Advisory Council (AHMAC).	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1937 - Health Regulation 1996 Part 6 (Hyperbaric Chamber Therapy)	H	Restricts possession and use of a compression chamber.	Review completed in March 2001. Final report recommended the repeal of restrictive provisions of the Act.	The Treasurer endorsed the review recommendations in March 2001. The restrictive provisions of the legislation were repealed June 2001.
Health Act 1937 - Health Regulation 1996 Parts 5 (Hairdressers) and 15 (Skin Penetration)	H	Licensing, and codes of practice.	Review completed in December 1999 recommending negative licensing for medium/low risk activities and licensed premises for high risk activities.	New legislation being prepared, with implementation due to be finalised by mid 2002.
Health Act 1937 - Health Regulation 1996 Parts 10 (Pest Control Operators) and 12 (Poisons (Fumigation)) under Health Act 1937 Part 4 Division 7	H	Provides for the licensing of both fumigators and pest control operators. Similar regulations exist in the other States.	Targeted public review completed in October 1999. The review examined licensing of fumigators and pest control operators. Report on the framework for scoping and conducting the review completed late in 1999. The review recommended that licensing be retained but licensing criteria include new training requirements based on National Competency Standards to minimise the health risks to the public from pesticides and fumigants.	New legislation being prepared with implementation due to be finalised by mid 2002.
Health Act 1937 - Health (Nursing Homes) Regulation 1982	H	Negative licensing of residential care facilities.	Departmental review completed in 1997. Queensland Health has examined the Commonwealth's Aged Care Act 1997 to determine its impact on the Regulation. Policy proposals were subsequently developed to allow the Regulation to lapse on 1 July 1998, to repeal Part 3 Division 5 of the Health Act 1937, and to replace it with a negative licensing framework in respect of residential care facilities.	Restrictive provisions dealing with nursing homes expired on 1 July 1998. Proposals were endorsed by the then Government for a new, non-licensing legislative framework.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1937 - Health (Private Hospitals) Regulation 1978 and Health Act 1937 Part 3 Division 4	H	Licensing and monitoring of private hospitals, and building standards.	Review completed in February 1999. Review recommended retention of a licensing regime for private hospitals and day facilities performing higher risk procedures and rejected the formal adoption of planning controls.	The Private Health Facilities Act 1999, which replaces the legislation scheduled for review, was passed in November 1999 and commenced in late 2000.
Health Act 1937 - Health Regulation 1996 Part 16 (Therapeutic Goods and Other Drugs)	H	Restricts the advertising, including publication and labeling, of therapeutic goods and drugs (including cigarettes).	No formal NCP review undertaken. Legislative proposals involving the adoption, by reference, of the Commonwealth's Therapeutic Goods Act 1989, are currently being finalised prior to submission for Ministerial approval.	Implementation of new legislation to adopt Commonwealth legislation, expected by mid 2002.
Health Services Act 1991 - Health Services Regulation 1992 (Public Hospitals Fees and Charges)	H		Review not required.	The anticompetitive provisions repealed in 1997.
Health Services Regulation 1992	H	Limits the ability of a Health Authority to provide private ancillary services (eg physiotherapy, speech pathology, etc) to circumstances where there is no private practitioner.	Review not required.	The anticompetitive provisions repealed in 1997.
Higher Education (General Provisions) Act 1993	E	Provides for accreditation and monitoring procedures to address standards and modes of delivery in regard to higher education (tertiary) degree courses.	Review completed. Review was expanded in recognition of the accreditation provisions being nationally uniform.	The Treasurer endorsed the review recommendations in August 2001. Existing regulatory regime retained in the public interest.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hire Purchase Act 1959	TR&FT	Legislation provides for the rights and responsibilities of owners and hirers under hire purchase agreements and conduct requirements in regard to hire purchase agreements. One type of transaction prohibited (ie entering into an agreement for the bailment of goods, which includes an option to purchase them, so as to constitute a hire purchase agreement).	Reduced NCP review completed.	The Government is considering the review recommendations, including proposal to repeal the legislation.
Industrial Development Act 1963	SD	Acquisition and use of land for industrial purposes (ie in industrial estates) thereby precluding other uses (but only in a defined area).	Review not required.	As the intention of the Act is not to limit use to industrial purposes, the definition section of the Act has been amended to remove this limitation.
Indy Car Grand Prix Act 1990 and Regulations	IIESR	The Act provides for a nominated promoter as the sole participant in the business activity of promoting the Indy Grand Prix with certain other exclusive rights attached (ie sale of film and television rights, sale of goods with the Grand Prix insignia and sale of other goods in a declared area during a declared period (ie the race days)).	Reduced NCP review completed in October 1998. Short-form justification, that included a Regulation Impact Statement (RIS) process, supported retention of all legislative provisions under review. Legislation gives effect to conditions for staging the race, including sole promoter role, that are contained in agreements with international owner of the rights to stage the race worldwide. All services and products associated with the Gold Coast event (eg catering) are competitively tendered.	Existing regulatory regime retained in the public interest.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Integrated Planning Act 1997	LGP	Establishes a planning framework and is not considered to restrict competition itself.	Review completed in October 1997. Review found the Act to be far less prescriptive than the Local Government (Planning and Environment) Act 1990 which it replaced, and that it merely sets up a planning framework. Review reported that the Act does not restrict competition.	
Interactive Gambling (Player Protection) Act 1998	TR		Part of the omnibus review of gambling in Queensland.	
Invasion of Privacy Act 1971 and Invasion of Privacy Regulation 1986	TR&FT	Legislation requires the licensing of credit reporting agents and prohibits the advertising and exhibiting of listening devices that has the intention of promoting their sale and use. Other jurisdictions may have legislation dealing with some aspects of credit reporting eg advertising of listening devices.	Reduced NCP review completed.	The Treasurer is considering the final Public Benefit Test report.
Keno Act 1996	TR	Permits the holder of a keno licence to have the right to conduct the game of keno on a State-wide basis through approved outlets for a defined period (the playing of keno would otherwise be illegal under the gaming laws).	NCP issues were to be fully examined prior to the introduction of the Bill. Certain outstanding NCP matters were examined and a draft report compiled. Completion of this exercise was deferred subject to the outcome of the PC inquiry into gambling in Australia. That inquiry released its report in December 1999. A single NCP report on all gambling legislation in the Treasury portfolio is currently being developed and is due for completion by late 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Act 1994	NR&M	Legislation provides for the administration and management of non-freehold lands and the legal creation of freehold land. Review examined two restrictions: prohibiting corporations from holding perpetual leases for grazing or agricultural purposes; and limiting the number of living units that non-freehold land owners may aggregate.	Review committee completed its report in May 1999. However, Cabinet decided that further consultation was required and this began in early 2001.	The Government is considering the review recommendations.
Land Sale Act 1984 and Regulation 1989	TR&FT	Legislation contains various provisions relating to the process of sale of land via a registrable instrument of transfer and rights and responsibilities of vendors and purchasers. Queensland is currently the only State that prohibits the sale of unregistered land before survey plans are approved under the seal of the relevant local authority.	Final Public Benefit Test report is being finalised by the Department, and expected to be completed late in 2001.	
Legal Practitioners Act 1995	JAG	Licensing, registration, entry requirements, reservation of practice (including conveyancing), disciplinary processes, and business conduct (including the process for determining maximum prices). (Also see the Queensland Law Society Act 1952.)	General review of legislation has occurred. NCP review commenced in the fourth quarter of 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquid Fuel Supply Act 1984	TR	The purpose of the Act is to regulate the distribution of liquid fuels (petrol, diesel and liquid petroleum gas (LPG)) in times of shortage/emergency but, to date, has never been activated. Similar legislation exists in the other States. At present the Queensland legislation does not have any practical impact on commercial business activities.	Review not required. NCC supported the removal of the Act from the review timetable on the grounds that the legislation is in place to serve the public interest in terms of controlling liquid fuel usage in times of shortage or emergencies.	
Liquor Act 1992 and Regulation	TR&FT	Defines licence categories, contains a proof of need test, restricts the sale of packaged liquor to the public to general (hotel) licences, requires hotel bottle shops to be detached, restricts the number any one hotel can establish and the distance from the hotel and sets maximum size limits on bottle shops.	Review completed in February 2000. Recommended retention of major restrictions relating to the public needs test and general (hotel) licence requirement for sales of packaged liquor to the public. Minor changes to the regulations governing bottle shop distance from main outlet (extended from 5kilometers to 10kilometers) and to maximum bottle shop size (100 square meters to 150 square meters)	The Government accepted the significant review recommendations with modifications: the Public Needs Test was changed to a Public Benefit Test. General licence requirement for sales of packaged liquor retained although volume restrictions on sales by clubs to members lifted and licensed restaurants may sell small quantities to diners for consumption off premises.
Loan Fund Companies Act 1982	TR&FT	Conduct and licensing. No loan fund companies operate under the Act.	Reduced NCP review underway. Public Benefit Test report to be released for consultation.	
Local Government (Harbour Town Zoning) Act 1990	LGP	Legislation specific to one location but could be seen to confer a competitive advantage on the owners of the site through the possible application of the Act to bypass normal approval processes.	Review not required.	Legislation was allowed to expire on 7 December 2000.
Local Government (Planning and Environment) Act 1990	LGP		See the Integrated Planning Act 1997.	Act repealed and replaced by the Integrated Planning Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government Act 1993, City of Brisbane Act 1924, and Local Government Finance Standard 1994	LGP	The legislation establishes the framework for the constitution, planning and operation of local government (ie essentially it is enabling legislation). Only two current provisions in the Act appear to be anticompetitive, namely the exclusive right for a local government to operate a river ferry service and a prohibition on a local government operating its own superannuation scheme outside of a statutory scheme for all local governments.	Departmental review underway. Major review for ferries issue. Minor review for remaining issues. Review of relevant provisions relating to the operation of joint local government water supply boards under the Local Government Act and other water-related local government functions will need to be coordinated.	The Government is considering the review recommendations.
Local Government Local Laws (formerly By-laws) made under the Local Government Act 1993	LGP	Establishes a program for review of local government laws.	Departmental review completed in 1997.	The Local Government Amendment Act 1997 applies NCP legislation review requirements to local government. Individual local governments reviewed their own anticompetitive local laws and local law policies with oversight by the responsible Department.
Lotteries Act 1994	TR	Exclusive licence to operate a lottery.	Review completed. Certain outstanding competition policy matters were identified and a draft report prepared. This exercise was deferred subject to the outcome of the PC inquiry into gambling in Australia, which released its report December 1999. A single NCP report on all gambling legislation in the Treasury portfolio is currently being developed and is due for completion by late 2001.	Act repealed and replaced by the Lotteries Act 1997. The statutory monopoly of the Golden Casket Corporation was replaced with a limited duration exclusive licence. This was to enable the Golden Casket Corporation time to mature in a commercial environment following its corporatisation.
Lotteries Act 1997 and Regulation	TR	Assigns a limited duration exclusive licence on the Golden Casket Corporation to offer lottery products.	Part of the omnibus review of gambling in Queensland.	The Lotteries Act 1997 replaced the Lotteries Act 1994.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Meat Industry Act 1993	PI	Various food safety offences. Minimum qualifications for meat safety officers. Accreditation of processing facilities. Wide powers to make standards.	Not originally scheduled for review. Review completed in 1999, recommending development of new food safety standards, especially for high-risk foods (refer NCP Annual Report to 31 December 2000).	Act repealed and provisions for meat safety standards included in the Food Production (Safety) Act 2000.
Medical Act 1939	H	Restrictions on entry, registration, title, practice, advertising, business, and disciplinary provisions.	Review completed in 1999. Core practices review underway.	Framework legislation passed in 1999. New Medical Practitioners Registration Act 2001 passed in May 2001, preserving practice restrictions subject to review.
Medical Practitioners Registration Act 2001	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	New legislation considered by the gatekeeper process. A review of the restrictions on practice is underway.	Legislation implemented May 2001, following review of health professions, with amended title restrictions, business restrictions and disciplinary systems. Practice restrictions retained from the previous Act.
Medical Radiation Technologists Act 2001	H	Restrictions on entry, registration, title, advertising, and disciplinary provisions.	Review completed in 1999, recommending registering radiation therapists, medical imaging technologists/radiographers and nuclear imaging technologists.	Framework legislation passed in December 1999. New Medical Radiation Technologists Act 2001 passed in May 2001. The Act does not restrict practice.
Mental Health Act 1974	H	Conferral on the Public Trust Office of sole responsibility for the management of estates of specified patients.	Review not required.	The anticompetitive provision repealed as an amendment under the Guardianship and Administration Act 2000. The Mental Health Act 2000 was passed in May 2000, replacing the Mental Health Act 1974.
Mental Health Act 2000	H			The Mental Health Act 2000 replaced the Mental Health Act 1974.
Mercantile Act 1867	TR&FT	Restricts the duration of partnerships and prohibit partnerships in banking and insurance businesses.	Review not required.	Provisions identified as restrictions have been repealed or contained within Partnership (Limited Liability) Act which is included in review timetable.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mobile Homes Act 1989 and Regulation 1994	TR&FT	Contains particular requirements relating to agreements between owners and occupiers of mobile home sites. Regulations provide for maximum fees for services in regard to sale of a mobile home.		As part of an extensive general policy review of the mobile homes legislation, the Government has decided to repeal the existing Mobile Homes Act and replace it with a new Act. NCP-related issues are being identified and addressed in the context of the new legislation. New Act to be considered by Parliament in 2002.
Motor Accident Insurance Act 1994	TR	Mandatory insurance, licensing of insurers, and file and write premium setting.	Full public review completed in November 1999. Review recommended retaining fundamental Compulsory Third Party (CTP) scheme aspects, including mandatory insurance requirement, licensing of insurers, community rating and Nominal Defendant. Also recommended removing specific entry barriers (in terms of minimum market share and re-entry requirements) and premium setting by the Government will be replaced by setting a premium range within which private insurers can determine their own premiums subject to approval by the Government.	New legislation enacted in line with recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nature Conservation Act 1992 and Regulation 1994, and specific flora and fauna Conservation Plans	EPA	Legislation contains extensive provisions for the conservation of wildlife (flora and fauna) related to ecological sustainability. Licensing and permit arrangements apply for a range of commercial and recreational activities involving wildlife (including, for example, licensing of pet shops selling commercial birds, nurseries selling certain restricted plants, the harvesting of macropods and protected plants and permits for commercial activities involving wildlife, such as filming, etc). Prior to any NCP review commencing, further consideration is required to identify whether there are any restrictions in the various species' Conservation Plans in place that go beyond what is required for legitimate natural resource management purposes.	Reduced NCP review completed in July 1999. Review supported retention of provisions which are considered to be for natural resource management purposes. Targeted consultation and review report made public January 1999.	Provisions subjected to NCP review retained without reform.
Nursing Act 1992	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway. Targeted public model. The Department decided the single anticompetitive provision in the By-Law should be repealed. In relation to review of restriction on practice in the Act, terms of reference have been completed. The review's public benefit analysis is due for consultation at the end of 2001/beginning 2002 and the Public Benefit Test report is expected to be completed in early 2002.	The Anticompetitive provision in the Nursing By-Law repealed in 1999. Framework legislation in place, covering discipline and administration of all health professionals. New legislation is being prepared with implementation to be finalised by mid 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Occupational Therapists Act 1979	H	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Omnibus review of health practitioners registration Acts completed in 1998. Review of practice restrictions in health services completed in 2000.	Framework legislation in place. New Occupational Therapists Registration Act passed in May 2001, removing reserved areas of practice.
Occupational Therapists Registration Act 2001	H	Restrictions on title, entry, registration, and disciplinary provisions.	New legislation considered by the gatekeeper process.	Act replaced the Occupational Therapists Act 1979.
Optometrists Act 1974	H	Ownership restrictions, entry, registration, title, practice, business, and advertising.	Omnibus review of health practitioners registration Act completed in 1998. A second review, limited to examination of ownership and related restrictions was completed in 1999, recommending removal of ownership restrictions. Review of practice restrictions in health services completed in 2000.	Framework and new registration legislation passed the Queensland Parliament in late 1999. The Optometrists Registration Act 2001 was passed in May 2001, removing ownership restrictions, but reserving restrictions on practice subject to further review.
Optometrists Registration Act 2001	H	Restrictions on entry, registration, title, practice, business, and advertising.	New legislation considered by the gatekeeper process. Review of core practice restrictions underway.	
Osteopaths Registration Act 2001	H	Restrictions on entry, registration, title, advertising, and disciplinary provisions.		Act replaced the Chiropractors and Osteopaths Act 1979 following health practitioners omnibus review. Framework legislation in place. New Osteopaths Registration Act 2001 passed in May 2001. The Act does not contain practice restrictions.
Partnership (Limited Liability) Act 1988	TR&FT	Restrictions relating to limited partners.	Review, in conjunction with the Partnership Act 1891, completed.	The Government is considering the review recommendations.
Partnership Act 1891	TR&FT	Prohibits business outside of the partnership except where the consent of other partners is obtained.	See the Partnership (Limited Liability) Act 1988.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers Act 1984 and Regulation	TR&FT	Licensing, entry requirements (aged over 18 years, not mentally incapacitated, fit and proper person, not a collector, not convicted of fraud or dishonesty offence in past five years), the reservation of practice, disciplinary processes, and business conduct (prescribed records, public auction of unredeemed goods over \$40, cooperation with police).	Minor departmental review of pawnbrokers and second-hand dealers legislation underway. Discussion paper to be released for consultation in the fourth quarter of 2001.	
Petroleum Act 1923	TR		Review, in conjunction with the Gas Act 1965, underway.	Act to be replaced, along with the Gas Act 1965, by a single Act.
Pharmacists Registration Act 2001	H	Restrictions on entry, registration, title, practice, business, advertising, and ownership.	New legislation resulted from health practitioner review process in Queensland, retaining restrictions examined by the Wilkinson Review pending completion of review process. National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.	Act replaced the Pharmacy Act 1976. New legislation addresses discipline and advertising restrictions, but reserves previous legislation's practice and ownership restrictions pending Wilkinson Review outcomes. CoAG referred the Wilkinson Review to a senior officials' working party, which is yet to report back to CoAG.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1976	H	Restrictions on entry, registration, title, practice, business, advertising, and ownership.	Considered as part of the health practitioner review process in Queensland, with new registration Act enacted. National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.	Act replaced by the Pharmacists Registration Act 2001. New legislation addresses discipline and advertising restrictions, but reserves previous legislation's practice and ownership restrictions pending Wilkinson review outcomes. CoAG referred the Wilkinson Review to a senior officials' working party, which is yet to report back to CoAG.
Physiotherapists Act 1964	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1999.	Framework legislation enacted in December 1999. New Physiotherapists Registration Act 2001 passed in May 2001, preserving practice restrictions subject to further review.
Physiotherapists Registration Act 2001	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	New legislation. Review of core practice restrictions underway.	Act replaced the Physiotherapists Act 1964.
Podiatrists Act 1969	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 2000. Part of Queensland health professions review process, which recommended changes to disciplinary system, advertising and business restrictions.	Act replaced by the Podiatrists Registration Act 2001.
Podiatrists Registration Act 2001	H	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	New legislation considered by gatekeeper process. Review of core practice restrictions underway.	Act replaced the Podiatrists Act 1969 following health professions review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Primary Producers Co-operative Associations Act 1923	TR&FT		Review not required.	Act repealed and replaced by the Cooperatives Act 1997.
Primary Producers Organisation and Marketing Act 1926	PI	Allows for the constitution, powers, and functions of statutory commodity marketing boards and statutory producer representative bodies. Provisions relating to the latter are not considered to restrict competition.	Review not required.	Act repealed by the Primary Industry Bodies Reform Act 1999 as of 21 January 2000.
Private Employment Agencies Act 1983 and Regulation 1989	IR	Licensing, entry requirements (resident in Queensland, fit and proper person, suitable premises), the reservation of practice, and business conduct (no charge to jobseekers except performers and models, maintenance of records, no misleading advertising).	Departmental review completed. Review report finalised, canvassing the repeal of the Act and the incorporation of fee-charging restrictions into the Industrial Relations Act 1999.	New legislation being prepared with implementation due to be finalised by the end of March 2002.
Private Health Facilities Act 1999	H	Licensing.		Act replaced the Health Act 1937 - Health (Private Hospitals) Regulation 1978 and Health Act 1937 Part 3 Division 4, and was passed in November 1999 and commenced in late 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Professional Engineers Act 1988 and Regulation 1992	PW	Licensing, registration (for professional engineers - in various divisions of the profession, ie civil, mechanical, metallurgical, etc, professional engineering companies and professional engineering units within a company), entry restrictions (qualifications and 5 years experience), reservation of title and of practice, disciplinary processes, commercial restrictions, business licensing.	Full public review underway. Review report completed in March 2000. Review conducted by an interdepartmental committee supplemented by a consumer representative and an independent member with engineering expertise. Report was released in November 2000 for further consultation.	The Government is considering the review recommendations. The timing of any legislative amendments may be coordinated with amending legislation regulating the practice of architecture.
Profiteering Prevention Act 1948	TR&FT	Quality/technical standards, pricing restrictions, business conduct, and measures that confer a benefit.	Public Benefit Test report being finalised with expected completion in the fourth quarter of 2001 - consideration being given to repeal.	Implementation expected in the second quarter of 2002.
Property Agents and Motor Dealers Act 2000	TR&FT	Licensing, entry requirements, reservation of practice, disciplinary processes, business conduct.		Act replaces the Auctioneers and Agents Act 1971.
Psychologists Act 1977	H	Restrictions on entry, registration, title, advertising, and disciplinary provisions.	Part of Queensland health professions review process, which recommended changes to disciplinary system, advertising and business restrictions.	Act replaced by the Psychologists Registration Act 2001.
Psychologists Registration Act 2001	H	Restrictions on entry, registration, title, advertising, and disciplinary provisions.		Act replaced the Psychologists Act 1977 following health professions review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Queensland Building Services Authority (QBSA) Act 1991 and Regulations 1992 and Policy 1995	HO	Licensing, registration, entry requirements (qualifications and experience, fit and proper, financial requirements), the reservation of practice, disciplinary processes, and business conduct (ownership; advertising and sign at building site - whereby workers must state whether licensed, name licensed under and identifying numbers; written contract; compulsory insurance administered by the QBSA; warranty).	Departmental review underway.	
Queensland Heritage Act 1992 and Regulation	EPA	Legislation provides for the conservation of Queensland's cultural heritage. Currently, Heritage Council approval is required before any development is allowed on heritage-registered properties.	Reduced NCP review completed in December 1998 and publicly released. Review justified retention of provisions on public interest grounds.	
Queensland Law Society Act 1952 and Rules 1987, Queensland Law Society (Indemnity) Rule 1987 and Continuing Legal Education Rule	JAG	Annual practicing certificates can only be issued by the Queensland Law Society, and business conduct (various educational programs and practise courses, indemnity insurance - with law society master policy or an insurer approved by law society).	Being reviewed as part of a broad review of the legal profession in Queensland. See the Legal Practitioners Act 1995.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Betting Act 1980 and Regulations as they relate to the Totalizator Agency Board (TAB)	TR&FT	Statutory monopoly provisions in Queensland legislation relate to the establishment of TAB to control totalisator betting and of control bodies for horse racing (Queensland Principal Club), harness racing (Harness Racing Board) and greyhound racing (Greyhound Authority). Registration requirements apply for race, trotting and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as the recording of bets and the conduct of betting, drug sampling and analysis, advertising and the standard of facilities at race clubs are also prescribed. A price control provision relates to maximum bets at greyhound meetings. An outright prohibition exists in respect of betting and bookmaking outside of the coverage of the Act.	Racing Industry Taskforce examined statutory monopoly of Queensland TAB. This was addressed in developing the Wagering Act.	New legislation, the Wagering Act 1998 replaces the statutory monopoly applying to the TAB with an exclusive licence of limited duration.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Betting Act 1980 and Regulations as they relate to racing and the conduct of bookmakers	TR&FT	Statutory monopoly provisions in Queensland legislation relate to the establishment of TAB to control totalisator betting and of control bodies for horse racing (Queensland Principal Club), harness racing (Harness Racing Board) and greyhound racing (Greyhound Authority). Registration requirements apply for race, trotting and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as the recording of bets and the conduct of betting, drug sampling and analysis, advertising and the standard of facilities at race clubs are also prescribed. A price control provision relates to maximum bets at greyhound meetings. An outright prohibition exists in respect of betting and bookmaking outside of the coverage of the Act.	Review of provisions of the Racing and Betting Act relating to bookmakers, conduct of race meetings and other related restrictions concerning the operation of race events completed in 2000. Review recommended that regulations that maintain and enhance probity, integrity and public confidence in the industry (eg licensing) be retained, and the prohibitions on entry of new codes of racing, conduct of proprietary racing and racing bookmakers' advertising be removed.	Cabinet endorsed the NCP review recommendations in November 2000. Cabinet also approved preparation of the proposed Racing Bill 2001 as a consultation draft. During 2000, the Act was amended to remove the majority of non-probity based, competition restrictions on bookmakers, in particular those relating to minimum phone bet, betting type and recording of bets.
Racing Venues Development Act 1982	TR&FT	The Act prescribes terms that apply to leases granted by trustees of racing venues and is not considered to impose any significant restrictions on competition.	The Act applies only to Albion Park. On close examination, it became apparent that the Act does not contain any provisions that restrict competition. In particular, it was determined that the provisions that specify the terms of a lease by trustees of a racing venue are not anticompetitive.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Radiation Safety Act 1999	H		National review completed. Review completed under gatekeeping arrangements, finding restrictions justified in the public interest.	
Residential Tenancies Act 1994 and Regulation 1995	HO	Statutory monopoly provisions relate to Residential Tenancies Authority as the sole body authorised to manage rental bonds. Similar requirements exist in most other jurisdictions.	Public Benefit Test completed in March 1998 and supported retention of authority's statutory monopoly over administration of rental bonds.	Cabinet agreed to the review recommendations. Current arrangements preserved in legislation.
Retail Shop Leases Act 1994 and Regulation	SD	Provides protection to lessees of premises in retail shopping centres, as defined. Some services operated in such premises may not have the same protection if situated outside of a retail shopping centre.	Departmental review completed in November 1999. This statutory review included consideration of NCP issues. Review recommended retention of existing restrictions to ensure fair and equitable lease arrangements exist for small lease holders in shopping centres. Review also justified amendments requiring prospective lessees to obtain a pre-lease certificate relating to the nature of, and consequences of entering, a lease agreement.	Act amended. Included in the amendments was the introduction of pre-lease certificates which was justified through the NCP review. The Retail Shop Leases Amendment Act 2000 was assented to in June 2000 and commenced on 1 July 2000, with the exception of those sections dealing with unconscionable conduct. These sections cannot be proclaimed until amendments to the TPA are effected.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Retirement Villages Act 1988 and Regulation 1989	TR&FT	Provides the registration procedure for retirement village schemes with applicants required to meet prescribed requirements. Provision for exemption from some requirements for religious or charitable organisations that may confer a competitive benefit. The Act also provides for a statutory charge and encumbrances over village land for the benefit of residents but which may impede business conduct. Price controls relate to service charges payable by residents. Other potential restrictions on business conduct also exist.	Reduced NCP review completed in July 1999.	Draft Bill released for public comment and anticompetitive provisions to be subject to Public Benefit Test prior to introduction (expected in 1998-99). New Bill assessed against NCP obligations. New Bill passed in 1999, retaining some restrictions on competition including: retention of entry requirements for village operators; business conduct requirements more stringent but provide greater clarity for operators and residents; and statutory charge requirements less stringent than current legislation.
Sale of Goods Act 1896, and Sale of Goods (Vienna Convention) Act 1986	TR&FT	Legislation contains certain stipulations relating to the sale or purchase of goods that affect rights and remedies of buyers and sellers.	Short form report completed indicating legislation did not contain anticompetitive provisions. Report released.	
Sawmills Licensing Act 1936 and Regulation 1965	PI	Licensing of sawmills at absolute discretion of corporation. Licenses specify maximum productive capacity of mill.	Review completed in 2000.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sea Carriage of Goods (Queensland) Act 1930	T	Requires that before a voyage the shipping carrier must exercise due diligence to: make the ship seaworthy; properly crew, equip, and supply the ship; and make holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for reception, carriage and preservation of goods.	Review completed.	Act to be repealed.
Second-hand Dealers and Collectors Act 1984 and Regulation 1994	TR&FT	Licensing (second-hand dealers for not exempt goods), registration, entry requirements (aged over 18 years, not mentally incapacitated, fit and proper person, not convicted of fraud or dishonesty offence in past five years), the reservation of practice, disciplinary processes, and business conduct (prescribed records, holding goods for prescribed period, requirement that seller provide identification, cooperation with police).	Minor departmental review of pawnbrokers and second-hand dealers legislation underway. Discussion paper to be released for consultation in the fourth quarter of 2001.	
Security Providers Act 1992 and Regulation 1995	TR&FT	Licensing (security officers, private investigators, crowd controllers where services are for reward (not in-house security officers)), entry requirements, and the reservation of practice.	Minor departmental review underway. Issues paper to be released in the fourth quarter of 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sewerage and Water Supply Act 1949 and Regulation 1987, and Standard Water and Sewerage Laws	LGP	Plumbers and drainers: licensing, registration, entry requirements (qualifications and practical experience), reservation of practice, and disciplinary processes. Also provides the head of power for the making of plumbing and drainage standards.	Act administered jointly with Department of Natural Resources and Mines (NR&M). NR&M's NCP issues substantively dealt with in the Water Act 2000. NCP matters related to that part of the Act administered by Department of Local Government and Planning are being reviewed as part of current proposals to integrate plumbing approvals and appeal processes in the Integrated Planning Act. Review underway, and expected to be completed in early 2002.	To be determined.
South Bank Corporation 1989 and Regulation and By-laws 1992, and South Bank Corporation Amendment Regulation 1992	P&C	The primary purpose of the legislation is the development and provision of public parkland and facilities within the declared South Bank area. Various provisions in the Act modify or exclude the operation of certain other statutes (eg the South Bank Corporation is exempt from local government rates). Other provisions could be used to grant special privileges to lessees in the declared area (eg the exclusive right to deal in particular products). Arguably, the legislation could confer commercial advantages on businesses located within the South Bank compared to competitors outside the declared area.	Departmental review completed in February 2000. Review considered several provisions, including a public benefit assessment of the exemption provided in the legislation from the application of the Residential Tenancies Act 1994 and the Retail Shop Leases Act 1994.	Review report formally signed off by the Premier and was provided to the Treasurer for endorsement in January 2000. Amendments flowing from the review were included in the Bill resulting from a general review of the Act. Authority to Prepare the Bill was given in September 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Speech Pathologists Act 1979	H	Restrictions on entry, registration, title, advertising, and disciplinary provisions.	Part of Queensland health professions review process, which recommended changes to disciplinary system, advertising and business restrictions.	Act replaced by the Speech Pathologists Registration Act 2001.
Speech Pathologists Registration Act 2001	H	Restrictions on entry, registration, title, and disciplinary provisions.	New legislation considered by the gatekeeper process. Review completed in 2000, recommending retaining registration.	Act replaced the Speech Pathologists Act 1979.
State Housing Act 1945 and Regulation 1986, State Housing (Freeholding of Land) Act 1957, and Interest Rate Orders under these Acts	HO	Legislation contains various provisions that confer advantages or privileges on the Queensland Housing Commission that are not available to other housing providers (eg Commission land is not rateable, securities executed under the Acts are not subject to stamp duty etc). Pricing Orders relate to maximum interest rates on advances and purchase prices under contracts entered into in terms of various schemes under the Housing Act and for purchase price of certain land under the Housing (Freeholding of Land) Act.	Departmental review near completion. Competition Impact Statement prepared for Treasury approval.	Minor legislative change anticipated.
State Transport (People-movers) Act 1989	T	Provides for licensing and agreements for the installation of people movers and also contains provisions which can override local government planning schemes.	Review completed. Review recommended the Act be repealed.	Act to be repealed via the Transport Legislation Amendment Bill 2001. Provisions of Act relating to existing licences and operating requirements proposed to be retained in the Transport Infrastructure Act 1994, following assessment of any restrictive elements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
State Transport Act 1960 and Regulation 1987	T	Restrictions in regard to the carriage of goods by road.	Review completed in 1998.	Act repealed by the Transport Operations (Road Use Management) Act. Any future legislative control of restricted goods will be via regulation and subject to Public Benefit Test requirements.
Sugar Industry Act 1991, Sugar Industry Regulation 1991, and Sugar Industry (Assignment Grant) Guideline 1995	PI	Monopoly granted to Queensland Sugar Corporation over domestic and export marketing of all sugar produced in the State. Local boards control cane production areas and allocation of cane to mills.	Joint Commonwealth Government, Queensland Government and industry review (the Sugar Industry Review Working Party) of this Act and the Sugar Milling Rationalisation Act 1991, completed in 1996. It recommended: <ul style="list-style-type: none"> • retaining the domestic and export monopolies subject to export parity pricing of domestic sales; • permitting growers to negotiate individually with mills once collective agreements expire; and • removal of the Commonwealth's sugar tariff. 	The Commonwealth Government removed the tariff on sugar imports from mid 1997. The Queensland Government set the price of domestic raw sugar sales by the Queensland Sugar Corporation on the basis of export parity pricing rather than import parity. This is intended to replicate the benefits which might be expected from deregulating the domestic market single desk. Act repealed and replaced by the Sugar Industry Act 1999, which brought in a range of other reforms including some which allow more scope for growers to negotiate individually with mills. However some restrictions remain. The new Act also brought several structural reforms of the Corporation and bulk sugar terminals.
Sugar Milling Rationalisation Act 1991	PI	The Act is intended to provide a framework for rationalisation of milling operations but may in fact give rise to unintended restrictions on development of new mills.	Review, in conjunction with the Sugar Industry Act 1991, completed in November 1996.	Act repealed and replaced by the Sugar Industry Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Superannuation (Government and Other Employees) Act 1988, Superannuation (State Public Sector) Act 1990, State Service Superannuation Act 1972, Parliamentary Contributory Superannuation Act 1970, and Police Superannuation Acts 1968 and 1974	TR	Limits on choice of funds.	The Government considers a review is not required, as on close examination, the sole management of investments by the Queensland Investment Corporation is not considered to restrict competition as the legislation allows for the appointment of alternative providers to manage all or part of the investments. Two other matters regarding the administration of the Queensland public sector superannuation scheme - sole provision by QSuper and administration by the Government Superannuation Office - were also examined and not considered to be in breach of NCP.	
Surveyors Act 1977 and Regulations 1992	NR&M	Licensing, registration, entry requirements (education, experience, good fame and character), the reservation of title and practice, disciplinary processes, and business conduct (including business name approval, fee setting, professional indemnity insurance, ownership restrictions).	Review completed in November 1997, but report not yet released (brief summary included in 2001 NCP annual report). Recommendations included retaining registration, removing business name approval and fee setting by the Surveyors Board of Queensland, and removing requirement that directors of bodies corporate have qualifications.	The Government endorsed the review recommendations to retain registration for non-exempt surveyors (including mining and engineering surveyors) and remove anticompetitive provisions of business name approval and fee setting by the Surveyors Board of Queensland, and qualifications of directors of bodies corporate. Also endorsed scope to move to a co-regulatory model in the future. Amending legislation being prepared.
Tobacco Products (Licensing) Act 1988	TR	Legislation provides for the licensing of tobacco wholesalers and retailers and requires premises used for these purposes to be specified by licensees. It also requires the keeping of sales records (ie for the purposes of calculating the quantum of fees payable by a licensee).	Review not required as the High Court decision (Ha & Lim v NSW) removes anticompetitive effect of the Act.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tow Truck Act 1973 and Regulation 1988	T		Reduced NCP review completed in 1999, and found a public benefit justification for consumer protection and industry regulation provisions in the Act.	Legislative amendments introduced in 1999 strengthen consumer protection provisions and retain industry regulatory provisions. New legislation commenced 1 July 1999.
Trade Measurement (Administration) Act 1990	TR&FT		Short form report being prepared advising that potential restrictions are not anticompetitive. To be advertised in the fourth quarter of 2001.	
Trade Measurement Act 1990	TR&FT		National review underway. Scoping study identifies most potential restrictions do not have anticompetitive effects or are in the public interest. Two restrictions were recommended to undergo a Public Benefit Test but jurisdictions are yet to agree on the approach etc.	
Trading (Allowable Hours) Act 1990 and Regulation 1994	IR	Restrictions on Monday-to-Saturday trading hours for 'nonexempt' stores (that is, shops employing more than prescribed numbers of employees and shops not predominantly selling nominated products). Sunday trading by nonexempt stores prohibited outside major cities and some tourist areas. Hardware stores are excepted but have restricted Sunday trading hours. Other stores allowed to open on Sundays but have restricted hours.	The Queensland Industrial Relations Commission (QIRC) determines applications for extended trading hours. The QIRC can extend hours having regard to a list of factors that comprise section 26 of the Act (locality, needs of industry, tourism, needs of the population, the public interest, alleviation of traffic congestion, and any other matters). The Queensland Government has made submissions to the QIRC to alert it to the public interest factors in the CPA and the Government's support for them in relation to trading hours.	Outcomes of QIRC cases are being monitored to see whether outcomes reflect NCP principles. The Commission's recent decisions have resulted in removal of restrictions in some cases.
Transport Infrastructure Act 1994 - Transport Infrastructure (Ports) Regulations 1994	T	Harbour towage restrictions.	Review underway. Final stakeholder consultation and consideration by the Government expected in the fourth quarter of 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Infrastructure Act 1994 - Transport Infrastructure (Ports) Regulations 1994	T	Restrictions on port activities outside prescribed port limits.	Review completed. Review found a net public benefit justification for the current regulatory regime and proposed no amendments to the Act, and a further review in ten years.	
Transport Infrastructure Act 1994, Transport Infrastructure (State Controlled Roads) Regulation 1994, and Transport Infrastructure (Railways) Regulation 1994	MR	Legislation deals with the development and management of transport infrastructure strategies and programs in regard to road transport, rail transport and ports. Identified restrictions (actual and potential) on competition include: the continuation of Queensland Rail's (QR) monopoly on haulage of export coal (ie effectively a statutory monopoly for 5 years before access provisions apply consistent with provisions of Part IIIA of the TPA), the accreditation requirement for the management and/or operation of a railway (with automatic interim accreditation provided for QR and other existing rail operators/managers), the requirement for tug operators in certain ports to obtain approval from the relevant Port Authority and a power for the Queensland Government to impose restrictions on the development of port infrastructures outside of designated existing Queensland ports.	Review not required. An initial scoping assessment of various Main Roads related NCP issues in this legislation concluded that there should be a full review of limitations on services able to be provided at access points to limited-access main roads, and reduced reviews of matters underlying road-side advertising restrictions and delivery of Main Roads work by local government. On closer examination, it became apparent that these matters did not amount to a legislative restriction on competition and therefore do not warrant review under Clause 5 of the CPA. These matters are primarily of a policy nature which the Department is continuing to address, including any NCP implications that fall outside of the legislation review program (LRP).	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Operations (Marine Safety) Act 1994 and Regulation 1995	T	Legislation provides for a regime of marine safety that is consistent with the Uniform Shipping Laws Code and which, as a general rule, only applies to matters outside the reach of the Commonwealth Navigation Act (notably pilotage in Queensland waters which is compulsory in a declared pilotage area). The only identified restriction on competition beyond the uniform standards relates to the holding of licences for piloting a ship.	Review completed in May 1999. Review recommended some pro-competitive legislative changes to take effect at the end of a three year transition period for transfer of responsibility for pilotage services from the Department to port authorities. Recommendations included retaining licensing of marine pilots by the Queensland Government (for safety and environmental reasons), each port authority to determine service delivery arrangements for its ports (including "in-house" provision and competitive tendering) and removal of price controls (with prices determined by each port authority subject to Queensland Competition Authority oversight arrangements).	Legislative amendments expected in the second quarter of 2002.
Transport Operations (Passenger Transport) Act 1994 and Regulation	T	Licensing arrangements for taxis, limousine services, inland air services, scheduled urban bus services and school transport. Market entry restrictions apply in respect of various public passenger services, for example giving exclusive rights to operators to provide a specific kind of public passenger service in a specific area. Quantitative restrictions (number of licences) apply in respect of taxi service areas. Regulation also provides for price control over taxi fares (ie. maximum fares) and other service requirements.	Review by a steering committee comprising senior officers from Queensland Transport, Queensland Treasury and Department of Premier and Cabinet completed and report published September 2000. Concluded that service contracts and the existing system of market entry restrictions for taxis, buses and air services are largely justified, but there are some areas where improvements could be made. The report recommended that market entry restrictions be retained for those areas of the limousine industry that compete directly with the taxi industry, but that the remainder of the limousine industry be deregulated. Policy positions being developed following community consultation of findings.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1988	TR&FT	Licensing and compulsory consumer compensation fund.	National review underway (coordinated by WA). A final review report by Centre for International Economics (CIE) released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. CIE recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. Supplementary consultation underway.	
Trustee Companies Act 1968	JAG	Restricts the provision of certain services in relation to deceased estates and the maintenance of minors and other legally incapable persons, to certain statutory trustee companies (ie those cited in a schedule to the Act) and also prescribes a maximum commission chargeable against the estate.	Combined review being undertaken by all jurisdictions in conjunction with the development of new uniform trustee company legislation. Discussion paper released in May 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
University of Southern Queensland Act 1989, University of Southern Queensland (Investment) Statute 1993 and similar legislation regarding Central Queensland University, Queensland University of Technology, James Cook University of Northern Queensland, University of Queensland, Griffith University, and Sunshine Coast University College	E	Legislation provides for the constitution, powers and operations of each university. Legislation contains certain restrictions on the University's activities, notably in respect of application of revenue (regardless of source) to specific university purposes, external approval requirements (ie from the Government) for borrowing and variation of terms of trusts and gifts, and limitation of investment activities. These could be construed as restricting the university from taking commercial advantage of opportunities for investment or other revenue raising business incidental to university functions.	Departmental review completed. Separate and similar Acts modelled on the James Cook University of North Queensland Act 1997 passed under gatekeeping arrangements in 1997-98 for each university. All of the Acts have been rewritten and passed by the Queensland Legislative Assembly early in 1998. All Acts were assented to by 12 March 1998 and are to commence on various dates to be fixed by proclamation.	The Treasurer endorsed the review recommendations in August 2001. Existing regulatory regime retained in the public interest.
Valuers Registration Act 1992 and Regulation	NR&M	Licensing, registration, entry requirements (education, five years practical experience and exam or certificate of competence, good fame and character, fit and proper), the reservation of title and practice, disciplinary processes, and business conduct (including advertising). The Act provides for the registration of valuers and for a Code of Professional Conduct.	Departmental review completed in October 1999. Review found deregulation in medium to long term is likely to deliver net public benefit, but in the short term is a risk to infrequent users of valuers. Review recommended retaining registration (with further review in three years) and removing other geographic and price control restrictions.	The Government endorsed the review recommendations in February 2000. Amending legislation was introduced to Parliament in March 2001. Amendments included re-composition of the board, reduction in practical experience requirements from five to three years, and a new requirement for continuing professional development for renewal of registration.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Veterinary Surgeons Act 1936 and Regulation 1991, and various Orders in Council	PI	Registration of veterinary surgeons, reservation of practice, advertising restrictions, ownership restrictions, and controls on business names.	Review completed in 1999. Review recommended retention of registration and practice reservation, but removal of ownership restrictions, advertising restrictions, and controls on business names.	Amendments to the Act in line with the review recommendations to be introduced into Parliament in October 2001.
Vocational Education, Training and Employment Act 1991 and Regulation	ET	Creates a statutory monopoly of the State Training Council in regard to the administration of apprenticeship and traineeship schemes and to the Accreditation Council in regard to certain courses and training programs.	Minor review carried out on the then proposed new Bills (Vocational Education and Training Bill and Institutes Bill) to replace this Act with a view to undertaking full review after 18 months. These Bills were never introduced. A reduced NCP review was undertaken of the proposed new Training and Employment Act 2000 which replaced the legislation referred to above. The review concluded that the restrictions in the new Act were minimal and justifiable. The review was completed in April 2000.	New Training and Employment Act operates from June 2000. Providers will be required to be registered only when they wish to deliver nationally recognised training. Volume of course accreditation will diminish as providers use more national training packages. The Act also delivers increased flexibility and will ensure specific requirements can be properly negotiated between employers, apprentices and registered training bodies.
Wagering Act 1998 – Part 1 of 2 cl5(5)	TR	TAB licence.	The Racing Industry Taskforce examined statutory monopoly of Queensland TAB and this was addressed in developing the Wagering Act.	The Wagering Act replaced part of the Racing and Betting Act 1980. Queensland has granted the TAB a 15 year exclusive licence.
Wagering Act 1998 - Part 2 of 2 (Omnibus review)	TR		Omnibus review of Queensland gambling legislation (except racing) underway. A single NCP report on all gambling legislation in the Treasury portfolio is being developed and is due for completion by late 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wine Industry Act 1994 and Regulation 1995	TR&FT	The Act contains licensing provisions for wine producers and other restrictions on such things as blending.	<p>Departmental review completed in July 1999. It recommended:</p> <ul style="list-style-type: none"> • the single 'producer' licence be replaced with two-tier licensing system that provides for licensing of both 'producers' and 'merchants'; and • removal of restrictions on blending as the Commonwealth sets standards in this area. 	Amendments to be made to give effect to review recommendations.
Workcover (Queensland) Act 1997 and Regulation 1997 (replacing the Workers' Compensation Act 1990 and Regulation 1992)	IR	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review completed in December 2000.	The Government is considering the review recommendations.
Workplace Health and Safety Act 1995 and Regulation 1997	IR	Licensing/registration, and business conduct.	Departmental review underway. The only part of the 1997 Regulation which has been identified as anticompetitive in the endorsed framework for scoping and conducting the review plan is Part 3 - Prescribed Occupations. Review expected to be finalised by the end of 2001, in conjunction with a review of certification conducted nationally.	

6 Western Australia

Agency abbreviations

The following abbreviations are used in the 'Agency' column of the Western Australian legislation review timetable.

Ag	Department of Agriculture
BAG	The Board of the Art Gallery of Western Australia
CALM	Department of Conservation and Land Management
CHA	Country Housing Authority
CISB	Coal Industry Superannuation Board
DCEP	Department of Consumer and Employment Protection
DEP	Department of Environmental Protection
DES	Department of Education Services
DH	Department of Health
DIT	Department of Industry and Technology
DMPR	Department of Mineral and Petroleum Resources
DT	Department of Training
EPRA	East Perth Redevelopment Authority
FESA	Fire and Emergency Services Authority
Fish	Department of Fisheries
GESB	Government Employee Superannuation Board
HW	Department of Housing and Works
IA	Department of Indigenous Affairs

IC	Insurance Commission of Western Australia
J	Department of Justice
LA	Department of Land Administration
LG	Department of Local Government and Regional Development
OE	Office of Energy
OWR	Office of Water Regulation
P&C	Department of Premier and Cabinet
PI	Department of Planning and Infrastructure
Po	Western Australian Police Service
PTT	Perth Theatre Trust
RGL	Office of Racing, Gaming and Liquor
RIA	Rottnest Island Authority
SBDC	Small Business Development Corporation
SR	Department of Sport and Recreation
TF	Department of Treasury and Finance
WAGRC	Western Australian Government Railways Commission
WALA	Western Australian Land Authority
WCRC	Workers' Compensation and Rehabilitation Commission
WRC	Water and Rivers Commission

Legislation review schedule: Western Australia

Updated to September 2001

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal Affairs Planning Authority Act 1972 and Regulations	IA	Access to Aboriginal lands is restricted. Provision of finance for Aboriginal enterprises which enables finance to be provided to Aboriginal enterprises through the Aboriginal Trading fund, which may have competitive advantages over private sector lenders.	Review completed in 1997. Concluded that both restrictions protect the residents of Aboriginal Lands and enable support for Aboriginal enterprises that could reduce reliance on welfare and other transfer payments. The costs are estimated to be minimal, but achieve significant public benefits. Recommended retaining the restrictions.	The Government endorsed the review recommendations. Act retained without reform.
Aboriginal Communities Act 1979 and By-laws	IA	Section 7(1) empowers a community to which the Act applies to make by-laws relating to the community lands of that community for or with respect to: <ul style="list-style-type: none"> the prohibition or regulation of the admission of persons, vehicles and animals to the community lands or a part of the community lands; and the prohibition, restriction or regulation of the possession, use or supply of alcoholic liquor or deleterious substances. 	Review completed in 1997. Concluded that effects on the general economy are not significant. Non-legislative alternatives were considered, but it is considered that the provision of powers to Aboriginal communities to regulate access to community lands is necessary and that no less restrictive means are available to fulfil the purpose of the Act and maintain the level of public benefit. Recommended retaining the powers of the communities to regulate access and the availability of deleterious substances on the grounds of public health and cultural preservation.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal Heritage Act and Regulations 1974	IA	Access to Aboriginal lands containing protected sites is restricted.	Review completed in 1997. Concluded the restriction protects the cultural heritage of the State and ensures that sites of historical and cultural significance are not damaged or destroyed. Noted the restrictions on competition contained in the legislation are in the public interest and should be retained.	The Government endorsed the review recommendations. Act retained without reform.
Administration Act 1903 and Regulations	J	The Act treats natural persons differently from other classes of administrators of intestate estates as regards a requirement to obtain surety.	Review completed in 1997. The restriction has no costs, but provides benefits by placing natural person administrators on a level playing field with other classes of administrators. It does so because other administrators are already subject to similar safeguards to protect deceased estates, by other means. Recommended retaining the restriction as it was found to be in the public interest. Review also recommended: broadening the range of financial institutions covered by a provision that grants them protection to pay funds from a deceased estate, up to a maximum amount, for funeral or other authorised purposes prior to administration of the estate; and making this maximum amount consistent with corresponding provisions of the Financial Institutions Code (WA).	Amendments made under the Acts Amendment and Repeal (Financial Sector Reform) Act 1999 removed the restrictions that were to be addressed through the recommendations of the National Competition Policy (NCP) review of this Act.
Aerial Spraying Control Act 1966	Ag	Licensing of aerial spray contractors.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).
Agricultural Produce (Chemical Residues) Act 1983 and Regulations	Ag	Restrictions on chemically affected produce (eg on sale, movement or destruction). Minimum qualifications for analysts.	Not listed on WA's review schedule but reviewed as part of the national review of agvet chemicals. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural Products Act 1929 and Regulations	Ag	Regulates the packing and sale of agricultural products.	Review by officials completed. It recommended repealing all codes and replacing these with regulations on labeling.	
Agricultural Protection Board Act 1950	Ag		Review by officials, in conjunction with the other agricultural protection Acts, completed. It found the Act did not restrict competition.	
Agriculture Act 1988	Ag		Review by officials, in conjunction with the other agricultural protection Acts, completed. It found the Act did not restrict competition.	
Agriculture and Related Resources Protection Act 1976 and Regulations	Ag	Restricts importation of some plants or animals. Requires landholders to control pests and diseases. Spraying regulations. Raises rates on pastoral land. Restricts the storage of agricultural chemicals.	Review by officials, in conjunction with the other agricultural protection Acts, completed. It found the Act did not restrict competition. It recommended: <ul style="list-style-type: none"> • repealing the spraying regulations (as when amendments are made to Health (Pesticides) Regulations 1956) so that aerial operators are subject to the same licensing regimes as other pesticide operators; and • retaining powers to control use and other restrictions. 	
Agriculture and Veterinary Chemicals (Western Australia) Act 1995 and Regulations	Ag	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.
Albany Port Authority Act 1926 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Albany Woollen Mills Agreement Act 1976	HW	Differential treatment.	Review not required.	Act repealed.
Anatomy Act 1930	DH	Licensing.	Review completed in 2000. The review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.
Anglo-Persian Oil Company Limited (Private) Act 1919	HW	The Act defines the relationships, rights and duties of oil companies, local government authorities and the Minister for Works in relation to the construction, operation and maintenance of pipelines on public lands. These duties and powers of the State and local governments constitute restrictions on the commercial activities of the oil companies.	Review completed in 1998. Review identifies public benefits of restrictions as: minor cost savings in management of municipal infrastructure arising from coordination in planning, construction and maintenance of municipal infrastructure and oil facilities; minimisation of public inconvenience during construction and maintenance activities on public land; and ensuring proper restoration of municipal infrastructure where this has been disturbed as a result of construction or maintenance activities by the oil companies. Review concluded that the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact.	The Government endorsed the review recommendations. Act retained without reform.
Animal Resources Authority Act 1981	DH		Review by officials completed. It found the Act contained no restrictions on competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1921 and Regulations	HW	Registration, entry requirements, reservation of title, disciplinary processes, business conduct (including require Architects Board approval for advertising), and business licensing.	National review conducted by the Productivity Commission (PC) completed in August 2000, and publicly released in November 2000. (Previous State review commenced but not completed). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of the Act. State review being completed to address PC recommendations.	A States and Territories working group is developing a national response to the PC review.
Art Gallery Act 1959	BAG	The Act provides that works of art shall not be sold or exposed for sale in the Art Gallery or in any other places under the sole management and control of the Board. This imposes a discriminatory restriction on competition by not allowing private owners to sell works of art from the Gallery whilst allowing the Board to exempt governments or other art galleries from this provision. Regulations specifying the conditions and restrictions under which the public may be allowed to examine works of art in the Art Gallery and other places under the management and control of the Board.	Review completed. Concluded that the intended effect of the restriction on the sale of artworks is to maintain the Gallery's status as the premier visual art collection and display institution and ensure that the Gallery is not diverted to overtly commercial operations. The restrictions on the sale of art works have minimal impact on those wishing to sell their artwork as the Art Gallery typically refers queries regarding the purchase of art works to the relevant owner. The proposed amendment would allow the Gallery some flexibility to sell artworks from its premises should the need or desire arise. Recommended amending the Act to give the Board discretionary powers in the sale of artworks in the Art Gallery or in any other place under the management and control of the Board.	The Government endorsed the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Artificial Breeding of Stock Act 1965	Ag	Restricts premises for supplying semen and other reproductive material. Licenses artificial breeders. Restricts the importation of reproductive material.	Review by officials, in conjunction with a range of other agricultural protection Acts, completed. Recommended: <ul style="list-style-type: none"> • repealing all restrictions; • introducing new less restrictive regulations on control of diseases; and • voluntary licensing of artificial breeders. 	
Auction Sales Act 1973 and Regulations	DCEP	Licensing of auctioneers, entry requirements (fit and proper person, requires two years experience on restricted licence before general licence), reservation of practice, and business conduct (maintenance of records in relation to livestock and vendor accounts).	Review underway. Discussion paper released in September 2000 inviting submissions. Discussion paper recommended that: the licensing system be retained until a full legislative review of the Act within the next 12 months; unless justified by new reasons arising from that review, the licensing system be repealed; and if licensing, or some other form of occupational regulation, is justified after completion of a full legislative review, then the administration of such a system be the responsibility of a single Government organisation.	
Australian Soccer Pools Bloc: Rules for Subscriber Participation	RGL	Licensing.		Act repealed and replaced by the Lotteries Commission (Soccer Pools) Rules 1996.
Beekeepers Act 1963	Ag	Requires registration of all beekeepers and branding of hives. Restricts importation, antibiotic use and testing. Imposes standards on honey.	Review by officials, in conjunction with a range of other agricultural protection Acts completed. It recommended retaining all restrictions except to reconsider those relating to honey standards and nuisance provisions.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Betting Control Act 1954 and Regulations	RGL	Licensing.	<p>Review in conjunction with the Totalisator Agency Board Betting Act 1960, completed in 1998. Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> • relaxing restrictions on the operation of totalisators other than by the Totalisator Agency Board (TAB); • relaxing restrictions on bookmakers and their operations; • removing limits on bets in the regulations, leaving the racing clubs to set limits as they see fit; and • relaxing some restrictions on the operations of the TAB. <p>The legislative provisions giving rise to the remaining restrictions were assessed as being in the public interest and recommended for retention.</p>	The Government endorsed the review recommendations. Recommendations are being implemented via the Betting Legislation Amendment Bill 2001 and the Acts Amendment and Repeal (Competition Policy) Bill.
Biological Control Act 1986	Ag	No restrictions on competition. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.	Review not required.	Act to be retained without reform.
Boxing Control Act 1987 and Regulations	SR	Registration (boxers, trainers, promoters and judges).	Departmental review completed in 1997. Consultation involved submissions. Review found that the restrictions were in the public interest.	The Government endorsed the review recommendations. Legislation retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bread Act 1982	DCEP	Restrictions on market entry. Restrictions on delivery time for bread. Requirements for marking vehicles delivering bread.	Review by officials completed. It recommended repeal of the Act.	Act to be repealed by Acts Amendment and Repeal (Competition Policy) Bill.
British Imperial Oil Company (Private) Act 1925	HW	Licensing.		Act retained without reform.
Builders Registration Act 1939 and Regulations	DCEP	Licensing, registration, entry requirements (training and seven years practical experience, age, good character, 'sufficient material and financial resources'), the reservation of practice, and business licensing.	Review, in conjunction with the Home Building Contracts Act 1991, underway. Discussion paper completed in June 2000. Proposed recommendations included reducing restrictions on owner builders, expanding the scope of conditional licences, and expanding the coverage of the Act to the whole State. The Government sought comments by November 2000.	
Building and Construction Industry Training Fund and Levy Collection Act 1990 and Regulations	DT	Differential treatment.	Review underway. Involves intra and inter agency consultation.	
Bulk Handling Act 1967 and Regulations	Ag	Co-operative Bulk Handling Limited (CBHL) granted sole right to receive and deliver grain until 31 December 2000.	Review scheduled for 1999 but deferred pending a restructure of CBHL and merger talks with the Grain Pool of WA (monopoly grain marketer).	
Bunbury Port Authority Act 1909 and Regulations	PI	Restrictions on market entry and conduct.	Review not required.	Act repealed and replaced by the generic Port Authorities Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bush Fires Act 1954 and Regulations	FESA	<p>Restriction on the lighting of fires and the requirement to maintain fire breaks. This restriction regulates the lighting of fires and requires the maintenance of fire breaks.</p> <p>Requirement on local governments to provide firefighting equipment and insure voluntary firefighters.</p>	<p>Review completed in 1997. Concluded the restriction on the lighting of fires and the requirement to maintain fire breaks is a very minor restriction on competition. This restriction is clearly in the public interest as it reduces the likelihood of fires. Recommended retaining the restriction.</p> <p>Also noted that firefighting equipment is essential in combating bush fires and protecting the community. The extremely high potential cost of fire damage means local governments must be prepared. Volunteer firefighters are also essential in protecting communities from bush fires and therefore it is in the public interest for government to provide insurance to those who voluntarily risk their lives to protect the community. Recommended retaining the restriction.</p> <p>The review also recommended that Government businesses be subject to fire control requirements.</p>	The Government endorsed the review recommendations. Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Business Franchise (Tobacco) Act 1975	DH	A licence is required by any person wholesaling tobacco or purchasing tobacco for retailing from someone who is not a licensed wholesaler, unless purchase is exempt.	Review completed in 1997. Concluded that although this licensing regime restricts competition in the tobacco wholesaling industry and by doing so keeps prices artificially inflated, it thereby reduces consumption, and was found to be in the public interest on public health grounds. Recommended retaining the restriction.	The Government endorsed the review recommendations.
Camballin Farms (AIL Holdings Pty Ltd) Agreement Act 1985	LA		Review not required.	Act to be repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Caravan Parks and Camping Grounds Act 1995	LG	Competitive neutrality, land licensing.	Review underway. The Caravan Parks and Camping Grounds Advisory Committee, a committee comprising government and industry representatives, is considering matters to do with restrictions in both the Act and associated regulations.	
Carnarvon Banana Industry (Compensation Trust Fund) Act 1961	Ag	Trust fund provides compensation for storm damage that restricts the entry of potential insurers to this market. Subsidised compensation is available only to Carnarvon growers.	Review by officials completed. It recommended that the Act be repealed.	Act repealed on 28 June 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Casino (Burswood Island) Agreement Act 1985 and Regulations	RGL	Licences, restrictions on games, and regulation of operations.	<p>Review completed in 1998. The following restrictions found to be in the public interest:</p> <ul style="list-style-type: none"> • limits on prizes and play amounts for amusement games with prizes; • limits on the number of bingo permits; • payout ratios and minimum and maximum wagers for minor lotteries; • the ability to set licence fees and taxes should remain, measures taken to ensure that in future, competing casino operators are treated equally and that licence fees are limited to cost recovery; • the licensing of casinos, games and the rules of games, and employees; • the approval needed for Casino supply contracts; • the ability of the Minister to approve certain ownership transactions and certain operating decisions; • the restriction of the use of credit wagering at the Casino; • the period of exclusivity for the Casino; • the conditions imposed on new casinos beyond the period of exclusivity; and • the monopoly over Casino style games and variants restricted to Burswood and any new casino beyond the period of exclusivity. 	The Government endorsed the review recommendations. Change limited to certain restrictions on playing bingo, and the licensing of 'junkets'. Main restrictions on conduct of casinos and casino games retained.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cattle Industry Compensation Act 1965	Ag	Powers to nominated persons to inspect and destroy cattle for the purposes of disease control. Provision to raise a levy on the sale of cattle.	Review by officials completed in 1998. It recommended: <ul style="list-style-type: none"> • retaining the restrictions; and • amending the Act to ensure that compensation is only paid for animals destroyed as a result of a control program which is of a "sufficiently public good nature". 	
Censorship Act 1996	J		Review not required.	Act replaces the Censorship and Films Act 1947, the Video Tape Classification and Control Act 1987 and the Indecent Publication and Articles Act 1902.
Censorship and Films Act 1947	J	Licensing.	Review not required.	Act repealed.
Charitable Collections Act 1946 and Regulations	J	Licensing.		Legislation to be repealed.
Chicken Meat Industry Act 1977 and Regulations	Ag	Prohibits supply of chickens unless under an agreement approved by the Industry Committee. Processing plants and growing facilities must be approved.	Review completed in 1997, recommending the Government retain the industry committee's power to set industry-wide supply fees, subject to review after five years, and that restrictions on producer entry and individual negotiations be removed.	The Government endorsed the review recommendations. Amendments not yet implemented.
Chiropractors Act 1964	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway. Issues paper released October 1998.	
City of Perth Parking Facilities Act 1956 and Regulations	PI	Licensing.	Review not required.	Legislation repealed.
Coal Industry Superannuation Act 1989	CISB	Competitive neutrality.	Review deferred pending expected changes to Commonwealth superannuation industry regulatory framework.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commonwealth Oil Refineries Limited (Private) Act 1940	HW	Licensing.		Act retained without reform.
Conservation and Land Management Act 1984	CALM	Exclusive control and management of State forests by the Conservation Commission. Licensing of timber collection and of taking of other resources. Administrative discretion over how licences and produce are allocated and priced. Permits to occupy and use State forest. Registration of timber workers.	An independent economic adviser reviewed the Act prior to its amendment. The amending legislation was also reviewed.	Act substantially amended by: <ul style="list-style-type: none"> the Conservation and Land Management Amendment Act 2000; and the Forest Products Act 2000. <p>These Acts vested State forests and other lands in the Conservation Commission and established the Forest Products Commission to undertake commercial forestry functions on State forests and private land.</p> <p>However, the previous Government did not consider the reviews before the amending legislation was passed. The reviews are now awaiting consideration.</p>
Consumer Affairs Act 1971	DCEP		General review, in conjunction with the Fair Trading Act 1987, scheduled in the second half of 2001 and will include a review of any restrictions on competition to ensure they are in the public interest.	
Consumer Credit (Western Australia) Act 1996	DCEP		National review underway.	
Cooperative and Provident Societies Act 1903	J	Licensing.	Act recommended for repeal.	Act expected to be repealed.
Country Slaughterhouse Regulations 1969	DH		Review by officials underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Credit (Administration) Act 1984 and Regulations	DCEP	Licensing, and disciplinary provisions.	Review completed, with public consultation. It recommended that the licensing requirements be repealed and that many of the powers of the Tribunal and Commission be removed, but that the disciplinary provisions be retained on public interest grounds.	The Government endorsed the review recommendations. Drafting instructions to include the recommended amendments in the proposed Acts Amendment (Competition Policy) Bill 2001 have been forwarded to the Parliamentary Counsel.
Credit Act 1984 and Regulations	DCEP	Differential treatment.	Review underway. Limited consultation required as the legislation is largely superseded by the Consumer Credit Code. Very few provisions in the Credit Act 1984 and the Regulations remain.	
Cremation Act 1929	DH	Licensing.	Review underway. Issues paper released for comment.	
Curtin University of Technology Act 1996	DES	Competitive neutrality, and market power.	Review by officials completed in 1998. Review recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Dairy Industry Act 1973 and Regulations	Ag	Vesting of milk in the Dairy Industry Authority. Farmgate price-setting for market milk. Market milk quotas. Licensing of farmers and processors.	Review by officials, assisted by an industry working party, completed in 1998. Review recommended: <ul style="list-style-type: none"> • the retention of farm-gate pricing for market milk; • the continued vesting of all milk in the Dairy Industry Authority; and • the continuation of the licensing powers of the Authority. <p>The review also found that quotas as a mechanism for ensuring year round supply where unnecessary, but recommended that quotas be retained for as long as farm-gate pricing continues.</p>	In line with the March 2000 communique signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, WA passed Dairy Industry and Herd Improvement Legislation Repeal Act 2000 on 27 June 2000, deregulating the industry from 1 July 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dampier Port Authority Act 1985 and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Dampier to Bunbury Pipeline Regulations 1998	OE			Regulations repealed on 1 January 2000.
Debt Collectors Licensing Act 1964 and Regulations	DCEP	Licensing, entry requirements (age, good fame and character, fit and proper person), the reservation of practice, and business conduct (trust accounts, fidelity bonds).	Departmental review underway. Issues paper released.	
Dental Act 1939	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed.	Amendments being drafted.
Dental Amendment Act 1996	DH	Licensing.	Review completed.	Amendments being drafted.
Dental Prosthetics Act	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed.	Amendments being drafted.
Dried Fruits Act 1947	Ag	Grading of fruit. Registration of dealers and packing sheds. Maintenance of health standards.	Review by officials completed in 1997. It recommended that the Act be repealed.	Act repealed on 15 December 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
East Perth Redevelopment Act 1991 and Regulations	EPRA	Redevelopment control of the area, the compulsory taking of land, subdivision approval from Minister rather than the State Planning Commission, Treasurer's guarantee of loans, and Ministerial controls.	Review completed in 1997. Review found that effects of the restrictions on competition are relatively minor. The report concludes that there are no acceptable alternatives to achieving the objectives of the three restrictions relating to the powers of the Authority. The powers are necessary to clean up the existing environmental problems and achieve redevelopment in line with the vision for the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. The restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed. Recommended retaining restrictions.	The Government endorsed the review recommendations. Act retained without reform.
Eastern Goldfields Transport Board Act 1984 and Regulations	PI	Restrictions that gave the Board advantages arising from public ownership included: <ul style="list-style-type: none"> • section 5(2) nominating the Board as an agent of the Crown; • section 21(1) implying a Government Guarantee on borrowings; and • section 35 exempting the Board from payment of local government rates. Sections 32 and 36 allowing the Board to make by-laws and regulations governing the behaviour of patrons and other matters.	Review completed in 1997. Concluded the Board needs to retain the powers vested in Section 21(1) to enable monies to be borrowed to continue to perform its role as a provider of public bus services in Kalgoorlie/Boulder. Recommended repealing sections 5(2) and 35 of the legislation and retaining section 21(1). Non-legislative alternatives were considered (and rejected) relating to the Board's current power to regulate patrons' behaviour through by-laws and regulations. The Board's powers in this respect are comparable to those of the Department of Transport in the Transperth system, and they do not confer any significant advantage over potential competitors. Recommended retaining above restriction.	Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Edith Cowan University Act 1984	DES	Competitive neutrality, and market power.	Review by officials completed in 1998. Review recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Education Service Providers (Full Fee Overseas Students) Registration Act 1992	DES	Licensing of providers of education to overseas students.	Review underway.	
Electricity Act 1945 - Part 1 of 2	OE	Regulations concerning mandated supply; coordinator determines interconnection prices; restriction on sale/hire of non-approved electrical appliances; and uniform pricing.	Review by an independent consultant completed in 1998. Involved consultation. Review recommended retention of existing restrictions but removal of Western Power's exemption from seeking Coordinator's approval to supply the public.	The Government endorsed the review recommendations. Amendments to be included in the energy amendment Bill. The Government has since proposed further review and reform of the Act.
Electricity Act 1945 - Part 2 of 2 (Electricity (Licensing) Regulations 1991)	OE	Regulations - licensing, entry requirements (apprenticeship/training and experience/exam, fit and proper), reservation of practice, and disciplinary processes.	Review of Electricity (Licensing) Regulations underway.	
Electricity Corporation Act 1994	OE	Exclusive franchise of Western Power; barrier to entry to generate electricity; vertical integration; and competitive neutrality restrictions.	Review by an independent consultant completed. Involved consultation. Review recommended an accelerated timetable for third party access, removal of entry barriers for generators, and ring-fencing of vertical integration structure.	The Government endorsed the review recommendations. The contestability threshold was lowered from 5MW to 1MW from 1 January 2000. The Government has foreshadowed further reductions to the general contestability threshold from 1 July 2001 (228kW) and 1 January 2003 (34kW). Some minor competitive neutrality advantages have been removed by the Statutes (Repeals and Minor Amendments) Act 1998. The Government has since proposed further review and reform of the Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Employment Agents Act 1976 and Regulations	DCEP	Licensing, entry requirements (fit and proper person), the reservation of practice, and business conduct (scale of fees, maintenance of records, no misleading advertising).	Departmental review underway. Consultation involves a questionnaire sent to 355 licensed employment agents, public submissions on issues, and stakeholder responses to draft report.	
Energy Coordination Act 1994	OE	Amended to introduce a gas licensing system that provides for regulation of companies operating distribution systems and supplying gas to consumers using less than 1 Terajoule per year.	Review of new provisions found restrictions were minimal and were the most cost-effective means of protecting small customers.	Act to be retained without reform.
Energy Operators (Powers) Act 1995; formerly known as Energy Corporations (Powers) Act 1979	OE	Provided monopoly rights over sale of liquid petroleum gas (LPG) and provides energy corporations with powers of compulsory land acquisition and disposal, powers of entry, certain planning approval and water rights, and indemnity against compensation claims.	Review completed in 1998. It recommended removal of monopoly over sale of LPG, and retention of land use powers of energy corporations. Land use powers necessary to facilitate energy supply.	Restrictions on LPG trading lifted with enactment of Energy Coordination Amendment Act 1999 and the Gas Corporation (Business Disposal) Act 1999.
Environmental Protection Act 1986	DEP	Licensing.	Review by independent consultants completed. The review found that restrictions should be retained.	The Government endorsed the review recommendations in 1997.
Esperance Lands Agreement Act 1960	LA			Act to be repealed.
Esperance Port Authority Act 1968 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Exotic Diseases of Animals Act 1993	Ag	Powers to inspect, demand assistance and issue local quarantine orders. Powers to seize and destroy infected stock. Powers to control the movement of stock.	Review completed in 1998. It recommended retaining the restrictions in the public interest.	
Explosives and Dangerous Goods Act 1971	DMPR	The Act requires licences, permits, authorisations or approvals to be obtained as a means of regulating the various activities involving explosives and dangerous goods. The effects of the restrictions are generally to impose compliance costs on business and to protect the community from the activities involving explosives and dangerous goods.	Review completed in 1998. It found that generally there are more efficient and effective ways of achieving the objectives of the legislation. The review considered more flexible approaches to controlling activities involving dangerous goods and found that these alternatives can also achieve the required safety and community protection objectives.	The Government endorsed the review recommendations. The Dangerous Goods (Transport) Act 1998 implemented a revised framework for classifying explosives and dangerous goods and transport-related matters. This ensures international consistency in systems of classification and authorisation criteria for dangerous goods and explosives. In addition, regulation of the transportation of explosives is now consistent with that of other dangerous goods under the new national transport framework. Amendments being progressed through Parliament.
Fair Trading Act 1987	DCEP		Review, in conjunction with the Consumer Affairs Act 1971, undertaken in the second half of 2001. The review will include consideration of any restrictions on competition to ensure that they are in the public interest.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fertilisers Act 1977	Ag	Requires retailers to clearly label fertilisers and to handle them in such a way as to avoid contamination.	Review completed in 1997. It recommended: <ul style="list-style-type: none"> • amending the Act to apply only to those fertilisers that pose a risk to agriculture; and • using less restrictive means to achieve the same objectives for other fertilisers. 	
Finance Brokers Control Act 1975	DCEP	Registration, business licensing (with exceptions), advertising, limits on remuneration, conditions on how monies are kept on behalf of clients, auditing requirements and other conduct restrictions.	Review completed in 1999. It was concluded that the significant cost of complying with the Act did not warrant the benefits (if any) that it obtained and that these could be achieved with a less restrictive model. There was no evidence that the current system reduced the risk of defalcation or fraudulent behaviour of finance brokers. The review identified a class of persons known as private lenders who require some form of regulation to ensure a high quality service is maintained. This group includes superannuants who see mortgage backed loans as being an alternative to bank deposits. The review recommended repealing the Act and introducing Code of Practice under section 42 of the Fair Trading Act 1987, to provide regulation of financial intermediaries who deal as private lenders, for 3 years while the industry develops a self regulatory mechanism.	Review held in abeyance pending the decision of the Temby Royal Commission into the Finance Broking Industry.
Firearms Act 1973 and Regulations	Po	Registration (firearm repairers).	Review not required. Act removed from the legislation review timetable in view of a national approach to firearms policy.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fish Resources Management Act 1994	Fish	Licensing of fishers. Prohibitions on market outlets. Input controls on boat, gear and fishing methods. Output controls such as total allowable catches, quota, bag and size limits.	Review completed in 1999. It recommended retaining existing restrictions except for the Western Rock Lobster Managed Fishery, where it recommended an assessment of the net benefit of moving to an output controls-based regime. It also recommended steps to include NCP principles in the ongoing cycle of fisheries management review.	The Government is consulting on the recommendations before determining its response.
Fisheries Adjustment Schemes Act 1987	Fish	Ministerial discretion as to eligibility for compensation upon cancellation of fishing property rights.	Review by independent consultant underway.	
Fishing Industry Promotion Training and Management Levy Act 1994	Fish	Potential for levies to be imposed with differential impact on fishers.	Review by independent consultant underway.	
Fremantle Port Authority Act 1902 Act and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Friendly Societies Act 1894	J	Licensing.		Act repealed.
Fruit Growing Industry Trust Fund Act 1941	Ag		Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming Commission Act 1987 and Regulations	RGL	Licensing for the conduct of games such as bingo, two-up and so on.	Review completed in 1998.	No change to most restrictions, including licensing and the availability of gaming machines. But restrictions on casino games for community gaming, two-up and bingo prize pools to be removed, subject to appropriate changes being negotiated in the Casino (Burswood Island) Agreement Act. Lotteries restrictions to be removed or reduced, including: to allow for the licensing of suppliers of State lottery products by State Agreement; amending the legislation so that lotteries conducted by organisations the subject of such an agreement are lawful lotteries; allow for licensing professional fundraisers; removing the definition of 'foreign lottery' from the legislation; and related amendments.
Gas Corporation Act 1994	OE	Creates Gas Corporation to run certain publicly owned gas assets.		Act repealed in December 2000.
Gas Standards Act 1972 and Regulations	OE	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 - gasfitters licensing, registration, entry requirements (knowledge and skills, fit and proper), and reservation of practice.	Review underway.	
Gas Transmission Regulations 1994	OE	Access provisions.		Legislation repealed. Access and related matters now regulated under the Gas Pipelines Access (WA) Act 1998.
Geraldton Port Authority Act 1968 and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gold Corporation Act 1987 and Regulations	TF	Deals with competitive advantages and disadvantages arising from Government ownership.	Review completed in 1999-2000. Review recommended removal of advantages enjoyed by the Gold Corporation and subsidiaries over other businesses operating in precious metals markets.	The Government endorsed the review recommendations. Legislation to implement recommendations introduced in May 2000 but not yet enacted.
Government Employees Superannuation Act 1987	GESB	Limits on choice of funds.		Act repealed.
Government Railways Act 1904 and By-laws: Nos. 1 to 53, 59, 62, 63, 64, 68, 74. No. 55 (rates) No. 60 (passenger fares) No. 75 (Auction Sales), and No. 76 (Licensed Porters)	WAGRC	Access, market power, and competitive neutrality.	Review completed in 1998.	The Government Railways (Access) Act 1998 and the Rail Safety Act 1998 have addressed amendments removing various advantages and disadvantages conferred on the Commission.
Grain Marketing Act 1975 and Regulations	Ag	Establishes the Grain Pool of WA and confers on it a monopoly over bulk exports of feed and malting barley, canola and lupins.	Review underway.	
Hairdressers Registration Act 1946 and Regulations	DT	Licensing, registration, entry requirements (good character, training and exam), reservation of practice and title, and disciplinary processes.	Review by independent consultants underway. A consultative committee has been established (including industry, Government and consumer representatives). Review has called for public submissions.	
Health (Adoption of Food Standards Code) Regulations 1992	DH	As per the Food Standards Code.	National review completed in 2000 (see the NSW Food Act 1989).	All Australian governments agreed in November 2000 to adopt core provisions of the Model Food Bill by November 2001.
Health (Asbestos) Regulations 1992	DH	Licensing.	Review underway.	
Health (Cloth Materials) Regulations 1973	DH	Licensing.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health (Construction Work) Regulations 1973	DH	Licensing.	Review underway.	
Health (Drugs and Allied Substances) Regulations 1961	DH	Licensing.	Part of Galbally Review. Final review report under consideration by the Australian Health Ministers Advisory Council (AHMAC).	
Health (Food Hygiene) Regulations 1993	DH	Licensing of food processors. Registration of premises. Safe food practices specified.	Review underway.	
Health (Game Meat) Regulations 1992	DH	Minimum qualifications for slaughterers. Registration of field depots and processing facilities.	Review underway.	
Health (Meat Inspection and Branding) Regulations 1950	DH		Review underway.	
Health (Pesticides) Regulations 1956	DH	Licensing.	Review underway. Invitation to submit.	
Health (Pet Meat) Regulations 1990	DH		Review underway.	
Health (Public Buildings) Regulations 1992	DH	Licensing.	Review underway.	
Health (School Dental Therapists) Regulations 1974	DH	Licensing.	Review underway.	
Health Act (Swimming Pools) Regulations 1964	DH	Licensing.	Review underway.	
Health Act 1911	DH	Licensing.	Review underway.	
Health Laboratory Services (Fees) Regulations	DH	Licensing.		Act repealed.
Health Services (Conciliation and Review) Act 1995	DH		Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hire Purchase Act 1959 and Regulations	DCEP	Credit providers are required to refund any surplus amount following repossession of goods under hire-purchase transactions; the Court has power to reopen hire-purchase transactions which it considers to be "harsh or unconscionable"; and the ability of credit providers to repossess farming goods is regulated.	Review completed, with public consultation. Review found that most of the provisions of the Act are no longer needed to achieve consumer protection for new hire-purchase transactions, since the enactment in 1996 of the national uniform Consumer Credit Code. However, the review found that three provisions (relating to surplus from sale of goods, equitable relief and farm goods purchases) are not adequately reproduced in the new Code and are justified for retention in the public interest.	The Government endorsed the review recommendations. Act to be amended via the Acts Amendment and Repeal (Competition Policy) Bill 2000.
Home Building Contracts Amendments Act 1996 and Regulations	DCEP	Requirement of written contracts, conditions (including mandatory insurance).	Review, in conjunction with the Builders Registration Act 1939, underway. Discussion paper completed in June 2000. Proposed recommendations included retaining requirements for written contracts and maximum amount for deposit, the 'warranty' period and home indemnity insurance (but with further examination of the differences in requirements in WA and the rest of Australia). Also recommendation that insurance authorisation be modified so Minister approves policies, rather than insurers.	The Government sought comments by November 2000.
Horticultural and Produce Commission Act 1988	Ag	Horticultural Produce Commission is empowered to raise compulsory levies from growers.	Review completed in 1997. It recommended amending the Act to ensure that levies are used only to fund services that are of a sufficiently public good nature and have had a benefit cost assessment.	Act amended. Now called the Agricultural Produce Commission Act 1988.
Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987	DH	Licensing.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997	DH	Licensing.	Review underway.	
Hospitals (Service Charges) Regulations 1984	DH	Licensing.	Review underway.	
Hospitals and Health Services Act 1927	DH	Licensing.	Review underway.	
Hospitals and Health Services Amendment Act 1996	DH	Licensing.	Review underway.	
Human Reproductive Technology Act 1991	DH	Licensing.	Review completed. Review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.
Human Reproductive Technology Amendment Act 1996	DH	Licensing.	Review completed, and no reform recommended.	
Human Tissue and Transplant Act 1982	DH	Licensing.	Review completed in 2000. The review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	
Indecent Publications and Articles Act 1902 and Regulations	J	Licensing.	Review not required.	Legislation repealed and replaced by the Censorship Act 1996.

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Industrial Training Act 1975 and Regulations	DT	Licensing.	Review not required.	Legislation repealed and replaced by the Vocational Education and Training Act 1996.
Infectious Diseases (Inspection of Persons) Regulations	DH	Licensing.	Review underway.	
Inquiry Agents Licensing Act 1954 and Regulations	Po	Licensing.		Act repealed and replaced by the Security and Related Activities (Control) Act 1996.
Instant Lottery Rules 1991, Instant Lottery (Telespin) Rules 1991, and Lotto Rules 1990	RGL	Differential treatment.		Legislation repealed. Replacement Lotteries Commission regulations reviewed.
Insurance Commission of Western Australia Act 1986	IC	Limits on investment and borrowing powers, Treasurer's guarantee, Competitive neutrality.	Review completed in 1998. It concluded that the restrictions provide net public benefit primarily because they improve accountability and oversight controls that are consistent with the approach to other public sector bodies, and legislation other than this Act gives the Insurance Commission exclusive functions so that it has no competitors. The review recommended retaining the restrictions as they provide a net public benefit and are necessary to achieve the objectives of the Act.	Act retained without reform.
Jetties Act 1926 and Regulations	PI	Licensing, and competitive neutrality.		Legislation to be repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Valuers Licensing Act 1978 and Regulations	DCEP	Licensing, entry requirements (member of Institute of Valuers or education and four years experience, and possibly exams), the reservation of title and practice, and business conduct (including board setting maximum fees, code of conduct).	Review completed.	The Government is considering the review recommendations in light of the Gunning Inquiry. (Gunning Inquiry recommended replacing seven licensing boards including the Land Valuers Licensing Board, with a single authority to license finance brokers, builders, car dealers, land valuers, and real estate and settlement agents.) Matters are now being held in abeyance pending the findings of the Temby Royal Commission.

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Aid Commission Act 1976 and Regulations	J	<p>The review identified four restrictions in the Act as it will be amended by the Bill, all classified as minor:</p> <ul style="list-style-type: none"> • prescribed composition of the Legal Aid Commission; • power and recognition given to the Law Society of WA (Inc); • prescribed qualifications of public assessor; and • prescribed rate of interest payable on money owed to Legal Aid Commission. 	Review completed. The review found that each of the restrictions is in the public interest and should be retained.	The Government endorsed the review recommendation that the restrictions in the Act, as it will be amended by the Bill, should be retained.
Legal Practitioners Act 1893 and Rules	J	Licensing, registration, entry requirements, reservation of title, reservation of practice, disciplinary processes, business conduct (including monopoly professional indemnity insurance, trust accounts, fees, advertising), and competitive neutrality.	Departmental review underway. Consultation involved establishing consultative group, releasing an issues paper (June 2000) and seeking submissions (by August 2000).	
Licensed Surveyors Act 1909 and Regulations	PI	Licensing, entry requirements (competency - education and experience, age, good fame and character, continuing professional development), the reservation of title and practice, disciplinary processes, business conduct (including professional indemnity insurance).	Review, in conjunction with the Strata Titles Act 1985, completed in November 1998. Recommendations included re-composing the board, clarifying entry standards, and retaining restrictions on professional indemnity insurance.	The Government endorsed the review recommendations. Amendments to the Act will be progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Lights (Navigation Protection) Act 1930	PI	Licensing.		Act to be repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Licensing Act 1988 and Regulations	RGL	Contains a public needs test. (s38 requires the licencing authorities to have regard to the number and condition and distribution and services provided by existing licensed premises in the affected area.) Also, differential hours for hotels and liquor stores with the latter prohibited from opening on Sundays.	Review completed in March 2001. Recommended that the public needs test should be replaced by a public interest test. This public interest criteria should include reference to the likely effect on competition in the liquor market but not on individual competitors to enable identification of important but otherwise undisclosed public interest matters, i.e. outlet density and propensity for harm and ill health. Review also recommended that trading hours for liquor stores and hotels be similar including on Sundays.	
Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989	LG		Review not required.	The Government is currently developing a Bill to replace the Act. Bill to be examined under gatekeeper provisions.
Local Government Act 1995	LG	Competitive neutrality, differential treatment, and single industry superannuation scheme for employees.	Review completed. Concluded that requirement for local governments to participate in a single industry superannuation scheme is inappropriate. Exemption of Cooperative Bulk Handling from rates found to be potentially anti-competitive. Matter to be considered in conjunction with the Bulk Handling Act 1967.	
Local Government Draft Model By-Laws	LG		Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lotteries Commission Act 1990 and Rules and Regulations - Lotteries Commission Regulations 1991; Lotteries Commission: (Super 66) Rules 1996; (Powerball Lotto) Rules 1996; (Saturday Lotto) Rules 1996; (Oz Lotto) Rules 1996; (Instant Lottery) Rules 1996; and (Soccer Pools) Rules 1996	RGL	Allowing the Lotteries Commission (the Commission) to enter into agreements with other State lotteries agencies for the purposes of jointly conducting Lotto and Soccer Pools. Allowing the Commission to use trading names and symbols. Allowing the Commission to obtain permits directly from the Minister. Making it an offence for a person, without the approval of the Commission, to derive a fee or reward for promoting or forming a syndicate to purchase a ticket in a game conducted by the Commission. Allowing the Commission to enjoy the status, immunities and privileges of the Crown.	Review completed in 1997. Recommended retention of restrictions.	Legislation retained without reform.
Marine (Hire and Drive Vessels) Regulations 1983	PI		Review by independent consultant completed.	
Marine Act 1982	PI		Review by independent consultant completed.	
Marine and Harbours Act 1981 and Regulations	PI	Competitive neutrality.	Review completed in 1999.	Act to be repealed.
Maritime Services Bill	PI	Designed to regulate the safety and pilotage requirements for ships in WA.	Review by an independent consultant completed.	When enacted, the Bill will replace several pieces of maritime legislation. The Government is considering the review recommendations. The Bill likely to be introduced into the Parliament in 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marketing of Eggs Act 1945	Ag	Prohibits sale of eggs to persons other than the WA Egg Marketing Board unless under certain exemptions. Producers must be licensed and transfer of licences prohibited without written permission of the Board.	Review underway.	
Marketing of Meat Act 1946 and Regulations	Ag		Review not required.	Act repealed in mid 1999.
Marketing of Potatoes Act 1946 and Regulations	Ag	Prohibits sale for domestic consumption of potatoes to persons other than the WA Potato Marketing Corporation unless under certain exemptions. Producers must hold entitlements allocated by the Corporation.	Review underway.	
Meat Transport Regulations 1969	DH		Review underway.	
Medical Act 1894	DH	Restrictions on entry, registration, title, practice, advertising and disciplinary provisions.	Review underway. Draft report released in October 1999. Recommendations included removing reserved practice, limiting the reservation on title, changing the disciplinary system and introducing new advertising restrictions.	
Mental Health (Administration) Regulations 1965	DH	Licensing.		Legislation repealed and replaced. Replacement legislation to be reviewed.
Mental Health (Consequential) Provisions Act 1996	DH	Licensing.	Review completed. Review concluded that restrictions are in the public interest and should be retained.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mental Health (Transitional) Regulations 1997	DH		Review completed. Review concluded that restrictions in the replacement legislation are in the public interest.	
Mental Health (Treatment Fees) Regulations 1992	DH	Licensing.	Review completed.	Legislation replaced. Replacement legislation to be reviewed.
Mental Health Act 1962	DH	Licensing, and differential treatment.		Act repealed and replaced by the Mental Health Act 1996.
Mental Health Act 1996	DH	Licensing, and differential treatment.	Review completed in December 2000. The review found that the restrictions safeguard the welfare of patients with mental illnesses, comply with international obligations and promote high and consistent standards in mental health care, leading to increased public confidence in the system. The review concluded that the restrictions are in the public interest and should be retained.	
Mental Health Regulations 1997	DH	Licensing.	Review completed. Review concluded restrictions are in the public interest.	
Metropolitan (Perth) Passenger Transport Trust Act 1957 and Regulations	PI			Legislation to be repealed.
Mining Act 1978 and Regulations 1981	DMPR	Establishes licensing regime for exploration and development of minerals.	Review completed. Review found restrictions necessary for orderly exploitation of mineral resources, minimising land use conflict, protecting third-party rights, minimising environmental impacts and promoting efficiency.	The Government accepted the review recommendations.
Morley Shopping Centre Redevelopment Agreement Act 1992	DIT		Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicle (Third Party Insurance) Act 1943	IC	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review completed in 2000. The review found mandatory insurance and price restrictions give rise to net public benefits (ensuring injured parties are compensated, reducing costly private legal action, lowering transactions costs, lowering costs of insurance, and increasing the proportion of claims' payments retained by claimants). No less restrictive means of achieving the objectives were found. The review found that monopoly provisions do not offer sufficient public benefit to justify their retention, and recommended the restrictions should be removed.	The Government endorsed the review recommendations. Drafting instructions are being prepared to include the recommended amendments in the proposed Acts Amendment (Competition Policy) Bill 2001.
Motor Vehicle Dealers Act 1973 and Regulations	DCEP	Licensing (motor vehicle dealers, yard managers, car market operators and sales persons), entry requirements (dealers must be solvent and understand their obligations under the Act, yard managers must complete a four-day course), business conduct (statutory warranties on used vehicles), and power to the Motor Vehicle Licensing Board to set standards for premises.	Review completed in 1997. Recommended: retaining restrictions on licensing for motor vehicle dealers and yard managers; retaining statutory warranties for used vehicles; repealing restrictions on licensing for car market operators and salespersons; and repealing the power of the Motor Vehicle Licensing Board to set standards for premises.	The Government endorsed the review recommendations. Amending legislation being drafted to implement review recommendations.
Motor Vehicle Drivers Instructors Act 1963	PI	Licensing, entry requirements (competency, aged at least 21 years, good character, fit and proper person, may require test or course), the reservation of practice (teach for reward), and business conduct (dual control vehicle, regulations may make provisions for displaying identification).	Review under consideration.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Murdoch University Act 1973	DES	Competitive neutrality, and market power.	Review by officials completed in 1998, recommending that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendments being proposed via the Acts Amendment and Repeal (Competition Policy) Bill.
Mutual Recognition (Western Australia) Act 1995	P&C		National review completed in July 1998.	
North West Gas Development (Woodside) Agreement Act 1979	DMPR		Review not required.	Act repealed and replaced by the North West Gas Development (Woodside) Agreement Amendment Act 1994.
North West Gas Development (Woodside) Agreement Amendment Act 1994	DMPR	Differential treatment.	Review completed in 1998.	Act retained without reform in view of sovereign risk implications of unilateral amendment or repeal.
Northern Developments (Ord River) Pty Ltd Agreement Act 1960	LA	Differential treatment.		Act to be repealed.
Northern Developments Pty Ltd Agreement Act 1957	LA	Differential treatment.		Act to be repealed.
Northern Developments Pty Ltd Agreement Act 1969	LA	Differential treatment.		Act to be repealed.
Nurses Act 1992	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway.	
Occupational Therapists Registration Act 1980	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway.	
Offensive Trades (Fees) Regulations 1976	DH	Licensing.	Review underway.	
Optical Dispensers Act 1966	DH	Licensing.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Optometrists Act 1940	DH	Restrictions on entry, registration, title, practice, advertising and disciplinary provisions.	Review underway.	
Osteopaths Act 1997	DH	Restrictions on entry, registration, title, and disciplinary provisions.	Review completed in 1997 and reforms recommended.	Amendments being drafted in the Acts Amendment and Repeal (Competition Policy) Bill.
Painters Registration Act 1961	DCEP	Licensing and registration (for persons carrying on a painting business in their own right and not as employees and for painting valued greater than \$200), entry requirements (degree/apprenticeship/ experience and exams, age, good character), the reservation of title and practice, disciplinary processes, and business licensing.	Review completed in 1998. Review concluded that the current system of mandatory licensing is too restrictive and should be removed. The review recommended a certification scheme be developed to allow consumers to readily identify painters who possess particular skills. It also recommended negative licensing to support a certification system, allowing for the removal from the industry of persons who do not adhere to basic standards of commercial conduct. These changes will reduce business costs but will still enable some control of the industry and certainty for consumers.	The Government endorsed the review recommendations.
Pathology Centre Notice and Directions 1995	DH	Market power.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers and Second-hand Dealers Act 1994 and Regulations	Po	Licensing (pawnbrokers, second-hand dealers for not exempt goods), registration, entry requirements (good character, fit and proper person - that is, adequate management, supervision and control of business operations, and no conviction of dishonesty, fraud, or stealing offence in past five years), the reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, computer records, notification of pawner of surplus of proceeds of sale; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Review by the WA Police Service completed in 1999. Consultation involved when developing legislation. No public consultation during review. Review recommended: retaining the current licensing provisions on the understanding that they may be modified following future review; conducting a further review after the current legislation had been in operation for an additional three years; and examining alternative approaches, including those likely to be introduced in other States.	The Government endorsed the review recommendations.
Pearling Act 1990 and Regulations	Fish	Licensing of pearling and hatcheries. Minimum quota holding for pearling licences. Hatchery licensees must also hold pearling licence. Wildstock quota. Hatchery quota. Hatchery sales to other than Australian industry prohibited.	Review completed in 1998. It recommended: <ul style="list-style-type: none"> • removing minimum quota holdings; • decoupling pearl farming licences from pearl fishing licences; • auctioning wildstock quotas; • removing hatchery quotas; • codifying in regulation criteria for fishery management decisions; and • establishing an independent review tribunal. 	The Government is consulting on the recommendations before determining its response.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Perth Market Act 1926 and Regulations	Ag	Licensing, and differential treatment.	Review underway. Consultation involved public advertisement and calling for submissions in June 2000.	
Perth Parking Management Bill 1998	PI	Licensing, and differential treatment.	Reviewed as new legislation.	Bill removes discriminatory treatment of Council and private parking providers, licenses and limits parking places in Perth Central Business District. Public benefits are reduced Central Business District congestion and improved air quality. The Government approved on 18 May 1998. Assented to on 19 May 1999.
Perth Theatre Trust Act 1979	PTT	Competitive neutrality.	Review underway. Interagency consultation.	
Petroleum (Submerged Lands) Act 1982 and Regulations	DMPR	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by Australian and New Zealand Mineral and Energy Council (ANZMEC) Ministers.	Amendments to be developed by the Commonwealth and subsequently reflected in State and Territory legislation.
Petroleum Act 1967	DMPR	Regulates onshore exploration for and development of petroleum reserves.	Review to be conducted after outcome of the Petroleum and Submerged Land Act is finalised.	
Petroleum Pipelines Act 1969 and Regulations	DMPR	Regulates construction and operation of petroleum pipelines in WA.	Review completed. Common carrier provisions to be considered following the Petroleum and Submerged Land Act review.	Minor amendments to follow.
Petroleum Products Subsidy Act 1965 and Regulations	OE	Market power.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1964	DH	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing, residence, and disciplinary provisions.	National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.	Council of Australian Governments (CoAG) referred the Wilkinson Review to a senior officials' working party. The senior officials' recommendations are being considered by CoAG.
Physiotherapists Act 1950	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway. Issues paper released in October 1998.	
Pig Industry Compensation Act 1942	Ag	Ministerial discretion over allocation of funds raised compulsorily for scientific research. Minister may levy growers to fund services to the pig industry including compensation and disease control programs.	Review by officials completed in 1997. It recommended: <ul style="list-style-type: none"> • changes to ensure that funds from compulsory levies are used only for services of a public good nature; and • retaining the power of the Minister to levy growers. 	
Piggeries Regulations 1952	DH		Review underway.	
Planning legislation: Town Planning and Development Act 1928, Western Australian Planning Commission Act 1985, and Metropolitan Region Town Planning Scheme Act 1959	PI	Controls land use via town planning schemes.	Review underway.	Legislation (the Town Planning and Development Act 1928, the Western Australian Planning Commission Act 1985, and the Metropolitan Region Town Planning Scheme Act 1959) consolidated into the Urban and Regional Planning Bill 2000. A review of the Bill has been drafted for consideration by the Minister for Planning.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plant Pests and Diseases (Eradication) Fund Act 1996 (previously the Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act 1974)	Ag	Power of Minister to impose levies and Ministerial discretion over application of funds.	Review by officials completed in 1997. It recommended amending the Act to ensure that levies fund only services that are of a sufficiently public good nature and that have been assessed as in accordance with a benefit cost methodology.	
Podiatrists Registration Act 1984	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed.	Amendments being drafted as part of new health practitioners legislation.
Poisons Act 1964, and Poisons Amendments Act 1996	DH	Licensing.	Part of Galbally Review. Final review report under consideration by AHMAC.	
Police Force Canteen Regulations 1988	Po	The Regulations enable a Canteen to sell liquor under terms and conditions that are not subject to the requirements of the Liquor Licensing Act 1988, and therefore discriminate in favour of the Canteen over competing businesses in the private sector.	Review completed in 1998. Review concluded the effect of the restriction is to enable the Canteen more flexibility in its operations than would be afforded to a private sector operator. Recommended that as the restrictions have a minimal impact and cannot be justified in the public interest, and thus the report concluded that the advantages should be removed. As there is no canteen operating at the moment, the report recommends that the removal of the restriction be addressed following the review of the Liquor Licensing Act. If a canteen is established before the review is completed, the review recommends that the canteen voluntarily comply with the Act.	The Government endorsed the review recommendations. Minor amendments to the Act required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Port Authorities Act 1998	PI	Imposes accountability and ownership requirements, together with safety and public interest controls. Restrictions include exemptions from planning and building requirements; public sector management provisions; accountability provisions; requirements for Ministerial approval; consultation and borrowing limits provisions; pilotage provisions; and licensing provisions.	Review completed in 1997. Review concluded that the objectives of the legislation could not be achieved by alternative means other than through the licensing restrictions. Act repeals individual port Acts.	New Act following the review of ports instruments assented to on 29 June 1999.
Port Hedland Port Authority Act 1970 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Port Kennedy Development Agreement Act 1992	PI	Competitive neutrality.		
Ports (Model Pilotage) Regulations 1994	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Ports Functions Act 1993	PI	Restrictions on market conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Potato Growing Industry Trust Fund Act 1947	Ag	Power to raise a compulsory levy on the sale of potatoes for the purposes of disease control and providing compensation to growers in the event of a disease outbreak.	Review by officials completed. It recommended retaining the restriction.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poultry Industry (Trust Fund) Act 1948	Ag	Power of the Poultry Industry Trust Fund Committee to impose levies. Financial assistance from the Trust Fund to the Poultry Farmers Association.	Review by officials completed in 1997. It recommended: <ul style="list-style-type: none"> • amending the legislation to ensure that levies fund only services that are of a sufficiently public good nature and that have been subject to a benefit cost analysis; • replacing the compulsory levy to fund the Poultry Farmers Association with a voluntary levy; and • retaining the levy raising power. 	Amendments to be made in accordance with the review recommendations.
Poultry Processing Establishments Regulations 1973	DH		Review by officials underway.	
Professional Standards Act 1997	J	Provides for limiting liability for persons who are members of prescribed associations.	Departmental review completed in 1998. No public consultation. Review recommended retaining restriction on competition.	The Government endorsed the review recommendations in July 1999. Act retained without reform.
Psychologists Registration Act 1976	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review underway. Issues paper released in October 1998.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Works Act 1902	HW	<p>Four restrictions all of which are related to competitive neutrality:</p> <ul style="list-style-type: none"> • financial provisions and powers which potentially allow the WA Building Management Authority to access avenues of credit unavailable to private firms in competing commercial activities; • powers of entry on to land for the purposes of public works which may lead to cost savings deriving from not having to secure rights of access from landowners - such savings are not available to private firms; • powers to close roads or streets which may reduce the cost of works through not having to provide for access or protect the safety of road users in the vicinity of works - a right not available to private firms; and • exemptions from local building regulations (except public health regulations) which may provide cost advantages over firms which have to comply with local regulations. 	<p>Review completed. The review classified restrictions as minor, as their economic effects are insignificant and they are used to facilitate public works, the wider public benefit of which have already been assessed. The costs and loss of flexibility associated with more stringent definition of the projects to which the provisions may apply were found to outweigh the minimal benefit that might accrue. The extension of relevant powers to the private sector, in certain cases, was considered. However, given the negligible current involvement of the private sector in providing public infrastructure in WA, such reform is not considered justified. Recommended retaining the restrictions.</p>	<p>The Government endorsed the review recommendations.</p>
Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986	DH	Market power.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing Restrictions Act 1917	RGL	Licensing, and differential treatment.	Review completed in 1998. Recommended limiting the authority of the WA Turf Club to thoroughbred racing and providing for licensing of other forms of horse racing where in the public interest. It recommended retaining the centralised control of horse racing and trotting with the industry bodies.	The Government endorsed the review recommendations. To be amended via the Acts Amendment Repeal (Competition Policy) Bill.
Racing Restrictions Act 1927	RGL	Prevents the use of 'mechanical devices' in races for other than horses. It aimed to prevent the introduction of greyhound racing.	Review complete in 1999. Review recommended repeal of the Act.	Act to be repealed via the Acts Amendment and Repeal (Competition Policy) Bill.
Radiation Safety Act 1975, Radiation Safety (General) Regulations 1983-1999, Radiation Safety (Transport of Radioactive Substances) Regulations 1980-1999, and Radiation Safety (Qualifications) Regulations 1980-1999	DH	Licensing.	National review completed.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rates and Charges (Rebates and Deferments) Act 1992	TF	The restrictions identified refer to the differential treatment afforded pensioners and other eligible persons with respect to certain amounts payable by way of rates and charges. The legislation, in effect, discriminates in favour of pensioners and other eligible persons.	<p>Review completed in 1998. It concluded that the effects of the restrictions on competition are minimal. Only a very small group of eligible persons could potentially obtain a competitive advantage from the differential treatment received, and where such advantage occurred it would be minor. On the other hand, the removal of pensioner rebates and deferments in respect of rates and charges would have a significant impact on the standard of living of pensioners and other eligible persons.</p> <p>An alternative to the way in which the State Revenue Department administered rebates and deferments to eligible persons was considered. However, it was concluded that this alternative would result in greater administrative cost than the present scheme and therefore would not be in the public interest.</p> <p>Recommended that all of the restrictive elements of the legislation should be retained on public interest grounds.</p>	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Real Estate and Business Agents Act 1978 and Regulations	DCEP	Licensing (agent's licence, sales representative's certificate), registration, entry requirements (aged over 18 years, good character, fit and proper person (including having done prescribed courses, understands duties and obligations under Act), for agent, sufficient material and financial resources), the reservation of practice, disciplinary processes, business conduct (branch office/s require separate manager/s, supervision and control, records, trust accounts, audit, code of conduct, advertising, fidelity fund), and business licensing.	Departmental review underway. Discussion paper released in April 1999. Draft report being finalised.	Maximum fees removed in 1998.
Regional Development Commissions Act 1993	LG		Review underway. Submissions to be sought from Commissions and local government.	
Retail Trading Hours Act 1987 and Regulations	DCEP	Monday to Saturday trading hours regulated. Sunday trading hours limited and prohibited outside tourism zones. No restrictions above the 26th parallel.	An Industry Reference Group (IRG) report was completed in 1999. The Reference Group's charter was to seek public submissions and to make recommendations to the Minister. Following the Minister's consideration of the IRG report, the Department is now finalising the NCP report on the Retail Trading Hours Act 1987.	
Retirement Villages Act 1992, Regulations and Code of Practice	DCEP		Review underway. The Retirement Villages Reference Group produced a discussion paper and responses were obtained from retirement village residents and associations.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rottnest Island Authority Act 1987	RIA	<p>Restrictions on:</p> <ul style="list-style-type: none"> • the membership of the Authority; • access to facilities on the island is limited; • the Authority has the power to grant leases and licences on the island; • the Authority is prohibited from selling any land on Rottnest; • the Authority is prevented from allowing anyone to remove any flora, fauna, rock, stone or soil from the island for any commercial purposes; • limitation on development and provision of accommodation; • requirement for a management plan; • Enforcement Powers of Rangers; • Requirement for revenue to at least equal expenditure and application of net profits; • Building work to be approved by the Authority; and • control of certain activities on Rottnest. 	<p>Review completed in 1998. The review found that generally the restrictions on competition are necessary to achieve the objectives of the legislation. The objectives of the legislation are expressly to preserve the character of the island, to protect the environment and to ensure that Rottnest is accessible as an affordable holiday destination. The review recommended retaining the restrictions on public benefit grounds with the exception of the restriction prescribing the knowledge and experience necessary for appointment as a member of the authority which is to be removed. The continued need for a Management Plan for Rottnest should be considered in the context of any Government wide review of the use of Management Plans in the management of A-class reserves and the restriction on competition relating to access to facilities and the requirement for revenue to at least equal expenditure and application of net profits are to be considered in the Authority's competitive neutrality review.</p>	<p>Minor amendments under consideration.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rural Adjustment and Finance Corporation Act 1993	Ag	Differential treatment.	Review not required.	Act repealed and replaced by the Rural Business Development Corporation Act 2000.
Rural Housing Bill	CHA	Differential treatment of the Authority compared with similar private sector institutions (Sections 5,11,16,17); and differential treatment of customers based on location, occupation or type of business (Sections 18-26).	Review completed in 1998. It classified the restrictions as minor and in the public interest.	Changed name to Country Housing Act 1997.
Sandalwood Act 1929 and Regulations	FPC	Caps the quantity of naturally-occurring sandalwood harvested from Crown and private land. Licensing the harvesting of sandalwood. Individual licences capped at 10 per cent of the total limit.	Review completed. It recommended retaining the overall cap on the quantity sandalwood harvested while removing the restriction on the proportion of the annual sandalwood harvest that may be taken from private land.	Amendments being progressed via Act Amendment and Repeal (Competition Policy) Bill.
Secret Harbour Management Trust Act 1984	PI	Competitive neutrality.		Act to be repealed.
Securities Agents Act 1976 and Regulations	J	Licensing.		Act repealed and replaced by the Security and Related Activities (Control) Act 1996.
Security and Related Activities (Control) Act 1996	Po	Licensing (security and inquiry activities), registration, entry requirements (training, character, possible medical exam for security officers), the reservation of practice, and business conduct (operating restrictions, no advertise unless licensed), business licensing.	Review by WA Police Service completed. Review involved no consultation. The review concluded the security and related industries need statutory control to ensure high standards and to instill public confidence, especially in the area of crowd control. The review concluded that the legislation is effective and provides the necessary controls to maintain and improve the industry.	The Government endorsed the review recommendation in 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Seeds Act 1981 and Regulations	Ag		Review not required.	Legislation to be repealed.
Settlements Agents Act 1981 and Regulations	DCEP	Licensing, entry requirements (qualifications, two years experience, age, good character, fit and proper person, material and financial resources, resident in WA), the reservation of practice, business conduct (supervision, trust accounts, maximum fees, professional indemnity insurance, fidelity fund), and business licensing.	Departmental review underway. A discussion paper was sent to industry participants and the Consumer Association of WA. Consultation was conducted through a reference group comprising industry, the Settlement Agents Board and consumer representatives.	
Shipping and Pilotage Act 1967 and Regulations	PI	Governs pilotage services (licensing, competitive neutrality issues).		Act to be repealed.
Small Business Development Corporation Act 1983	SBDC	Differential treatment of businesses.	Review completed. Review found the effects of the restrictions on competition to have no practical importance.	The Government endorsed the review recommendations. Act retained without reform.
Small Business Guarantees Act 1984 and Regulations	SBDC	Differential treatment.	Review not required.	Act to be repealed.
Soil and Land Conservation Act 1945 and Regulations	Ag	Market power. Soil conservation notices, rates and service charges, clearing controls, and 90 day notice to clear or drain land.	Review completed.	Legislation retained without reform.
South Fremantle Oil Installations Pipeline Act 1948	HW	Licensing.	Review completed in 1998.	Act retained without reform.
State Employment and Skills Development Authority Act 1990 and Regulations	DT	Licensing.	Review not required.	Act repealed and replaced by the Vocational Education and Training Act 1996.
State Superannuation Act 2000	GESB	Limits on choice of fund managers.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
State Supply Commission Act 1985 and Regulations	HW	Differential treatment.		Minor amendment being progressed.
State Trading Concerns Act 1916	TF	The Act prohibits the Government from entering into or establishing any trading concern, except where the entity has been established under specific enabling legislation; has been established as a 'trading concern' under the Act; or is a department and has been authorised by the Treasurer under the Act to generate revenue from specified activities.	Review completed in 1998. It concluded that while the legislation restricts the freedom with which government agencies can enter markets for goods and services it also reduces the risk that Government will become involved in inappropriate ventures. Recommended the restriction be retained.	The Government endorsed the review recommendations. Act retained without reform.
Statutory Corporations (Liability of Directors) Act 1996	J	Differential treatment of directors.	Review not required. Assessment of the effects of the potential restriction indicated that it does not give rise to significant costs or benefits. In view of this the Act was considered to not give rise to a restriction on competition. The 1998 amendments impose similar constraints on directors of statutory corporations as apply to private corporations, and therefore does not give rise to restrictions on competition.	Act retained without reform.
Stipendiary Magistrates Act 1957	J			Act to be repealed.
Stock (Identification and Movement) Act 1970	Ag	Branding of human food and fibre producing animals. Documentation when moving stock.	Review by officials completed. It found some scope for easing restrictions on horse owners.	
Stock Disease (Regulations) Act 1968	Ag	Restricts importation of stock on grounds of disease control. Requires stockholders to control and notify of diseases.	Review by officials completed. It recommended no change.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Strata Titles Act 1985 and Regulations	LA	Only licensed surveyors can 'certify' a strata plan, survey-strata plan, or notice of resolution where a strata company is requesting a conversion from a strata scheme to a survey-strata scheme.	Review, in conjunction with the Licensed Surveyors Act 1909, completed in 1998. Review concluded restrictions are in the public interest and should be retained.	The Government endorsed the review recommendation.
Street Collections Regulation Act 1940 and Regulations	DCEP	Licensing.		Legislation to be repealed and replaced by the Public Collections Bill.
Subiaco Redevelopment Act 1994	PI	<ul style="list-style-type: none"> • redevelopment control of the area; • the compulsory taking of land; • subdivision approval from Minister rather than the State Planning Commission; and • Treasurer's guarantee of loans. 	Review completed in 1997. The report has found that effects of the restrictions on competition are relatively minor. The report concluded that the restrictive elements of the legislation need to be retained to achieve the objectives of the Act. The report also finds that there would be substantial costs associated with removing the restrictions, particularly at this stage of the Authority's work. There are no acceptable alternatives to achieving the objectives of the three restrictions relating to the powers of the Authority. The powers are necessary to remedy the existing environmental problems and achieve redevelopment consistent with the vision for the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. The restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed. Recommended retaining the restrictions on the grounds of public interest.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Suitors Fund Act 1964	J	Differential treatment of large companies and Crown Agencies.	Review completed in 1997. The review noted that all litigants are required to contribute to a fund which is used to defray legal costs where a court decision is reversed on a 'point of law' appeal or where the proceedings are aborted. However, companies with a paid up capital of \$200 000 or more and Crown agencies are barred from access to the Fund to recover such legal costs. Recommended removing the bar on companies with paid up capital of \$200,000 or more.	The Government endorsed the review recommendations. Amendments to be made to the Act.
Swan River Trust Act 1988 and Regulations	WRC	Licensing. Limitations on development activity that can be undertaken in the area under the control of the Swan River Trust; and limitations on non-development activity (including advertising) that can be undertaken in the area under the control of the Swan River Trust.	Review completed in January 2000. Review recommended restrictions be retained.	The Government endorsed the review recommendation that restrictions be retained on 14 August 2000.
Taxi Act 1994 and Regulations, and Amendment Regulations 1997	PI	Limitation on number of taxi licences.	Review completed in August 1999. Recommended removal of all licence number restrictions, buy-back of existing licences at full market value, and limit in new licence issues to 20 per cent per annum.	Tenders called for release of a limited number of restricted (peak period and wheelchair accessible taxi) licences. Ministerial Advisory Committee established to recommend on a feasible mechanism for licence buy-backs.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Texas Company (Australasia) Limited (Private) Act 1928	HW	The Act define the relationships, rights and duties of oil companies, local government authorities and the Minister for Works in relation to the construction, operation and maintenance of pipelines on public lands. These duties and powers of the State and local governments constitute restrictions on the commercial activities of the oil companies.	Review completed in 1998. It considered the restrictions do not impose significant costs on the oil companies, or cost advantages or disadvantages on particular oil companies that are of sufficient magnitude to affect competition between the companies. The public benefits of restrictions were assessed to be: minor cost savings in management of municipal infrastructure from coordination in planning, construction and maintenance of municipal infrastructure and oil facilities; minimising public inconvenience during construction and maintenance activities on public land; and ensuring proper restoration of municipal infrastructure where this has been disturbed due to construction or maintenance activities by the oil companies. It concluded that due to the potential public benefits and the absence of significant costs or effects on competition, the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact.	The Government endorsed the review recommendations. Act retained without reform.
Tobacco Control Act 1990	DH	Differential treatment, and licensing.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Totalisator Agency Board Betting Act 1960 and Rules and Regulations	RGL	Restrictions on events and prescription of circumstances under which betting may occur; restrictions on persons and organisations able to conduct betting; constraints and costs imposed on bookmakers and operators of totalisators generally; constraints and costs imposed on racing clubs, authorities controlling racecourses and owners/occupiers of premises; constraints and costs imposed on punters; constraints and costs imposed specifically on the TAB; and competitive neutrality of the TAB.	<p>Review, in conjunction with the Betting Control Act 1954, completed in 1998.</p> <p>Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> • relaxing restrictions on the operation of totalisators other than by the TAB; • relaxing restrictions on bookmakers and their operations; • removing limits on bets in the regulations, leaving the racing clubs to set limits as they see fit; and • relaxing some restrictions on the operations of the TAB. <p>The legislative provisions giving rise to the remaining restrictions were assessed as being in the public interest and recommended for retention.</p>	The Government endorsed the review recommendations. Recommendations are being implemented via the Betting Legislation Amendment Bill 2001 and the Acts Amendment and Repeal (Competition Policy) Bill.
Transport Co-ordination Act 1966 and Regulations	PI	Restrictions relate to provisions for the Minister to borrow funds and make payment of subsidies to providers of transport services. Also included are a range of provisions, powers and requirements related to the licensing of vehicles used for commercial purposes and the regulation of transport services provided by these vehicles.	Review completed. The review recommended: removal of provisions relating to the licensing of ships engaged in coastal trade; removing general requirements for public vehicles (other than ships) to be licensed; and limiting licence fees to an amount sufficient to recover costs incurred in administering the relevant licence system and associated regulatory activities.	The Government endorsed the review recommendations in November 2000. Airport movement tax being phased out over 3 years.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1985 and Regulations	DCEP	Licensing and compulsory consumer compensation fund.	National review underway (coordinated by WA). A final review report by the Centre for International Economics (CIE) was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option.	
Trustees Companies Act 1987	J	Competitive neutrality, and licensing.	Review completed in 1998. Recommended retention on limits on borrowings and loans, and lessening of barriers to entry.	Amendment deferred pending enactment of proposed national uniform trustee company laws, which are currently being reviewed by the secretariat of the Standing Committee of Attorneys General (SCAG).
University Colleges Act 1926	DES	Competitive neutrality, and market power.	Review by officials completed 1998. Concluded that the restrictions are in the public interest given the quality of pastoral care provided to students by university colleges.	The Government endorsed the review recommendations. Act retained without reform.
University Medical School Teaching Hospitals Act 1955	DH	Market power.	Review underway.	
University of Notre Dame Australia Act 1989	DES	Competitive neutrality, and market power.	Review by officials completed in 1998. Recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
University of Western Australia Act 1911	DES	Competitive neutrality, and market power.	Review by officials completed in 1998. Recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations.
Valuation of Land Act 1987	PI	Valuer-General powers and activities.	Review completed in 1998. Review undertaken by intraagency committee. Public consultation involved submissions following release of an information paper. Recommended less narrowly defined eligibility for the position of Valuer General (dropping requirement to be a member of the Australian Property Institute), removing restriction that any person making valuation for rating and taxing purposes must be licensed under Land Valuers Licensing Act, and encouraging greater flow of information for the purposes of making valuations.	The Government endorsed the review recommendations.
Veterinary Preparations and Animal Feeding Stuffs Act 1976	Ag	Premises and products to be registered, and restrictions on packaging and labeling. Minimum qualifications for analysts, advertising restrictions.	Review as part of the national review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).
Veterinary Surgeons Act 1960	Ag	Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, and controls on business names.	Review underway.	
Video Tape Classification and Control Act 1987	J	Licensing.		Act repealed and replaced by the Censorship Act 1996.
Vocational Education and Training Act 1996	DT	Registers training providers and accredits training courses.	Review by an independent consultant completed. Concluded that public benefits of restrictions outweigh costs.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Services Coordination Act 1995 - Part 2 of 2: Water Services Coordination (Plumbers Licensing) Regulations 2000	OWR	Plumbers - licensing, registration, entry requirements (competency or six years experience and qualification, fit and proper, reservation of practice (either licensed or under supervision of licensed), and disciplinary processes.	Review of the Water Services Coordination Amendment Act 1999 completed. Review recommended retaining restrictions to prevent unlicensed persons performing plumbing work and maintaining the power of the Board to set licence conditions.	The Government endorsed the review recommendations.
Weights and Measures Act 1915 and Regulations	DCEP		Review underway. The Ministry of Fair Trading is planning to introduce new legislation in 2001 that will replicate the uniform legislation operating in other jurisdictions and thereby contribute to national consistency. A preliminary NCP assessment was completed on an earlier draft of the new Bill but will need to be revisited once a final Bill has been prepared.	
Western Australian Greyhound Racing Authority Act 1981	RGL	Differential treatment.	Review completed. Review recommended removal from the WA Greyhound Racing Authority Act 1981 of the arbitrary limit on the number of meetings the WA Greyhound Racing Association may conduct. It also recommended that the provisions contained in the Act which establish centralised control of greyhound racing are in the public interest and should be retained. However, the establishment of an independent regulator should be considered if it is demonstrated that the Authority has improperly used its power to favour its racing activities.	The Government endorsed the review recommendations. Recommendations are being implemented in the Acts Amendment and Repeal (Competition Policy) Bill.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Land Authority Act 1992	WALA	The WA Land Authority's exemption from rates and taxes. The Authority's power to compulsorily acquire land. The requirement to seek pre-approval from the Minister on contracts. Restrictions on the Authority's retail activities in the higher end of the residential land market.	Review completed in 1997. Recommended: <ul style="list-style-type: none"> the Authority be subject to a tax equivalent regime and pay to the Treasurer an amount equivalent to all rates and taxes imposed on private land developers that the Authority is currently not obliged to pay; removing the section of the Act allowing the Authority's power to compulsorily acquire land; amending that legislation to allow contracts to be agreed subject to Ministerial approval; and exempting surplus public sector land assets and urban renewal projects from the restrictions on the Authority's retail activities in the higher end of the residential land market. 	The Government endorsed the review recommendations. The amendment Bill was passed on 6 July 2000.
Western Australian Marine (Hire and Drive Vessels) Regulations 1983	PI	Licensing.		Legislation to be repealed.
Western Australian Marine Act 1982	PI	Licensing.		Act to be repealed.
Western Australian Meat Industry Authority Act 1976	Ag	Controls on abattoir capacity, controls on branding, and regulations of saleyards, abattoirs and processing works.	Review by officials completed in 1998. It recommended: removing controls on abattoir capacity and regulation of saleyards; retaining controls on branding; and retaining regulation of abattoirs and processing works.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Product Symbols Act	HW	The symbols are able to be used by eligible businesses free of charge and may present a slight advantage to WA businesses and products in home markets.	<p>Review completed. The review found that the symbols do not comprise a significant restriction in their own right, but due to their widespread success and recognition, they now influence consumer behaviour in WA. Their use may therefore confer a competitive advantage on qualifying businesses and products, which could potentially lead to an ability to charge marginally higher prices or obtain a higher market share.</p> <p>Alternatively, when viewed as a labeling mechanism, the symbols may do no more than provide consumers with the necessary information to purchase local products or support local business according to their inclination. The review noted some important spin-off benefits from the symbols in growing the WA economy and noted their popularity among consumers.</p> <p>The review concluded that, on the balance of probabilities, the benefits of the current model outweigh its minor costs and that the Act should be retained.</p>	The Government endorsed the review recommendations.
Western Australian Reproductive Technology Council (Nominating Bodies) Regulations 1992 and Directions	DH		Review deferred.	Replacement legislation to be developed which will obviate the need for review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Treasury Corporation (Amendment) Bill 1997	TF	The Act provides an exemption to the Corporation from State duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed. Review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Commonwealth and other government borrowers. Recommended retaining the restriction.	The Government endorsed the review recommendations.
Western Australian Treasury Corporation Act 1986	TF	The Act provides an exemption to the Corporation from State duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed in 1997. The review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Commonwealth and other government borrowers. Recommended retaining the restriction.	The Government endorsed the review recommendations.
Wheat Marketing Act 1989	Ag	Imports Commonwealth Act into State jurisdiction.		
Wild Cattle Nuisance Act 1871	Ag	Regulates the destruction of wild cattle.	Review by officials completed. It recommended repealing the Act as it is redundant.	Act to be repealed.
Wildlife Conservation Act 1950	CALM		Review not required.	Act to be repealed.
Workers' Compensation and Rehabilitation Act 1981	WCRC	Mandatory insurance, licensed insurers, and centralised premium setting.	Review underway. Public advertisement and call for submissions was made 20 December 2000.	

7 South Australia

Agency abbreviations

The following abbreviations are used in the 'Agency' column of the South Australian legislation review timetable.

AIS	Administrative and Information Services (Office for Government Enterprises)
EH	Environment and Heritage
ETE	Education, Training and Employment
HS	Human Services
IT	Industry and Trade
J	Justice (Attorney-General)
P&C	Premier and Cabinet
PIR	Primary Industries and Resources
T&F	Treasury and Finance
TUPA	Transport, Urban Planning and the Arts
WR	Water Resources

Legislation review schedule: South Australia

Updated to September 2001

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Advances to Settlers Act 1930	T&F	Restricts market conduct.	Review completed in 1997.	Act to be repealed.
Agricultural and Veterinary Chemicals (South Australia) Act 1994	PIR	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.
Agricultural Chemicals Act 1955	PIR	Chemicals must be sold with registered label. Use of chemicals must be as per label or Ministerial directions.	Review completed in 2000.	The Agricultural and Veterinary Chemicals Bill before Parliament.
Agricultural Holdings Act 1891 (The)	PIR	Restricts market conduct.	Review completed in 1999, recommending repeal.	Legislation passed in April 2000 to repeal the Act.
Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986	PIR	Barrier to market entry and restricts market conduct.	Review, in conjunction with the Soil Conservation and Land Care Act 1989, completed in 1997.	Amendments to be made under the Soil Conservation and Land Care (Amendment) Act.
Apiaries Act 1931	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed in September 1998.	Act repealed by Schedule 2 Livestock Act 1997 and replaced by regulations under the Livestock Act 1997 and the Primary Industries Funding Schemes Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1939	TUPA	Registration, entry requirements, reservation of title, disciplinary processes, business conduct (including advertising - accuracy), business licensing, and advertising restrictions.	National review conducted by the Productivity Commission (PC) completed in August 2000, and publicly released in November 2000. (Previous State review completed, with results to be reconsidered following PC review outcomes). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of the Act.	A States and Territories working group is developing a national response to the PC review. Outcomes of State review to be considered following decision on PC review.
Australian Formula One Grand Prix Act 1984	P&C	The Board is not subject to the same laws as private sector competitors.	Review underway.	
Barley Marketing Act 1993	PIR	Established the former Australian Barley Board (ABB) and conferred on it a monopoly over the marketing of SA barley and oats.	Independent review, by the Centre for International Economics (CIE), completed in 1998, jointly with Victoria, recommending that SA: <ul style="list-style-type: none"> • remove the domestic barley marketing monopoly; • retain the export barley marketing monopoly for only the 'shortest possible transition period'; • remove the oats marketing monopoly; and • restructure the ABB as a private grower-owned company. 	Act amended in 1999 to remove monopoly on domestic barley and oats from 1 July 1999; and export barley from 1 July 2001. The Board was transferred into grower ownership on 1 July 1999. It has no regulatory powers. On 14 September 2000, the SA Minister for Primary Industries announced that the SA Government would retain the export monopoly over barley, citing economic modelling showing a net benefit arising from the export single desk. The Act was amended to retain the export monopoly beyond 1 July 2001 and to require a further review by December 2002. This review will be consistent with Competition Principles Agreement (CPA) clause 5 principles.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Benefit Associations Act 1958	T&F	Restricts market conduct.	Desktop review completed in December 1999. The review found that the Act provided a net public benefit but recommended investigation of whether other existing legislation could be amended to encompass the consumer protection role provided by the Act.	
Branding of Pigs Act 1964	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed in June 2000.	Act to be repealed by Schedule 2 cl 1(b) of the Livestock Act 1997 when it is proclaimed.
Brands Act 1933	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed in September 1998.	Act to be repealed by Schedule 2 cl 1(c) of the Livestock Act 1997 when it is proclaimed.
Building Work Contractors Act 1995	J	Licensing (building work contractors), registration (building work supervisors), entry requirements (for contractors: qualifications, experience, sufficient business knowledge and experience and financial resources, fit and proper, not bankrupt within last ten years; for supervisor: qualifications and experience), the reservation of practice, disciplinary processes, and business conduct (written contracts, product or service standards, statutory warranty).	Review completed.	The Government is considering the review recommendations.
Bulk Handling of Grain Act 1955	PIR	SA Co-operative Bulk Handling Limited granted sole right to receive and deliver grain.	Review completed in 1998, recommending repeal.	Act repealed in 1998.
Business Names Act 1996	J	Registration of business names.	Desktop review completed in 1998. No reform recommended.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Carriers Act 1891 (The)	J	Restricts market conduct.	Review completed in 1999. Involved public consultation.	Act repealed in 1999.
Casino Act 1997	T&F	Exclusive licence, and controls on operations of licence holder.	Review completed in anticipation of the sale of the Casino. While not a National Competition Policy (NCP) review, it took into account social policy considerations. This review found that there were net public benefits associated with the probity and operational requirements of the Act. It also found that the single licence did not affect competition as it concluded the market would only support one operator. A further review of casino, gaming, the Totalizator Agency Board (TAB) and lotteries legislation (including new legislation, such as the Authorised Betting Operations Act) being undertaken in light of the PC work and the Council of Australian Governments' (CoAG) announcements on gambling.	
Cattle Compensation Act 1939	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed in September 1998.	Act repealed by Schedule 2 of the Livestock Act 1997 and replaced by regulations under the Livestock Act 1997 and the Primary Industries Funding Schemes Act 1998.
Children's Protection Act 1993	HS	Restricts market conduct - requires mandatory notification.	Review completed in 1999. No reform recommended.	
Children's Services Act 1985 and Regulations	ETE	Barrier to market entry and restricts market conduct.	Review completed in 2000. No reform recommended.	The Government endorsed the review recommendation. Legislation retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropodists Act 1950	HS	Restrictions on entry, registration, title, practice, advertising, ownership, business licensing, and disciplinary provisions.	Review completed in January 1999, recommending removing ownership and advertising restrictions and limiting reserved practice.	Cabinet approved drafting amendments.
Chiropractors Act 1991	HS	Restrictions on entry, registration, title, practice, advertising, insurance, business licensing, ownership, and disciplinary provisions.	Review completed in 1999. Review recommended removing ownership restrictions and amending practice reservation and advertising codes.	The Government is considering the review recommendations.
Citrus Industry Act 1991	PIR	Restricts market conduct.	Review underway.	
Coast Protection Act 1972	EH	Restricts market conduct.	Review completed in December 1999. Involved public consultation. No NCP reform recommended.	
Collections for Charitable Purposes Act 1939	T&F	Restricts market conduct by requiring collectors to be licensed.	Desktop review completed in November 1999. The review found that the Act provides a net public benefit and thus no reforms were recommended.	
Commercial Vehicles (Hours of Driving) Act 1973	TUPA		Review completed in 1997.	Act repealed.
Construction Industry Training Fund Act 1993	ETE	Restricts market conduct.	Review completed in 1997. Involved public consultation. No NCP reform recommended. Act to be reviewed again in 2003.	Act retained without reform.
Consumer Credit (South Australia) Act 1995	J	Barrier to market entry and restricts market conduct.	National review underway.	
Controlled Substances Act 1984	HS	Restricts market conduct.	Part of Galbally Review. Final review report under consideration by the Australian Health Ministers Advisory Council (AHMAC).	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Conveyancers Act 1994	J	Licensing, registration, entry requirements (qualifications, no convictions for offences of dishonesty), the reservation of practice, disciplinary processes, business conduct (professional indemnity insurance, trust accounts, ownership), and business licensing.	Review completed in 1999. Review involved public consultation. Review recommended: changing entry requirements in relation to fitness and propriety; removing ownership restrictions (but introducing requirement that a director of an incorporated company must not unduly influence a registered conveyancer); and removing the requirement that the sole object of a conveyancing company is carrying on business as a conveyancer.	Cabinet approved retention of Act in March 1999. Removal of ownership restrictions and prohibition of undue influence amendments introduced into Parliament in late 2000.
Cooper Basin (Ratification) Act 1975	PIR	Ratifies the contract for the supply of gas by Cooper Basin producers to AGL.	Review completed in 1996, finding substantial public benefits in continuing previously granted concessions and exemptions on grounds of sovereign risk.	Some amendments being considered. Draft legislation awaiting comments.
Cremation Act 1891	J	Barrier to market entry and restricts market conduct.	Review completed in 1999.	Amending legislation passed and operational in February 2001 (52 of 2000). Amendments abolished licences and removed need for Health Commission approval prior to Development Act approval, and funeral directors possible monopoly.
Criminal Law Consolidation Act 1935 Section 82A	J	Requires pregnancy terminations to be performed in prescribed hospitals.	Review not required.	
Crown Lands Act 1929	EH	Restricts market conduct.	Review completed in December 1999. Involved public consultation.	Removal of barriers to more cost efficient processes and repeal of superfluous provisions approved.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dairy Industry Act 1992	PIR	Vesting of milk in Dairy Authority of SA. Farmgate price-setting for market milk. Pooling of market milk returns. Licensing of farmers, processors and vendors.	Review of price-setting restrictions by officials completed in 1999. Review recommended removal of these. Food safety provisions remain under review by officials.	In line with the March 2000 communique signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, SA passed the Dairy Industry (Deregulation of Prices) Amendment Act 2000 on 1 June 2000, deregulating the industry from 1 July 2000.
Dairy Industry Assistance Act (Special Provisions) Act 1978	PIR		Review completed in 1999, recommending repeal of the Act.	Legislation passed in April 2000 repealing the Act. Yet to be proclaimed.
Dangerous Substances Act 1979	AIS	Barrier to market entry and restricts market conduct.	Review, in conjunction with the Explosives Act 1936 and the White Phosphorus Matches Prohibition Act 1915, completed in 1999. No reforms recommended.	
Deer Keepers Act 1987	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed.	Act to be repealed by Schedule 2 cl 1(e) of the Livestock Act 1997 when it is proclaimed.
Dentists Act 1984	HS	Restrictions on entry, registration, title, practice, ownership, advertising, business conduct and disciplinary provisions.	Review completed in February 1999. Review recommended changing the disciplinary process, introducing paraprofessional registration and removing some areas of reserved practice. The review also recommended the removal of ownership restrictions.	Act repealed and replaced by the Dental Practice Act. New Act retains limits on ownership and related restrictions, contrary to review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Development Act 1993	TUPA	Controls the uses to which land may be put. Sets procedures for the issue of planning permits and approval.	Review completed in July 1999. Review recommended: requiring Crown developments to be subject to building rules and fire safety requirements consistent with those for private buildings; allowing private certification of private development; and removing the obligation for planning authorities to obtain independent advice for noncomplying developments.	Reforms implemented.
Discharged Soldiers Settlement Act 1934	EH	Restricts market conduct.	Review completed in December 1999, Public consultation involved. Review recommended repeal of legislation.	Act to be repealed.
Dried Fruits Act 1993	PIR	Restricts market conduct.	Review completed. Review recommended repeal of the Act and voluntary industry development fund under the Primary Industries Funding Schemes Act.	The Government is considering the review recommendations.
Education Act 1972 and Regulations	ETE	Barrier to market entry and restricts market conduct. Provides for registration of non-government schools and for registration of non-government schools wishing to enrol overseas students. Teacher licensing, registration, entry requirements (qualification, experience, fit and proper person), reservation of practice, and disciplinary processes.	Review completed in July 2000. Review involved public consultation. No reform recommended.	The Government endorsed the review recommendation. Legislation retained without reform.
Electrical Products Act 1988	PIR	Restricts market conduct.	Review completed.	The Electrical Products Act 2000 passed and regulations drafted.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Act 1996	T&F	Restricts market entry and market conduct.	Review completed in September 2000. Review involved public consultation. No reforms recommended as the Act facilitates regulation of electricity supply in SA in conjunction with other national electricity market reforms.	
Electricity Corporation Act 1994	T&F	Restricts market entry and market conduct.	Review completed in September 2000. Review involved public consultation. No reforms recommended as the Act facilitates establishment of state owned corporations in SA in conjunction with other national electricity market reforms.	
Emergency Powers Act 1941	P&C	Barrier to market entry and restricts market conduct in wartime.	Desktop review completed in December 1998. Review recommended repeal of the Act.	Act to be repealed.
Employment Agents Registration Act 1993	AIS	Licensing, entry requirements (fit and proper, manager with sufficient knowledge and experience to manage business), the reservation of practice, and business conduct (maintenance of records, no misleading advertising).	Review completed in October 2000. Review involved public consultation.	The Government is considering the review recommendations.
Enfield General Cemetery Act 1944	TUPA	Restricts market conduct. Exemption from section 586 of Local Government Act.	Review completed in July 1999. Involved public consultation. Recommended certain sections of the Act be amended to remove the competitive advantage or disadvantage.	Review recommendations implemented through the Adelaide General Cemeteries Act 2001, which is awaiting proclamation.
Environment Protection Act 1993	EH	Barrier to market entry and restricts market conduct.	Review completed in 1999. Public consultation. No NCP reform recommended.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Explosives Act 1936	AIS	Barrier to market entry and restricts market conduct.	Desktop review completed in December 1999. The Act centres around safety and does not provide primary economic control of the industry. No reform recommended.	
Family and Community Services Act 1972	HS	Barrier to market entry and restricts market conduct of foster care agencies.	Review completed in 1999. No reform recommended.	
Financial Institutions (Application of Laws) Act 1992	J		Review completed.	Act repealed by the Financial Sector Reform (South Australia) Act 1999.
Firearms Act 1977	J	Restriction of ownership of and dealing in firearms.	Desktop review completed in July 1999. No reform recommended.	
Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) Act 1987	PIR	Imposes on remaining licence holders the cost of compensating those who surrender their licences.	Review by officials completed in 1999. The Act has achieved objective of reducing licence numbers.	Act to be repealed once settlement with remaining licence holders finalised.
Fisheries (Southern Zone Rock Lobster Fishery Rationalisation) Act 1987	PIR	Licensees may not transfer their licences. Imposes on remaining licence holders the cost of compensating those who surrender their licences.	Review by officials completed. The Act has achieved objective of reducing licence numbers.	Act repealed.
Fisheries Act 1982	PIR	Licensing of fishers and fish farmers. Registration of boats and fisher processors. Input controls on gear and fishing methods. Output controls such as catch limits, size limits and prohibitions on taking certain species.	Review by officials underway with extensive consultation.	
Food Act 1985	HS	Offence to manufacture or sell food that does not meet prescribed standard.	National review completed in 2000 (see the NSW Food Act 1989).	All Australian governments agreed in November 2000 to adopt the core provisions of the Model Food Bill by November 2001. Drafting of amendments approved by Cabinet.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Foot and Mouth Disease Eradication Fund Act 1958	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed June 1998.	Act repealed by the Livestock Act 1997 and replaced by new Part 5 of the Livestock Act.
Freedom of Information Act 1991	AIS	The Government's ability to refuse access to information which relates to categories of exempt documents specified in Schedule 1 of the Freedom of Information Act, in particular documents affecting the economy of the State, financial or property interests and business affairs.	Desktop review completed in September 2000. No reform recommended. The Act promotes competition by enabling access to official information on a regulated basis.	The review report was noted in Cabinet on 28 August 2000.
Friendly Societies (South Australia) Act 1997			Review completed in 1997. Act deleted from the legislation review program (LRP).	Act repealed.
Friendly Societies Act 1919	J	Restricts market conduct.	Review completed.	Act repealed and replaced by the Friendly Societies (SA) Act 1997, subsequently repealed by the Financial Sector Reform (South Australia) Act 1999.
Fruit and Plant Protection Act 1992	PIR	Restricts market conduct.	Review underway.	
Fruit and Vegetables (Grading) Act 1934	PIR	Product standard restricts market conduct.	Review completed, recommending repeal of the Act.	Act repealed.
Gaming Machines Act 1992	T&F	Gaming machines are restricted to licensed clubs, hotels and the Casino and there are controls on the number of machines allowed in licensed venues; and granting of an exclusive monitoring licence to the Independent Gaming Corporation and an exclusive supply and service licence to the State Supply Board.	Omnibus review underway. All gambling legislation (except the Racing Act 1976), including Bills before the Parliament, are to be reviewed.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Garden Produce (Regulation of Delivery) Act 1967	PIR	Restricts market conduct.	Review completed, recommending repeal of the Act.	Act repealed.
Gas Act 1997	PIR	Provides for separate licences to operate pipelines and to undertake gas retailing.	Review completed in 1999. Review found restrictions to be in the public interest.	Act to be retained without reform.
Government Financing Authority Act 1982	T&F	May restrict market conduct of government business enterprises (GBEs).	Review completed in 1998. Although technically there may be a restriction on "market conduct" of GBEs in being required to utilise the SA Financing Authority's services, this is insignificant and there is no impact on private sector market conduct. The review found that the Act provides a net public benefit and recommended no reform.	
Hairdressers Act 1988	J	Negative licensing, entry requirements (qualifications), and reservation of practice (washing, cutting, colouring, setting, permanent waving or other treatment of a person's hair or the massaging or other treatment of a person's scalp for fee or reward).	Review completed in 1999. Review involved public consultation. Review recommended reducing the scope of work reserved for hairdressers and reviewing the Act in three years with view to its repeal.	The Government endorsed the review recommendations. Parliament passed legislative amendments in March 2001.
Harbors and Navigation (Control of Harbors) Amendment Act 2001	TUPA	Provision for marine safety, licensing and pilotage.	New legislation (CPA clause 5(5)).	
Harbours and Navigation Act 1993	TUPA	Governs harbour operations (market conduct).	Review completed in 1999.	Intergovernmental agreement to develop nationally consistent legislation. The Government is currently considering amendments to the legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Heritage Act 1993	EH	Restricts market conduct.	Review completed in 1999. Review involved consultation with stakeholders. No NCP reform recommended.	
Highways Act 1926	TUPA	Restricts market entry.	Review completed in 1998.	Relevant provisions of the Act repealed in 2000.
Housing Improvement Act 1940	HS	Barriers to entry, and restricts market conduct.	Review completed in March 1999. Involved public consultation. No reforms recommended.	
Impounding Act 1920	PIR	Discretionary power for council to establish a pound.	Desktop review completed in December 2000. Recommends repeal of the Act and replacement with modern scheme.	
Independent Gambling Authority Act 2001	T&F	Regulation of casino and gaming machines licensees.	Omnibus review underway. All gambling legislation (except the Racing Act 1976), including Bills before the Parliament, are to be reviewed.	
Industries Development Act 1941	IT	Section 24, which contains provisions for making Regulations, may be in conflict with the Trade Practices Act 1974 (TPA).	Review completed. No NCP reforms recommended.	Act to be retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Agents Act 1994	J	Licensing (agents, not sales representatives who are negatively licensed), registration, entry requirements (qualifications, no conviction for an offence of dishonesty, not an undischarged bankrupt or no suspension or disqualification from practising an occupation, trade or business), the reservation of practice, disciplinary processes, business conduct (provisions for maximum fees in regulations (but not used currently), indemnity fund, trust account), and business licensing.	Review completed in 1999. Review involved public consultation. No reforms recommended. Review recommendation that Act be amended to lower entry criteria (prescribed offences - only indictable offences). Supplementary review (Legal qualifications/recommendations) completed in March 2001.	The Government endorsed the review recommendation. Act retained without reform. Commissioner for Consumer Affairs has implemented recommendations administratively (recommendations were matters within his discretion).
Land and Business (Sale and Conveyancing) Act 1994	J	Business conduct of agents, conveyancers and vendors of property for sale of land or small business (information provision, cooling-off, subdivided land, relationship between agent and principal, preparation of conveyancing instruments, representations).	Review completed in 1999. Review involved public consultation. Review recommended no reform.	The Government endorsed the review recommendation.
Land Valuers Act 1994	J	Negative licensing, entry requirements (qualifications or membership of various professional associations), reservation of practice, and disciplinary processes.	Review completed in 1999. Review concluded that the current qualification requirements are too onerous in relation to the postgraduate qualifications and that the Government should consider re-examining the current requirements and broadening the number and type of acceptable qualifications.	The Government endorsed the review recommendations. Awaiting a national training package to be approved - can be given effect administratively.
Landlord And Tenant Act 1936	J	Restricts market conduct.	Review completed in 1999.	Relevant provisions of Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practitioners Act 1981	J	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, and business conduct (including monopoly professional indemnity insurance).	Review completed.	The Government accepted the review recommendations. Restrictions on multi-disciplinary practices will be reviewed over the next two years; and no change to the professional indemnity insurance provisions provided premiums remain competitive. Amendments to the Act currently being drafted.
Liquor Licensing Act 1985	J	Legislation contains a proof-of-need test requiring licence applicants to demonstrate that a consumer need exists for the grant of a licence; and a requirement that only hotels and retail liquor stores devoted to sale of liquor exclusively may sell liquor.	Review completed in 1996 and recommended: <ul style="list-style-type: none"> • removal of several restrictions including a requirement that the licensing authorities take account of the impact of a new licensee on existing licence holders; • retention of restrictions including proof of need test and requirement that liquor can only be sold from stores devoted entirely to liquor sales; and • further review of liquor licensing arrangements in 3 or 4 years (when there is more information about the impacts of less regulated approaches in other jurisdictions). SA has undertaken to review the proof of need test in 2001.	The Liquor Licensing Act 1997 removed several restrictions on the sale of liquor. The 1997 Act: <ul style="list-style-type: none"> • retains "proof of need" test requiring applicants to demonstrate a consumer need exists for the grant of a licence; and • retains the restriction that only hotels and retail liquor stores devoted exclusively to the sale of liquor may sell liquor.
Liquor Licensing Act 1997	J	Proof of need test before new licence to sell liquor granted. Only hotels and liquor stores selling liquor exclusively able to sell liquor.	New legislation following SA's review of its Liquor Licensing Act 1985. See the Liquor Licensing Act 1985.	See the Liquor Licensing Act 1985.
Loans to Producers Act 1927	T&F	Restricts market conduct.	Review completed.	Act expected to be repealed when last repayments made.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government Act 1934	TUPA	Restricts market conduct and product and service standards.	Review completed in 1999, except for the cemetery provisions for which, in turn, a competition review was commenced in early 2000 that was subject to targeted consultation. A final report on the cemetery provisions is currently in preparation.	New legislation came into operation in 2000 replacing most of the existing Act. Elements remaining are either progressively being repealed or being considered as part of other legislation reviews (with the intent of being transferred to or being integrated into appropriate functional legislation). Reform activity for the cemetery provisions is subject to the Government response to the final report.
Lottery and Gaming Act 1936	T&F	Barrier to market entry and restricts market conduct.	Omnibus review underway. All gambling legislation (except the Racing Act 1976), including Bills before the Parliament, are to be reviewed.	
Manufacturing Industries Protection Act 1937	AIS	Exempts some industries from legal requirements applying to competitors.	Review completed March 1999. Public consultation.	Act repealed in 1999.
Margarine Act 1939	PIR	Restricts market conduct.	Review completed, recommending repeal.	Act repealed.
Marginal Dairy Farms (Agreement) Act 1971	PIR	Restricts market conduct.	Review completed in 1999, recommending repeal of the Act.	Legislation repealing Act passed in April 2000, but not yet proclaimed.
Maritime Services (Access) Act 2000	AIS	Provides regime for third party access to channels, defined common user berths, berths adjacent to grain handling facilities and grain handling facilities (belts). Provides for the regulation of prices in respect to certain essential maritime services provided by the private port operator.	New legislation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Meat Hygiene Act 1994	PIR	Accreditation of meat processors. Meat inspectors and auditors must enter agreement with Minister.	Review completed in 2000. Recommended extension to cover rabbit meat and retail within the scope of the Act.	
Medical Practitioners Act 1983	HS	Restrictions on entry, registration, title, practice, advertising, business conduct and disciplinary provisions.	Review completed in 1999. Review recommended removing ownership restrictions, registering medical students, requiring declaration of commercial interests and requiring professional indemnity insurance.	New legislation introduced in May 2001 (second reading speech on 5 July 2001).
Mines And Works Inspection Act 1920	PIR	Creates barrier to market entry and restricts market conduct.	Review underway.	
Mining Act 1971	PIR	Creates barriers to market entry and restricts market conduct.	Review underway.	
Motor Accident Commission Act 1992	T&F	No restrictions on competition - restrictions contained under Part 4 of the Motor Vehicles Act.		
Motor Vehicles Act 1959	TUPA	Barrier to market entry and restricts market conduct. Mandatory insurance, monopoly insurer, and centralised premium setting.	Review into tow truck operators, motor driving instructors and compulsory third party insurance completed. Compulsory third party insurance review completed in 1998, recommending removing the monopoly and controls on premiums. Second review completed in 1999, rebutting previous review's recommendations. The Government issued both reviews for public consultation in early 2001.	Uniform national motor vehicle registration and driver licensing legislation implemented July 2001. The Government announced retention of mandatory insurance, the sole provision of insurance by the Motor Accident Commission, and community rating. The Government is considering the review recommendation regarding tow truck operators and motor driving instructors.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
National Electricity (South Australia) Act 1996	T&F	Restricts market entry and market conduct.	Review completed in September 2000. No reforms recommended as the sole object is to implement a national electricity market. Review process involved consultation with other jurisdictions.	
National Parks and Wildlife Act 1972	EH	Restricts market conduct.	Review completed December 1999. Public consultation involved. Reform recommended.	Reforms introduced via the National Parks and Wildlife (Miscellaneous) Amendment Act 2000 (in operation as of 24 August 2000).
Native Vegetation Act 1991	EH	Restricts market conduct.	Review completed December 1999. Public consultation involved. Reform recommended.	The Native Vegetation (Miscellaneous) Amendment Bill 2001 currently before Parliament.
Natural Gas (Interim Supply) Act 1985	PIR		Review completed, recommending the repeal of certain parts of the legislation restricting the use and production of gas. The balance of the Act can be repealed by proclamation.	Main restrictions repealed in 1996.
Natural Gas Pipelines Access Act 1995	PIR	Establishes access regime for access to natural gas pipelines in SA.	Review completed in 1997.	Act repealed by s50 of the Gas Pipelines Access (SA) Act 1997. However, for transitional purposes, the Act continues until access arrangements are set under the National Gas Access Code and any continuing arbitration proceedings are finalised.
Noxious Insects Act 1934	PIR	Restricts market conduct.	Review completed in 2000, recommending no reform.	
Nurses Act 1984	HS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1998. The SA review of the Nurses Bill 1997 made a number of recommendations that provide greater clarity and accountability and remove the power to restrict advertising.	Act repealed and replaced by the Nurses Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nurses Act 1999	HS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	New legislation. See the Nurses Act 1984.	
Occupational Health Safety and Welfare Act 1986	AIS	Restricts market competition.	Review completed in November 2000. Involved public consultation.	The Government is considering the review recommendations.
Occupational Therapists Act 1974	HS	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in 1999. Review recommended maintaining registration requirements.	Cabinet approved drafting of amendments to the Act.
Opal Mining Act 1995	PIR	Creates barrier to market entry and restricts market conduct.	Review underway.	
Optometrists Act 1920	HS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in April 1999. Recommendations include extending coverage to include optical dispensers, removal of restriction on training providers and the introduction of a code of conduct.	The Government is considering the review recommendations.
Outback Areas Community Development Trust Act 1978	TUPA	Restricts market conduct.	Review completed. Crown Solicitor's Office found no restrictions on competition.	
Passenger Transport Act 1994	TUPA	Restrictions on taxi licence numbers (note, free entry to hire car market).	Review completed November 2000. Review involved public consultation.	The Government is considering the review recommendations. No substantial reform expected.
Pastoral Land Management and Conservation Act 1989	PIR	Restricts market conduct.	Review completed in December 1999. It identified no major issues but recommended that the Act be updated and consolidated.	
Petroleum (Submerged Lands) Act 1982	PIR	Regulates exploration for and development of undersea petroleum resources. Forms part of a national scheme.	National review completed in 1999-2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	Amendments to be developed by the Commonwealth and subsequently reflected in State and Territory legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum Act 1940	PIR	Regulates onshore exploration for and development of petroleum reserves. Barrier to market entry and restricts market conduct.	Review completed in 1999.	Act repealed and replaced by the Petroleum Act 2000 and Regulations. New Act incorporates principles proposed by the ANZMEC Petroleum sub-committee in regard to acreage management. The SA Government directed efforts at facilitating new explorers entering the Cooper Basin and to encourage the development of a voluntary access code for access to production facilities.
Petroleum Products Regulation Act 1995	T&F	Barrier to market entry and restricts market conduct.	Review underway and expected to be completed by mid 2001.	
Pharmacists Act 1991	HS	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing, and disciplinary provisions.	National review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.	CoAG referred the Wilkinson Review to a senior officials' working party, which is yet to report back to CoAG.
Phylloxera and Grape Industry Act 1995	PIR	Restricts market conduct.	Review completed in June 2000. It recommended no reform.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Act 1991	HS	Restrictions on entry, registration, title, practice, advertising, ownership, and disciplinary provisions.	Review completed in February 1999. Recommendations include publication of a code of conduct without advertising restrictions, amended definitions of areas of practice protected, removal of the requirement to register business names, removal of ownership restrictions, prohibition of undue influence, demonstration of continuing competence and removal of advertising and unprofessional conduct provisions from code of ethics prior to adoption of a code of conduct.	Cabinet approved drafting amendments.
Plumbers, Gas Fitters and Electricians Act 1995	J	Licensing (contractors), registration (workers), entry requirements (for contractor: qualifications, experience, not undischarged bankrupt, fit and proper, sufficient business knowledge and experience and financial resources; for worker: qualifications and experience), reservation of practice (for plumbing: water, sanitary or draining work or the installing or testing of backflow prevention devices), and disciplinary processes.	Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poultry Meat Industry Act 1969	PIR	Prohibits processing of chickens unless from approved farms.	Review completed in 1994, recommending that producers seek Australian Competition and Consumer Council (ACCC) authorisation for collective bargaining with each processor, and that the Government repeal the Act.	The ACCC authorised collective negotiations between chicken growers and: <ul style="list-style-type: none"> • Ingham Enterprises P/L, on 9/4/97, expiring 30/6/02; and • Steggles Ltd, on 20/5/98, expiring 11/6/02. The Act not yet repealed. New legislation is under consideration.
Prevention of Cruelty to Animals Act 1985	EH	Requires licences for teaching and research involving animals.	Review completed in 1999. Public consultation involved. Reforms recommended.	Reforms introduced via the Prevention Of Cruelty To Animals (Miscellaneous) Amendment Act 1999 (in operation from 1 February 2000).
Prices Act 1948	J	Restricts market conduct.	Review completed, recommending the removal of a number of restrictive provisions but the retention of price controls for infant foods, returns of unsold bread, towing, recovery, storage and quoting for repair of motor vehicles and the carriage of freight to Kangaroo Island.	The Government enacted amendments in line with the review recommendations in 2000.
Psychological Practices Act 1973	HS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1999. Review recommended removing advertising and practice restrictions.	Cabinet approved drafting amendments to the Act.
Public and Environmental Health Act 1987	HS	Restricts market conduct.	Review completed.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Corporations Act 1993	T&F	The Act technically "restricts" the market conduct of public corporations established under the Act in order to limit the Government's ownership risks. However these restrictions do not limit market entry or conduct of private sector participants. The Act is the preferred model of corporatisation and is consistent with the objectives of NCP competitive neutrality principles.	Review completed in 1998. Review found there is a net public benefit and recommended no reforms.	
Public Trustee Act 1995	J	Statutory powers and duties not applicable to private trustees.	Review completed in August 2000. Public consultation involved.	Bill introduced into Parliament and is currently before the Legislative Council.
Racing Act 1976	EH	Barrier to market entry and restrictions on market conduct.	Review completed in January 2000.	Act to be repealed.
Radiation Protection and Control Act 1982, Ionizing Radiation Regulations 2000, and Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991	HS	Creates barrier to market entry and restricts market conduct.	National review completed.	
Road Traffic Act 1961	TUPA	Barrier to market entry and restricts market conduct.	Desktop review underway.	National legislation implemented.
Roxby Downs (Indenture Ratification) Act 1982	PIR	Authorises behaviour contrary to the TPA.	Desktop review completed in May 2000. No reform recommended.	
Rural Industry Adjustment (Ratification of Agreement) Act 1990	PIR		Review completed in December 1998, recommending repeal of the Act.	Legislation passed in April 2000 to repeal the Act.
Rural Industry Adjustment and Development Act 1985	PIR		Review completed in June 2000, recommending no reform.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rural Industry Assistance Act 1985	PIR		Review completed in March 1999, recommending repeal of the Act.	Legislation passed in April 2000 to repeal the Act.
Sandalwood Act 1930	EH	Caps the quantity of naturally-occurring sandalwood harvested from Crown and private land. Licensing the harvesting of sandalwood.	Review completed in 1999. Review recommended repeal of the Act.	Act repealed (7 of 2001), effective 5 April 2001.
Santos Limited (Regulation of Shareholdings) Act 1989	PIR	Restricts market conduct.	Review completed July 2001.	Act to be retained without reform.
Second-Hand Dealers and Pawnbrokers Act 1996	J	Negative licensing (pawnbrokers, second-hand dealers for all goods except cars), registration (that is, notify police), entry requirements (not convicted dishonesty offence in past five years, not undisclosed bankrupt/insolvent), reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, selling of unredeemed goods; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification (unless sale by phone), cooperation with police).	Review completed in 1998. No reform recommended.	The Government endorsed the review recommendation.
Second-Hand Vehicle Dealers Act 1995	J	Barrier to market entry, and business conduct.	Review completed. Review recommendation for audits; entitlement criteria for licensing, and distinction between summary and indictable offences for dishonesty.	Amendments passed by Parliament in October 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Security and Investigation Agents Act 1995	J	Barrier to market entry (private inquiry agents, security providers), and market conduct.	Review completed.	
Seeds Act 1979	PIR	Restricts market conduct.	Review completed, recommending no reform.	
Shearers Accommodation Act 1975	AIS	Restricts market conduct.	Review completed in March 1999. Public consultation involved.	Act repealed in 1999.
Shop Trading Hours Act 1977	AIS	Significant restrictions, including: controls on the hours during which shops may open; variation in allowed opening hours based on the day of the week; and variation in permitted opening hours vary depending on shop location, size and products sold. Monday-to-Saturday trading hours are restricted. Sunday trading is prohibited in Adelaide outside the central business district, where hours are restricted.	Review completed in 1998. Report not released by the Government.	Limited changes took effect from June 1999.
Soil Conservation and Land Care Act 1989	PIR	Restricts market conduct.	Review, in conjunction with the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, completed. It recommended changes to the Act.	Amendments made under the Soil Conservation and Land Care Act (Amendment) Act. Further changes pending, subject to new Natural Resource Management Bill.
South Australian Film Corporation Act 1972	TUPA	Restricts market conduct in granting sole and exclusive right to produce Government films.	Review completed in February 2000. Public consultation involved. No reform recommended.	
South Australian Health Commission Act 1976	HS	Barrier to market entry and restricts market conduct of private hospitals.	Review completed in 1999.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
South Australian Housing Trust Act 1995	HS	Restricts market conduct.	Review completed in 1999. No reform recommended.	
South Australian Museum Act 1976	TUPA	Restricts market conduct in relation to meteorites.	Desktop review completed in May 1997. No reform recommended.	
South Australian Ports Corporation Act 1994	AIS	Restricts market conduct.	Review postponed pending the outcome of the process for the lease/sale of the SA Ports Corporation.	Parliament passed legislation for the lease/sale of the corporation in December 2000.
Southern State Superannuation Act 1994	T&F	Limits on choice of funds.	Desktop NCP review completed. Restrictions found to be trivial. No reform recommended.	Act retained without reform.
Starr-Bowkett Societies Act 1975	J		Identified at national level.	Payments through these societies are almost complete. Act expected to be repealed upon dissolution of the 2 remaining societies. The last Starr Bowkett Society recently deregistered.
State Clothing Corporation Act 1977	AIS	Protects sheltered workshops.	Review completed.	Corporation sold in 1995-96. Act amended to repeal most of original Act including all reference to sheltered workshops.
State Lotteries Act 1966	AIS	Restricts market conduct.	Review underway. See the Casino Act 1997.	Legislation to sell the SA Lotteries Commission was defeated in Parliament in November 2000. The Government decided to restructure the Act to separate policy, regulation and management.
State Supply Act 1985	AIS	Restricts market conduct.	Desktop review completed.	The Government is considering the review recommendations.
Stock Act 1990	PIR	Barrier to market entry and restricts market conduct.	Review completed in 1996.	Act repealed by the Livestock Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stock Foods Act 1941	PIR	Stock foods must be sold with label or certificate specifying chemical analysis. Seed grain must not be fed to stock.	See the Agricultural Chemicals Act 1955.	See the Agricultural Chemicals Act 1955.
Stock Medicines Act 1939	PIR	Stock medicines to be registered.	See the Agricultural Chemicals Act 1955.	See the Agricultural Chemicals Act 1955.
Stony Point (Liquids Project) Ratification Act 1981	PIR	Authorises behaviour contrary to the TPA.	Review completed in 2000. No reform recommended.	Act to be retained without reform.
Supported Residential Facilities Act 1992	HS	Barrier to market entry and restricts market conduct.	Review completed in 1998. No reform recommended.	
Survey Act 1992	AIS	Licensing, registration, entry requirements (education, experience, fit and proper), reservation of title (and derivatives), reservation of practice, disciplinary processes, business conduct (including ownership restrictions), and business licensing.	Review completed in 1999, but report not yet released. Review involved public consultation.	The Government is considering the review recommendations.
Swine Compensation Act 1936	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed, recommending repeal.	Act to be repealed by Schedule 2 of the Livestock Act 1997 once it is proclaimed, and replaced by regulations under the Livestock Act 1997 and the Primary Industries Funding Schemes Act 1998.
Tobacco Products Control Act 1986	HS	Restricts market conduct.		Act repealed and replaced by the Tobacco Products Regulation Act 1997.
Tobacco Products Regulation Act 1997	HS		New legislation. Subject to CPA clause 5(5) analysis before introduction.	Act replaced the Tobacco Products Control Act 1986.
Trade Measurement Act 1993	J	Restricts market conduct.	National review underway.	
Trade Measurement Administration Act 1993	J		National review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Standards Act 1979	J	Restricts market conduct.	Review completed. No reforms recommended.	The Government endorsed the review recommendations.
Travel Agents Act 1986	J	Licensing and compulsory consumer compensation fund.	National review underway (coordinated by WA). A final review report by CIE was released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended entry qualifications for travel agents be removed and compulsory insurance maintained, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option.	
Trustee Companies Act 1988	J		To be reviewed under the Standing Committee of Attorneys-General (SCAG), and the Parliamentary Counsel Committee with NSW as lead agency. The national group has released a discussion paper. Time for submissions has closed. A meeting to discuss submissions is yet to be held.	
Unauthorised Documents Act 1916	P&C	Barrier to market entry and restricts market conduct. Restricts use of State insignia and official emblems and licensing of the State's commercial emblem.	Desktop review completed in December 1998. Review recommended that the Act be retained in its current form.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Veterinary Surgeons Act 1985	PIR	Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, and controls on business names.	Review completed in 2000.	Act to be repealed and replaced by the Veterinary Practices Act, currently being drafted.
Vocational Education, Employment and Training Act 1994	ETE	Registers training providers and accredits training courses.	Review completed in April 2000. Concluded that the public benefits of the restrictions outweigh costs.	Act retained without reform.
War Service Land Settlement Agreement Act 1945	EH	Restricts market conduct.	Review completed in December 1999. Public consultation involved. No NCP reform recommended.	
Wheat Marketing Act 1989	PIR	Imports the Commonwealth Act into State jurisdiction.	Review of SA-only provisions underway.	
White Phosphorus Matches Prohibition Act 1915	AIS	Barrier to market entry and restricts market conduct.	Review completed in April 1999.	The Government approved negotiation with the Commonwealth so that Act can be repealed without international implications.
Wilderness Protection Act 1992	EH	Restricts market conduct.	Review completed in December 1999, recommending no reform.	
Wine Grapes Industry Act 1991	PIR	Restricts market conduct - indicator price calculation, terms and conditions of payment and exclusion from subsequent harvests.	Review underway.	
Workers Rehabilitation and Compensation Act 1986	AIS	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review underway. Draft report released in May 2000.	

8 Tasmania

Agency abbreviations

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

DE	Department of Education
DIER	Department of Infrastructure Energy and Resources
DHHS	Department of Health and Human Services
DOJIR	Department of Justice and Industrial Relations
DOPPS	Department of Police and Public Safety
DPAC	Department of Premier and Cabinet
DPIWE	Department of Primary Industries, Water and Environment
DSD	Department of State Development
EMB	Egg Marketing Board
FPB	Forest Practices Board
FT	Forestry Tasmania
HEC	Hydro-Electric Corporation (Hydro Tasmania)
IFC	Inland Fisheries Commission
LC	Legislative Council
LGO	Local Government Office
MAIB	Motor Accidents Insurance Board
OCAFT	Office of Consumer Affairs and Fair Trading
P&C	Premier and Cabinet

PAHSMA	Port Arthur Historic Site Management Authority
RBFB	Retirement Benefits Funds Board
T&F	Department of Treasury and Finance
TAO	Tasmanian Audit Office
TDIA	The Tasmanian Dairy Industry Authority
TGEB	Tasmanian Grain Elevators Board
TRA	Tasmanian Racing Authority
TFS	Tasmanian Fire Service

Legislation review schedule: Tasmania

Updated to September 2001

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Adoption Act 1988	DHHS	Business licensing, and service standards.	Minor review completed in 1998, and the restrictive provisions justified as being in the public benefit.	Licensing restrictions were retained in order to protect against trafficking in children.
Agricultural and Veterinary Chemicals (Control of Use) Act 1995	DPIWE	Chemicals not to be used unless registered under the Agriculture and Veterinary Chemicals Code. Licensing of spray contractors. Approval of indemnity insurance.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).
Agricultural and Veterinary Chemicals (Tasmania) Act 1994	DPIWE	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.
Air Navigation Act 1937	DIER	Requires air pilots to be licensed. The Act applies Commonwealth legislation to Tasmania with regard to air-traffic rules and the regulation of aerodromes.	The anticompetitive elements of the Act were considered as part of the Productivity Commission (PC) review of the International Air Services Agreement.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aluminium Industry Act 1960	T&F	Provides a company with a low interest loan, directs them to increase production capacity and restricts their ability to sell assets for a specified time period.		Act repealed by the Legislation Repeal Act 1998.
Ambulance Service Act 1982	DHHS	Restrictions relate to the requirement to obtain approval to operate a private ambulance service and the level of fees that may be charged by 'approved' ambulance services.	Minor review completed in 1997 and the restrictive provisions justified as being in the public benefit.	
Animal (Brands and Movement) Act 1984	DPIWE	Imposes an obligation on all persons with cattle or sheep to brand them with registered earmarks. Pigs cannot be sold unless they are branded with a registered body tattoo.	Review completed. Review recommended that compulsory earmarking of cattle or sheep be removed. Following a reassessment of this recommendation by the Department, in light of recent events, these provisions were found to be in the public benefit.	Act retained without reform.
Animal Farming (Registration) Act 1994	DPIWE	Requires the registration of farmers of emus and fallow deer.	Review completed in 1999, recommending removal of restrictions relating to the farming of fallow deer.	
Animal Health Act 1995	DPIWE	Requires a licence for commercial artificial breeding. Enables the Minister to prohibit or restrict the movement of any animals into Tasmania from any other State. Protection of animal resources from the introduction of a disease, organism, variety or disorder.	Minor review completed. Recommended removal of certain restrictions on artificial breeding and the requirement to advise the Chief Veterinary Officer of the conduct of artificial breeding businesses or training in artificial breeding programs.	Review recommendations implemented.
Animal Welfare Act 1993	DPIWE	Prohibits persons from carrying out animal research unless it is carried out by an institution licensed under the Act.	Minor review completed. It recommended retaining the licensing of institutions engaging in animal research in the public benefit. No reform recommended.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Apiaries Act 1978	DPIWE	Requires bee-keepers to be registered. Provides that the Governor may by order declare that only certain bees can be brought into or kept in a certain area.	Review completed, recommending repeal of the Act.	Act to be repealed by the Legislation Repeal Act 2001.
Apple and Pear Industry (Crop Insurance) Act 1982	DPIWE	Provides that growers must apply to the Fruit Crop Insurance Board for a crop insurance policy and pay the premium as gazetted.	Review completed. It recommended abolishing compulsory insurance for the apple and pear industry and repealing the Act.	Act repealed in November 1999.
Architects Act 1929	DPAC	Registration, entry requirements, reservation of title, disciplinary processes, business restrictions, and business licensing.	National review by the PC completed in August 2000, and publicly released in November 2000. PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and submissions.	A States and Territories working group is developing a national response to the PC review.
Auctioneers and Real Estate Agents Act 1991	DOJIR - OCAFT	Licensing (real estate agents, managers and sales consultants), registration, entry requirements (education, experience, fit and proper person), reservation of practice, disciplinary processes, and business conduct.	Review completed.	Act to be repealed and replaced by new legislation in the Autumn Session of 2002.
Australia and New Zealand Banking Group Act 1970	DOJIR	Market entry.		Act repealed by the Legislation Repeal Act 2000.
Bank Holidays Act 1919	DIER	Restricts bank trading days.	Review not required.	Act substantially amended to remove all anticompetitive provisions and those that impact on business.
Bank of Adelaide (Merger) Act 1980	DOJIR	Market entry.		Act repealed by the Legislation Repeal Act 2000.
Ben Lomond Skifield Management Authority Act 1995	DPIWE	Imposes restrictions on commercial operations in the Ben Lomond Skifield area.	Outcome of review of the National Parks and Wildlife Act 1970 will apply.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Biological Control Act 1986	DPIWE	Act assessed as not restricting competition. No restrictions on competition. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.	Review not required.	Act retained without reform.
Botanical Gardens Act 1950	DPIWE	By-laws impose restrictions on commercial operations in the Botanical Gardens.	Review not required as restrictive bylaws made under the Act have been replaced by bylaws that do not restrict competition.	
Building and Construction Industry Training Fund Act 1990	DE	Levy on building work, except in relation to any work undertaken by, or for, State and local governments.	Review completed. Review recommended retention of the levy as the most appropriate means of funding industry training. A number of administrative changes were recommended to improve the operation of the Board and the training scheme.	The Government is considering the review recommendations.
Building Act 2000	DIER	Mandatory accreditation, entry requirements (including continuing professional development), the reservation of practice, disciplinary processes, and business conduct (insurance).	New legislation. A Regulatory Impact Statement (RIS) on the Building Bill 1999 released in August 1999.	Act received Royal Assent on 20 December 2000. The Act expected to commence during 2001.
Burnie to Waratah Railway Act 1939	DIER	Provides a particular company with a competitive advantage by giving them the authority to operate and maintain a railway (some on private land, the rest on Crown Land lease).	Review deferred pending proclamation of the Rail Safety Act 1997 as the safety and access provisions will negate the need for this Act.	Act to have been repealed following the proclamation of the Rail Safety Act 1997. However, legal opinion is being sought as to whether repeal of the Act will impact on the private land running rights of the rail company.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Names Act 1962	DOJIR	No person running a business may use a business name unless it is registered. Restrictions relate to business name registration, and are uniform across the country.	Minor review completed and retention of restrictions justified as being in the public benefit.	
Casino Company Control Act 1973	T&F	Restricts market entry. A casino licence can only be issued to a company specified in the Act. Prohibits the use of 'casino' in any business name unless they are in possession of a casino licence. Restricts ownership and control of casinos by foreign individuals and companies.		Act repealed by the Legislation Repeal Act 2000.
Child Care Act 1960	DHHS	Licensing.		Provisions of Act replaced Part 6 of the Child Welfare Act 1960 when the new Children, Young Persons and their Families Act was proclaimed in July 2000. Act replaced by the Child Care Act 2000.
Child Welfare Act 1960	DHHS	Imposes licences for childcare operators and their premises, including restrictions on the number of children in care and the setting of premise standards. Sets standards for home-based care.		When the Children, Young Persons and their Families Act was proclaimed in July 2000, one of its effects was to replace Part 6 of the Child Welfare Act 1960 with provisions within the Child Care Act 1960. The Child Care Act 2000 has in turn taken the place of the Child Care Act 1960 except in relation to boarding homes and day nurseries.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropractors and Osteopaths Act 1997	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	New legislation assessed under the Competition Principles Agreement (CPA) clause 5(5). Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer.	The Chiropractors and Osteopaths Act 1997 replaced the Chiropractors Registration Act 1982.
Chiropractors Registration Act 1982	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1997.	Act repealed and replaced by the Chiropractors and Osteopaths Registration Act 1997.
Christ College Act 1926	DE	Provides for three schools and two trusts to be combined. It is effectively the constitution of the organisation. Provides a possible advantage not given to other schools.	Review not yet undertaken.	Act will now not be repealed, following advice from the Christ College Board.
Classification (Publications, Films and Computer Games) Enforcement Act 1995	DOJIR - OCAFT	This Act is national legislation which prohibits the sale, hire, exhibition and production of certain materials and introduces a classification system for certain materials. Essential provisions to limit the availability of pornographic material.	Minor review completed and the restrictive provisions have been justified as being in the public benefit.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commercial and Inquiry Agents Act 1974	DOJIR - OCAFT	Licensing (commercial agents, commercial sub-agents, inquiry agents, process servers, security agents, security guards), entry requirements (suitable person, not convicted of an offence of dishonesty within past five years, financial reputation), reservation of practice, disciplinary processes, and business conduct (trust accounts, maintain records, audits).	Review completed. Public consultation involved issues paper, draft report and submissions. Draft report recommended maintaining most restrictions, but removing licensing requirements for process servers, making minor changes to entry requirements, retaining option of imposing education requirements, and moving responsibility for the granting, renewal, variation or refusal of a licence to the Commissioner for Corporate Affairs.	Act to be repealed and replaced by new legislation in the Autumn Session of 2002.
Commercial Bank of Australia Limited (Merger) Act 1982	DOJIR	Market entry.		Act repealed by the Legislation Repeal Act 2000.
Commercial Banking Company of Sydney Limited (Merger) Act 1982	DOJIR	Market entry.		Act repealed by the Legislation Repeal Act 2000.
Companies (Acquisition of Shares) (Application of Laws) Act 1981	DOJIR	Act assessed as not restricting competition. Act has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Act cannot be repealed yet.
Companies (Acquisition of Shares) (Tasmania) Code	DOJIR	Code assessed as not restricting competition. Code has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Code cannot be repealed yet.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Companies (Application of Laws) Act 1982	DOJIR	Act assessed as not restricting competition. Act has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Act cannot be repealed yet.
Companies (Tasmania) Code	DOJIR	Code assessed as not restricting competition. Code has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Code cannot be repealed yet.
Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981	DOJIR	Act assessed as not restricting competition. Act has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Act cannot be repealed yet.
Companies and Securities (Interpretation and Miscellaneous Provisions) (Tasmania) Code	DOJIR	Code assessed as not restricting competition. Code has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Code cannot be repealed yet.
Companies and Securities (Miscellaneous Amendments) Act (No. 2) 1982	DOJIR	Act assessed as not restricting competition. Act has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Act cannot be repealed yet.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Companies and Securities Legislation (Miscellaneous Amendments) Act 1982	DOJIR	Act assessed as not restricting competition. Act has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Act cannot be repealed yet.
Companies Auditors and Liquidators Disciplinary Board Act 1982	DOJIR	Act assessed as not restricting competition. Act has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Act cannot be repealed yet.
Construction Industry (Long Service) Act 1997	DIER		Minor assessment completed. Restrictions on competition were justified as being in the public benefit.	
Consumer Credit (Tasmania) Act 1996	DOJIR		National review completed. The review's steering committee finalised and accepted the review report.	
Co-operative Housing Societies Act 1963	T&F	Act assessed as not restricting competition. Restrictions on business licensing, naming and conduct in relation to existing loans under the Act only.	Review not required.	Act to be repealed following expiry of the existing loans.
Co-operative Industrial Societies Act 1928	DOJIR	Registration, and conduct.		New legislation to replace this Act. New legislation will be based on national template and subject to gatekeeper provisions.
Corporations (Tasmania) Act 1990	DOJIR	Applies Commonwealth Corporations Law within Tasmania.	Review of all areas of Corporations Law by the Commonwealth review body underway.	New legislation to replace this Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cremation Act 1934	DPAC	Licences crematoriums, reserves cremation to licensees, and methods of practise.	Minor review completed.	Act to be repealed and replaced with new legislation to include matters related to burials. New legislation has been assessed under the LRP gatekeeper provisions and endorsed as not restricting competition or imposing a significant negative impact on business.
Dairy Industry Act 1994	TDIA	Vesting of milk in Tasmanian Dairy Industry Authority. Farmgate price-setting for market milk. Pooling of market milk returns. Licensing of farmers, processors, manufacturers and vendors.	The Dairy Industry Review Group concluded in July 1999. It recommended against immediate deregulation in favour of reform over 5 years. The recommendation was conditional on the outcome of the Victorian dairy review and the proposed national adjustment package.	In line with the March 2000 communique signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Tasmania passed the Dairy Amendment Act 2000 on 26 May 2000, deregulating the industry from 1 July 2000.
Dangerous Goods Act 1976	DIER	Requires the licensing of persons manufacturing dangerous goods. Persons may not possess dangerous goods without complying with certain requirements and premises must comply with prescribed requirements.		Act repealed and replaced by new dangerous goods legislation. The new legislation is based on the National Road Transport Commission's legislative model for transport of dangerous goods by road, which has been expanded to include the use, storage and handling of dangerous goods. The new legislation has been assessed under the legislation review program (LRP) gatekeeper provisions.
Dangerous Goods Act 1998	DIER		New legislation. Review completed.	Conforms to national agreement.
Debits Tax Transfer Act 1990	T&F		Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Act 1982	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.		The Dental Practitioners Registration Act 2001 removes some restrictions on practice and all specific restrictions on advertising, and clarifies that there are no restrictions on ownership, among other things.
Dental Practitioners Registration Act 2001	DHHS	Restrictions on entry, title, registration, practice, and disciplinary provisions.	Assessed under the gatekeeper provisions in 2001.	Act passed in April 2001, replacing the Dental Act 1982, the Dental Prosthetists Registration Act 1996 and the School Dental Therapy Act 1965.
Devonport Airport (Special Provisions) Act 1980	DIER	Provides for the granting of a lease or licence to use any part of the land, buildings or structures of the airport.		Act repealed by the Port Companies Act 1997.
Dog Control Act 1987	P&C - LGO	Prohibits kennels and the keeping of dogs for breeding purposes without a licence. Sets standards for dog breeders and imposes certain standards on all licensed kennels. Registration of dogs.	Minor review completed, finding that the restrictive provisions are in the public interest.	Act replaced by the Dog Control Act 2000 which received Royal Assent on 20 December 2000.
Don River Tramway Act 1974	DIER	Provides a railway agreement giving a competitive advantage to a particular company, potentially acting to restrict competition. Gives the company authority to construct and operate a railway.		Act repealed by the Legislation Repeal Act 2000.
Door to Door Trading Act 1986	DOJIR - OCAFT	Defines a prescribed contract and prohibited contractual terms. Detailed information to be incorporated under prescribed contracts. Limits the hours in which a dealer may call.	Minor review completed. Restrictive provisions justified as being in the public interest.	Provisions retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Education Act 1994	DE	Requires non-government schools to be registered.	Major review completed in December 2000. Review found the restrictions on competition to be justified in the public benefit.	Act retained without reform.
Education Providers Registration (Overseas Students) Act 1991	DE	Requires providers of education to overseas students to be registered and enables conditions to be imposed on the conduct of registered education services.	Major review completed in December 2000. Review found the restrictions on competition to be justified in the public benefit.	Act retained without reform.
Egg Industry Act 1988	DPIWE - EMB	Licensing of egg producers. Producers must consign all second grade eggs to the Board for processing.	Major review completed. Review recommended that the licensing and quota arrangements be removed from the Act. Further work being undertaken on the findings of the Review Group.	
Electricity Consumption Levy Act 1986	T&F		Review not required.	Act repealed by the Hydro-Electric Corporation (Consequential and Miscellaneous Provisions) Act 1996.
Electricity Industry Safety and Administration Act 1997	DIER	Licensing, registration, entry requirements (qualification, experience, suitable person, fit and proper person, nominated manager of electrical contracting business: licence and either experience or completed course), reservation of practice, disciplinary processes, and business conduct (electrical contractor to have insurance).	Review not required. The Department has advised that the restrictive provisions of this Act are justified in the public benefit and in accord with uniform legislation existing in the other States.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Supply Industry Act 1995	T&F	Requires licences for the generation, transmission, distribution or retailing of electricity. Can compel acceptance of conditions of a national electricity code and may impose restrictions on re-supply in contracts with very large users of electricity.	Major review completed in September 2001.	The Government is considering the review recommendations.
Emu Bay Railway Act 1976	DIER	Provides a competitive advantage by releasing a particular company from obligations as a common carrier (Common Carrier Act). Provides that the company is not entitled to any of the rights or privileges of a common carrier.	Review deferred pending proclamation of the Rail Safety Act 1997.	Act replaced by the Rail Safety Act 1997 which has now been proclaimed.
Environment Protection (Sea Dumping) Act 1987	DPIWE	Requires a permit to undertake waste dumping or incineration at sea. Essential provisions to prevent degradation of the environment.		Act repealed by the Legislation Repeal Act 2000.
Environmental Management and Pollution Control Act 1994	DPIWE	Requires a person carrying out a controlled activity to have authorisation and a TAFE certificate. Sets minimum standards for products in terms of air emissions. Restricts the importation of certain products. Essential provisions to prevent degradation of the environment.	Major review completed.	The Government is progressively implementing the review recommendations.
Evidence Act 1910	DOJIR	Restricts court room employment of shorthand writers to those who have been examined and licensed.		Act to be replaced by new legislation in the Autumn Session of 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1990	DOJIR - OCAFT	Motor vehicle traders - mandatory code of practice covering business conduct (written contracts, warranty, complaints system, no deception, no false representation, no misleading advertising).	Minor review of the motor vehicle dealers code of practice completed in 1998. Restrictive provisions requiring manufacturers to provide warranties for motor vehicles and establishing a system for dealing with customer complaints justified as being in the public interest.	The Government endorsed the review recommendations.
Fertilisers Act 1993	DPIWE	Prohibits the sale of fertiliser unless the package has the prescribed label. Regulates the details to be included on the label. Sets standards for the composition of fertilisers.	Minor review completed. It found the restrictions to be in the public interest. No reform recommended.	
Financial Institutions Duty Act 1986	T&F		Review not required.	
Financial Management and Audit Act 1990	TAO	Requires the Auditor-General to be the auditor of the Treasurer, all government departments, statutory authorities and government business enterprises (GBEs).	Minor review completed in 1998 and the recommendations of the review body will soon be provided to the Government.	
Fire Service Act 1979	TFS	The formation of private fire brigades and salvage corps is prohibited unless authorised by the Tasmanian Fire Service.	Minor review completed. The sole restriction on competition relating to the creation of salvage corps justified as being in the public benefit.	
Firearms Act 1996	DOPPS		Minor review completed. The restrictions on competition justified as being in the public benefit.	Act replaced the Guns Act 1991.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fisheries Act 1959	DPIWE - IFC	Prohibits persons carrying out marine farming activities or fish processing without authorisation and/or licences. Requires licensing of private fisheries and restricts the methods and equipment for taking fish. Restricts the import of fish. Protection of a natural resource from unsustainable extraction and the introduction of a disease, organism, variety or disorder.		Act repealed in May 1996 by the Inland Fisheries Act 1995, the Living Marine Resources Management Act 1995, and the Marine Farming Planning Act 1995. New legislation included on the LRP.
Flammable Clothing Act 1973	DOJIR - OCAFT	The requirement to mark or label prescribed clothing (children's nightwear) with the flammability of the garment.	Minor review completed and the restrictive provision found to be in the public benefit.	
Food Act 1998	DHHS	Various food safety offences. Food to meet prescribed food standards. Registration of premises and vehicles. Licensing of food manufacturers and sellers.	National review completed in 2000 (see the NSW Food Act 1989). Reviewed prior to introduction via the gatekeeping process.	Act replaced the Public Health Act 1962. All Australian governments agreed in November 2000 to adopt the core provisions of the Model Food Bill by November 2001.
Forest Practices Act 1985	FPB	Requires preparation and certification of forest practices plan before timber harvesting can start. Declaration of private timber forests. Prescribes forest practices under the Forest Practices Code. Operators harvesting more than 100 000 tonnes per annum must submit a 3 year plan for approval by the Forest Practices Board.	Review by the Forest Practices Advisory Council completed in 1998. Review recommended no reform.	Act to be retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Forestry Act 1920	FT	Exclusive control and management of State forests by the Forestry Corporation. Licensing of timber collection and of taking of other resources. Administrative discretion over how licences and produce are allocated and priced. Minimum supply of logs for veneer and sawmilling industries. Wood supply agreements to contain certain conditions. Permits to occupy and use State forest. Registration of timber workers.	Review by an external consultant completed in 1998. Review noted that minimum supply restrictions are anticompetitive and recommended simplifying the Act and removing certain conditions of wood supply agreements. The minimum supply restrictions were found to be of public benefit during the process to establish a Regional Forest Agreement.	The Government accepted the review recommendations and will introduce legislation to remove all restrictions other than on minimum supply levels.
Friendly Societies Act 1888	T&F	Requires friendly societies to be registered. Requires that two friendly societies conducting the business of a chemist must be within a distance of 11 km of the Hobart or Launceston GPO.		Act repealed and replaced by the Friendly Societies Code. The Code also repealed. Friendly Society legislation now falls under Commonwealth jurisdiction.
Futures Industry (Application of Laws) Act 1987	DOJIR	Act assessed as not restricting competition. Act has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Act cannot be repealed yet.
Futures Industry (Tasmania) Code	DOJIR	Code assessed as not restricting competition. Code has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Code cannot be repealed yet.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming Control Act 1993	T&F	Grants exclusive rights to specific companies to conduct casino operations and operate gaming machines in Tasmania. Requires gaming equipment to meet the approval of the Gaming Commission. Limitations on the availability of gaming to minors.	Minor review completed as part of a review of the State's gaming legislation. Review recommended that the Casino Company Control Act be repealed, that the Gaming Commission be given discretion to determine who was to be included on the roll of manufacturers and suppliers of gaming equipment and the Commission be given greater discretion to approve a standard form of contract.	The Government agreed to the review recommendations. The Casino Company Control Act was repealed in 2000 and the other two recommendations were implemented in June 2001.
Gas Franchises Act 1973	DIER	Grants franchise holders (Hobart and Launceston Gas Companies) exclusive rights to supply gas by reticulation or in bulk in their respective franchise areas.		Act repealed.
Goldamere Pty Ltd (Agreement) Act 1996	DSD		Review not required.	
Goods (Trade Descriptions) Act 1971	DOJIR - OCAFT	Requires labelling of footwear and textiles. Limits the materials that can be used in footwear and requires safety footwear to comply with Australian standards requirements.	Minor review completed. The key restrictive provision, the requirement for manufacturers to disclose the materials from which textile products are made, found to be in the public benefit.	Restrictive provision relating to textile products retained. New regulations have been made which replace provisions regarding safety footwear.
Grain Reserve Act 1950	DPIWE - TGE B	Exempts the Tasmanian Grain Elevators Board from Council rates and protects it from being sued.	Review completed.	The anticompetitive sections of the Act repealed.
Guns Act 1991	DOPPS	Requires gun owners and firearm dealers to be licensed. Essential provisions to limit the availability of potentially dangerous goods such as guns.		Act repealed on 13 November 1996. The repealing Act, the Firearms Act 1996, included on the LRP.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hairdressers' Registration Act 1975	DIER	Licensing, registration of hairdressers (hairdresser, master, principal), entry requirements, business conduct (licensing of hairdressers' premises, premises compliance with prescribed requirements in relation to design, construction, furnishings and equipment).	Review by officials completed. Review recommended the Act be repealed.	Act to be repealed by the Legislation Repeal Bill 2001.
Hellyer Mine Agreement Ratification Act 1987	T&F		Review not required.	
Henry Jones Limited (Huon Pine) Agreement Act 1978	FT	Ratifies an agreement allowing a company to cut and take a specific quantity of Huon Pine.		Act repealed by the Legislation Repeal Act 1998.
Hire-Purchase Act 1959	DOJIR - OCAFT	Relates to hire purchase contracts taken out prior to the introduction of Consumer Credit Code. Specifies the conditions of a legal hire-purchase agreement. It specifies the standards that must be met in writing a legal hire-purchase contract.	Review not required.	Act repealed by the Legislation Repeal Act 2000.
Historic Cultural Heritage Act 1995	DPIWE	Places restrictions on building work on places of historic heritage significance that may affect historic cultural heritage.	Review, in conjunction with the Land Use Planning and Approvals Act 1993, completed.	The Government is preparing legislation to implement the review recommendations.
HIV/AIDS Preventative Measures Act 1993	DHHS	Provides for licensing/approvals involved in areas associated with testing, counselling and treatment of HIV/AIDS sufferers, restricts the manufacture and sale of HIV testing kits. Sets guidelines on medical and surgical procedures.	Minor review completed in 1998, finding the restrictive provisions as being in the public benefit.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hobart Bridge Act 1958	DIER	Restricts the business of passenger ferry services on the Derwent River. Provides a contractual agreement effectively establishing a monopoly with one licensed operator.		Act repealed by the Legislation Repeal Act 1996.
Hobart Town Gas Company's Act 1854	DOJIR	Establishes the Hobart Town Gas Company to provide Hobart with gas powered street lights. Specifies conduct of the company and sets lighting standards to be met.		Act repealed.
Hobart Town Gas Company's Act 1857	DOJIR	Gives the company powers not afforded to potential competitors, such as entering premises, and recovering property on 24 hours notice.		Act repealed.
Hospitals Act 1918	DHHS	Licensing, and requires certain qualifications to be held by hospital managers.	Review completed.	The Government is considering the review recommendations.
Housing Indemnity Act 1992	DOJIR - OCAFT	Requires builders to obtain an indemnity insurance policy before performing building work.	Review completed, finding the restrictive provisions to be in the public benefit.	
Hutchins School Act 1911	DE	Combines the Hutchins School and a trust and gives the school the power to lease land that it otherwise could not. Provides a possible advantage not given to other schools.	Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hydro-Electric Commission (Doubts Removal) Act 1972	HEC	Provides the Hydro-Electric Commission (HEC) with the power to do all such acts, matters and things in relation to the specified area of Crown land as are necessary to construct and carry out works.	Review not required.	Act repealed on 6 November 1996. The repealing Acts were included on the LRP: the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Hydro-Electric Commission (Doubts Removal) Act 1982	HEC	Provides the HEC with the power to do all such acts, matters and things in relation to the specified area of Crown land as are necessary to construct and carry out works.	Review not required.	Act repealed on 6 November 1996. The repealing Acts were included on the LRP: the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Hydro-Electric Commission Act 1944	HEC	Market entry, competitive conduct, and product service innovation. Prohibits the generation and/or transmission of electricity without the consent of the Hydro-Electric Commission (HEC). Establishes pricing rules and prohibits electrical wiring work and the sale of electrical fittings unless approved by the HEC.	Review not required.	Act repealed on 6 November 1996. The repealing Acts were included on the LRP: the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Ida Bay Railway Act 1977	DPIWE	Confers Ida Bay Railway with an exemption from the provisions of the National Parks and Wildlife Act 1950 and the Railway Management Act 1935.	Review not required.	Act repealed in April 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Inland Fisheries Act 1995	DPIWE - IFC	Licensing of commercial fishers and fish farms. Registration of private fisheries, fish processors and sellers. Restricts the methods and equipment that can be used to take or kill fish. Limits the size and sex of fish that can be taken. Restricts the importation of fish.	Review completed. The review report, in the form of a RIS, concluded that most restrictions are justified but recommended some simplifications such as abolishing certain licence classes.	Review recommendations to be implemented.
Iron Ore (Savage River) Agreement Act 1965	DIER		Review not required.	Act to be repealed. Act originally thought repealed by either the Goldamere Pty Ltd (Agreement) Act 1996 or the Iron Ore (Savage River) Arrangements Act 1996. Act not repealed because the royalty regime referred to in the Act is still being applied.
Iron Ore (Savage River) Arrangements Act 1996	DSD		Review not required.	Act to be repealed. Act originally thought repealed by either the Goldamere Pty Ltd (Agreement) Act 1996 or the Iron Ore (Savage River) Arrangements Act 1996. Act not repealed because the royalty regime referred to in the Act is still being applied.
Iron Ore (Savage River) Deed of Variation Act 1990	DIER		Review not required.	Act to be repealed by the Legislation Repeal Act 2001. Act originally thought repealed by either the Goldamere Pty Ltd (Agreement) Act 1996 or the Iron Ore (Savage River) Arrangements Act 1996. Act not repealed because the royalty regime referred to in the Act is still being applied.
Land and Income Taxation Act 1910	T&F		Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Surveyors Act 1909	DPIWE	Licensing, registration, entry requirements (age, good fame and character, competency (education, experience and exam)), reservation of practice, disciplinary processes, and business conduct (number of supervised graduates, discretionary power for Surveyors Board to publish and enforce a scale of fees, survey practice standards).	Review completed in July 1999 and report released in December 2000. Review recommended retaining the following restrictions: registration, annual licensing, disciplinary processes, experience (but replacing two years of supervised training with appropriate course of postgraduate training) and minimum standards (but less prescriptive and more output focused). Review also recommended removing the following restrictions: the number of graduates under supervision and power for the board to set fees.	The Government released a draft response for comment, proposing an alternative, less-restrictive, competency-based co-regulation model. The model would establish a single public register of all surveyors, with mandatory registration of land surveyors, voluntary registration of surveyors in non-cadastral disciplines and voluntary registration of multidisciplinary competency certification for all registered surveyors. The Government would not be directly involved in the assessment of competency. Rather, an accredited professional organisation would assess professional competency. The model is being assessed by an interdepartmental group.
Land Tax Act 1995	T&F		Review not required.	
Land Use Planning and Approvals Act 1993	DPIWE	Requires the observance of planning schemes by planning authorities in respect of all use or development within a certain area. Requires persons undertaking certain developments to apply to the planning authority for a permit.	Review completed in 2000.	The Government is preparing legislation to implement the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Valuation Act 1971	DPIWE	Gives the Valuer-General a monopoly on the provision of valuation services to local government for the setting of valuations for the purpose of determining local rates.	Major review, in conjunction with the Valuers Registration Act, completed. Review recommended tendering for all statutory mass valuation work and retaining the role of the Valuer-General. The Valuer-General would be responsible for developing and monitoring valuation standards and information requirements, determining the length of the revaluation cycle, administering valuation lists and coordinating the collection of information, and being the avenue of appeal. Also recommended greater administrative separation of the Valuer-General and the Government Valuation Services, and the abolition of the Valuers Registration Board.	The Government plans to introduce legislative changes to Parliament during the Spring 2001 session.
Launceston Gas Company Act 1982	DOJIR	Gives the Launceston Gas Company powers that are not available to potential competitors in the gas supply market. For example, they are given the power to 'break up public roads' without council approval, and only needing to give 24 hours notice.		Act substantially amended by new legislation. Remaining sections to be repealed once an accurate map of the pipeline network has been completed.
Launceston Savings Investment and Building Society Act 1955	DOJIR	Provides the Launceston Savings, Investment and Building Society with the power to invest in a specific property that it may not have been able to under the Building Societies Act 1876.		Act repealed by the Legislation Repeal Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Profession Act 1993	DOJIR	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, business conduct (including monopoly professional indemnity insurance, operation of mandatory trust accounts and advertising (power to Council of Law Society to make rules)).	Major review completed.	The Government is considering the review recommendations.
Lending of Money Act 1915	DOJIR - OCAFT	Relates to money lending contracts taken out prior to the introduction of Consumer Credit Code. Requires that money lenders be registered.	Review not required.	Act repealed by the Legislation Repeal Act 2000.
Liquor and Accommodation Act 1990	T&F - LC	Prohibits granting of a liquor licence in connection with supermarket activities. Regulates the sale of liquor. Minimum sale of 9 litres required for non hotel outlets. Provides an appellation system for Tasmanian wine.	Review underway.	
Living Marine Resources Management Act 1995	DPIWE	Licensing of fishers, handlers, processors and marine farmers. Input controls on gear, vessel operations, and handling and storage standards. Output controls such as quotas, size limits and species. Prohibits importation of live fish into Tasmania.	Review completed. It recommended retaining all restrictions.	Act to be retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government (Highways) Act 1982	P&C - LGO	Provides for the creation, construction, maintenance and management of highways and establishes construction standards. Empowers councils to make by-laws prohibiting the carriage of certain materials over local highways unless licensed.	Minor review completed.	Minor amendments to be introduced in the Spring 2001 Session of Parliament.
Local Government Act 1993	P&C - LGO	Enables councils to make by-laws in respect of any matter or thing, such as fees and licences and the execution of works, for which the council has a function of power under this or any other Act.	Review completed.	By-law making power removed.
Local Government (Building and Miscellaneous Provisions) Act 1993 - (except in relation to health issues and Part III (subdivisions))	DIER	Provides for the control of building and plumbing work, setting of product and construction standards and application of the Building Code of Australia to Tasmania.	Assessed under the gatekeeper provisions.	The building provisions replaced by the Building Act 2000.
Local Government (Building and Miscellaneous Provisions) Act 1993 - (in so far as it relates to health issues)	DHHS	Prohibits cesspools and the inhabitation of houses that do not have sanitation facilities. Requires the registration of premises used for offensive trades (tanneries, etc), the licensing of night-soil disposal systems and places of public entertainment.		Relevant provisions transferred to the Public Health Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government (Building and Miscellaneous Provisions) Act 1993 (Part III)	DPIWE	Provides for the control of building and plumbing work, the setting of product and construction standards and application of the Building Code of Australia to Tasmania. Provides for the approval of subdivisions and restrictions on the use of water.	Review not required.	Legislation replaced by the Building Act 2000. Building Act assessed under legislation gatekeeper provisions.
Marine (Consequential Amendment Act) 1997			New legislation. Assessed under legislation gatekeeper provisions.	
Marine Act 1976	DIER	Provided for the survey of marine vessels and equipment. Established standards for marine vessels and equipment through the adoption of national codes and standards.		Act repealed on 30 July 1997 and replaced by the Marine and Safety Authority Act 1997, the Port Companies Act 1997, and the Marine (Consequential Amendment) Act 1997. These Acts were assessed under legislation gatekeeper provisions.
Marine and Safety Authority Act 1997		Marine safety arrangements.	New legislation. Assessed under legislation gatekeeper provisions.	Act replaced the Marine Act 1976.
Marine Farming Planning Act 1995	DPIWE	Marine farming not to occur outside marine farming zones; lease required to operate a marine farm; and a person must not do anything that is contrary to any marine farming development plan.	Review completed. Review recommended retaining all restrictions.	Act to be retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Meat Hygiene Act 1985	DPIWE	Prohibits the operation of abattoirs and slaughterhouses without a licence and provides for conditions to be attached to licences. Prohibits persons from selling or bringing meat into Tasmania unless it is fit for human consumption.	Review completed.	Reform legislation to be considered in the Spring 2001 Session of Parliament.
Medical Act 1959	DHHS	Restrictions on entry, registration, title, practice, and disciplinary provisions.		Act repealed on 21 August 1996 and replaced by the Medical Practitioners Registration Act 1996, which is included on the LRP.
Medical Practitioners Registration Act 1996	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review underway.	
Medical Radiation Science Professionals Registration Act 2000	DHHS	Restrictions on entry, title, registration, and disciplinary provisions. Requirements for professional indemnity insurance.	New legislation. Assessed under legislation gatekeeper provisions.	Act passed in November 2000.
Mental Health Act 1963	DHHS	Restricts the admission of involuntary mental patients to public hospitals only.		Act repealed and replaced by the Mental Health Act 1996.
Mental Health Act 1996	DHHS		New legislation. Assessed under legislation gatekeeper provisions in 1999.	Act replaced the Mental Health Act 1963. The 1996 Act addressed the restriction contained in the 1963 Act.
Merchant Seamen Act 1935	DIER	Places restrictions on shipping crews through the adoption of International Labour Conventions.		Act repealed by the Legislation Repeal Act 1998.
Metro Tasmania Act 1997	DIER		New legislation. Assessed under legislation gatekeeper provisions.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Metropolitan Transport Act 1954	DIER	Places restrictions on the provision of public bus services within a 22 kilometre radius of the Hobart general post office (GPO) and a 12 kilometre radius of the Launceston GPO.		Act replaced by the Metro Tasmania Act 1997 and the Metro Tasmania (Transitional and Consequential Provisions) Act 1997.
Mineral Resources Development Act 1995	DIER	Provides for a system of licences and leases governing the exploitation of mineral resources.	Review completed. All restrictions considered to be justified in the public interest.	Act to be retained without reform.
Mining Act 1929	DIER			Act repealed on 1 July 1996 and replaced by the Mineral Resources Development Act 1995. New Act included on the LRP in place of this Act.
Mock Auctions Act 1973	DOJIR - OCAFT	Prohibits auctions whereby it is a normal auction, but items are sold at a price lower than the highest bid, ie no kick backs allowed.	Review not required.	Act repealed by the Legislation Repeal Act 2000.
Motor Accidents (Liabilities and Compensation) Act 1973	MAIB	Mandatory insurance, monopoly insurer, and centralised premium setting.	Major review completed in 1997, recommending retention of the monopoly. In considering its approach, Tasmania will review the outcome of the Victorian review of its Compulsory Third Party (CTP) insurance.	The Government agreed to the review recommendations.
Mount Dundas and Zeehan Railway Act 1890	DIER	Sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway.		Act repealed by the Legislation Repeal Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mount Dundas and Zeehan Railway Act 1891	DIER	Sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway.		Act repealed by the Legislation Repeal Act 1998.
Mount Lyell and Strahan Railway Act 1892	DIER	Provides the company with the power to construct a railway through public and private lands. Specifies quality levels to be met in the construction of the railway.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1893	DIER	Specifies railway construction standards to be met by this railway.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1896	DIER	Provides the company with the power to alter the course of the railway through public and private lands. It provides the company with greater rights of acquisition than is available to other companies under the law.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1898	DIER	Restricts the ability of the company to set freight rates. As a monopoly provider of rail services to Strahan the Government empowered itself to oversee the private freight fees charged by the company.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1900	DIER	Provides the company with an extension to its rights over public and private lands.		Act repealed by the Legislation Repeal Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mount Read and Rosebery Mines Limited Leases Act 1916	DIER	The Act authorises the issue of special leases and licences to the Company in order for it to acquire 'a more certain tenure of the lands, water and other rights'. The Company has sole rights to timber on any lands in the lease.		Act repealed by the Mt Read and Rosebery Mines Limited Leases (Repeal) Act 1999.
National Parks and Wildlife Act 1970	DPIWE	Provides for conditions to be placed on the commercial use of Crown land and limits the number and type of licenses that can be issued.	Minor review underway.	
North Mount Lyell and Macquarie Harbour Railway Act 1897	DIER	Provides the company with the power to construct a railway through public and private lands. Specifies quality levels to be met in the construction of the railway.		Act repealed by the Legislation Repeal Act 1996.
North Mount Lyell Mining and Railway Act 1901	DIER	Provides the company with more land for its railway and retrospectively approves certain new railway constructions. Specifies the conduct and form of leasing arrangements that the company can enter into.		Act repealed by the Legislation Repeal Act 1996.
Noxious Insects and Molluscs Act 1951	DPIWE	Prohibits the importation into Tasmania of any noxious insect or mollusc, except for scientific purposes and with the prior approval of the Minister. Prohibits the sale of any infested animal or good.	Review not required.	Act repealed and replaced by the Plant Quarantine Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Noxious Weeds Act 1964	DPIWE	Provides for the declaration of 'infected areas' and prohibits the movement of plants and animals from that area. Prohibits the importation of banned weeds and unidentified plants. Controls the importation of seeds, aquatic plants and animals.	Review not required.	Act expected to be repealed and replaced by a new Act that will be subject to assessment under legislation gatekeeper provisions (CPA clause 5(5)).
Nursing Act 1987	DHHS	Restrictions on entry, registration, title, practice, and disciplinary provisions.		Act repealed 1 July 1996 and replaced by the Nursing Act 1995. Nursing Act 1995 included on LRP.
Nursing Act 1995	DHHS	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in 1999. Restrictions related to registration assessed as providing a net community benefit as they provide information to the consumer.	The Nurses Amendment Act 1999 removes restrictions other than registration.
Optometrists Registration Act 1994	DHHS	Restrictions on entry, registration, title, practice, advertising, ownership, and disciplinary provisions.	Review completed and recommendations being drafted for consideration by the Government.	
Partnership Act 1891	DOJIR	Restricts partners competing with the partnership.	Minor review completed. Review found restrictive provisions to be justified in the public benefit.	
Pawnbrokers Act 1857	DOJIR	Licensing, business conduct.	Review not required.	Act repealed in 1996 by the Second-Hand Dealers and Pawnbrokers Act 1994.
Pay-roll Tax Act 1971	T&F		Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pesticides Act 1968	DPIWE	Provides for the registration of pesticides and prohibits their sale unless registered. Prohibits the sale of foodstuffs that contain pesticide residue above the permitted tolerance. Controls the packaging, labelling and use of pesticides.	Review not required.	Act repealed on 1 January 1997 by the Agricultural and Veterinary Chemicals (Control of Use) Act 1995, which is included on LRP.
Petroleum (Submerged Lands) Act 1982	DIER	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	Amendments to be developed by the Commonwealth and subsequently reflected in State and Territory legislation.
Petroleum Products Business Franchise Licences Act 1981	T&F			Act repealed as a result of the High Court ruling of August 1997 that States are unable to collect franchise fees.
Petroleum Products Emergency Act 1994	DOPPS	Provides for the licensing and prohibition of sale of petroleum products and the rationing of petroleum sales in an emergency.	Review not required. The legislation requires that any restrictions must be justified in the public benefit, therefore no further justification considered necessary.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1908	DHHS	Restrictions on entry, registration, title, practice, advertising, business, ownership, and disciplinary provisions.	<p>Drugs and poisons regulation were part of the Galbally Review. Draft review report released in September 2000. Final review report given to the Australian Health Ministers Conference in early 2001.</p> <p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.</p> <p>A State-based review was completed in January 1998. This review did not encompass the ownership issues to be considered as part of the national review.</p>	Act expected to be replaced by new legislation consistent with the national review outcomes, which will be assessed under Tasmania's legislation gatekeeper provisions.
Physiotherapists Registration Act 1951	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in 1999. Restrictions related to registration assessed as providing a net community benefit as they provide information to the consumer.	Act repealed and replaced by the Physiotherapists Registration Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Registration Act 1999	DHHS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	See the Physiotherapists Registration Act 1951. New legislation implemented after assessment under gatekeeper provisions. Introduces professional indemnity insurance requirement, and can provide for continuing professional education regulations. Maintains limited reserved practice (manipulation and electrical). Business restrictions and licensing removed.	Act replaced the Physiotherapists Registration Act 1951.
Plant Diseases Act 1930	DPIWE	Provides for the Governor to prohibit the introduction into Tasmania of any plant that is likely to introduce any disease or noxious organism. Prohibits the movement and export of diseased plants.		Act repealed and replaced by the Plant Quarantine Act 1997.
Plant Protection Act 1994	DPIWE	Minister may prohibit the sale of anything found in an 'infested area' and may prohibit any article, goods or material from being imported into Tasmania. Prohibits exportation of diseased plants unless in accordance with restrictions.		Act repealed by the Plant Quarantine Act 1997. The Plant Protection Act 1994 was passed by Parliament in 1994, but not proclaimed due to inadequacies which later came to light.
Plant Quarantine Act 1997	DPIWE	Relates to the management of noxious plants, insects and molluscs.	Assessed under legislation gatekeeper provisions.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plumbers and Gas-fitters Registration Act 1951	DIER	Licensing, registration, entry requirements (qualification or experience, apprenticeship and exam), reservation of practice (sanitary, mechanical services, water and backflow prevention plumbing, draining and roof plumbing, any other plumbing work, gasfitting), and disciplinary processes.	Review completed in 1998. Recommendations included reducing areas of reservation of practice; limiting qualifications and experience required for registration to demonstrate competence; and implementing an appropriately constituted self-certification system; and amalgamating registration and plumbing inspection systems to reduce overlap and reduce the current regulatory burden on plumbers.	The Government is considering the review recommendations.
Podiatrists Registration Act 1974	DHHS	Restrictions on entry, registration, title, advertising, ownership, and disciplinary provisions.	Review completed in 2000. Review recommended that advertising and ownership restrictions be removed from the Act.	Act repealed on 1 July 1996 and replaced by the Podiatrists Registration Act 1995 which is included on the LRP.
Podiatrists Registration Act 1995	DHHS	Restrictions on entry, registration, title, advertising, ownership, and disciplinary provisions.	Review completed in 2000. Review recommended that advertising and ownership restrictions be removed from the Act.	Advertising and ownership restrictions removed from the Act in November 2000. A professional indemnity insurance requirement was introduced.
Poisons Act 1971	DHHS	Requires the licensing of manufacturing and wholesale chemists, and restricts the sale or supply of narcotic or prohibited substances. Prohibits the sale of new drugs until they are classified.	Part of Galbally Review. Final review report under consideration by the Australian Health Ministers Advisory Council (AHMAC).	The Department is drafting legislation to replace the Poisons Act 1971 with two separate Bills dealing with licit drug use and illicit drug use. These Bills are being progressed under the LRP gatekeeper provisions.
Police Offences Act 1935	DOPPS	Requires the licensing of tanners, motor racing events, wood stacks, fund raising, money lending and boxing.	Minor review completed.	Two anticompetitive provisions repealed and those remaining have been justified as being in the public benefit.
Port Arthur Historic Site Management Authority Act 1987	PAHSMA	Imposes restrictions on commercial operations in the Port Arthur Historic Site area.	Outcome of review of the National Parks and Wildlife Act 1970 will apply.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Port Companies Act 1997	DIER	Establishes port authorities.	Assessed under legislation gatekeeper provisions.	
Port Huon Wharf Act 1955	T&F	Restrictions on port access.		Act repealed on 30 July 1997.
Primary Industry Activities Protection Act 1995	DPIWE	Provides legal protection from a claim of nuisance from new adjoining subdivisions for established primary producers, but not to new ones entering the market.	Minor review completed. No reform recommended. It found the restrictions to be justified in the public interest.	
Printers and Newspapers Act 1911	DOJIR	Requires printed matter to carry printer's name and address. Prohibits the sale of printed matter that does not bear printer's name and address.		Act repealed by the Legislation Repeal Act 1998.
Psychologists Registration Act 1976	DHHS	Restrictions on entry, registration, title, advertising, and disciplinary provisions.	Review completed in 2000. Restrictions related to registration assessed as providing a net community benefit as they provide information to the consumer.	Act replaced by the Psychologists Registration Act 2000.
Psychologists Registration Act 2000	DHHS	Restrictions on entry, registration, title, and disciplinary provisions.	Assessed under legislation gatekeeper provisions.	Act replaced the 1976 Act. The 2000 Act removes restrictions on advertising and reservation of practice, and streamlines complaints and administration procedures.
Public Health Act 1962	DHHS	Prohibits persons other than medical practitioners from treating patients suffering from certain diseases. The Act prescribes food labelling requirements and sets food standards. Requires the registration of, and sets standards for, food premises.		Act repealed and replaced by the Public Health Act 1997 and the Food Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Health Act 1997	DHHS		Assessed under legislation gatekeeper provisions. The Commonwealth is consulting with the States on national review of food regulation, including a review of the Australia and New Zealand Food Authority Council Act and the Model Food Act.	Act replaced the Public Health Act 1962.
Pulpwood Products Industry (Eastern and Central Tasmania) Act 1968	FT	Ratifies a financial agreement providing a particular company with a competitive advantage, potentially acting to restrict competition.		Act repealed by the Legislation Repeal Act 1995.
Racing Act 1983	DIER	Provides for the licensing of thoroughbred horses and greyhounds and persons involved in this type of racing. Controls thoroughbred and greyhound racing in Tasmania.		Following the restructure of the racing industry in 2000, new racing legislation is being drafted for introduction into the Autumn Session 2002. The new legislation will be assessed under legislation gatekeeper provisions.
Racing and Gaming Act 1952 (except in relation to minor gaming)	DIER	Requires the registration of bookmakers, bookmakers' clerks, racing clubs and race courses. Restricts race meetings, telephone sports betting, bookmaker betting activities and the appointment of officials. Prohibits proprietary racing. Limitations on the availability of gaming to minors.		Following the restructure of the racing industry in 2000, new racing legislation is being drafted for introduction in the Autumn Session 2002. The new legislation will be assessed under legislation gatekeeper provisions.
Racing and Gaming Act 1952 (minor gaming)	T&F		Minor review completed as part of review of the State's gaming legislation.	The gaming components of this Act transferred to the Gaming Control Act and were assessed under legislation gatekeeper provisions.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Gaming Act 1952 (in so far as it relates to totalisator betting)	T&F and DIER	Restrictions on totalisator betting.		Legislation expected to be replaced following a restructure of the racing industry. The new legislation will be assessed under legislation gatekeeper provisions.
Radiation Control Act 1977	DHHS	Prohibits unlicensed dealings with radioactive materials and electronic products. Enables requirements to be imposed on premises and requires the registration of certain products and materials.	National review completed.	New radiation control legislation currently being drafted and to be assessed under legislation gatekeeper provisions.
Radiographers Registration Act 1971	DHHS	Restrictions on entry, registration, title, practice, and disciplinary provisions.		Act replaced by the Medical Radiation Technologists Registration Act 1999, which was assessed under legislation gatekeeper provisions.
Railway Management Act 1935	DIER	Gives the Transport Commission the power to issue licences to reopen abandoned railways. Exempts railway buildings from planning laws.		Legislation to repeal this Act passed by Parliament, but not proclaimed. Further opinion is being sought in relation to the regulation making power of the Railway Management Act and its impact on existing bylaws.
Railways (Transfer to Commonwealth) Act 1975	DIER	Establishes a price fixing regime, whereby rail freight charges cannot be set at a level higher than those applying to railways of the Commonwealth outside Tasmania.		Act became redundant following the sale of Tasrail to the Commonwealth and the return to State ownership of railway land in accordance with the Railways Agreement between the Commonwealth and State Government. Repealed by the Legislation Repeal Act 1998.
Railways Clauses Consolidation Act 1901	DIER	Authorises the construction of railways or tramways and sets fares, construction standards, rates and charges.	Review deferred pending proclamation of the Rail Safety Act 1997.	Act repealed by the Legislation Repeal Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Renison Limited (Zeehan Lands) Act 1970	DPIWE	Vests certain land to Renison Limited.		Act repealed by the Legislation Repeal Act 1998.
Retirement Benefits Act 1993	RBFB		Review not required.	Choice of funds for new and existing contributors introduced. Move to fund existing public scheme.
Roads and Jetties Act 1935	DIER	Prohibits persons from moving vehicles or livestock so as to cross the side boundary of a limited access road without authority to do so.	Minor review completed. Review concluded that restrictions related to limited access provisions should be retained because they are in the public interest.	The Government accepted the review recommendations.
Rules Publication Act 1953	DOJIR	All Statutes and Statutory Rules to be sent to the Government Printer and shall be numbered, printed and sold by the Printer as prescribed. Provides administrative discretion to the Chief Parliamentary Counsel to decide whom to appoint as the Government Printer.		Restrictive provisions repealed by the Legislation Publication Act 1996 which was proclaimed in early 1998. The repealing legislation was assessed under legislation gatekeeper provisions as not restricting competition or impacting on business.
Sale of Condoms Act 1987	DHHS	Requires the installers of condom vending machines to be licensed. Prohibits certain advertisements and the sale and supply of particular condoms. Requires that condoms meet certain standards.	Minor review completed.	Act repealed.
Sale of Hazardous Goods Act 1977	DOJIR - OCAFT	Enables the prohibition of the sale of certain products which are determined to be hazardous.	Minor review completed. The restrictive provisions have been justified as being in the public benefit.	
Salt-water Salmonid Culture Act 1985, and Salt-water Salmonid Culture (Supplementary Agreements Validation) Act 1992	DPIWE	Ratifies the Joint Venture Agreement which gives SALTAS a monopoly on the production of salmon smolt.		Act repealed by the Legislation Repeal Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
School Dental Therapy Service Act 1965	DHHS	Restrictions on entry, registration, title, practice, advertising, can only treat children up to 16 years, limits practice to the public sector, imposes disciplinary provisions.		Act replaced by the Dental Practitioners Registration Act 2001. Most restrictions on practice removed, including the limit on public sector employment.
Second-hand Dealers Act 1905	DOJIR	Licensing, business conduct.	Review not required.	Act repealed in 1996 by the Second-Hand Dealers and Pawnbrokers Act 1994.
Second-hand Dealers and Pawnbrokers Act 1994	DOJIR - OCAFT	Negative licensing (pawnbrokers, second-hand dealers), registration (notification at nearest police station), entry requirements (fit and proper person, not convicted of offence against the Act or offence involving dishonesty), reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, redemption period of six months, auction of forfeited goods; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Minor review completed. Review found restrictive provisions to be justified in the public benefit.	The Government endorsed the review recommendation.
Securities Industry (Application of Laws) Act 1981	DOJIR	Act assessed as not restricting competition. The Act has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Securities Industry (Tasmania) Code	DOJIR	Code assessed as not restricting competition. The Code has effect only in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Review not required.	The Australian Securities Commission advised that the Code cannot be repealed yet.
Seeds Act 1985	DPIWE	Prohibits the importation of certain seeds and the sale of seeds if the quality of those seeds is less than prescribed, or if they are mixed with other seeds in the wrong proportion or with seeds which are infected.	Review not required.	The Seeds Amendment Act 1999 removed the restrictive provisions from this Act.
Shop Trading Hours Act 1984	DIER	Major retailers (shops employing more than 250 people) are prohibited from trading during prescribed periods, these being Sundays, public holidays and weekdays after 6:00pm, other than Thursday and Friday.	Work being undertaken by the Shop Trading Hours Review Group.	
Stamp Duties Act 1931	DIER		Review not required.	
Stock Act 1932	DPIWE	Requires a licence for commercial artificial breeding. Enables the Minister to prohibit or restrict the movement of any animals into Tasmania from any other State.		Act repealed on 1 September 1996 and replaced by the Animal Health Act 1995, which has been included on the LRP.
Stock, Wool, and Crop Mortgages Act 1930	DOJIR	Provides for the registration of mortgages against stock, wool and crops by the Office of Consumer Affairs. Specifies what can be mortgaged and how it is to be done.	Review completed. It found all restrictions to be in the public interest. No reform recommended.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Substandard Housing Control Act 1973	DHHS	Provides for the closure of substandard rental accommodation and for rental control over certain premises.		Act expected to be repealed.
Sunday Observance Act 1968	DIER	Prohibits certain business activities (particularly property transactions) on Sundays.	Review not required.	Act repealed by the Sunday Observance (Repeal) Act 1997.
Survey Co-ordination Act 1944	DPIWE	Prohibits the erection of a structure, building or any other erection that is likely to be mistaken for a standard permanent mark on a mountain, hill or elevated land without the approval of the Surveyor-General.		Restrictive provisions of the Act to be repealed following the implementation of changes to the Land Surveyors Act 1909.
Tasmanian Government Insurance Act 1919	T&F	Establishes the Tasmanian Government Insurance Office and prohibits it from trading in life insurance. Specifies business practices and standards.		Act repealed.
Tasmanian Harness Racing Board Act 1976	DPIWE - TRA	Provides for the registration of all harness racing trainers and drivers. Controls harness racing in Tasmania.	Racing Industry Review completed in 1997.	Act repealed and replaced by the Racing Amendment Act 1997. Amendment Act was assessed under legislation gatekeeper provisions as not restricting competition or impacting on business.
Tasmanian Public Finance Corporation Act 1985	T&F	Provides for the Treasurer to direct a State authority to exclusively source loans from Tascorp.	Minor review completed. Review found the restrictive provisions to be justified in the public benefit.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Taxi Industry Act 1995	DIER	Provides for the licensing of taxis and places restrictions on their operation. Limits the number of taxi licences available.	Review completed in April 2000. It recommended replacing current, unique licensing system with a new, unique licensing system. Likely effect of the recommended system would be to place an effective cap on licence values. However, it would not allow relative scarcity to be addressed. Recommended a system based on the issue of new licences by tender with current assessed value forming a reserve price.	The Government is considering the review recommendations.
Teachers Registration Act 2000	DE	Licensing, registration, entry requirements (teacher training and one years experience or sufficient education and experience in the opinion of the Board, and good character - Board to take into account any conviction and behaviour of the applicant or any other matter), reservation of practice (teaching in government and non-government schools), and disciplinary processes.	Assessed under legislation gatekeeper provisions. RIS prepared.	Legislation to commence on 1 January 2002.
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1985	T&F	Provides financial assistance to extend the life of the mine and to establish a rehabilitation agreement.		Act repealed by the Legislation Repeal Act 1996.
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1987	T&F	Provides financial assistance to extend the life of the mine and to ensure continuation of the rehabilitation agreement.		Act repealed by the Legislation Repeal Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1992	T&F	Ratifies and implements a deed of variation with respect to the continuation of operations of a particular company. Grants to the company certain environmental degradation exemptions.		Act repealed by the Legislation Repeal Act 1998.
Therapeutic Goods and Cosmetics Act 1976	DHHS	Act provides for the control of therapeutic goods and cosmetics.		Act expected to be replaced by the new Therapeutic Goods Bill which will complement the Commonwealth Act. New legislation to be assessed under legislation gatekeeper provisions.
Threatened Species Protection Act 1995	DPIWE	Prohibits trade in protected flora and fauna. Provides for protection orders prohibiting certain activities and exemptions from those orders. Specifies conduct of Government agencies, Government business enterprises (GBEs), authorities and bodies in relation to sustainable development.	Minor review completed.	Legislation to be introduced in the Spring 2001 Session of Parliament to implement review recommendations.
Tobacco Products (Labelling) Act 1987	DHHS	Prescribes regulations for the packaging of tobacco products and requires warning notices to be displayed on tobacco products.		Act repealed by the Public Health Act 1997.
Traffic Act 1925	DIER	Licensing of public vehicles (cars, carriers, omnibuses, hire cars and charter buses), conditions to be placed on licences, and licensing of driving instructors.	Review completed. The Act has been substantially reviewed in terms of the restrictive provisions of Part III, by the independent Committee of Review into Public Vehicle Licensing in Tasmania, chaired by Mr David Burton (the "Burton Review").	The anticompetitive provisions in Part III replaced by the Passenger Transport Act 1997, the Passenger Transport (Consequential and Transitional) Act 1997 and the Traffic Amendment (Accreditation and Miscellaneous) Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1987	DOJIR - OCAFT	Licensing and compulsory consumer compensation fund. Defines what does and does not constitute the business of a travel agent.	National review underway (coordinated by WA). Final review report by the Centre for International Economics (CIE) released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and compulsory insurance maintained, but the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option.	
Trustee (Insured Housing Loans) Act 1970	T&F	Prescribes the power to approve insurers and provides that trustees can only invest in a housing loan if that housing loan is insured by an approved insurer.		Act repealed by the Trustee Amendment (Investment Powers) Act 1997.
Trustee Act 1898	DOJIR - T&F	Regulates the types of investments that trustees can and cannot make.		Restrictive provision replaced in 1997 with a 'prudent person' approach to trustee investments. This provision was progressed through the legislation gatekeeper provisions and assessed as non-restricting or impacting on business. The Trustee Act will ultimately be repealed.
Trustee Banks Act 1985	T&F	Restricts the establishment of Trustee Banks and provides a regulatory framework for Trustee Banks that can affect their competitive conduct.		Act repealed by the Trust Bank Sale Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Companies Act 1953	DOJIR	Provides for the establishment of trustee companies. Prohibits specific actions in relation to loans. Prohibits trustee companies from engaging in any business unless expressly authorised in the Act.		Act to be repealed and replaced by new uniform trustee companies legislation being drafted by the Commonwealth. The new legislation will be assessed under legislation gatekeeper provisions.
TT-Line Gaming Act 1993	T&F	Grants a licence to a State shipping company to conduct gaming operations. Specifies how gaming is to be conducted and which games can be played. Limitations on the availability of gaming to minors.	Minor review completed. Restrictions found to be in the public benefit.	Act retained without reform.
United Milk Products Ltd (Amalgamation) Act 1981	DSD	Special Act to allow the amalgamation of two companies and two co-operative industrial societies into one single company. Not practicable under the Companies Act 1962, therefore this special Act was passed.		Act repealed by the Legislation Repeal Act 1998.
Universities Registration Act 1995	DE	Requires institutions wanting to operate as universities to be registered and enables conditions to be imposed on their conduct.	Minor review completed in 1998. Restrictions relating to the registration and accreditation of private universities are to be retained as they are considered to be in the public benefit.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Valuers Registration Act 1974	DPIWE	Licensing, registration, entry requirements (education and experience or 10 years experience, good fame and character), reservation of title and practice, disciplinary processes, and business conduct (conduct that may result in deregistration includes professional misconduct, taking excessive amounts of alcohol and drugs, suffering from a mental disorder or committing an offence).	Major review, in conjunction with the Land Valuation Act, completed.	The Government plans to introduce new legislation to Parliament during the Spring 2001 session, to abolish the Valuers Registration Board, introduce negative licensing, and repeal and replace the current legislation.
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1895	DIER	The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives authority to construct and operate a railway and prescribes the construction standards that must be met.		Act to have been repealed following the proclamation of the Rail Safety Act 1997. However, legal opinion is being sought as to whether repeal of the Act will impact on the private land running rights of the rail company.
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1896	DIER	The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.		Act to have been repealed following the proclamation of the Rail Safety Act 1997. However, legal opinion is being sought as to whether repeal of the Act will impact on the private land running rights of the rail company.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1948	DIER	The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.		Act to have been repealed following the proclamation of the Rail Safety Act 1997. However, legal opinion is being sought as to whether repeal of the Act will impact on the private land running rights of the rail company.
Vermin Destruction Act 1950	DPIWE	Prohibits the keeping and intrastate transportation or importation into Tasmania of vermin and rabbits without a permit.	Review completed, recommending removal of all restrictions on competition.	Act replaced by the Vermin Control Act 2000.
Vermin Control Act 2000	DPIWE		Assessed under legislation gatekeeper provisions.	
Veterinary Medicines Act 1987	DPIWE	Provides for the registration of veterinary medicines. Prohibits their sale unless they are registered and packaged in accordance with requirements. Requires animals treated with prescribed medicines to be marked in a manner approved by the Registrar.		Act repealed in January 1997 by the Agricultural and Veterinary Chemicals (Control of Use) Act 1995, which was included on the LRP.
Veterinary Surgeons Act 1987	DPIWE	Licensing of veterinary surgeons and hospitals, reservation of practices, and reservation of title.	Review completed in 2000.	Legislation to implement the review recommendations to be introduced in the Spring 2001 Session of Parliament.
Vocational Education and Training Act 1994	DE	Requires training providers to be registered in order to offer accredited courses. Provides for compulsory training agreements for training undertaken in respect of a declared vocation.	Review issued a RIS in July 2000. This supported restrictions except for provisions governing vocational placement arrangements which it argued should be replaced with an administrative arrangement.	The Government is considering the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wee Georgie Wood Steam Railway Act 1977	DIER	Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.		Act repealed by the Legislation Repeal Act 2000.
Weights and Measures Act 1934	DOJIR - OCAFT	Requires the licensing of weigh bridges and public weigh bridge operators. Specifies requirements for pre-packed articles and other products.	Act assessed under legislation gatekeeper provisions. National review of trade measurement legislation underway.	Act to be repealed and replaced by State-based uniform trade measurement legislation.
Wellington Park Act 1993	DPIWE	Imposes restrictions on commercial operations in the Wellington Park area.	Outcome of review of the National Parks and Wildlife Act 1970 will apply.	
Whales Protection Act 1988	DPIWE	Requires a permit to trade in any whale products, or to take/interfere with whales.	Minor review found restrictions to be in the public interest.	
Workers' (Occupational Diseases) Relief Fund Act 1954	DIER	Act assessed as not restricting competition. Compels employers in certain industries to contribute to the Workers (Occupational Diseases) Relief Fund.	Review not required.	
Workers' Rehabilitation and Compensation Act 1988	DIER	Mandatory insurance, and licensed insurers.	The Tasmanian Parliament established a Joint Select Committee to examine further reform of this legislation. The committee submitted its final report in May 1998. Minor amendments, mainly related to scheme design, recommended.	Changes to the scheme design passed through Parliament. These changes have not compromised the competitive nature of the scheme.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workplace Health and Safety Act 1995	DIER	Establishes a code of practice with respect to workplace health and safety. Sets health, safety and welfare standards. Regulates workplaces and work practices.	The Labour Ministers' Council has undertaken a review of the National Occupational Health and Safety Commission (NOHSC). On 30 May 1997, the Labour Ministers' Council agreed on a new direction for the NOHSC and a new role for the Council in approving any new occupational health and safety standards. Review options will be developed following an appraisal of the reforms to NOHSC.	
Wynyard Airport (Special Provisions) Act 1982	DIER	Provides for the granting of a lease or licence to use any part of the land, buildings or structures of the airport.		Act repealed by the Port Companies Act 1997.

9 Australian Capital Territory

Agency abbreviations

The following abbreviations are used in the 'Agency' column of the Australian Capital Territory legislation review timetable.

CM	Chief Minister's Department
DECS	Department of Education and Community Services
DHHCC	Department of Health, Housing and Community Care
DoT	Department of Treasury
DUS	Department of Urban Services
JACS	Department of Justice and Community Safety

Legislation review schedule: Australian Capital Territory

Updated to September 2001

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Administration and Probate Act 1929	JACS	Minor National Competition Policy (NCP) issues (imposes restrictions on business structure and conduct).	Intradepartmental review completed in 2001. Review concluded that the Act provides the Public Trustee with procedural advantages that are appropriate having regard to its function of being the trustee of last resort. Other minor restrictions on competition in the Act are justified having regard to the need to ensure public confidence in the judicial process and the need to protect beneficiaries from unfair practices.	
Adoption Act 1993	DECS	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agents Act 1968	JACS	Licensing (real estate agents, travel agents, business agents, stock and station agents), registration, entry requirements, the reservation of practice, disciplinary processes, and business conduct.	Intrdepartmental review completed in 2001. Review concluded that there are no competition policy issues requiring legislative reform within the real estate, stock and station and business agents' markets, but questions the imposition of a licensing regime on the employment agents' market. In relation to the regulation of travel agents (subject to a national review), the ACT believes that, given the current economic climate, the existing statutory Travel Compensation Fund scheme is justified under the NCP Public Benefit Test and should be retained. The ACT believes that, on balance, the positive net benefits of the national compensation scheme exceed the modest costs imposed on travel agents.	
Air Pollution Act 1984	DUS		Review not required.	Act repealed by the Environment Protection Act 1997.
Anglican Church of Australia Trust Property Act 1917 (NSW) in its application in the Territory	JACS		Intrdepartmental review completed in 1999. Minor issues. Act assessed as not restricting competition. The Act does not give the church a commercial advantage and does not have an anticompetitive effect.	
Anglican Church of Australia Trust Property Act 1928 (NSW) in its application in the Territory	JACS		Intrdepartmental review completed in 1999. Minor issues. Act assessed as not restricting competition. The Act does not give the church a commercial advantage and does not have an anticompetitive effect.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Animal Diseases Act 1993	DUS	Declaration of quarantine areas. Allows Minister to direct destruction of animals and removal of refuse. Imposes a tagging requirement for stock. Restricts entry into tag manufacture. Controls use of vaccines and the sale of infected animals.	Review, in conjunction with the Pounds Act 1928 and the Stock Act 1991, completed. It found the restrictions to have benefits to animal health, public health and sustainable development that outweigh their costs.	Report presented to the Minister. Act retained without reform.
Animal Welfare Act 1992	DUS	Ban on rodeos and circuses. Restrictions on use of animals in experiments. Restrictions on who may carry out surgical procedures.	Review completed. It found that, subject to some amendments, the restrictions were in the public interest.	Act retained without reform.
Annual Holidays Act 1973	DUS		Review not required.	Act renamed the Annual Leave Act 1973.
Annual Leave Act 1973	DUS	No competition restrictions. Act bestows employee benefits.	Review not required.	Act retained without reform.
Apiaries Act 1928	DUS			Act repealed and replaced by the Animal Diseases Act 1993.
Architects Act 1959	DUS	Registration, entry requirements, reservation of title, and disciplinary processes.	National review conducted by the Productivity Commission (PC) completed in August 2000, and publicly released in November 2000. PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of the Act.	A States and Territories working group has developed a draft national response to the PC review.
Associations Incorporation Act 1991	JACS	Minor NCP issues (imposes restrictions on business structure).	Intradepartmental review completed in 2000. Review concluded that the Act did not have a significant anticompetitive effect and that any such effect is justified in the public interest.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Auctioneers Act 1959	JACS	Licensing, entry requirements (age, good character, no pawnbrokers), the reservation of practice, and business conduct (maintenance of records for at least 12 months).	Intradepartmental review completed in 2001. Review found that while the regulatory costs imposed on auctioneers are minor, the benefits appear insufficient to justify the licensing requirements in the Act. Review recommended Act be repealed.	
Australian-American Educational Foundation Act 1966	JACS		Review not required.	Act to be repatriated to the Commonwealth.
Bank Mergers Act 1997	CM	Act assessed as not restricting competition	Review not required.	
Betting (ACTTAB Limited) Act 1964 and Betting (Corporatisation) (Consequential Provisions) Act 1996	DoT		Targeted review completed in 1999. Reviewed as part of the ACTTAB and Bookmakers legislation review. The report made a number of recommendations with a general objective of removing restrictions on competition where there is no justifiable public benefit.	The Government noted the review recommendations.
Birth (Equality of Status) Act 1988	JACS		Intradepartmental review completed in 1999. Minor issues. The Act does not have any material effect on competition.	
Births, Deaths and Marriages Registration Act 1997	JACS		Intradepartmental review completed in 2001. The Act assessed as not restricting competition.	
Blood Donation (Transmittable Diseases) Act 1985	DHHCC	Limits conduct, and confers benefit.	Review yet to commence. Awaiting the outcome of the National Review of Australian Blood Banking and Plasma Product Sector. ACT provision may subsequently be repealed or substantially amended.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Board of Senior Secondary Studies Act 1997	DECS	Provides for accreditation of secondary courses.	Intradepartmental review.	Legislation necessary to provide the Government approved function. Legislation to be retained to maintain uniform standards for senior secondary courses and certification.
Bookmakers Act 1985	DoT	Contains provisions for licensing bookmakers for racing and sports betting.	Targeted public review, in conjunction with the Betting (ACTTAB Limited) Act 1964 and the Betting (Corporatisation) (Consequential Provisions) Act 1996, completed in 1999.	Act repealed and functions incorporated in the new Race and Sports Bookmaking Act 2001.
Boxing Control Act 1993	DECS		National review of boxing completed in August 1999. Review concluded that a registration and licensing system enhances the safety of participants and minimises the incidence of malpractice in professional bouts. The working group proposed a national registration system to improve the management of professional boxing and combat sports. ACT internal review underway (which should reflect national directions and linked to the NSW Boxing Act review).	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Act 1972	DUS	Building regulations, licensing, registration, entry requirements (training, course work, practical experience or qualifications and supervised building work, business capacity), reservation of practice, disciplinary processes, business conduct (insurance).	<p>Targeted public review, in conjunction with the Electricity Act 1971 (electricians licensing) and the Plumbers, Drainers and Gasfitters Board Act 1982, by Allen Consulting Group completed in August 2000. Review focused on regulation of building occupations and did not review building regulations. Public benefits for building regulations are amenity, safety and health of people who use buildings and community expectations.</p> <p>Review focused on regulation of building occupations and insurance arrangements. Review recommended: legislation be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.</p>	The Government announced its response to the review, agreeing with most recommendations. Does not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters. Legislation prepared as part of the 2001 program.
Building and Services Act 1924	DUS		Interdepartmental review underway. Part of the utilities legislation review under the lead of Treasury.	Act to be replaced in part by the new Utilities Act and in part by a separate Utilities (Telecommunications Installations) Act that deals with communications infrastructure.
Buildings (Design and Siting) Act 1964	DUS			<p>Act repealed by the Land (Planning and Environment) (Amendment) Act 1996 (No.3) as a result of implementation of the 1995 Stein report.</p> <p>Design and siting provisions incorporated into streamlined Development Application.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Franchise (Liquor) Act 1993	CM		Review not required.	Federal Court s90 decision, no further action.
Business Franchise (Tobacco and Petroleum Products) Act 1984	CM		Review not required.	Federal Court s90 decision, no further action.
Business Franchise ('X' Videos) Act 1990	JACS		Review not required.	Act repealed in 1996 following a High Court decision.
Business Names Act 1963	JACS	Minor NCP issues (imposes restrictions on business structure).	Intradepartmental review completed in 2000. Minor anticompetitive effect outweighed by the public benefit of being able to use fictitious names placed on a public register.	
Canberra Institute of Technology Act 1987	DECS		Review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Canberra Tourism and Events Corporation Act 1997	CM	Act assessed as not restricting competition.	Review not required.	
Casino Control Act 1988	DoT	Exclusive licence. Restrictions on operations and conduct.	Targeted public review, as part of the gambling legislation review, completed in 1998. The ACT established a Select Committee on gambling which made recommendations on gaming machine issues.	The Government announced that the exclusivity of the casino licence will not be extended beyond the current licence period. The prohibition on gaming machines at the Casino will remain at the recommendation of the Select Committee.
Cemeteries Act 1933	DUS	Limits conduct.	Targeted public review, in conjunction with the Cremation Act 1966, completed in 2000. Review recommended a limit on post-burial tenure at public cemeteries.	The Government rejected the recommendation to limit post-burial tenure at public cemeteries. New legislation, the Cemeteries and Crematoria Bill 2001, introduced for debate in the Legislative Assembly in August 2001 and adjourned.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Children and Young People Act 1999	DECS	Licensing of childcare operations. Introduces concepts of: parental responsibility; family group conferencing; and therapeutic protections and enduring parental responsibility for children and young people in need of care and protection. Expanded definition of mandated professionals.	New legislation.	Act replaced the Children's Services Act 1986.
Chiropractors and Osteopaths Act 1983	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001.	The Government agreed to the drafting of revised legislation.
Classification (Publications, Films and Computer Games) (Enforcement) Act 1995	JACS		Joint jurisdictional review underway. Part of a national regulatory scheme.	
Clinical Waste Act 1990	DUS		Intradepartmental review underway. No NCP related issues raised - legislation to address technical issues.	Legislation proposed for consideration in the 2002 program.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Collections Act 1959	DUS		<p>Joint review with the Hawkers Act 1936, by Allen Consulting Group, completed in April 2000. Involved targeted public consultation, with an issues paper, meetings and written submissions.</p> <p>Recommended: the Act not place limits on the level of fundraising costs or remuneration; regulatory emphasis be on the disclosure of fundraising details to potential donors; the Act not limit the locations where collections can be undertaken or the number of organisations collecting; rather than focusing on funds raised and costs incurred for particular collections, all organisations that produce audited accounts be required to lodge those accounts with the registrar on an annual basis; organisations that do not have audited accounts be required to keep appropriate records and have those records signed off by an 'appropriate person' as being in order; collectors be required to wear a badge (or prominently display information) relating to the collection; and the Act be drafted to apply to any direct or indirect appeal for support</p>	The Government accepted most of the review recommendations. Legislation being drafted for introduction into the Legislative Assembly in 2002.
Commercial Arbitration Act 1986	JACS		Intradepartmental review completed in 2000. Act assessed as not restricting competition.	
Common Carriers Act 1902 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for common land carriers ameliorating a common law "strict liability" which otherwise would apply to common carriers. As "strict liability" is not to be removed, the limitation of liability should remain.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Community and Health Services Complaints Act 1993	DHHCC	Confidentiality and investment restrictions.	Intradepartmental review completed in December 1999. Potential restrictions identified in terms of powers to both maintain the confidentiality of information and to access information. Review concluded that the restrictions did not function anticompetitively and that no market was affected by the legislation.	Act retained without reform.
Companies (Commonwealth Brickworks (Canberra) Limited) Act 1979	CM	Act assessed as not restricting competition.	Review not required.	
Companies (Registered Societies) Ordinance 1990	CM		Review not required.	Registered Societies model legislation adopted nationally.
Companies Auditors and Liquidators Disciplinary Board Ordinance 1982	CM		Review completed.	Registered Societies model legislation adopted nationally.
Construction Practitioners Registration Act 1998	DUS	Registration for building certifiers, entry requirements, disciplinary processes, business conduct (professional indemnity insurance with approved insurer, no conflict of interest).	New legislation to introduce private certification of building work. Review completed in November 2000.	
Consumer Credit (Administration) Act 1996	JACS	Minimal registration and conduct requirements.	Intradepartmental review underway. Review in draft form. Minor NCP issues.	
Consumer Credit Act 1995	JACS	Part of a national regulatory regime.	National review completed and all participating jurisdictions have accepted the outcome of the review.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Contractors' Debts Act 1897 (New South Wales) in its application in the Territory	JACS		Review completed in 1999.	Amendments recommended by the review included in the Justice and Community Safety Legislation Amendment Bill (No 2) 2000. The Bill repeals section 5 (which capped the liability of contractors for their employees to 60 days' wages) and section 6 (which limited the period in which a worker can make a claim for wages to 3 months).
Co-operative Societies Act 1939	CM		Intradepartmental review completed.	Act amended to reflect a consistent national approach.
Coroners Act 1997	JACS	Minor issues.	Review underway. Encompassed by stage 2 of the Legal Practitioner Act review.	
Credit Act 1985	JACS		Review not required.	Act substantially repealed. Remaining restrictions continue to apply to a number of contracts entered into prior to 1996. The Act does not apply to contracts entered into after that time and will be repealed once its effect is spent.
Cremation Act 1966	DUS	Limits conduct.	See the Cemeteries Act 1933.	Replacement legislation, the Cemeteries and Crematoria Bill 2001, introduced for debate in August 2001 and adjourned.
Crown Proceedings Act 1992	JACS		Intradepartmental review completed in 1999.	Amendments recommended by the review included in the Justice and Community Safety Legislation Amendment Bill (No 2) 2000. The Bill includes an amendment to the Act to remove a competitive advantage enjoyed by the Crown when it carries on business activities.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cultural Facilities Corporation Act 1997	CM	Act assessed as not restricting competition.	Review not required.	
Dangerous Goods Act 1975 (New South Wales) in its application in the Territory	DUS		Part of overall review of the ACT's Occupational Health and Safety legislation. Regulatory Impact Statement (RIS) prepared and public comments sought through an extensive consultative process.	See the Occupational Health and Safety Act.
Dangerous Goods Act 1984	DUS		Part of overall review of the ACT's Occupational Health and Safety legislation. RIS prepared and public comments sought through an extensive consultative process.	See the Occupational Health and Safety Act.
Defamation Act 1901 (New South Wales) in its application in the Territory	JACS	Minor NCP issues (confers differential statutory defences to different parts of the media market).	Review not required.	Act repealed.
Dental Technicians and Dental Prosthetists Registration Act 1988	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001.	The Government agreed to the drafting of revised legislation.
Dentists Act 1931	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed March 2001.	The Government agreed to the drafting of revised legislation.
Disability Services Act 1991	DHHCC	S6 and S7 grant conditions that may restrict competition.	Desktop review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	Act to be retained without reform.
Discrimination Act 1991	JACS	Minor NCP issues (confers differential exemptions on different parts of the market).	Intradepartmental review completed in 2000. The Act permits the insurance and superannuation industries to discriminate on the basis of age. The anticompetitive effects are minor and outweighed by the public benefit.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Domestic Relationships Act 1994	JACS		Intradepartmental review underway. Minor issues. Encompassed by stage 2 of the Legal Practitioner Act review.	
Door-to-Door Trading Act 1991	JACS	Imposes conduct restrictions and restricts the hours during which door to door sellers may operate.	Intradepartmental review completed in 2001. The Act limits the time of the day and night and the days when door-to-door traders may call on prospective customers. The review concluded that costs are minor and public benefit is high.	
Drugs of Dependence Act 1989	DHHCC	Restrictions on competition throughout Act.	Part of Galbally Review. Final review report under consideration by the Australian Health Ministers Advisory Council (AHMAC).	
Earnings (Assignment and Attachment) Act 1966	JACS	Act assessed as not restricting competition.	Review not required.	
Education Act 1937, Schools Authority Act 1976, Public Instruction Act 1880, and Free Education Act 1906	DECS	Requires non-government schools to be registered.	Full public review completed in 2000.	The Bill did not come before the Legislative Assembly for a second reading prior to election in October 2001. The new Government expected to consider how to proceed.
Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994	DECS	Requires registration of providers of education to overseas students.		Act repealed.
Electoral Act 1992	JACS	Act assessed as not restricting competition.	Review not required.	
Electricity Act 1971 (renamed the Electricity Safety Act 1971) - Part 1 of 2	DUS		Review not required.	Some provisions of the Act provided powers for suppliers of electricity distribution services. Such matters are now dealt with by the Utilities Act 2000 and the provisions were repealed in January 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Act 1971 (renamed the Electricity Safety Act 1971) - electricians licensing - Part 2 of 2	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, business capacity), reservation of practice (installing, altering or repairing an electrical installation, other than an electrical installation that operates at extra low voltage), disciplinary processes, and business conduct (insurance).	Targeted public review completed in 2000. Provisions for licensing of electricians reviewed by Allen Consulting Group in conjunction with the Building Act 1972 and the Plumbers, Drainers and Gasfitters Board Act 1982. Final report completed August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	The Government announced its response to the review, agreeing with most recommendations. Does not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters. See the Building Act 1972.
Enclosed Lands Protection Act 1943	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Energy and Water Act 1988	DUS		Review not required.	Act repealed as part of the Utilities legislation.
Enforcement of Public Interests Act 1973	JACS	Act assessed as not restricting competition.	Review not required.	
Environment Protection Act 1997	DUS		RIS undertaken in developing the legislation.	
Essential Services (Continuity of Supply) Act 1992	DUS		Review not required.	Part of the Act to be repealed; now part of the Utilities Act 2000.
Fair Trading (Consumer Affairs) Act 1973 (previously Consumer Affairs Act 1973)	JACS	Imposes conduct restrictions.	Intradepartmental review completed in 2001. It concluded that the Act should be retained because costs are negligible but public benefit is high.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading (Fuel Prices) Act 1993	JACS	Allows the relevant Minister to set fuel prices.	Intradepartmental review completed in 1999. It concluded that the Act has no effect on the market unless the Minister exercises a power to determine fuel prices under the Act. The Minister is unlikely to make such a determination unless the market is acting in a collusive or anticompetitive manner. On activation, costs would be significant. However, there would be a countervailing and greater community benefit. There is no viable or realistic alternative.	Act to be retained without reform on the Public Benefit Test.
Fair Trading (Petroleum Retail Marketing) Act 1995	JACS		Review not required.	Act repealed.
Fair Trading Act 1992	JACS	Registration and mandatory codes of practice for bodyguards, security guards, cash transit industry, crown marshals, and guard and patrol services, entry requirements (competency, character - criminal record check), reservation of practice, disciplinary processes, and business licensing.	Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Family Provision Act 1969	JACS	Act assessed as not restricting competition.	Review not required.	
Fertilizers Act 1904 (NSW) in its application in the Territory	JACS	Fertilizers not to be sold unless with statement of composition.	Review by officials completed in 1999.	Act to be retained without reform.
Financial Institutions (Application of Laws) Act 1992	CM		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999.
Financial Institutions (Removal of Discrimination) Act 1997	CM	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Financial Institutions (Supervisory Authority) Act 1992	CM		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999.
Financial Institutions Duty Act 1987	CM		National review completed in 1997.	Act amended to reflect a consistent national approach.
Firearms Act 1996	JACS		Review not required. Part of a national regulatory scheme with separate review mechanisms: legislation is subject to overriding public safety considerations.	
Fisheries Act 2000	DUS	Licensing of commercial fishers. Registration of fish dealers. Output controls such as size and bag limits. Input controls on gear.		Act replaced the Fishing Act 1967.
Fishing Act 1967	DUS		Review not required.	Act repealed and replaced by the Fisheries Act 2000.
Food Act 1992	DHHCC	Various food safety offences. Licensing of food businesses. Food to meet prescribed food standards.	National review completed in 2000 (see the NSW Food Act 1989).	All Australian governments agreed in November 2000 to adopt core provisions of the Model Food Bill by November 2001. This Act amended accordingly in August 2001.
Free Education Act 1906	DECS		Review completed.	The Bill did not come before the Legislative Assembly for a second reading prior to election in October 2001. The new Government expected to consider how to proceed.
Freedom of Information Act 1989	JACS		Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Fuels Control Act 1979	JACS/DUS		Intradepartmental review completed in 1999.	Act to be retained without reform on the Public Benefit Test.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Games Wagers and Betting-houses Act 1901 (New South Wales) in its application in the Territory	DoT	Suppression of gaming houses.	Review, as part of the gambling legislation review, completed. (See the Gaming and Betting Act 1906 (NSW) in its application in the Territory).	
Gaming and Betting Act 1906 (New South Wales) in its application in the Territory	CM	Regulations on gaming, betting, and wagering; restricts the holding of race meetings; and licensing of racecourses.	Review, as part of the targeted public review of betting and gaming legislation, completed.	
Gaming Machine Act 1987	DoT		Targeted public review, as part of the gambling legislation review, completed. The Government established a Select Committee on Gambling to further report on gaming issues. It recommended further research into the social and economic impacts of gaming in the ACT. It also recommended a freeze on gaming machine numbers and measures to counter the negative effects of gambling.	The Government endorsed most of the review recommendations. Amendments to legislation forthcoming in 2001-02.
Gas Act 1992	DUS			Act repealed.
Gas Levy Act 1991	CM			Act repealed in 1998.
Gas Supply Act 1998	DUS			Act repealed and replaced by the Gas Safety Act 2000 (in respect of gas installations and appliances past the metering point) and the Utilities Act 2000.
Government Solicitor Act 1989	JACS	Act assessed as not restricting competition.	Review not required.	
Guardianship and Management of Property Act 1991	JACS		Intradepartmental review completed in 2001. Review concluded that the Act should be retained because the provisions are of great public benefit and no real competition issues arise.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hawkers Act 1936	DUS - DHHCC	Licensing, entry requirements (age, good character, fit and proper person), and business conduct (geographic and time restrictions, business structure).	Joint review, in conjunction with the Collections Act 1959, by Allen Consulting Group, completed in April 2000. Review involved targeted public consultation with issues paper, meetings and submissions. Recommended: refocusing legislation on land use and continuing positive licensing for hawkers operating from a single location, but having negative licensing for mobile hawkers; removing restrictions on number of vehicles a hawker can operate, number of people hawkers can employ and their age; and removing 180 metre exclusion zone from traditional shops, and regulating health, liquor and contraband goods via other legislation.	The Government accepted most of the review recommendations. Legislation is being drafted for introduction into the Legislative Assembly in 2002.
Health Act 1993	DHHCC	Limits conduct.	Intradepartmental review completed in December 1999. Review found that the restrictions did not apply to an organised pattern of activity and no commercial activity relating to the release or disclosure of information could be identified. The review concluded that the legislation did not impose restrictions on competition.	Act retained without reform.
Health and Community Care Services Act 1996	DHHCC	Restricts management of resources and interests.	Intradepartmental review completed in December 2000. Review identified that the restrictions primarily concerned the sound management of Territory resources and interests. Review further identified that there were difficulties in identifying the restrictions as anticompetitive. The conclusion was that the legislative restrictions provided an overall community benefit and were on balance significantly higher than any cost of compliance with the legislation.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Complaints Act 1993	DHHCC		Review not required.	Act replaced by the Community and Health Services Complaints Act 1993.
Health Promotion Act 1995	DHHCC	Limits functions to which board monies can be applied.	Intradepartmental review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	Act retained without reform.
Health Records (Privacy and Access) Act 1997	DHHCC	Limited restrictions on competition.	Intradepartmental review completed in December 1999. Review did not support the initial audit view that anticompetitive restrictions may apply. Restrictions do not relate to a market/commercial activity.	Act retained without reform.
Heritage Objects Act 1991	DUS		Review not required.	Decision to develop new legislation for the regulation of heritage matters. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.
Hotel School Act 1996	CM	Act assessed as not restricting competition.	Review not required.	
Housing Assistance Act 1987	DHHCC		Consultants review completed July 2001. Public consultations on the report and proposed changes to the legislation being progressed.	
Inebriates Act 1900 (NSW) in its application in the Territory	DHHCC	Sections 10 and 14 could restrict competition by licensing and regulating institutions.		Legislation to be repealed.
Inebriates Act 1938	DHHCC	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Innkeepers' Liability Act 1902 (New South Wales) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for innkeepers ameliorating a common law "strict liability" which otherwise would apply to them. As "strict liability" is not to be removed, the limitation of liability should remain.	
Institute for the Study of Man and Society Incorporation Act 1968	JACS	Act assessed as not restricting competition.	Review not required.	Act to be repatriated back to the Commonwealth.
Intoxicated Persons (Care and Protection) Act 1994	DHHCC	Act contains restrictions on competition in terms of requirements that 'sobering up' shelters must be licensed.	Intradepartmental review completed in December 2000. Review identified that the restrictions were a sustainable public benefit.	Act retained without reform.
Judgment Creditors Remedies Act 1933	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	
Judiciary (Stay of Proceedings) Act 1933	JACS	Act assessed as not restricting competition.	Review not required.	
Juries Act 1967	JACS	Act assessed as not restricting competition.	Review not required.	
Lakes Act 1976	DUS	The only significant restriction is the limitation on commercial activity in a lake area.	Review, in conjunction with the Public Parks Act 1928, completed in 2000. The low cost of this restriction was considered justified by the protection afforded to lakes areas, and by the way it ensures that commercial operators in lakes areas gain no competitive advantage over those operating in normal commercial areas.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land (Planning and Environment) Act 1991- Part III (heritage provisions)	DUS		Review not required.	Decision to develop new legislation for the regulation of heritage matters. The new legislation will be subject to normal scrutiny in relation to anticompetitive effects through preparation of the RIS.
Land (Planning and Environment) Act 1991- Parts V and VI	DUS	Direct granting of leases by non-competitive means and development approvals process.	Review completed in May 2000. Recommendations include improving transparency in the provision of direct grants and considering introducing a notification scheme for developments that are relatively minor and unlikely to be opposed by the government agency or to require conditions.	The Government issued a formal response to the review, agreeing in principle to most recommendations. Amending regulation signed on 25 January 2001.
Land Acquisition (Northbourne Oval) 1996 - No 84 of 1996	DUS		Targeted public review, in conjunction with the Lands Acquisition Act 1994, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.
Land Titles (Unit Titles) Act 1970	JACS		Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Land Titles Act 1925	JACS		Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Landlord and Tenant Act 1899 (New South Wales) in its application in the Territory	JACS			Act repealed by the Residential Tenancies Act 1997.
Landlord and Tenant Act 1949	JACS			Act repealed by the Residential Tenancies Act 1997.
Lands Acquisition Act 1994	DUS		Targeted public review, in conjunction with the Land Acquisition (Northbourne Oval) Act 1996, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Law Reform (Manufacturers Warranties) Act 1977	JACS	Act assessed as not restricting competition.	Review not required.	Act to be repealed by the proposed Fair Trading (Amendment) Bill 2001 because it duplicates more extensive provisions in the Trade Practices Act 1974 (TPA).
Law Reform (Misrepresentation) Act 1977	JACS		Act assessed as not restricting competition and removed from NCP review timetable.	
Lay-by Sales Agreements Act 1963	JACS	Imposes conduct restrictions.	Intradepartmental review completed in 2000. Act is procompetition. It provides for an alternative to traditional method of buying and selling whereby an outright payment is required. It assists consumers and at the same time encourages business activity.	
Legal Aid Act 1977	JACS		Intradepartmental review underway. Encompassed by stage 2 of the Legal Practitioner Act review. Minor issues.	
Legal Practitioners Act 1970	JACS	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, and business conduct (including professional indemnity insurance (two providers), ownership, locally registered foreign legal practitioner advertising (should not be false, misleading or deceptive or suggest legal practitioner is domestic)).	Targeted public review underway. Review being undertaken in two stages by the Department. Stage 1 options paper canvassing options for reform concerning admission and licensing of legal practitioners, complaints and discipline released in November 1999, with submissions sought. The Government is considering submissions. Stage 2 options paper, canvassing reform issues relating to business structures including multi-disciplinary practices, fee setting, insurance and the statutory interest account to be released in 2001.	
Legislation (Republication) Act 1996	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on the Public Benefit Test.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Act 1975 (except subsections 42E(2) and 42E(4))	JACS	Regulates the sale of liquor via licences.	Intradepartmental review underway.	
Liquor Act 1975 (subsections 42E(2) and 42E(4))	CM	Relates to procedures if a licence holder fails to pay liquor taxes.	Intradepartmental review completed.	
Listening Devices Act 1992	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on the Public Benefit Test.
Litter Act 1977	DUS		Targeted public review, in conjunction with the Roads and Public Places Act 1937, completed in 2000. Concluded that in terms of the requirements under NCP guidelines: the Act marginally restricts business for businesses dependent on flyer and bill advertising; public protection benefits of the Act outweigh any marginal impact on competition; and no feasible non legislative options were found which can achieve the same level of public benefits.	The Government accepted the review recommendations.
Long Service Leave (Building and Construction Industry) Act 1981	DUS		Targeted public review completed in 1999. Act assessed as not restricting competition. Final review report available at www.act.gov.au/urbanservices .	Legislation for restructuring of the Board to be prepared for the 2002 program.
Long Service Leave Act 1976	DUS	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.	Act retained without reform.
Lotteries Act 1964	DoT		Targeted public review, as part of the review of gambling legislation, completed.	The Government endorsed most of the review recommendations. Amendments to legislation forthcoming in 2001-02.
Machinery Act 1949	DUS			Act repealed and replaced by the Occupational Health and Safety (Amendment) Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Magistrates Court Act 1930	JACS		Intradepartmental review underway. Minor issues. Encompassed by stage 2 of the Legal Practitioner Act review.	
Meat Act 1931	DHHCC	Ministerial permission required to engage in certain meat processing activities.	National review completed in 2000 (see the NSW Food Act 1989).	Act to be repealed subject to the passage of uniform Food Act legislation.
Mediation Act 1997	JACS		Intradepartmental review completed in 2000. The review assessed the Act as not restricting competition.	
Medical Practitioners Act 1930	DHHCC	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed March 2001.	The Government agreed to the drafting of revised legislation.
Medical Records (Access and Privacy) Act 1997	DHHCC		Review, in conjunction with the Health Records (Access and Privacy) Act 1997, completed in December 1997.	Act retained without reform.
Medical Services (Fees) Act 1984	DHHCC	Legislation relates to an intergovernmental financial arrangement. Restricts the fees payable for the treatment of private patients in public hospitals.	Review not required.	
Mental Health (Treatment and Care) Act 1994	DHHCC	Restrictions on competition throughout Act. Restrictions relate to the Mental Health Tribunal powers to direct where a person with a mental health dysfunction will be detained, restrictions on the use of convulsive therapy and psychiatric surgery, and requirements that private psychiatric facilities be licensed.	Intradepartmental review completed in December 2000. Restrictions justified as being in the overall public benefit.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mercantile Law Act 1962	JACS		Intradepartmental review completed in 1999.	Archaic provisions of Act to be repealed.
Milk Authority Act 1971	DUS	Retail price controls. Licensing of home vending. Canberra Milk Authority required to buy milk from sole ACT producer.	Review by officials completed in 1998. It recommended: <ul style="list-style-type: none"> • separation of Authority's regulatory and commercial roles; • retention of retail price controls until mid 2000; • reform of home vending arrangements; and • retention of compulsory acquisition of ACT milk. 	The Government initially accepted the review recommendations. In line with the March 2000 communique signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, the ACT passed the Milk Authority Repeal Act 2000 on 23 May 2000, deregulating its milk arrangements from 1 July 2000.
Motor Omnibus Services Act 1955	DUS		Review not required.	Act to be repealed and replaced by the Road Transport (Public Passenger Services) Act in August 2001.
Motor Traffic Act 1936 – Part 1 of 2	DUS	Compulsory third party insurance provisions.	Review not required.	Act to be retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Traffic Act 1936 - taxi and hire car provisions - Part 2 of 2	DUS	Limitation on number of taxi and hire car licences.	Review completed and final report issued in March 2000. Review recommended immediate removal of restrictions on taxi and hire car licence numbers, full compensation to licence-holders to be funded either via general revenue or by long-term licence fee arrangements.	Minor reforms implemented (10 wheelchair accessible taxi licences issued, encouragement of establishment of a second dispatch service, cross-border trials with NSW, accreditation for networks). The Road Transport (Public Passenger Services) Amendment Bill 2001 also introduced operator accreditation and removal of restrictions on the number of licences an individual can hold. Bill passed in August 2001. Further review (by June 2002) of the key question of licence number restrictions. Changes to hire car provisions will need to be considered by the incoming Government in 2002.
Motor Vehicles (Dimensions and Mass) Act 1990	DUS		Review not required.	Act superceded by national road transport reforms.
National Environment Protection Council Act 1994	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
National Exhibition Centre Trust Act 1976	CM	Act assessed as not restricting competition.	Review not required.	
Nature Conservation Act 1980	DUS	Controls on commerce in animals and plants.	Targeted public review completed in 1999. Review found that restrictions are justified provided that the lists of protected and exempt plants are reviewed to ensure that entries are justifiable on conservation grounds.	Review presented to the Government on 7 August 2000. Disallowable Instrument in relation to the revision of the relevant lists proposed for December 2001.
Noise Control Act 1988	DUS			Act repealed by the Environment Protection Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Notaries Public Act 1984	JACS		Intradepartmental review underway. Minor issues. Encompassed by stage 2 of the Legal Practitioner Act review.	
Nurses Act 1988	DHHCC	Restrictions on entry, registration, title, and disciplinary provisions.	Review completed in March 2001.	The Government agreed to the drafting of revised legislation.
Oaths and Affirmations Act 1984	JACS		Intradepartmental review underway. Encompassed by stage 2 of the Legal Practitioner Act review. Minor issues.	
Occupational Health and Safety Act 1989	DUS		Review, in conjunction with the Dangerous Goods Act 1984, the Scaffolding and Lifts Act 1957 and the Machinery Act 1949, underway. Review is examining the development of an integrated performance-based regulatory regime for workplace safety, dangerous goods and those areas currently regulated under the Scaffolding and Lifts Act and the Machinery Act, in line with agreements reached in 1991 by Premiers and Chief Ministers that jurisdictions would pursue the development of nationally uniform, flexible and performance-based regulations under parent occupational health and safety legislation.	RIS issued for consultation comments. Issues being examined with a view to drafting a Bill early in 2002.
Ombudsman Act 1989	JACS		Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Optometrists Act 1956	DHHCC	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in March 2001.	The Government agreed to the drafting of revised legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Ozone Protection Act 1991	DUS			Act repealed by Environment Protection Act 1997.
Parental Leave (Private Sector Employees) Act 1992	DUS	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.	Act retained without reform.
Partnership Act 1963	JACS	Minor issues.	Intradepartmental review completed in 2000.	Amendments recommended by the review included in the Justice and Community Safety Legislation Amendment Bill (No. 2) 2000. Amendments remove a disincentive to ACT partners accepting positions on public or private sector corporate boards.
Pawnbrokers Act 1902 (New South Wales) in its application in the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice, and business conduct (prescribed records, public auction unredeemed goods over \$10, cooperation with police).	Intradepartmental review completed in 2001. Recommended, as with second-hand dealers, the restructuring and modernisation of existing regulations.	
Payroll Tax Act 1987	CM		Intradepartmental review completed.	
Periodic Detention Act 1995	JACS	Act assessed as not restricting competition.	Review not required.	
Perpetuities and Accumulations Act 1985	JACS	Act assessed as not restricting competition.	Review not required.	
Pesticides Act 1989	DUS	Pesticides not to be used unless registered.		Act repealed and replaced by the Environment Protection Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1931	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions. Also part of targeted public review of health practitioner registration Acts. Review completed March 2001.	The Council of Australian Governments (CoAG) referred the Wilkinson Review to a senior officials' working party, which reported back to CoAG. Legislation was passed in August 2001 amending the Act to allow pharmacies to take advantage of company structures and to restrict ownership to pharmacists.
Physiotherapists Act 1977	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in March 2001.	The Government agreed to the drafting of revised legislation.
Plant Diseases Act 1934	DUS	Restrictions on introduction into the ACT of declared pests and diseases. Destruction of neglected trees. Quarantine control provisions. Specifies particular products for use in controlling fruit fly and aphidae. Specifies particular kinds of packaging. Imposes inappropriate and unduly restrictive standards on fruit for retail sale.	Review in conjunction with the Land (Planning and Environment) Act 1991 (pest plant and animal provisions) completed. It recommended: <ul style="list-style-type: none"> • retaining restrictions on introduction into the ACT of declared pests and diseases, provisions relating to the destruction of neglected trees and quarantine control provisions; • repealing provisions that specified particular products for use in controlling fruit fly and aphidae, particular kinds of packaging, and that imposed inappropriate and unduly restrictive standards on fruit for retail sale; and • retaining provisions relating to pest plant and animals. 	Legislation proposed as part of the 2002 legislation program.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plumbers, Drainers and Gasfitters Board Act 1982	DUS	Licensing, registration, entry requirements (skills, qualifications, experience, age 18 years or over, fit and proper), reservation of practice (install or fit fire-fighting sprinkler system, sanitary plumbing work, water supply plumbing work, laying or repairing drains, install/repair/inspect/test consumer natural gas piping systems and gas appliances), and disciplinary processes.	Targeted public review by Allen Consulting Group, in conjunction with the Electricity Act 1971 (electricians licensing), and the Building Act 1972, completed in August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended: legislation be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to the disciplinary system.	See the Building Act 1972. The Government announced its response to review, agreeing with most recommendations. The Government does not agree with recommendation for a peer group to have power to overturn Registrar's decisions in relation to strictly technical matters.
Podiatrists Act 1994	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in March 2001.	The Government agreed to the drafting of revised legislation.
Poisons Act 1933	DHHCC	Restricts the sale and storage of poisons and biological substances.	Part of Galbally Review. Final review report under consideration by AHMAC.	
Poisons and Drugs Act 1978	DHHCC		Part of Galbally Review. Final review report under consideration by AHMAC.	
Pool Betting Act 1964	DoT	Approvals for conduct of pool betting competitions, restrictions on advertising and other conduct, possible supervision of competitions, and levies and probity of financial arrangements.	Targeted public review, as part of the review of gambling legislation, completed.	The Government endorsed most of the review recommendations. Amendments to legislation forthcoming in 2001-02.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pounds Act 1928	DUS	Establishes government operated pounds. Conferring differential benefits on market participants as to impounding stock depending on what stock they keep and where their property is located.	Review by officials, in conjunction with the Animal Diseases Act 1993 and the Stock Act 1991, completed. It found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Powers of Attorney Act 1956	JACS	Minor NCP issues (imposes restrictions on business structure).	Intradepartmental review underway.	
Presbyterian Church (Proposals for Union with other Churches) Act 1972	JACS	Act assessed as not restricting competition.	Review not required.	
Presbyterian Church Trust Property Act 1971	JACS		Intradepartmental review completed in 1999. Concluded that to the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	
Printing and Newspapers Act 1961	JACS		Intradepartmental review completed in 1999.	Act to be repealed.
Proceeds of Crime Act 1991	JACS		Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Prohibited Weapons Act 1996	JACS		Review not required. Part of a national regulatory scheme subject to separate review requirements. Legislation is subject to overriding public safety considerations.	
Prostitution Act 1992	JACS		Review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Protection of Lands Act 1937	DUS		Interdepartmental review underway. Following preliminary review work, the Trespass on Territory Land, the Enclosed Lands and the Recovery of Lands Acts were removed from the joint review as no competition restrictions were identified.	Act repealed on 29 March 2001.
Psychologists Act 1994	DHHCC	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed in March 2001.	The Government agreed to the drafting of revised legislation.
Public Baths and Public Bathing Act 1956	DECS	Act assessed as not restricting competition.	Review not required.	
Public Health (Miscellaneous Provisions) Act 1997	DHHCC	Limited restrictions on competition.	Review not required.	Act to be repealed.
Public Health (Prohibited Drugs) Act 1957	DHHCC	Limits business conduct.	Part of Galbally Review. Final review report under consideration by AHMAC.	
Public Health Act 1928	DHHCC			Act repealed by the Public Health Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Health Act 1997	DHHCC	Limits conduct.	The ACT commenced a process of reviewing its public health legislation by the introduction of the Public Health Act 1997. This legislation established a template for the management of health risk activities or procedures through a Code of Practice approach. As codes of practice are developed existing health risk management provisions that are under the former Public Health Act 1928 are repealed. The revised legislative approach while more focussed on outcomes, stakeholder collaboration and the currency of the health risk, retains potential restrictions on approval, activity and conduct. Accordingly the revised legislation has potential to impose costs and restrict competition. A departmental review has been completed that identifies the anticompetitive provisions that arise through the application of the Act to health risk activities and procedures. This review to be released for consultation.	Amendment Bill May 2000 introduced some negative licensing provisions.
Public Parks Act 1928	DUS		Review, in conjunction with the Lakes Act 1976, completed.	Act repealed by the Statute Law (Amendment) Act 2000.
Public Trustee Act 1985	JACS	Prohibits other than Trustee companies to act as Public Trustee.	Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Rabbit Destruction Act 1919	DUS			Act repealed by the Land (Planning and Environment) (Amendment) Act 1997 (No.7) and relevant provisions transferred to the Land (Planning and Environment) Act 1991.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Race and Sports Bookmaking Act 2001	DoT		Review of the Bookmakers Act 1985 resulted in the new Race and Sports Bookmaking Act 2001.	<p>Act repealed and replaced the Bookmakers Act 1985. New legislation:</p> <ul style="list-style-type: none"> • removes requirement for racing club approval to grant bookmakers licences; • removes racing club-specific restrictions on bookmakers licences; • allows an independent authority (the ACT Gaming and Racing Commission) to assess licence applications; • removes limitations on phone betting; • removes requirement for sports bookmakers licence (or agents licence) holders to first obtain a standing bookmakers licence; • removes the limit on the number of sports betting licences granted; • allows for flexibility in the location of betting office operations; and • relates the size of the betting security guarantee to the amount of risk.
Racecourses Act 1935	DoT		Review not required.	Act to be repealed and provisions incorporated in new racing legislation – the Racing Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing Act 1999	DoT	Regulates thoroughbred racing, harness racing and greyhound racing conducted for the purpose of betting, and for related purposes, including restrictions on holding race meetings, and setting up controlling bodies for each racing mode.	New legislation. RIS completed.	Act passed in 2000 and commenced in June 2001.
Radiation Act 1983	DHHCC		National review completed.	
Rates and Land Rent (Relief) Act 1970	DoT		Intradepartmental review completed in 1998.	
Rates and Land Tax Act 1926	DoT		Intradepartmental review completed in 1998.	
Rates and Land Tax Act 1986	DoT		Intradepartmental review completed in 1998.	
Real Property (Unit Titles) Act 1970	JACS		Review not required.	Act repealed.
Recovery of Lands Act 1929	DUS		Intradepartmental review completed. Act assessed as not restricting competition.	Act retained without reform.
Registration of Births, Deaths and Marriages Act 1963	JACS		Review not required.	Act repealed.
Registration of Deeds Act 1957	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	
Registration of Interests in Goods Act 1990	JACS		Intradepartmental review completed in 2000. Act assessed as not restricting competition.	Act proposed for repeal by the Sale of Motor Vehicles Amendment Bill 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Road Transport (Driver Licensing) Act 1999	DUS	Licensing, entry requirements (accreditation: skills, completed training course, aged at least 21 years, suitable person, medically fit), the reservation of practice, business conduct (vehicle requirements unless vehicle provided by person under instruction, display certificate).	New legislation.	Act introduced to meet national reform requirements.
Road Transport (General) Act 1999	DUS	Mandatory insurance, and licensing of insurers.	Review not required. Legislation allows the Government to approve multiple insurers.	
Road Transport (Public Passenger Services) Act 2001	DUS		RIS completed.	Act provides for the accreditation of bus operators and allows the Government to enter into contracts to provide regular public passenger transport services in the ACT.
Roads and Public Places Act 1937	DUS		Targeted public review, in conjunction with the Litter Act 1977, completed in 2000. Final report concluded that in terms of the requirements under NCP guidelines the Act does restrict business to some extent in terms of the areas available for commercial activity and through its advertising restrictions. The public protection and safety benefits of the Act outweigh these impacts on competition.	The Government accepted the review recommendations.
Roman Catholic Church Property Trust Act 1937	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	
Sale of Goods (Vienna Convention) Act 1987	JACS	Act assessed as not restricting competition.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sale of Goods Act 1954	JACS	Imposes conduct requirements.	Review, in conjunction with the Fair Trading Act 1992 and related legislation, underway.	
Sale of Motor Vehicles Act 1977 - Part 1 of 2	JACS		Preliminary work for full public review underway.	
Sale of Motor Vehicles Act 1977 - Part 2 of 2	JACS	Parts of Act relating to motor vehicle dealers.	Intradepartmental review completed in 2001. Act assessed as not restricting competition.	
Salvation Army Property Trust Act 1934	JACS		Intradepartmental review completed in 1999. Minor issues. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	
Scaffolding and Lifts Act 1957	DUS		Review, in conjunction with the Occupational Health and Safety Act 1989, completed.	Act repealed by the Occupational Health and Safety (Amendment) Act 1997.
Scaffolding and Lifts Act, 1912-1948 (New South Wales) in its application in the Territory	DUS		Review, in conjunction with the Occupational Health and Safety Act 1989, completed.	Act repealed by the Occupational Health and Safety (Amendment) Act 1997.
Schools Authority Act 1976	DECS	Governance and operation of government schools.	Review completed in 2000.	The Bill did not come before the Legislative Assembly for a second reading prior to election in October 2001. The new Government expected to consider how to proceed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Second-hand Dealers and Collectors Act 1906 (New South Wales) in its application in the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice (persons who deal in certain second-hand goods), and business conduct (prescribed records, holding of goods for prescribed period, cooperation with police).	Departmental review completed in 2000. Review recommended: updating definition of second-hand goods; altering business conduct requirements to take into account new technology; and repealing a number of the business rules in the legislation and repealing provisions dealing with the licensing and regulation of collectors.	The Government accepted the review recommendations. Amendments passed by the Assembly in the Justice and Community Safety Legislation Amendment Act (No. 2) 2001.
Sexually Transmitted Diseases Act 1956	DHHCC		Review underway.	
Skin Penetration Procedures Act 1994	DHHCC		Review not required.	Act repealed.
Small Claims Act 1974	JACS		Review not required.	Act repealed.
Smoke-free Areas (Enclosed Public Places) Act 1994	DHHCC	Restrictions on competition throughout Act.	Review, in conjunction with the Tobacco Act 1927, yet to commence.	
Stamp Duties and Taxes Act 1987	DoT		Intradepartmental review completed in 1998.	
Standard Time and Summer Time Act 1972	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Stock Act 1991	DUS	The Government determines stock carrying capacity for rural leases (which affects the level of the stock levy imposed). Restricts the movement of stock.	Review, in conjunction with the Animal Diseases Act 1993 and the Pounds Act 1928, completed. It found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Subordinate Laws Act 1989	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	
Substitute Parent Agreements Act 1994	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on the Public Benefit Test.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Supervision of Offenders (Community Service Orders) Act 1985	JACS	Act assessed as not restricting competition.	Review not required.	
Supreme Court Act 1933	JACS		Intradepartmental review underway. Minor issues. Encompassed by stage 2 of the Legal Practitioner Act review.	
Surveyors Act 1967	DUS	Licensing, entry restrictions (educational prerequisites), reservation of title and practice, and ability of Board (made up of mostly surveyors) to make regulations and undertake disciplinary processes.	Review completed in December 1998. Review recommended retaining registration, having less rigorous entry standards and abolishing the board in favour of powers of a Chief Surveyor.	The Government accepted all of the review recommendations but deferred considering removing compulsory postgraduate entry requirements until all jurisdictions have completed their reviews of surveyors legislation. The new Surveyors Act 2001, giving powers to a Commissioner for Surveys, commenced on 26 July 2001.
Tenancy Tribunal Act 1994	JACS		Review not required.	Act repealed by the Leases (Commercial and Retail) Bill 2000.
Territory Owned Corporations Act 1990	DoT	Potential (marginal) restrictions on competition in section 18.	Targeted public review completed in 1998. Act assessed as not restricting competition.	
Theatres and Public Halls Act 1928	CM		Review completed in 1998.	Act repealed in March 2001.
Tobacco Act 1927	DHHCC		Review, in conjunction with the Smoke Free Areas (Enclosed Public Places) Act 1994, yet to commence.	
Tobacco Products (Health Warnings) Act 1986	DHHCC	Restrictions on competition throughout the Act.	Targeted public review completed. Review report redrafted to take account of the 1999 amendments to the Act.	
Trade Measurement (Administration) Act 1991	JACS		Review and reform contingent on outcome of national review.	
Trade Measurement Act 1991	JACS		National review underway.	
Trading Hours Act 1962	DUS		Intradepartmental review completed.	Legislation repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trading Stamps Act 1972	JACS	Act assessed as not restricting competition.	Review not required.	
Transplantation and Anatomy Act 1978	DHHCC	Limited restrictions on competition.	Review underway. Restrictions within legislation identified. Consultation paper being prepared.	
Trans-Tasman Mutual Recognition Act 1997	CM		National review completed in 1998.	The Government is considering the review recommendations.
Trespass on Territory Land Act 1932	DUS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Trustee Act 1957	JACS	Minor issues.	Intradepartmental review completed in 1999.	Anticompetitive provisions to be repealed. Repeal of listed investments in the Trustee (Amendment) Bill 1999 to allow a trustee to invest in any form of investment. However, it goes on to require the trustee to exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.
Trustee Companies Act 1947	JACS		National review underway.	Act to be repealed by proposed uniform trustee companies legislation drafted for consideration by the Standing Committee of Attorneys-General (SCAG).
Tuberculosis Act 1950	DHHCC			Act repealed in 1997.
Unclaimed Moneys Act 1950	JACS	Act assessed as not restricting competition.	Review not required.	
Uncollected Goods Act 1996	JACS	Act assessed as not restricting competition.	Review not required.	
Unit Titles Act 1970	DUS		Review completed in 2000. The Act has been the subject of a major non-NCP review. There are no identified restrictions on competition.	Replacement legislation was passed in April 2001, to commence on 6 October 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Uniting Church in Australia Act 1977	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anticompetitive effect.	
University of Canberra Act 1989	DECS	Act assessed as not restricting competition.	Review not required.	
Unlawful Games Act 1984	CM		Targeted public review, as part of the review of gambling legislation, completed.	
Utilities Act 2000	DUS		Introduction of the Act followed public consultation and review of both existing regulatory arrangements and principles for effective regulation.	Act amends or repeals a number of other electricity-related Acts including the Electricity Supply Act 1997, the Electricity Act 1971, the Energy and Water Act 1988 and the Essential Services (Continuity of Supply) Act 1992.
Veterinary Surgeons Act 1965	DHHCC	Licensing of veterinary surgeons, reservation of practices, reservation of title, and advertising restrictions.	Review completed in March 2001, proposing retention of licensing and reservation of title, but removal of practice reservation and controls on advertising and ownership.	The Government agreed to the drafting of revised legislation.
Vocational Education and Training Act 1995	DECS	Registration of training providers and accreditation of training providers.	Intradepartmental review completed. Concluded that public benefit of restrictions outweigh costs.	Act retained without reform. Amendments proposed to meet national requirements for mutual recognition of training organisations.
Witness Protection Act 1996	JACS	Act assessed as not restricting competition.	Review not required.	
Workers' Compensation Act 1951	DUS	Mandatory insurance, and licensing of insurers.	Review completed in July 2000. Review recommended changes to scheme design elements and a greater capacity to self-insure.	Draft Exposure Bill released in December 2000. Debated and passed in the Legislative Assembly, in August 2001.

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

10 Northern Territory

Agency abbreviations

The following abbreviations are used in the 'Agency' column of the Northern Territory legislation review timetable.

DBIRD	Department of Business, Industry and Resources Development
DCDS&CA	Department of Community Development, Sport and Cultural Affairs
DEET	Department of Employment, Education and Training
DH&CS	Department of Health and Community Services
DIPE	Department of Infrastructure, Planning and Environment
DOJ	Department of Justice
DPC	Darwin Port Corporation
NTT	Northern Territory Treasury
PAWA	Power and Water Authority
PFES	Northern Territory Police, Fire and Emergency Services
TDZ	Trade Development Zone Authority
TIO	Territory Insurance Office

Legislation review schedule: Northern Territory

Updated to September 2001

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Abattoirs and Slaughtering Act and Regulations	DBIRD	Establishes licensing regime and standards for premises - slaughter of buffalo (Regulation 7), abattoir licence (Regulation 5).	Review completed in 1997.	Act repealed and replaced by the Meat Industries Act 1996.
Adoption of Children Act	DH&CS	Governs the adoption of children within the NT. It restricts market entry by limiting the organisation and approval of adoptions to the Minister or persons approved by the Minister (s74)	Internal review by the Department completed in 2001. Review found all restrictions to provide a net public benefit.	
Agent's Licensing Act	DBIRD	Licensing (real estate agents, agent's representative, conveyancing agent), registration, entry requirements (fit and proper person, aged at least 18 years, education or experience, competency), reservation of practice, and disciplinary processes, business conduct (maintenance of office in NT, professional indemnity insurance, fidelity fund, trust monies).	Review completed in November 2000. Review recommended changes to entry requirements, the reservation of practice, and business conduct.	The Government endorsed most of the review recommendations. Does not support investigating tendering out sole rights to deliver realty education. Wider non-National Competition Policy (NCP) specific review to occur.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural and Veterinary Chemicals (NT) Act	DBIRD	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.
Architects Act	DIPE	Registration, entry requirements, reservation of title, and disciplinary processes.	National review, by the Productivity Commission (PC), completed in August 2000, and publicly released in November 2000. (Previously completed NT review put on hold.) PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and submissions. Review recommended repeal of the Act.	A States and Territories working group is developing a national response to the PC review.
Auctioneer's Act	DBIRD	Licensing, entry requirements (aged over 18 years, good character, fit and proper person), reservation of practice, and business conduct (maintenance of records for at least 12 months, auctions between 8am and 11pm).	Semi-public review underway.	
Building Act	DIPE	Licensing and provision for establishment of building technical standards, registration of building practitioners and certifiers, regulation of building matters (including the registration of building products), the granting of permits, and establishment of appeals processes.	Technically focused public review underway. Public consultation phase and consultant report completed in October 1999. Review outcomes subject of draft Cabinet submission circulated to agencies for comment in November 1999. NCP review outcomes to be incorporated in general review of the Act now underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Societies Act	DBIRD	Licensing.	Review completed in 1997.	Act repealed in May 1998. Building Societies are currently registered under the Financial Sector Reform (NT) Act as part of a national legislative scheme.
Business Franchise Act	NTT	Licence to sell tobacco or petroleum products (s14).	Targeted review completed in 1998. Licensing and registration requirements are not considered to restrict competition.	The Government accepted the review recommendations.
Caravan Parks Act	DCDS&C A	Regulates caravan parks. Only applies to some parts of the Territory. May create anticompetitive effects between controlled and uncontrolled areas.	Internal review completed in July 2000. Public notices of the review were also placed in NT newspapers. Review found the Act has been applied in a non-uniform manner. In 1975 a Ministerial declaration allowed under section 2 limited the Act's application to within 26 kilometres of the Darwin general post office (GPO). About 20% of all caravan parks in the NT are located in this area. This limited application is indicative of the Act being generally outdated. Many provisions have been duplicated in other legislation, while other aspects of caravan service regulation are currently dealt with through convention and measures such as a service accreditation program. New legislation, to be applied uniformly, has been suggested to reflect current issues in service provision with corresponding regulations on industry practice. Review recommended the Act be repealed, and relevant parties be involved in preparing new legislation.	The Government accepted the review recommendation. Repeal Act was passed by the Legislative Assembly in November 2000. Repeal expected to take effect during 2001.
Cemeteries Act	DCDS&C A	Provides for the establishment, maintenance and control of cemeteries.	Review completed in August 2000.	New legislation passed in November 2000, providing for non-undertakers to be eligible for a one-off licence and persons other than councils eligible to erect a crematorium.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Classification of Publications, Films and Computer Games Act	DOJ	The Act is part of a national scheme which provides for the classification of films, videos, computer games and publications. It contains provisions which regulate the sale of such materials. Additionally, it contains a prohibition concerning the manufacture of 'X' style videos in the NT.	<p>Departmental review completed in April 2000. Comments were sought from State and Territory Government agencies. A full public review was not considered necessary because:</p> <ul style="list-style-type: none"> • the Act is mainly comprised of offences created to reflect government policy positions on issues of morality; • there is no evidence that these policy positions are under any challenge; • of the various regulatory options, the one in the Act is of the lightest kind. That is, there is no licensing or registration scheme and there is no payment of any fees required for activities in the NT; and • to the extent that the Act supports some heavy regulation (namely the requirement for the classification, on payment of a fee, of most videos, films and computer games and of some publications) the regulation is, for most practical purposes, national. <p>Review found that the anticompetitive provisions can be justified as being in the public benefit. No reform recommended.</p>	The Government endorsed the review recommendations in 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commercial and Private Agents Licensing Act	DBIRD	Licensing (commercial agents, process servers, inquiry agents, private bailiffs), registration, entry requirements (age over 18 years, resident of the Territory, fit and proper, not found guilty of offence that warrants refusal of licence, any person may object to issuing of licence), the reservation of practice, disciplinary processes, business conduct (provide bond, trust account, prescribed records, local (but not interstate) licensed agent must have a nominee and branch manager resident in the NT), and business licensing.	Review completed in November 1999. Review recommended: retaining exemption from positive licensing all persons of particular occupations who perform agent roles incidental to their occupation (but introducing negative licensing); continuing licensing of employees and sub-agents; issuing licences for a fixed period (a suggested two years); transferring responsibility for licensing to the Industries and Business portfolio; making various changes to business conduct requirements (requirement to issue receipts, change to trust account arrangements; consideration of issue of bonds and indemnity insurance in late 2000); and undertaking a further review to implement best practice licensing processes.	The Government endorsed the review recommendations, and enacted legislation in 2000 to transfer the licensing from the local court to the Commissioner for Consumer Affairs and to introduce fixed three-year licences in lieu of indefinite licences. Legislation awaits commencement.
Commercial Passenger (Road) Transport Act	DIPE	Limitations on number of taxi and hire car licences.	Review completed in June 1998. It recommended deregulation of entry, with buyback of existing licences at full market value, to be funded by substantial licence fees over several years.	Competition issues addressed in the Commercial Passenger (Road) Transport Amendment Act 1998, which commenced in January 1999. Only residual issue is maximum fare regulation. [The Government announced a six month freeze on issue of new taxi licences in December 2001.]
Community Welfare Act	DH&CS	Provides for the protection and welfare of children. Licensing of childcare centres (Div 2).	Targeted review completed in 2000. Review concluded that in general, the public benefits of the competitively restrictive features of the Act exceed their public cost by a large margin, and they should therefore be retained.	The Government noted the NCP review's conclusion that the restrictions are in the public interest. It delayed its decision regarding alternative methods for achieving the objectives of the Act (relating to voluntary care), pending development of broader proposals concerning voluntary care and support services for young children.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996 - Part 1 of 3	DOJ	Licensing and business conduct restrictions for pawnbrokers and second hand dealers, motor vehicle dealers, door-to-door sales and credit providers provisions. Code of practice for tow truck operators.	Review by the Centre for International Economics (CIE) completed in 2000. Review recommended the retention of restrictions relating to product safety and product information and door-to-door trading and the code of practice for tow truck operators. It recommended pro-competitive change to fair reporting and credit provider provisions. Recommended that Part 8 (fair reporting) be repealed, but that repeal be deferred until a report on the databases is received and the implications are determined. Motor vehicle dealers: recommended removing requirements for licensee to submit annual financial returns; removing requirements for approval of dealer managers; removing power to require banker's guarantee; and formalising the financial test applied for new licences.	The Government endorsed the review recommendations except in relation to Part 8 (fair reporting) in November 2000. This was not supported as Part 8 entitles NT residents to wider information that may be held about them other than just credit information. There are negligible costs to business in providing the information or access to the information. It was considered the incremental benefits outweigh the additional costs of providing access to non-credit related information. The Government did not accept recommendation to remove requirements for the approval of motor vehicle dealer managers. The Government considers the costs are low, while the potential costs to consumers associated with not having a designated responsible person on site could be significant. Also licensing of motor vehicle dealer managers allows for the screening of motor vehicle dealers and helps provide confidence to consumers that the person is reputable.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996 - Part 2 of 3	DOJ	Part of legislation relating to travel agent's licence. Licensing and compulsory consumer compensation fund.	National review underway (coordinated by WA). A review report by CIE was released in 2000. Public consultation involved release of issues paper, background paper, consultation and submissions. Review recommended that entry qualifications for travel agents be removed and compulsory insurance maintained, but the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. Public comments on the final report are to be considered by the Ministerial Council for Consumer Affairs (MCCA).	
Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996 - Part 3 of 3	DOJ	Sundry fair play provisions regarding the regulation of advertising, banning of potentially unsafe goods etc.	Review underway. Issues paper released June 2000.	
Consumer Credit (Northern Territory) Act	DOJ		National review underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dangerous Goods Act and Regulations	DEET	Sets requirements for the transport, storage and handling of dangerous goods. Business licences to manufacture, store, convey, sell, import or possess prescribed dangerous goods (s 15 - 21). Operators' licences for: drivers of dangerous goods vehicles (Regulation 56); shotfirers (Regulation 132); gas fitters (Regulation 172); and autogas fitters (Regulation 202).		Implements national road reforms on the transport of dangerous goods and changes other dangerous goods legislation. Act repealed and the new Dangerous Goods Act assented to 30 March 1998. Draft regulations being prepared. These may contain competition restrictions, and if so, will be subject to NCP process.
Darwin Port Authority Act and By-laws	DPC	Establishes the Darwin Port Authority. Prescribes functions and powers: monopoly powers; licensing arrangements and fees; issue, renewal and cancellation of stevedoring licences; controls shipping movements in port; exemption from local government charges; harbour craft by-laws; vessels engaged in commercial activities (safety issue); exemptions from pilotage requirements; and partial exemption from the Corporations Law.	Independent review undertaken in 1997 and 1998, with subsequent further consultation.	Legislation replaced by the Darwin Port Corporation Act. Marine safety by-laws covering harbour craft engaged in commercial activities to be repealed as marine safety is provided for in the Marine Act. Port by-law providing for Ministerial discretion in granting exemptions from pilotage requirements to be replaced by specified criteria for exemption. By-law covering levying of fees for stevedoring licence to be retained. See the Darwin Port Corporation Act.
Darwin Port Authority Amendment Act	DPC	Changes the name of the Darwin Port Authority to the Darwin Port Corporation.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Darwin Port Corporation Act	DPC	Establishes the Darwin Port Corporation (name changed from the Darwin Port Authority by the Darwin Port Authority Amendment Act). See the Darwin Port Authority Act.	Review completed in 2001. See the Darwin Port Authority Act.	The Government accepted most of the review recommendations. Recommendation to remove licensing of stevedores not accepted (the Government considered licensing to be the most cost effective way of monitoring environmental and health and safety standards at Darwin Port) but the licence fee was reduced from \$10000 to an administrative fee. The Corporation's exemption from local government rates and charges to be removed (competitive neutrality). The Government considering reforming the Corporation's partial exemption from the Corporations Law as part of government business reform process, with changes to be implemented by June 2002 (competitive neutrality). See the Darwin Port Authority Act.
Dental Act	DH&CS	Restrictions on entry, registration, title, practice, advertising, ownership, and disciplinary provisions.	Full review by CIE completed in May 2000. Review recommended registering all paraprofessionals, amending practice restrictions and removing ownership restrictions.	Omnibus health practitioner Bill being drafted to replace this and other Acts.
Education Act	DEET	Provides for registration of non-government schools. Act assessed as not containing unjustified restrictions on competition.	Full NCP review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electrical Workers and Contractors Act	DBIRD	Licensing, registration, entry requirements (qualifications, experience, fit and proper), and reservation of practice (electrical work unless extra low voltage).	Review by CIE completed in October 2000. Consultation involved public release of issues paper, consultation with stakeholders and submissions. Review recommended licensing should be maintained, but also that other means of signalling competence should be afforded comparable status, the board should consider removing additional experience requirements for contractors, the fit and proper person test should be amended to signal the criteria against which it is assessed, and exemptions to licensing requirements to the Power and Water Authority be removed. Recommended more general review of Act.	The Government endorsed the review recommendations in November 2000. The necessary amendments are to be made following a review of the administrative structures supporting the Act.
Electricity Act and Regulations	PAWA	Regulates the generation and safe use of electricity, and the reselling of electricity (s 14(5)); Part IV (Trade Practices Act 1974 (TPA)) conflicts. Sale and resale is prohibited without license (s 27); affects competition, restricts entry. Prohibits certain uses of electricity (s 29); Part IV (TPA) concerns. Price fixing in relation to licensee (s 30); Part IV (TPA) concerns and possibly reduces contestability. Liability limitation (s 32); possible competitive neutrality. Act binds the Crown (s 38). Regulation making powers (s 39).	Review, by Merrill Lynch and Fay Richwhite, conducted as part of the review of Power and Water Authority. The Department also reviewed the proposed regulatory framework, draft regulatory principles and draft determinations on regulated charges issued by the NT Utilities Commission.	The Government introduced a package of legislative change to implement reform. The package included the repeal of the Electricity Act and its replacement with the Electricity Reform Act, amendments to the Power and Water Authority Act and the introduction of the Electricity Networks (Third Party Access) Act and the Utilities Commission Act. These changes were introduced in March 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Energy Pipelines Act	DBIRD	Establishes a regulatory framework for construction, operation, and maintenance of energy pipelines in NT.	Review completed. Review found anticompetitive provisions in the Act were justified in the public interest. The impact of restrictions considered to be low. Potential public safety and environmental benefits derived from regulating construction and operation of energy pipelines are likely to exceed direct enforcement, industry compliance, and broader economic costs. Approaches such as negative licensing, co-regulation, and self-regulation were rejected as unlikely to achieve objective of the Act more efficiently than existing legislative framework.	Act retained without reform.
Energy Resource Consumption Levy Act	NTT	Requires bulk consumers of oil (consuming more than 830000 litres per month) to register with Commissioner of Taxation (s7).	Review completed in 1998. Review found the registration requirement was designed to facilitate collection of levy monies and does not restrict competition.	The Government accepted the review recommendations.
Financial Institutions Duty Act	NTT	Licensing.	Targeted review completed in 1998. The review found that the registration and certification requirements were legitimate administrative arrangements for revenue collection and did not represent significant barriers to market entry.	Act retained without reform.
Financial Management Act	NTT	The Government account to be held at a bank, requirements for determining suitable financial institutions and instruments for investing Government funds.	Review of s29(2) completed in 1998. The review found that the investment guidelines are comparable to those of any financial institution, and that the benefits arising from the accountability of Government investment outweigh the costs associated with the guidelines.	The anticompetitive effect of section 27 removed by the Financial Institutions (Miscellaneous Amendments) Act 1997. No reform required for s29(2).
Firearms Act	PFES	Armourer's licence (s20), Dealers licence (s17), Shooter's licence for security firms (s 28/29), and Shooting gallery licence (s 31).	Preliminary analysis indicated that restrictions are overwhelming in the public interest. No reform recommended.	The Government accepted the recommendation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fisheries Act 1996 and Regulations	DBIRD	Licensing of fishers. Input controls on vessels, gear, fishing methods and landings. Output controls such as total allowable catches, size and bag limits, and prohibitions on taking certain species.	Review completed. Review recommendations are being progressed for Cabinet consideration.	
Food Act	DH&CS	Standards for the preparation and sale of food etc. Registration of a food vending machine (s13(6) and 13(7)). Various food safety offences.	National review completed in 2000 (see the NSW Food Act 1989).	All Australian governments agreed in November 2000 to adopt the core provisions of the Model Food Bill by November 2001.
Gaming Control Act and Regulations	NTT	Provides for the regulation and control of gaming. Licensing, exclusivity for casinos, market behaviour, permits, operational restrictions.	General review, with particular attention to licensing elements, underway.	
Gaming Machine Act 1995	NTT	Provides for the licensing of gaming machines in community venues - establishes limits and controls on numbers of machines and locations.	Limited review underway. New legislation impact being assessed.	
Grain Marketing Act 1983	DBIRD	Granted to the Grain Marketing Board a monopoly over domestic and export marketing of all barley and coarse grains grown in the Territory.	Review completed in 1997, recommending repeal of the Act.	Act repealed in February 1997 resulting in the dissolution of the Grain Marketing Board. There are no remaining legislative controls over grain marketing in the NT.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hawkers Act	DCDS&CA	Licensing, and business conduct.	Stakeholder focused review completed in August 2000. Review found licensing requirements, exemption provisions and restrictions on hawking on Crown land were anticompetitive, although necessary to protect the public in terms of proper commercial dealings and annoyance. However, it also found that the objectives of the legislation could be pursued through other legislation. Review recommended repealing the legislation, pending consideration of other legislative means for regulating hawking offences.	The Government accepted the review recommendations in September 2000. Bill to repeal passed in November 2000 (brought into effect in April 2001).
Health Practitioners and Allied Professionals Registration Act	DH&CS	Registration as: Aboriginal Health Worker (s24); Chiropractor (s35); Occupational Therapist (s38); Osteopath (s39); Physiotherapist (s40); and Psychologist (s41). Entry, registration, title, practice, and disciplinary provisions.	Review completed in May 2000. Recommendations include retaining title restriction and removing generic practice restrictions.	Omnibus Bill to be implemented in line with recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Housing Act	DCDS&CA	Act and Regulations establish the legislative basis for the provision of public housing and housing assistance schemes in the Territory.	Internal review, with independent oversight provided by a steering committee comprised of Department of the Chief Minister, NT Treasury and Attorney General's Department officials, completed. Review found that the provisions of the Act that represent potential restrictions on competition are justified on social welfare and equity grounds. The review also considered alternative regulatory approaches such as outsourcing and the direct subsidisation of landlords. However, it was considered that these alternatives were unlikely to achieve the objectives of the Act in a more efficient manner than the current arrangements and therefore the review recommended no change to the legislation.	The Government endorsed the review recommendations in October 2000.
Legal Practitioners (Incorporation) Act	DOJ	Legislation to consolidate and amend the law relating to the incorporation of legal practices.	Review underway, and due to be completed in December 2001.	
Legal Practitioners Act	DOJ	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, disciplinary processes, and business conduct (including monopoly professional indemnity insurance and advertising).	Public review, in conjunction with the Legal Practitioners (Incorporation) Act, which imposes restrictions on who can own and control companies that provide legal services, underway. Issues paper released in September 2000. Review due to be completed in December 2001.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Licensed Surveyors Act	DIPE	Licensing, registration, entry requirements (education, experience, possibly exams, fit and proper), the reservation of title and practice, disciplinary processes, business conduct (including practice standards), and business licensing.	Review completed in October 1999. Review concluded that potentially anticompetitive provisions could be justified under the Competition Principles Agreement (CPA).	The Government endorsed the review recommendations in February 2000.
Liquor Act	NTT	Regulates the sale of alcohol. Contains a public needs test. Licensing authorities are to have regard to the location and conditions of any licensed premises in the vicinity of the premises which are the subject of an application for a licence and community needs and wishes.	Targeted review underway. Review has completed hearings and consideration of submissions.	
Local Government Act, Regulations and By-Laws	DCDS&C A	Provides for the constitution of municipalities and community government areas, the election of self-governing authorities to control municipalities and community government areas and provides for a similarity of power and function between self-governing authorities.	Internal review completed in September 2000. Stakeholder comment invited and terms of reference consistent with NCP guidelines. Restrictions identified as anticompetitive were justified against public interest criteria.	The Government accepted the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marine Act and Regulations	DIPE	Applies national uniform shipping Law Codes. Licensing of certain commercial operations (part V), certificate of survey (s79(a)), permit for the operation of hire-and-drive vessel (s4), certificate of competency (coxswain) (Schedule 3), and certificate of competency (masterclass-all) (Regulation 9).	Targeted review completed in January 2001. Review found that the restrictive elements of the Act are justified under NCP principles.	The Government accepted the review recommendations in April 2001.
Meat Industries Act 1996	DBIRD	Various food safety offences. Licensing of processing facilities.	Review completed in 1998.	
Medical Act	DH&CS	Restrictions on entry, registration, title, practice, advertising, ownership, business conduct, and disciplinary provisions.	Review completed in May 2000. Review recommendations included removing generic practice, ownership and advertising restrictions, and retaining title protection.	The Government accepted the review recommendations and is due to release a new omnibus Health Practitioners Registration Bill for consultation during 2001.
Medical Services Act	DH&CS	Limits conduct of medical services, entry conditions and pricing.	Targeted review by CIE completed in May 2000. CIE found that none of the features of the Act were being implemented in an anticompetitive way, and concluded that the Act was consistent with NCP requirements. Minor administrative changes recommended.	The Government noted the review recommendations. However, no amendments will be made to the Act, pending the outcomes of a separate ongoing review of medical services framework legislation. Given that the Act is NCP compliant in its current form, the NT considers it is not in the public interest to devote scarce resources to amending the Act when such amendments may well be superseded in the foreseeable future.
Mental Health Act	DH&CS	Provides for the care and treatment of the mentally ill.	Review completed by CIE in May 2000. The review concluded that there is a strong net community benefit in the retention of existing restrictions in the Act, and recommended no changes.	Act to be retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Merlin Project Agreement Ratification Act	DBIRD	Provides mechanism for levying royalties and imposing more stringent security conditions than apply elsewhere to mining sites.	Review yet to commence. Act added to the review schedule in 2000.	
Mine Management Act	DBIRD	Regulates occupational health and safety in mining.	Review not required.	<p>Act to be repealed and replaced by the new Mining Management Bill (combining the essential elements of the existing Mine Management Act and Uranium Mining (Environmental Controls) Act). New Bill introduced in February 2001 Legislative Assembly sittings and to be subject to an NCP review before enactment.</p> <p>New Bill described as essentially administrative in nature, adopting a less prescriptive approach to mine site management. Mine operators required to take greater responsibility for decisions by satisfying industry-agreed competencies and standards. New Bill does not deal with property rights.</p> <p>Amendments to be made to the Mining Act to eliminate duplication with new Bill.</p>
Mining Act	DBIRD	Creates a regime for the valid grant of mining tenure in the NT, together with ongoing regulation.	Review underway, and expected to be completed in September 2001.	Amendments to be made to eliminate duplication with the new Mine Management Bill. (Refer to Mine Management Act).
Motor Accidents (Compensation) Act	TIO	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review by commissioned Taylor Fry Consulting Actuaries completed in December 2000.	The Government is considering the review recommendations.
Motor Vehicle Dealers Regulations	DBIRD	Motor Vehicles Dealers Licence Part X, Div 3, SubDiv A, s132.	See the Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicles Act	DIPE	Motor omnibus licence (s10(2)), pastoral vehicle permit (s137B), driving instructor's licence (25B), commercial passenger vehicle licence, and driving instructors.	Review, except for Part V and section 137B, completed. Concluded while certain elements of the Act are anticompetitive, the results of a public benefit test show that the restrictions are in the public interest.	Cabinet endorsed the review recommendations.
Northern Territory Employment and Training Act	DEET	Registers training providers and accredits training courses. Act assessed as not containing unjustified restrictions on competition.	Full NCP review not required.	
Nursing Act	DH&CS	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review completed in May 2000. Review recommendations included removing advertising and practice restrictions, and retaining title protection.	Omnibus Bill to be drafted for consultation.
Oil Refinery Agreement Ratification Act	DBIRD	Requires Mereenie joint venture partners to meet certain lease conditions in investigating the possibility of constructing an oil refinery in Alice Springs. The refinery is not currently viable and has not been constructed.	Review completed in 1998. Review considered restrictions were justified in achieving regional development objectives, but considered the Act was no longer relevant. Review recommended the Act be repealed after the due date for renewal of the leases in 2002-03.	Act to be repealed.
Optometrists Act	DH&CS	Restrictions on entry, registration, title, practice, ownership, and disciplinary provisions.	Review completed in May 2000. Recommendations include removing ownership restrictions, modifying practice restrictions and retaining title protection.	Omnibus Bill being drafted in line with recommendations.
Ozone Protection Act and Regulations	DIPE	Licensing issues and environmental controls.	Targeted review completed in 1998.	Legislation repealed. Ozone protection provisions incorporated into regulations under the Waste Management and Pollution Control Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers Act	DBIRD	Licensing.	Review not required.	Act repealed in 1998 and pawnbrokers and second-hand dealers provisions included in the Consumer Affairs and Fair Trading Act.
Pay-Roll Tax Act	NTT	Licensing and registration issues.	Targeted review completed in 1998. Licensing and registration requirements are not considered to restrict competition.	
Pet Meat Act	DBIRD	Licensing of slaughtering, processing and storage of pet meat, and the standard of premises.	Review completed in 1997.	Act repealed and replaced with the Meat Industries Act, which commenced in December 1997.
Petroleum (Prospecting and Mining) Act	DBIRD			Act repealed and replaced by the Petroleum Act.
Petroleum (Submerged Lands) Act	DBIRD	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	Amendments to be developed by the Commonwealth and subsequently reflected in State and Territory legislation.
Petroleum Act	DBIRD	Regulates onshore exploration and recovery of petroleum in NT; grants exclusive rights; and provides for technical and financial prescriptions.	Review underway. The Steering Committee is considering the final report.	Government endorsement of review outcomes to be sought in March 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act	DH&CS	Restrictions on entry, registration, title, practice, and discipline provisions.	National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.	The Council of Australian Governments (CoAG) referred the report of the Wilkinson Review to a senior officials' working party, which is yet to report back to CoAG.
Places of Public Entertainment Act	DCDS&CA	Controls places of public entertainment - Public Entertainment Licence (s6)	Review underway, expected to be finalised in October 2001.	
Planning Act	DIPE	Provides for land use controls, planning appeals, issuance of development permits and developer contributions.	Review of the 1999 Act completed in September 2000. Review concluded that the anticompetitive provisions deliver a net benefit to the community and recommended no amendments to the Act.	The Government endorsed the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plumbers and Drainers Licensing Act	DBIRD	Licensing, registration, entry requirements (qualifications or experience, fitness of character), the reservation of practice (for plumbing: installing, altering, removing or repairing fixtures, fittings and pipes designed to receive and carry sewage or water, and the ventilation of those fixtures, fittings and pipes), business conduct (supervision).	Review completed in September 2000, recommending: the Act should give explicit recognition of national competencies-based approach, the Board's range of options in dealing with complaints should be made widely known, 'fit and proper person' test power of the Board should be maintained so long as appeal mechanisms are clear and accessible, and membership of the Board should be reviewed to establish whether the continued Power and Water Authority (PAWA) membership is desirable. Also recommended a more general review of the Act to in part examine the case for compliance certificates and the case for restricted plumbing licences to meet the needs of other trades.	The Government endorsed the review recommendations.
Poisons and Dangerous Drugs Act	DH&CS	Certificates of competency for pest controllers, and prescription of drugs by health professionals other than medical practitioners. The Act sets out controls and licensing for manufacture, wholesale, and retail sales.	Part of Galbally Review. Final review report under consideration by the Australian Health Ministers Advisory Council.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Power and Water Authority Act	PAWA	Establishes the Power and Water Authority, and prescribes functions and powers of the Authority, gives control of provision and supply etc of electricity, water and sewerage services in the NT. Exemption from rates; competitive neutrality issue. Price fixing regarding the Authority's agents; possible Part IV of TPA conflict. Regulation making powers; statutory power. Exemption from charges; competitive neutrality issue (s14, 15, 19, 25(b) and 33).	Review completed in March 2000.	Amendments in line with the review recommendations implemented.
Prices Regulation Act	DOJ	Provides for the appointment of Controller of Prices who can declare maximum prices for services and goods prescribed by the Administrator.	Review completed, recommending the exercise of restrictions only at times of natural disaster, the specification of objectives and the regulation of monopoly behaviour under separate legislation.	The Government accepted the review recommendations.
Private Hospitals and Nursing Homes Act	DH&CS	Licensing.	Review completed in May 2000. Review recommendations include the separation of the regulation of hospitals and nursing homes, that the objectives be clearly stated, that licensing be retained and extended to all aged care facilities, that current incorporation requirements be rescinded, and that approval for manager relief arrangements be rescinded.	The Government proposes to implement all of the review recommendations but one. The Government delayed giving further consideration to splitting the legislation into separate Acts, pending the outcomes of an ongoing review of medical services framework legislation.
Private Security Act	NTT	Regulation of the provision of security services and for related purposes - accredited training requirement and a licensing regime for crowd controllers.	Review underway. Final report being prepared.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Prostitution Regulation Act	NTT	Escort agents licensing, entry requirement (sex workers who provide sex services under agency agreements with escort agents must have an appropriate certificate from the Commissioner of Police), and business conduct (wide range of conditions that may be imposed by the licensing authority). Brothels are illegal.	General review completed. Review not the subject of separate public consultation due to recent reviews.	The Government adopted the review recommendation to make no change to the substance of the scheme of regulation. However, consistent with its policy of lessening the number of statutory bodies, the Government decided to abolish the Escort Agency Licensing Board and to transfer those functions to the NT Licensing Commission. This transfer became effective on 19 February 2001.
Public Health (Shops, Eating-Houses, Boarding Houses, Hotels and Hostels) Regulations	DH&CS	Registration of a boarding house (s35, 36), registration of an eating house (s12, 13).	Targeted review completed.	
Public Health Act	DH&CS	Includes registration of barbers' shops (s5), registration of a boarding house (s 35, 36), registration of an eating house (s12, 13), general sanitation, noxious trades, medical and dental inspection of school children and cytology register, among other things.	Review completed in May 2000. Review recommends that no attempt be made to amend the current legislation but rather completely new legislation be drafted. A general structure for public health legislation has been circulated by the Government in an issues paper. This proposed structure reduces inconsistency and favours outcome rather than input standards.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Trustee Act, and Public Trustee Amendment Act 1998	DOJ	Some provisions may give the public trustee an advantage over competitors. These provisions include those that permit the Public Trustee to administer estates of small value without the need to obtain the approval of the Supreme Court. Also, the Public Trustee has the right to obtain information about estates and to take various measures designed to minimise unnecessary levels of disputation. A second group of provisions provide Government support to the business operations of the Public Trustee (for example through a Government indemnity for the administration of funds).	Review completed. Review recommended that the provisions giving advantages to the Public Trustee be retained but that they be extended so as to apply to other professional personal representatives. Review also recommended the provisions supporting the business operations of the public trustee be amended so as to ensure competitive neutrality between the Public Trustee and its private sector competitors.	The Government accepted the review recommendations. The Public Trustee Amendment Bill and the Administration and Probate Amendment Bill, second reading, in November 2001.
Racing and Betting Act	NTT	Licensing and registration.	Full public review underway.	
Radiation (Safety Control) Act 1978, and Radiation Safety Control Regulations 1980	DH&CS	Controls and regulates the possession, use, transport and storage of radioactive substances and irradiating apparatus.	National review completed.	
Radiographers Act	DH&CS	Restrictions on entry, registration, title, practice, advertising and disciplinary provisions.	Review completed May 2000. Review Recommendations included repealing the Act and transferring powers to the Chief Health Inspector under the Radiation (Safety Control) Act.	The Government approved the drafting of legislation in line with the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Retirement Villages Act and Regulations	DOJ	Regulates the operation of retirement villages and confers on the courts powers in respect of certain matters relating to retirement villages and for related purposes.	Review underway.	
Sale of NT TAB Act	NTT		Review of parimutuel betting completed in February 2001.	The Government is considering the review recommendations.
Stock (Artificial Breeding) Act	DBIRD	Licensing and regulation of insemination.	Review completed in 1998.	Act repealed by the Stock (Artificial Breeding) Repeal Act.
Superannuation Act	NTT	Establishes Northern Territory Government and Public Authorities Superannuation Scheme (NTGPASS).	Review, conducted in 1998, recommended that NTGPASS be closed with new employees being given the choice of compliant private superannuation funds.	The Government accepted the review recommendations, and NTGPASS closed in July 1999.
Taxation (Administration) Act	NTT	Registration as an Accommodation House (s80c), registration as a lender (div 13, s72), register of a financial institution for electronic debit transaction duty (s29M), registration of insurers (div 6, s40), and register of life insurers (div 7, s46).	Targeted review completed in 1998. Licensing and registration requirements are not considered to restrict competition.	
Territory Insurance Office (TIO) Act	TIO	Insurer for government, monopoly insurer for Compulsory Third Party (CTP), government guarantee of deposits and contracts without fee.	Review completed in 2000. Review conducted in conjunction with recommendations of Wallis enquiry, recommending changes to two restrictions. The fees for guarantees are under review and can be levied without legislative amendment.	The Territory Insurance Office Act passed in December 2000, changing references to 'the insurer' to 'an insurer' to remove technical monopoly, in effect just reflecting current arrangements, and removing TIO exclusivity with respect to CTP. (Separate review of CTP monopoly under the Motor Accidents Compensation Act).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Territory Parks and Wildlife Conservation Act	DIPE	Establishes parks and reserves, and protects and conserves wildlife.	Review completed in 1998. Act assessed as not restricting competition.	Act retained without reform.
Totalizator Administration and Betting Act	NTT	Grants sole rights to this form of betting.		Act repealed to accommodate the sale of NT TAB, and replaced by two new Acts - Totalizator Licensing and Regulation Act and the Sale of the NT TAB Act.
Totalizator Licensing and Regulation Act	NTT	Establishes the regulatory framework for parimutuel betting.	Public review completed in February 2001.	The Government is yet to consider the review recommendations.
Trade Development Zone Act	TDZ	Licence to operate in the Trade Development Zone (s21,28).	Review underway.	
Trade Measurement (Administration) Act	DOJ	Makes provision with respect to the administration of the Trade Measurement Act, and for related purposes.	Review contingent on outcome of the national review of the Trade Measurement Act.	
Trade Measurement Act	DOJ	Makes provision with respect to trade measurement in the NT as part of the scheme for uniform trade measurement legislation throughout Australia.	National review underway.	
Uranium Mining (Environmental Control) Act	DBIRD	Controls uranium mining in the Alligator Rivers Region. Imposes restrictions, conditions and requirements that could discourage innovation and add to costs.	Review not required.	Act to be repealed and replaced. Certain current provisions of the Act will be incorporated in a newly drafted Mine Management Bill. (See the Mine Management Act.)

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Veterinarians Act 1994	DBIRD	Licensing of veterinary surgeons, reservation of practice, reservation of title, and advertising restrictions.	Review completed in December 1999. Review recommended retention of licensing, reservation of title and practice, removal of some advertising restrictions, and additional consumer representation on the Veterinary Board.	The Government endorsed the review recommendations.
Work Health Act and Work Health (Occupational Health and Safety) Regulations	DEET	Establishes the Work Health Authority and sets requirements for occupational health and safety. Registration requirements for the design of designated plant; pressure equipment, cranes and hoists, lifts, escalators and moving walks, amusement structures and scaffolding (Reg 93). Licensing of operators: pressure equipment operation, crane and hoist operators, industrial truck operation, scaffolding, rigging and asbestos removal (Reg 15). Workers compensation claims management.	Full public review of occupational health and safety provisions by CIE completed in September 2000. Issues paper on workers compensation provisions released.	The Government is considering the review recommendations.

11 Water

Agency abbreviations

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

AIS	Administrative and Information Services (Office for Government Enterprises) (South Australia)
CM	Chief Minister's Department (Australian Capital Territory)
DH	Department of Health (Western Australia)
DIER	Department of Infrastructure Energy and Resources (Tasmania)
DIPE	Department of Infrastructure, Planning and Environment (Northern Territory)
DPIWE	Department of Primary Industries, Water and Environment (Tasmania)
DUS	Department of Urban Services (Australian Capital Territory)
EH	Environment and Heritage (South Australia)
EPA	Environmental Protection Agency (Queensland)
FT	Forestry Tasmania
H	Health (Queensland)
HEC	Hydro-Electric Corporation (Hydro Tasmania)
LA	Department of Land Administration (Western Australia)
LGP	Local Government and Planning (Queensland)
NR&M	Natural Resources and Mines (Queensland)

NRE	Department of Natural Resources and Environment (Victoria)
OWR	Office of Water Regulation (Western Australia)
PAWA	Power and Water Authority (Northern Territory)
T&F	Treasury and Finance (South Australia)
WR	Water Resources (South Australia)
WRC	Water and Rivers Commission (Western Australia)

Legislation review schedule: Water

Updated to September 2001

New South Wales

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Balranald Irrigation Act 1902				Act repealed by the Water Management Act 2000.
Crown Lands Amendment Act 1932				Act repealed by the Water Management Act 2000.
Drainage Act 1939				Act repealed by the Water Management Act 2000.
Fish River Water Supply Administration Act 1945				Act repealed by the Water Management Act 2000.
Glennies Creek Dam Act 1979				Act repealed by the Water Management Act 2000.
Hunter Valley Flood Mitigation Act 1956				Act repealed by the Water Management Act 2000.
Irrigation Act 1912 (and as amended)				Act repealed by the Water Management Act 2000.
Irrigation and Water (Amendment) Act 1943				Act repealed by the Water Management Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Irrigation Corporations Act 1944				Act repealed by the Water Management Act 2000.
Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act 1955				Act repealed by the Water Management Act 2000.
Miscellaneous Acts (Water Administration) Amendment Act 1986				Act repealed by the Water Management Act 2000.
Private Irrigation Districts Act 1973				Act repealed by the Water Management Act 2000.
Rivers and Foreshores Improvement Act 1948				Act repealed by the Water Management Act 2000.
Water (Soil Conservation) Amendment Act 1986				Act repealed by the Water Management Act 2000.
Water Act 1912 (and as amended)				Act repealed by the Water Management Act 2000.
Water Administration (Transfer of Functions) Act 1986				Act repealed by the Water Management Act 2000.
Water Administration Act 1986				Act repealed by the Water Management Act 2000.
Water Management Act 2000			Review completed.	The Water Management Act 2000 was passed in December 2000, and replaced various pieces of water legislation.
Water Supply Authorities Act 1987				Act repealed by the Water Management Act 2000.

Victoria

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Catchment and Land Protection Act 1994	NRE	Act ensures competition in relevant markets is sustainable in the long term.	Review not required.	An integrated Pest Management Strategy is being developed by the Department in consultation with key stakeholders as part of the stated government policy to establish a Rivers and Catchment Restoration program. The Pest Management Strategy will provide clarification in relation to the discretionary powers outlined in the Act. This will be completed in 2001. The provisions of Part 7 of the Act which relate to extraction of material have been superseded by the Extractive Industries Development Act 1995 and will be repealed when the Act is next amended.
Murray Darling Basin Act 1993 and other legislation relating to interstate sharing and management of resources	NRE	Act assessed as not restricting competition.	Review not required.	
Pollution of Waters by Oil and Noxious Substances Act 1986	NRE	Act assessed as not restricting competition.	Review not required.	
Water Act 1989, Water Industry Act 1994, Melbourne and Metropolitan Board of Works Act 1958, Melbourne Water Corporation Act 1992, and Rain Making Control Act 1967	NRE		Major public review by external consultants underway.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Industry Act 1994 (Part 4)	NRE	Licensing arrangements for use of jetties (S135A) and powers to levy rates on households in the metropolis.	Review underway. Issues paper publicly released. Call for submissions. Targeted consultation with key stakeholders.	

Queensland

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Canals Act 1958 and Regulation 1992	EPA	Legislation relates to the construction, maintenance and use of canals, including a requirement for approval before construction commences. Quantitative elements, quality/technical standards, and natural resources permits/licences.	Review completed in November 1998, and report made public. Review concluded that retaining restrictions was justified as being in the public benefit.	Provisions subjected to NCP review retained without reform.
Fluoridation of Public Water Supplies Act 1963 and Regulation 1964	H	Prescription of a particular brand of testing equipment.	Review not required.	The anticompetitive provisions repealed in late 1997.
Gladstone Water Board Act 1984	NR&M	Statutory monopoly.	Departmental review completed in February 2000. The Urban Water Board legislation, that was listed jointly with the Water Resources legislation, reviewed separately. Decision taken to repeal the Act as part of the development of the Water Act 2000.	Legislative restrictions removed with commencement of the Water Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Metropolitan Water Supply and Sewerage Act 1909 and Sewerage and Water Supply Act 1949	NR&M	Nature of restrictions are statutory monopoly, licensing/registration and business conduct. Legislation prescribes requirements relating to water supply plumbing, sanitary plumbing and drainage, sewer installation and the management of water supply, sewerage and drainage utilities. Licensing requirements relate to persons undertaking plumbing and drainage work. Standard Sewerage and Water Supply Laws are administered by local governments. Also provides for the control and supply of water in the Brisbane metropolitan area to be the sole responsibility of the Brisbane City Council and prescribes the purposes that domestic water can be used for. Provisions have now largely been taken by ordinances in the City of Brisbane Act.	Review of matters under the Department's control completed in February 2000.	The Metropolitan Water Supply and Sewerage Act planned for repeal in the second half of 2001.
Sewerage and Water Supply Act 1949 and Regulation 1987, and Standard Water and Sewerage Laws	LGP	Plumbers and drainers: licensing, registration, entry requirements (qualifications and practical experience), reservation of practice, and disciplinary processes. Also provides the head of power for the making of plumbing and drainage standards.	Act administered jointly with Department of Natural Resources and Mines (NR&M). NR&M's NCP issues substantively dealt with in the Water Act 2000. NCP matters related to that part of the Act administered by Department of Local Government and Planning are being reviewed as part of current proposals to integrate plumbing approvals and appeal processes in the Integrated Planning Act. Review underway, and expected to be completed in early 2002.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
South East Queensland Water Board Act 1979 and Townsville/Thuringowa Water Supply Board Act 1987	NR&M	Statutory monopoly.	Review completed.	Part of a broader Council of Australian Governments (CoAG) water reform agenda. New institutional reforms for each board led to repeal of the existing Act (the South East Queensland Water Board Act). In November 2000, Cabinet gave authority to introduce legislation to repeal the Townsville/Thuringowa Water Supply Board Act.
Water Resources Act 1989, Water Resources (Watercourse Protect) Regulations 1993, Water Resources (Rates and Charges) Regulations 1992, and Natural Resources Amendment Act 1996	NR&M	Licensing or registration, pricing restrictions and business conduct.	Review as part of a broader CoAG water reform agenda completed in February 2000. A discussion paper on modules for new legislation were progressively released for discussion during 1999.	The Water Act 2000, giving effect to water reforms, commenced in part on 13 September 2000. The remainder of the Water Act will commence in the second half of 2001.

Western Australia

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Carnarvon Irrigation District By-laws	WRC	Differential treatment.	Review completed in January 2000. Minor restrictions justified on public welfare grounds to maintain security of supply and safeguard infrastructure.	Act to be retained without reform. Proposals under way to transfer management of irrigation scheme to local control.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Country Areas Water Supply (Clearing Licence) Regulations 1981	OWR	Controls over land clearing.	Review completed in August 2000. No reforms recommended. Controls justified on wider ecological and public interest grounds.	The Government endorsed the review recommendation on 18 December 2000.
Country Areas Water Supply Act 1947	OWR	Licensing, and market power by Water Corporation.	Review completed in September 1999.	Amendments to the Act to be progressed via the Acts Amendment and Repeal (Competition Policy) Bill.
Country Areas Water Supply By-laws 1957	OWR	Market power.	Review underway. Expected completion June 1999.	
Country Towns Sewerage Act 1948 and By-laws	OWR	Licensing, registration, entry requirements (competency or six years experience and qualification, fit and proper), the reservation of practice (either licensed or under licensed supervision), and disciplinary processes.	Review of the Water Services Coordination Amendment Act 1999 completed, recommending retaining restrictions to prevent unlicensed persons from performing plumbing work and maintaining the power of the Board to set licence conditions.	Amendments to the Act to be progressed via the Acts Amendment and Repeal (Competition Policy) Bill. Plumbers licensing provisions transferred to the Water Services Coordination (Plumbers Licensing) Regulations 2000 in 2000. Transfer also shifted responsibility for plumbers licensing from the Water Corporation to the new Plumbers Licensing Board.
Harvey, Waroona Collie River Irrigation Districts By-laws 1975	WRC	Monopoly powers to the Water Corporation. Differential rights to irrigators.	Review completed in January 2000. Minor restrictions were justified on public welfare grounds to maintain security of supply and safeguard laws proposed to reflect current management practices. No reforms recommended.	The Government endorsed the review recommendations on 14 August 2000.
Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1993	DH	Licensing.	Review deferred until June 2000.	Replacement legislation to be developed which will obviate the need for review.
Irrigation (Dunham River) Agreement Act 1968	LA	Differential rights.		Act to be repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Drainage (Rating Grades) Regulations 1986	OWR	Exemption from paying rates for certain activities, subject to those exemptions on specific land uses that are imposed for social reasons, continuing to be subject to the formal and transparent community service obligation payment. Provisions whereby land is subject to water supply, sewerage, drainage and irrigation charges even if it is not actually connected to the system and where owners or occupiers do not actually use the system. Exemption from paying charges for pensioners. Water Agencies (Entry Warrant) Regulations.	<p>Review completed. The legislative provisions were assessed as being in the public interest for reasons of social equity and good infrastructure planning. Recommended retaining the restrictions.</p> <p>Other "housekeeping" recommendations included:</p> <ul style="list-style-type: none"> • amending the grading system in the Land Drainage (Rating Grades) Regulations to be consistent with recommendation in the main review to deal with all charges through the Water Agencies (Powers) Act 1984; • amending the Land Drainage Regulations to be consistent with recommendation in the main review to deal with all charges through the Water Agencies (Powers) Act 1984; and • amending the regulations of the Water Agencies (Infringements) Regulations 1994 to be consistent with the Water Agencies (Powers) Act 1984 allowing the Water and Rivers Commission the ability to delegate authority for issuing infringements. 	The Government endorsed the review recommendations. Drafting instructions for the amendments are currently being developed by the Water Corporation in consultation with the Office of Water Regulation.
Land Drainage Act 1925	OWR	Market power.	Review completed in September 1999. Minor amendments to Act proposed to ensure consistency of approach with competitive licensing regime and other related Acts.	The Government endorsed the review recommendation on 20 December 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Drainage By-laws 1986	OWR	Market power.	Review completed in December 1999.	The Government endorsed the review recommendations on 20 December 1999. The Water Corporation in consultation with the Office of Water Regulation is currently developing drafting instructions for amendments.
Land Drainage Regulations 1978	OWR	Market power.	Review completed in 1999.	Amending Regulations to be consistent with the recommendation in the main review to deal with all charges through the Water Agencies (Powers) Act 1984.
Metropolitan Water Authority (Miscellaneous) By-laws 1982	WRC	Differential treatment.	Review completed. The by-laws were assessed as not restricting competition.	Legislation retained without reform.
Metropolitan Water Authority Act 1982	WRC	Market power given to Water Corporation.	Review completed. The legislation was assessed as not restricting competition.	The Government endorsed the review recommendations on 14 August 2000.
Metropolitan Water Supply, Sewerage and Drainage By-laws 1981	OWR	Licensing - as for the Country Towns Sewerage Act 1948.	Review completed.	Plumbers licensing provisions transferred to the Water Services Coordination (Plumbers Licensing) Regulations 2000 in 2000. Transfer also shifted responsibility for plumbers licensing from the Water Corporation to the new Plumbers Licensing Board.
Metropolitan Water Supply, Sewerage and Drainage Act 1909	OWR	Market power, and differential treatment for licensing.	Review completed in September 1999.	The Government endorsed the review recommendations on 20 December 1999. Drafting instructions to include the recommended amendments in the proposed Acts Amendment (Competition Policy) Bill 2001 forwarded to the Parliamentary Counsel.
Ord Irrigation District By-laws	WRC	Market power to the Water Corporation. Differential rights to irrigators within the area.	Review completed in January 2000. Minor restrictions are justified on public welfare grounds to maintain security of supply and safeguard infrastructure. No reforms recommended.	The Government endorsed the review recommendations on 14 August 2000. Amendments to By-laws proposed to reflect devolved ownership and control of the scheme.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Preston Valley Irrigation District By-laws	WRC	Differential treatment.	Review completed in January 2000. Review proposed retaining the restrictions on competition found to be in the public interest and to amend the by-laws to reflect current management practices since they do not reflect the responsibilities of the Water Corporation and the grower cooperatives since the devolution of irrigation management.	The Government endorsed the review recommendations on 14 August 2000.
Rights in Water and Irrigation (Construction and Alteration of Wells) Regulations 1963	WRC	Licensing restrictions. The Waters and Rivers Commission is given sole rights to fit, repair and test water meters.	Review completed in January 2000.	The Government endorsed the review recommendations on 14 August 2000. Amending the regulations to remove the Water and Rivers Commission's exclusive right to the fitting, repair and testing of water meters.
Rights in Water and Irrigation Act 1914 and Regulations	WRC	Licensing of rights to take water. Monopoly powers of Water Corporation.	Review completed.	The Government endorsed the review recommendation on 20 December 1999. Drafting instructions to include the recommended amendments in the proposed Acts Amendment (Competition Policy) Bill 2001 forwarded to the Parliamentary Counsel.
Treatment of Sewerage and Disposal of Effluent and Liquid Waste Regulations	DH	Licensing.	Review underway. Consultation involved public seminar and invitation to make submission.	
Water (Dixvale Area and Yanmah Area) Licensing Regulations 1974	WRC	Differential treatment of a small group of irrigators.	Review completed in January 2000.	Proposal to repeal regulations.
Water Agencies (Charges) Bylaws 1987	OWR	Differential treatment of Crown lands.	Review completed in September 1999.	Minor amendments proposed to ensure consistency of approach with competitive licensing regime and other related Acts.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Agencies (Entry Warrants) Regulations 1985	OWR		Review completed in September 1999.	Minor amendments proposed to ensure consistency of approach with competitive licensing regime and other related Acts.
Water Agencies (Infringements) Regulations 1994	OWR	Market power to the Water Corporation.	Review completed in September 1999.	Minor amendments proposed to ensure consistency of approach with competitive licensing regime and other related Acts.
Water Agencies (Powers) Act 1984	OWR	Market power to the Water Corporation.	Review completed in September 1999.	Minor amendments proposed to ensure consistency of approach with competitive licensing regime and other related Acts.
Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995	OWR		Review completed in August 2000. Act assessed as not restricting competition.	Act retained without reform.
Water and Rivers Commission Act 1995	WRC	Act provides necessary governmental powers for effective natural resource management.	Review completed in January 2000. No changes recommended.	Act retained without reform.
Water Boards Act 1904 and By-laws	OWR	Licensing. Restricts powers to supply of water and within defined areas.	Review completed in May 1999.	Amendment to Act proposed to allow agencies to provide full suite of water services and freedom to compete for licences on equal terms with the Water Corporation. Revised By-laws will meet gatekeeper requirements.
Water Corporation Act 1995	OWR		Review completed in May 1999.	Act retained without reform.
Water Services Coordination Act 1995 - Part 1 of 2	OWR	Complex licensing regime inhibits competitive outcomes.	Review completed in July 1999.	Amendments proposed which recommend adoption of a simpler and more procompetitive regime. Amendments provide for competitive neutrality in the application of relevant Acts.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Supply, Sewerage and Drainage Act 1912	OWR	Few restrictions in remaining sections related to ownership of assets.	Review completed in May 1998.	Act retained without reform.
Waterways Conservation Act 1976 and Regulations	WRC	Licensing system for disposal of waste in waterways.	Review completed in January 2000. Review recommended no reforms given minor nature of Act. Further major review proposed to achieve rationalisation of functions and operation between this Act and Environmental Protection Act.	The Government endorsed the review recommendations on 20 December 1999.

South Australia

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Catchment Water Management Act 1995	EH	Restricts market conduct.	Review completed.	Act repealed by the Water Resources Act 1997, and the Catchment Water Management Act 1995.
Groundwater (Border Agreement) Act 1985	WR	Restricts market conduct.	Review completed in June 2000. No reforms recommended.	
Irrigation (Land Tenure) Act 1930	EH	Restricts market conduct.	Review, with associated legislation, completed in December 1999. No major issues identified. Recommended that legislation be updated and consolidated.	Legislation to be repealed in 2002.
Irrigation Act 1994	WR	Restricts market conduct.	Review completed in August 2000. Minor legislative change recommended. Review identified a need for a comprehensive review of the legislation and its objectives.	The Government agreed that the minor change should proceed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Loans for Fencing and Water Piping Act 1938	T&F	Restricts market conduct.	Review completed in 1997.	Act expected to be repealed when last repayments made in 2000.
Murray Darling Basin Act 1993	WR	Restricts market conduct. Agreement in place to provide equitable sharing of the resource. Agreement regarded as preventing restrictions.	Review completed in 1999. No reforms recommended. Review noted by the Murray Darling Basin Commission and presented to the Minister.	
Renmark Irrigation Trust Act 1936	WR	Restricts market conduct.	Review completed in August 2000. Minor legislative change recommended to remove obsolete and inconsistent sections. Will prompt more fundamental review.	The Government accepted the review recommendation.
River Murray Waters Agreement Supplemental Agreement Act 1963	WR	Restricts market conduct.	Review completed in September 1998. Repeal recommended.	Act effectively replaced by the Murray Darling Basin Act 1993.
Sewerage Act 1929	AIS	Barriers to market entry, restricts market conduct, and product or service standards.	Review, in conjunction with the SA Water Corporation Act 1994 and the Waterworks Act 1932, completed in November 2000.	The Government is considering the review recommendations.
South Australian Water Corporation Act 1994	AIS	Barriers to market entry, and restricts market conduct.	Review, in conjunction with the Sewerage Act 1929 and the Waterworks Act 1932, completed in November 2000.	The Government is considering the review recommendations.
South Eastern Water Conservation and Drainage Act 1992	WR	Restricts market conduct.	Review completed in July 1999. No reforms recommended.	
Water Conservation Act 1936	WR	Barriers to market entry, restricts market conduct and products or service standards.	Review completed in September 2000. Act only used in limited circumstances. No significant restrictions identified.	The Government is considering review recommendations. Act likely to be repealed and relevant sections included in a revised Waterworks Act in due course.
Water Resources Act 1990	WR	Restricts market conduct.	Review completed.	Act repealed by the Water Resources Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Waterworks Act 1932	AIS	Barriers to market entry, restricts market conduct, and product or service standards.	Review, in conjunction with the Sewerage Act 1929 and the SA Water Corporation Act 1994, completed.	The Government is considering the review recommendations. Only minor changes are anticipated, but it will prompt a wider review of the utility provision.

Tasmania

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian Titan Products Act 1945	DIER	Provides certain water rights to a company and prohibits it from generating electricity.		Act repealed by the Legislation Repeal Act 1998.
Clyde Water Act 1898	DPIWE	Vests trustees with the power to repair and alter works, construct works to convey water from Lake Sorell to the River Clyde and any waterworks necessary to provide the towns of Bothwell and Hamilton with water.		Act repealed by the Water Management Act 1999.
Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995	DIER	Requires certain irrigation waters to be made available to certain water users, providing them with a commercial benefit that is not available to others.	Review, as part of the implementation of the CoAG reform agenda for the Australian water industry, completed.	Act amended by the Water Management Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Florentine Valley Paper Industry Act 1935	FT	Market entry. Authorises the granting of exclusive timber, water and transport rights to one company.	Review, as part of the implementation of the CoAG reform agenda for the Australian water industry, completed. Review recommended transfer of licensing of water rights to the Water Management Act.	Licensing of water rights transferred to the Water Management Act 1999.
Groundwater Act 1985	DIER	Prohibits the construction or enlarging of a well, or the drawing of water, in a proclaimed region without a permit. Provides the Director of Mines with the power to shut, limit, repair or modify any Tasmanian well.		Act repealed by the Water Management Act 1999.
Hobart Regional Water Act 1984	DPIWE	Gives the Hobart Regional Water Board exclusive rights to take water from the Derwent River, Mount Wellington and other streams, construct bulk supply works and enter into agreements with municipalities to provide water.	Review not required.	Act repealed by the Hobart Regional Water (Arrangements) Act 1996, which was assessed under gatekeeper provisions.
Huon Valley Pulp and Paper Industry Act 1959	FT	Provides the company with free unlimited water rights, restricts the water rights of the Huon Council (and its residents), and rights over Crown land. Sets company conduct in relation to river bank degradation and water quality.		Act repealed by the Legislation Repeal Act 1996.
Irrigation Clauses Act 1973	DPIWE	Market entry. Provides for the construction of waterworks by persons authorised by another Act to do so. Provides for the right to a supply of water for irrigation.	Review, as part of the implementation of the CoAG reform agenda for the Australian water industry, completed.	Act amended by the Water Management Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Loan (Hydro-Electric Commission) Act 1957	HEC	Provides irrigation rights to persons in the Parish of Lawrenny.		Act repealed on 6 November 1996, and the repealing Acts included on the LRP timetable. The repealing Acts consist of the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Mount Cameron Water Race Act 1926	DIER	Legislated restriction on competition as part of a legislative scheme governing water rights to the Rushy Lagoon property.	Review not required.	Act repealed by the Legislation Repeal Act 1998.
North Esk Regional Water Act 1960	DPIWE	Provides the Rivers and Water Supply Commission with the exclusive right to supply certain 'water districts' from waterworks vested in the Commission.		Act repealed by the Northern Regional Water (Arrangements) Act 1997.
North-West Regional Water Act 1987	DPIWE	Provides that the North West Regional Water Authority may take water from specified places. Provides that the Authority shall supply municipalities in the Water District with water and that municipalities will not obtain water in bulk from elsewhere.		Act repealed by the North West Regional Water (Arrangements) Act 1997, which commenced in 1999. The latter Act was assessed under LRP gatekeeper provisions.
Rossarden Water Act 1954	DPIWE	Provides that the Fingal Council may use its power to supply water to the Aberfoyle Tin mine free of charge, effectively providing the company with a competitive advantage.	Review not required.	Act repealed by the Water Management Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sewers and Drains Act 1954	DPIWE	Specifies material and work standards for the construction and maintenance of sewerage works. Requires certain Council officers to hold certificates of qualification.	Review not required.	Restrictive provisions in the Act removed.
Thomas Owen and Co. (Australia) Limited Act 1948	DPIWE	Provides a company with the right to take as much water as required at no cost and prohibits it from using that water to generate electricity.		Act repealed by the Water Management Act 1999.
Water Act 1957	DPIWE	Gives the Rivers and Water Supply Commission the power to allow or prevent persons from taking water from rivers and lakes. Prohibits the taking of water for irrigation without the authority of the Commission. Specifies water quality standards.	Review by external consultants completed in 1999.	Act repealed and replaced by the Water Management Act 1999.
Water Management Act 1999	DPIWE		Assessed under LRP gatekeeper provisions.	
Waterworks Clauses Act 1952	DPIWE	Gives power to persons, authorised by special Acts to construct waterworks, to acquire land and to undertake various activities associated with the construction of such waterworks.	Review, as part of the implementation of the CoAG reform agenda for the Australian water industry, completed.	Act amended by the Water Management Act 1999.
Wesley Vale Pulp and Paper Industry Act 1961	FT	Ratifies a financial agreement providing a particular company with a competitive advantage, potentially acting to restrict competition.	Review, as part of the implementation of the CoAG reform agenda for the Australian water industry, completed.	Act amended by the Water Management Act 1999.

Australian Capital Territory

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cotter River Act 1914	DUS		Intradepartmental review completed in 1999.	Act repealed on 23 March 2000.
Energy and Water Act 1988	DUS		Review not required.	Act repealed as part of the Utilities legislation.
Sewerage Rates Act 1968	CM		Review not required.	Matters covered by this Act considered in developing the Utilities Act 2000.
Water Pollution Act 1984	DUS			Act repealed by the Environment Protection Act 1997.
Water Rates Act 1959	CM		Intradepartmental review completed.	Matters covered by this Act considered in developing the Utilities Act 2000.

Northern Territory

Name of legislation	Agency	Major restrictions	Review activity	Reform activity
Water Act and Regulations	DIPE	Provides for the investigation, use, control, protection, management and administration of water resources.	Review by external consultants completed in July 2000. No reform recommended.	

Water Supply and Sewerage Act	PAWA	Single provider status provided to Power and Water Authority. Lacks separation of service delivery from regulatory roles.	Independent review completed in March 2000.	Act repealed and replaced by the Water Supply and Sewerage Services Act. Single service provider status retained due to economies of scale. Independent licensing being introduced under the Utilities Commission, and regulatory roles separated from service delivery.
Water Supply and Sewerage Services Act	PAWA	Single supplier of water and sewerage services within a defined geographical area.		Legislation replaces the Water Supply and Sewerage Act. Single provider status retained due to economies of scale. Independent licensing to be introduced under the Utilities Commission by 1 January 2002.

Appendix A Legislation review — clause 5 of the Competition Principles Agreement

Clause 5 of the CPA is reproduced below.

1. The guiding principle is that legislation (including Acts, enactments, Ordinances or regulations) should not restrict competition unless it can be demonstrated that:
 - (a) the benefits of the restriction to the community as a whole outweigh the costs; and
 - (b) the objectives of the legislation can only be achieved by restricting competition.
2. Subject to subclause (3), each Party is free to determine its own agenda for the reform of legislation that restricts competition.
3. Subject to subclause (4) each Party will develop a timetable by June 1996 for the review, and where appropriate, reform of all existing legislation that restricts competition by the year 2000.
4. Where a State or Territory becomes a Party at a date later than December 1995, that Party will develop its timetable within six months of becoming a Party.
5. Each Party will require proposals for new legislation that restricts competition to be accompanied by evidence that the legislation is consistent with the principle set out in subclause (1).
6. Once a Party has reviewed legislation that restricts competition under the principles set out in subclauses (3) and (5), the Party will systematically review the legislation at least once every ten years.
7. Where a review issue has a national dimension or effect on competition (or both), the Party responsible for the review will consider whether the review should be a national review. If the Party determines a national review is appropriate, before determining the terms of reference for, and the appropriate body to conduct the national review, it will consult Parties that may have an interest in those matters.
8. Where a Party determines a review should be a national review, the Party may request the Council to undertake the review. The Council may undertake the review in accordance with the Council's work program.

9. Without limiting the terms of reference of a review, a review should:
- (c) clarify the objectives of the legislation;
 - (d) identify the nature of the restriction on competition;
 - (e) analyse the likely effect of the restriction on competition and on the economy generally;
 - (f) assess and balance the costs and benefits of the restriction; and
 - (g) consider alternative means for achieving the same result including non-legislative approaches.
10. Each Party will publish an annual report on its progress towards achieving the objective set out in subclause (3). The Council will publish an annual report consolidating the reports of each Party.

Appendix B Changes to National Competition Policy Arrangements (Council of Australian Governments November 2000)

Attachment B of the Council of Australian Governments (CoAG) November 2000 communique is reproduced below.

TRANSPARENCY

- In meeting the requirements of sub-clauses 1(3)(a)(b) and (c) of the CPA, which relate to the application of the public interest test, Governments should document the public interest reasons supporting a decision or assessment and make them available to interested parties and the public.
- When examining those matters identified under clause 1(3) of the CPA, Governments should give consideration to explicitly identifying the likely impact of reform measures on specific industry sectors and communities, including expected costs in adjusting to change.
- COAG to undertake an enhanced role in guiding the NCC in relation to its role in explaining and promoting NCP policy to the community.

NCC WORK PROGRAM

- The NCC will determine its forward work program in consultation with COAG Senior Officials.
- The NCC will provide a six monthly report to Senior Officials detailing its draft forward work program and current activities, including its communications and future assessment activities.
- Senior Officials will continue to provide guidance to the NCC to clarify COAG's requirements in relation to the interpretation of reform commitments under the NCP and related reform agreements, including appropriate assessment benchmarks, as required.

FUTURE ASSESSMENT PROCESSES

- The NCC's assessment as to whether jurisdictions have met their commitments under clause 5(1) of the CPA will 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."

- Following the third tranche assessment to be conducted before 1 July 2001, the NCC will undertake an annual assessment of each party's performance in meeting its reform obligations, as specified in the *Agreement to Implement the National Competition Policy and Related Reforms* or as subsequently advised by COAG, and provide a recommendation on the level of competition payments to be received by each State and Territory.
- In making a recommendation that a penalty be applied to a particular State or Territory, the NCC is to have regard to the following statement:

When assessing the nature and level of any financial penalty or suspension, the NCC must take into account:

the extent of overall commitment to the implementation of NCP by the relevant jurisdiction; the effect of one jurisdiction's reform efforts on other jurisdictions; and the impact of failure to undertake a particular reform.

- Where the NCC recommends a penalty, a statement of reasons identifying the basis for this penalty is to be published in the NCC's annual assessment.
- Commencing in 2001, the assessments should be provided to the Commonwealth Treasurer and each State and Territory at the same time, but will remain confidential until a decision has been made by the Commonwealth on the level of competition payments.
- Where an assessment recommends a penalty be applied to a State or Territory, the Commonwealth will provide a period of one month following receipt of the assessment before making a decision on the level of competition payments to be received by that jurisdiction. This will allow the relevant jurisdiction to respond to the Commonwealth on the recommendation made by the NCC.
- The timing of the imposition of any penalty will be discussed on a bilateral basis between the Commonwealth and the affected jurisdiction.

LEGISLATION REVIEW SCHEDULE

- The deadline for legislation reviews conducted under clause 5(3) of the CPA is extended so that all jurisdictions must complete all legislation reviews and implement appropriate reforms by 30 June 2002.
- Satisfactory implementation of reforms may include, where justified by a public interest assessment, having in place a firm transitional arrangement that may extend beyond the revised deadline.
- The revision to the deadline does not alter the schedule of competition payments.

COMPETITIVE NEUTRALITY – ASSESSMENT

The assessment of a party's compliance with the competitive neutrality requirements under clause 3 of the CPA should have regard to:

- the adoption of a 'best endeavours' approach to assessment, in those circumstances where a government business is not subject to the executive control of a party. This would require parties, at a minimum, to provide a transparent statement of CN obligations to the entity in question;
- the term 'full cost attribution' accommodating a range of costing methodologies, including fully distributed cost, marginal cost, avoidable cost etc., as appropriate in each particular case;
- there being no requirement for parties to undertake a competitive process for the delivery of Community Service Obligations (CSO); and
- parties being free to determine who should receive a CSO payment or subsidy, which should be transparent, appropriately costed and directly funded by government. This position refers directly to the implementation of CN requirements under the CPA, and is not intended to impact on consideration of CSO matters arising in the context of the related reform agreements.

REVIEW

- The terms and operation of the *Conduct Code Agreement*, the *Competition Principles Agreement* and the *Agreement to Implement the National Competition Policy and Related Reforms*, and the NCC's assessment role, will be reviewed before September 2005.
- The Commonwealth and States give early consideration to the best means of ensuring NCP commitments arising from the CCA continue to be met in light of the High Court case *re:Hughes*.

PROPOSED AMENDMENTS TO THE *CONDUCT CODE AGREEMENT*

- The reference in clause 2(2) of the CCA to paragraph 51(1B)(f) of the *Trade Practices Act 1974* should be changed to paragraph 51(1C)(f), to correct a previous drafting error.
- References in clause 7 of the CCA to ‘the Parties’ should be replaced with ‘fully participating jurisdictions’; the words ‘the Party initiating the consultation’ should be replaced with ‘the Commonwealth’; and the words ‘or some of them’ should be deleted.

PROPOSED AMENDMENTS TO THE *AGREEMENT TO IMPLEMENT THE NATIONAL COMPETITION POLICY AND RELATED REFORMS*

- References to the per capita Financial Assistance Grants (FAGs) component of the NCP payments to be removed, and ‘States’ to be replaced with ‘States and Territories’;
- The payments table attached to the Agreement to be deleted.

Appendix C National Competition Policy contacts

For further information about National Competition Policy, please contact the National Competition Council or the relevant Commonwealth, State or Territory competition policy unit.

National

National Competition Council
Level 12, Casselden Place
2 Lonsdale Street
MELBOURNE VIC 3000
Telephone: (03) 9285 7474
Facsimile: (03) 9285 7477
www.ncc.gov.au

Commonwealth

Structural Reform Division
Markets Group
The Treasury
Langton Crescent
PARKES ACT 2600
Telephone: (02) 6263 3758
Facsimile: (02) 6263 2937
www.treasury.gov.au

New South Wales

Inter-governmental &
Regulatory Reform Branch
The Cabinet Office
Level 39
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000
Telephone: (02) 9228 5414
Facsimile: (02) 9228 4408
www.nsw.gov.au

Victoria

Economic, Regulatory and Social
Policy Unit
Dept. of Treasury and Finance
5th Floor, 1 Treasury Place
MELBOURNE VIC 3002
Telephone: (03) 9651 0158
Facsimile: (03) 9651 5575
www.vic.gov.au

Queensland

National Competition Policy Unit
Queensland Treasury
100 George Street
BRISBANE QLD 4000
Telephone: (07) 3224 4285
Facsimile: (07) 3221 0181
www.treasury.qld.gov.au

Western Australia

Competition Policy Unit
WA Treasury
Level 13, 197 St George's Terrace
PERTH WA 6000
Telephone: (08) 9222 9162
Facsimile: (08) 9222 9914
www.treasury.wa.gov.au

South Australia

Strategic Policy Division
Dept. of Premier and Cabinet
State Administration Centre
200 Victoria Square
ADELAIDE SA 5000
Telephone: (08) 8226 2220
Facsimile: (08) 8226 2707
www.premcab.sa.gov.au

Tasmania

Economic Policy Branch
Department of Treasury and Finance
Franklin Square Offices
21 Murray Street
HOBART TAS 7000
Telephone: (03) 6233 3100
Facsimile: (03) 6233 5690
www.tres.tas.gov.au

Australian Capital Territory

Micro Economic Reform Section
Dept. of Treasury and Infrastructure
Level 1, Canberra-Nara Centre
1 Constitution Avenue
CANBERRA CITY ACT 2600
Telephone: (02) 6207 5904
Facsimile: (02) 6207 0267
www.act.gov.au

Northern Territory

Policy & Coordination Division
Dept. of Chief Minister
4th Floor, NT House
22 Mitchell Street
DARWIN NT 0800
Telephone: (08) 8999 7097
Facsimile: (08) 8999 7402
www.nt.gov.au/ntt/

References

CoAG (Council of Australian Governments) 2000, *Communiqué*, Canberra, 3 November.

Hilmer, F., Rayner, M. and Taperell, G. (The Independent Committee of Inquiry into a National Competition Policy) 1993, *National Competition Policy*, AGPS, Canberra.