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## 4 QUEENSLAND

### 4.1 Guide to the Queensland legislation review timetable

[Summarised from *Queensland's Second Annual Report to the National Competition Council for the year ending 31 December 1997 relative to the second instalment of the first tranche assessment*, April 1998 and correspondence dated 1 July 1998.]

#### Highlights to 19 June 1998

- development of comprehensive guidelines for public benefit tests (PBTs);
- co-sponsorship of February 1998 Legislation Review Conference in Melbourne; and
- participation in various national review forums, eg Blair Review of Food Regulation.

In Queensland's legislative review timetable, over 170 Acts and Regulations are set down for review between 1996-97 and 1999-2000. As at 19 June 1998, a number of reviews have been completed, certain other legislation has had redundant anti-competitive provisions repealed without undergoing the PBT process and numerous reviews are in progress.

The timing of some reviews has been changed where justified. To compensate for delays in commencing some reviews, the Queensland Government is bringing forward or commencing the scoping and other preliminary work for reviews scheduled for 1998-99.

## Trade Practices Act exemptions

Some legislation currently, or shortly to be, under review contains provisions which authorise conduct which might otherwise breach Part IV of the *Trade Practices Act 1974*. The Trade Practices Act provides that such authorisations expire after 20 July 1998.

Where it is considered in the public interest to allow such conduct pending the relevant review or introduction of proposed reforms, the Queensland Government seeks continued authorisation through regulation under the *Competition Policy Reform (Queensland) Act 1996*, in accordance with the requirements of section 51 of the Trade Practices Act. Certain legislation administered by the Department of Primary Industries falls into this category including the *Dairy Industry Act 1993* and the *Sugar Industry Act 1991*.

Queensland has identified a considerable number of reviews as candidates for national review, but will undertake these as State-based reviews (in liaison with other jurisdictions) where a national review approach cannot be agreed. Some Acts and associated regulations have been removed from the review timetable: *Liquid Fuels Supply Act 1984*; *Explosives Act 1952*, and *Explosives Regulations 1955*.

All proposals for new or amending legislation are subjected to examination under Queensland's 'gatekeeping' arrangements to ensure compliance with legislative review principles. Proposals to Cabinet for new legislation or amendments to existing legislation which restrict competition are accompanied by a public benefit assessment. Where proposals maintain but do not increase restrictions on competition (eg amendment of provisions that already restrict competition), the restrictions are reviewed in accordance with the timetable.

Attachment 4.1 contains the Queensland Government's guidelines for identifying measures that restrict competition for the purpose of NCP legislative reviews. Attachment 4.2 lists legislation excluded by departments from review under the natural resource exemption. Attachment 4.3 lists health practitioner legislation under review at 19 June 1998. Attachment 4.4 lists Queensland legislation identified as forming part of joint or cooperative Commonwealth-State regulatory arrangements for the purpose of legislation review.

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## 4.2 Abbreviations

The following abbreviations are used in the ‘Agency’ column of the Queensland legislation review schedule.

CAO (DJ)	Consumer Affairs Office (Department of Justice)
CS	Corrective Services
DME	Mines and Energy
E	Education
Env	Environment
ES	Emergency Services
FYCC	Family, Youth and Community Care
H	Health
J	Justice
LG&P	Local Government and Planning
NR	Natural Resources
OR	Office of Racing (Police Portfolio)
P&C	Premier and Cabinet
PI	Primary Industries
PWH	Public Works and Housing
TIR	Training and Industrial Relations
TMR	Transport and Main Roads
Tr	Treasury
TSBI	Tourism, Small Business and Industry

The following abbreviations are used in the 'Description/comment on review' column of the Queensland legislation review schedule to indicate the nature of the restriction on competition imposed by each piece of legislation.

BC	Business conduct restrictions
LR	Licensing or registration
MB	Measures that confer a benefit
NR	Natural resources permits/ licences
OP	Outright prohibition
PR	Pricing restrictions
PS	Preferred supplier
QE	Quantitative elements
QT	Quality/technical standards
RO	Restrictions on out-of-State parties
SM	Statutory monopoly

### 4.3 Legislation review schedule: Queensland

Updated to 19 June 1998

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Agricultural Chemicals Distribution Control Act 1966</i> and <i>Agricultural Chemicals Distribution Control Regulations 1970</i>	PI	Nature of restriction: LR, QT, BC Legislation regulates the distribution of agricultural chemicals from the air and from ground equipment. A national review of all Commonwealth and State/Territory agricultural and veterinary chemicals legislation, as recommended by the Commonwealth's Council on Business Regulation, has been established under the auspices of the Agricultural and Veterinary Chemicals Policy Committee of the Standing Committee on Agriculture and Resource Management. NCP review is being undertaken as a national review by the Commonwealth beginning in 1998.	1998-99		
<i>Ambulance Service Act 1991</i>	ES	Nature of restriction: BC, PS Various restrictions effectively confer a competitive advantage on Queensland Ambulance Service compared to any potential private ambulance operators (for example, restrictions on the use of the words "Ambulance Service" and "Ambulance" may prevent a private ambulance operator from advertising its services).	1998-99		
<i>Architects Act 1985</i> and <i>Architects Regulation 1985</i>	PWH	Nature of restriction: LR, BC The Act provides for the registration of architects and for approved architectural companies. A discussion paper on the future of these arrangements has been circulated by the Board of Architects. Review yet to begin.	1998-99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Art Unions Act 1992</i> and Art Unions Regulation 1992	Tr	Nature of restriction: LR, QT, BC Current legislation provides for a range of licence, permit and approval requirements in regard to the conduct of art unions, bingo. Similar legislation exists in the other States. Legislation is currently subject to internal review with consideration being given to substantial deregulation of all Art Unions. Public amusements, which were also regulated under this Act, were completely deregulated in June 1997. NCP reviews yet to begin.	1998-99		
<i>Auctioneers and Agents Act 1971</i> and Auctioneers and Agents Regulation 1986	CAO (DJ)	Nature of restriction: LR, QT, PR, BC, RO Legislation covers a range of occupations including licensing and specific business conduct requirements for real estate agents, motor vehicle dealers, commercial agents, auctioneers and pastoral house corporations. Certain licence requirements are limited to residents of the State or resident within 65 kms of State boundaries, which potentially restricts interstate participants. Price restrictions relate to maximum prescribed fees and charges. Similar legislation exists in most other jurisdictions and hence could be considered for national review. Regs expire 1/7/99. This legislation is subject of an extensive rewrite. A number of provisions, which are considered to restrict competition, have been identified in the re-write. They will either be removed or subject to a Public Benefit Test.	1996-97	1997	The NCP review has been completed and new legislation introduced into Parliament (i.e. Agents and Motor Dealers Bill). Bill contains some pro-competitive reforms and justification has been provided for the restrictions on competition in the Bill. The Bill has not been enacted and may require resubmission
<i>Beach Protection Act 1968</i> and Coastal Management Control Districts Regulation 1984	Env	Nature of restriction: BC 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. The regulations have been extended for 12 months and will be re-made prior to 1/7/99. The review is expected to be completed in 1998.	1998-99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Building Act 1975</i> and relevant subordinate legislation including the Standard Building Law and Building Regulations 1991	LG&P	Nature of restriction: LR, QT  The legislation was most recently reviewed in 1997-98, when the approval processes for building work were incorporated in the Integrated Development Approval System (IDAS) established under the Integrated Planning Act 1997. In addition, the Act was amended to introduce arrangements for a system of private certification of building work. The Building Code of Australia, developed by the Australian Building Codes Board, is called up and applied to Queensland by the Standard Building Regulation made under the <i>Building Act 1975</i> . Any review of the Building Code requirements should be on a national basis.	1998-99  Conditional on outcome of national review process		
<i>Business Names Act 1962</i> and Business Names Regulation 1986	CAO (DJ)	Nature of restriction: BC, RO  The 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. Could be considered for national review.	1998-99		
<i>Canals Act 1958</i> and Canals Regulation 1992	Env	Nature of restriction: QE, QT, NR  Legislation relates to the construction, maintenance and use of canals, including a requirement for approval before construction commences. The scope and Terms of Reference for the review are being developed. Provisions are being examined to determine whether they restrict competition.	1998-99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
Casino Agreement Acts: <i>Jupiters Casino Agreement Act 1983, Breakwater Island Casino Agreement Act 1984, Brisbane Casino Agreement Act 1992 and Cairns Casino Agreement Act 1993.</i>	Tr	<p>These "Agreement Acts" are effectively contractual arrangements between the State and the respective licensees. These were not previously listed for review.</p> <p>Due to the confidential and contractual nature of the agreements an internal review was conducted. A confidential report on the outcome was provided to the NCC in April 1998. The Agreement Acts are currently being reviewed with a view to streamlining and simplifying their content. To date, significant progress has been made on the redrafting of the Jupiters and Brisbane Casino Agreement Acts.</p>		1998	
<i>Casino Control Act 1982 and Casino Control Regulation 1984</i>	Tr	<p>Nature of restriction: LR, QT, BC</p> <p>Legislation provides for the granting of casino licences by the Queensland Government subject to prescribed probity, structural, financial, etc 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.</p>	1998-99		
<i>Chemical Usage (Agricultural and Veterinary) Control Act 1988 and Chemical Usage (Agricultural and Veterinary) Control Regulation 1989</i>	PI	<p>Nature of restriction: QT</p> <p>Legislation is designed to control the use of certain chemicals and the use of substances with chemical residues (notably declaration of hormone growth promotants (HGP) usage for stock sales). A national working party is investigating the introduction of uniform legislation adopting national standards. HGP declarations are required by EU for access to European beef markets.</p> <p>This legislation is also included in the review of agricultural and veterinary chemicals legislation referred to above.</p> <p>NCP review is being undertaken as a national review by the Commonwealth beginning in 1998.</p>	1998-99		



Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Chicken Meat Industry Committee Act 1976</i>	PI	Nature of restriction: PR, BC Legislation provides a mechanism for negotiations and agreements between chicken meat producers and processors, including contract growing fees. Similar provisions exist in New South Wales', Western Australia's and Victoria's legislation. Review to begin in April 1997. Review completed.	1996-97	1997	Report will be considered by Cabinet in the second half of 1998.
<i>Child Care Act 1991, Child Care (Child Care Centres) Regulation 1991 and Child Care (Family Day Care) Regulation 1991</i>	FYCC	Nature of restriction: OP, LR, QT, BC Provides for the licensing of child care 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 (eg premises adjacent to a place where flammable materials or dangerous chemicals are manufactured or stored). Review is underway and is expected to be completed by October 1998.	1997-98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>City of Brisbane Market Act 1960</i> and <i>City of Brisbane Market Regulation</i> (formerly By-law) 1982	PI	<p>Nature of restriction: SM, BC</p> <p>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. Broadly similar arrangements for capital city wholesale markets previously existed under New South Wales' and Victoria's legislation and still exist in Western Australia.</p> <p>A combined review considering the anti-competitive aspects, competitive neutrality and possible privatisation has been completed.</p>	1997-98	May 1998	<p>After the conduct of a public benefit test, the Review Committee reported to Government in May 1998. The Review Committee's report recommended the removal of 'exclusivity' and possible structural reform of the Market. The reform options arising from the Review Committee's recommendations are to be further considered by a Steering Committee set up specifically for this purpose.</p>
<i>Coal Industry (Control) Act 1948</i> and Orders made under that Act	ME	<p>Nature of restriction: QE, PR, BC, PS</p> <p>Legislation contained a range of essentially "reserve powers" relating to the regulation of the industry by the Queensland Coal Board, including, for example, powers to compulsory acquire coal, to regulate prices for the sale, purchase or resale of coal and to regulate the opening, closing and abandonment of coal mines (all of which were dormant). There was only one identified live restriction, namely that certain Orders issued under the Act required certain users of coal to purchase from specific coal mines (but which only related to 3 small mines in the South-east of the State and therefore did not affect the major export coal mining operations).</p>	1996-97	1997	This Act has been repealed.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Coastal Protection and Management Act 1995</i>	Env	Nature of restriction: BC Legislation provides for the conservation, rehabilitation and management of the coast. This impacts upon coastal commercial development (housing, resorts, hotels/motels, recreational facilities and other land uses) through coastal plans and the declaration of control districts which can restrict or prohibit certain developments or specify certain mandatory requirements. The scope and Terms of Reference for the review are being developed. Provisions are being examined to determine whether they restrict competition or are for legitimate natural resource management purposes.	1998–99		
<i>Consumer Credit Legislation Amendment Act 1996</i>	CAO(D J)	This Act amended the <i>Consumer Credit Act (QLD) 1994</i> , <i>Credit Act 1987</i> , and the Consumer Credit Code to provide a negative licensing scheme for credit providers. If provisions require assessment, this will occur when the <i>Consumer Credit Act (QLD) 1994</i> and Consumer Credit Code are reviewed as part of joint or cooperative Commonwealth–State regulatory arrangements.	1999		
<i>Contaminated Land Act 1991</i> and <i>Contaminated Land Regulation 1991</i>	Env	Nature of restriction: BC Legislation categorises land according to the risk of contamination and restricts certain land uses on certain sites. This legislation was subsumed in the <i>Environmental Protection Act 1994</i> without any increase in regulatory burden or any new restrictions on competition. The <i>Environmental Protection Act 1994</i> will be subject to a full review in 1998/99. The <i>Contaminated Land Act</i> was originally scheduled for review in 1996/97.	1998–99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<p><i>Co-operative and Other Societies Act 1967</i> and Co-operative and Other Societies Regulation 1968</p> <p><i>Primary Producers Co-operative Associations Act 1923</i> and Primary Producers Co-operative Association Regulations 1987</p>	CAO (DJ)	<p>Nature of restriction: LR, PR, BC, PS</p> <p>Similar legislation exists in other States in regard to the formation, registration and operation of co-operative societies. Pricing provisions only relate to prescribing maximum dividends payable on members' shares. The Act permits a co-operative society to contract with a member, requiring the member to have specified dealings only with the society for a fixed period, for example requiring the sale of produce through, or purchase of services from, the society.</p> <p>Queensland participates in national cooperatives legislation. This resulted in the repeal of the <i>Co-operative and Other Societies Act 1967</i> and the <i>Primary Producers' Co-operative Associations Act 1923</i>, and the introduction during 1997 of co-operatives legislation containing core provisions and regulations consistent with other jurisdictions.</p> <p>This national scheme of regulation was developed, and NCP justification provided, by Victoria.</p>	1996–97	1997	The new <i>Co-operatives Act 1997</i> replaces this Act.
<p><i>Corrective Services Act 1988</i> and <i>Corrective Services (Administration) Act 1988</i></p>	CS	<p>Nature of restriction: SM</p> <p>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).</p> <p>This review is linked with corporatisation of QCORR which occurred in Sept. 1997. The legislation will be reviewed with a view to introducing new legislation by December 1998.</p>	1996–97		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Credit Act 1987</i> and Credit Regulations 1988	CAO (DJ)	Nature of restriction: PR, BC, MB Legislation contains numerous provisions relating to business conduct and which may limit participation or have the effect of controlling price or conferring competitive benefits on some participants. Similar provisions exist in most other legislation. A national review of the Uniform Consumer Credit Code will be undertaken after post implementation review of the legislation is complete. NCP review will occur in 1999/2000 (delayed from 1997-98). Review of <i>Credit Act 1987</i> and regulations will occur at that time.	1999–2000		
<i>Cremation Act 1913</i> and Cremation Regulation 1987	H	Nature of restriction: OP, LR, PR Cremation legislation in most other jurisdictions has similar provisions regarding prohibition on cremation at places other than established crematoria. Removal of certain restrictions in December 1993 (i.e. repeal of licensing and establishment provisions for crematoria). Certain other provisions of this legislation are currently under review (i.e. medical certification requirements). Regulation is currently due to expire on 4/7/98. Brought forward from proposed review date of 1998-99.	1996–97	1997	Legislation repealing the restrictions has been passed but not yet proclaimed.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Dairy Industry Act 1993</i> , Dairy Industry (Market Milk Prices) Order 1995, Dairy Industry Regulation 1993 and Dairy Industry Standard 1993	PI	<p>Nature of restriction: SM, LR, QE, PR, BC</p> <p>Legislation regulates various aspects of the dairy industry including delivery entitlements, quality control, licensing of manufacturers and the pricing of certain dairy products. The Act sunsets “post farm gate” regulation on 31/12/98. Similar regulatory regimes exist in other States with those States generally moving towards “post farm gate” deregulation. Regular pricing orders are made to authorise price changes. Provisions for the vesting of milk in the Queensland Dairy Authority are currently dormant.</p> <p>Review commenced early in accord with request from industry bodies. Interstate developments relevant. The review committee is well advanced on preparing the final report that will be presented to the new Government early in the second half of 1998.</p>	1997-98		
<i>Education (Capital Assistance) Act 1993</i>	E	<p>Nature of restriction: BC, MB</p> <p>The Act limits the provision of certain funding assistance to schools affiliated with two nominated Capital Assistance Authorities (CAAs). It also includes limitations regarding the type of financial institutions which can receive deposits/investment of CAA capital assistance funds.</p> <p>The two provisions have been reviewed. The former will be amended to satisfy NCP while the retention of the latter has been shown not to restrict competition.</p>	1998-99	1998	Cabinet is likely to consider the proposed pro-competitive amendment to the Act later in 1998.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Education (General Provisions) Act 1989</i> and Education (General Provisions) Regulation 1989	E	<p>Nature of restriction: OP, LR, QT, BC</p> <p>Legislation 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). Substantive provisions in regard to curricula approval do not prohibit private sector providers but rather are designed to establish uniform quality standards of education service delivery.</p> <p>This review has been brought forward (from 1998/99) to coincide with a general policy review of the legislation. The review has begun.</p>	1997-98		
<i>Education (Overseas Students) Act 1996</i>	E	<p>Nature of restriction: LR</p> <p>New legislation to provide 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 overseas. It is intended to replace Commonwealth legislation which expires on 1/7/97. Similar legislation is already in place in New South Wales, Western Australia, South Australia, Tasmania and the ACT.</p>	1997/98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Education (Teacher Registration) Act 1988, Education (Teacher Registration) Regulation 1989 and Board of Teacher Registration By-laws 1989</i>	E	<p>Nature of restriction: LR, QT</p> <p>Legislation provides for the registration arrangements and eligibility requirements for primary and secondary school teaching staff (including private schools). Prescribes the minimum professional teaching standards and quality assurance measures seen as necessary to meet community expectations in respect to teaching staff.</p> <p>The scope and Terms of Reference are being developed for both the Act and the By-law.</p> <p>The Education (Teacher Registration) Regulation 1989 was repealed without review in 1996.</p>	1998–99		
<i>Egg Industry (Restructuring) Act 1993</i>	PI	<p>Nature of restriction: SM, QE</p> <p>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. Operation of the statutory monopoly (i.e. the vesting of eggs) suspended with a proposal before the Queensland Government for the repeal of these provisions. Other regulatory provisions (i.e. hen quotas) are currently sunsetted to 31/12/98. Egg production and marketing arrangements are already deregulated in New South Wales, South Australia and Victoria.</p> <p>The Act will be allowed to sunset on 31 Dec. 1998 thereby removing the anti-competitive legislative provisions.</p>	1997–98		It is anticipated the restriction provisions will sunset on 31 December 1998.



Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Electricity Act 1994</i> and Electricity Regulation 1994	ME	<p>Nature of restriction: SM, LR, QT, PR, BC, PS, MB</p> <p>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.</p> <p>The Departmental review of legislation is currently underway in connection with the COAG agreed reforms. The Queensland Electricity Reform Unit has been established to further develop and implement the Government’s electricity supply industry reform program. Amendments to the legislation enacted prior to the interim market’s commencement and will ensure consistency with the Competition Principles Agreement and the Trade Practices Act 1974.</p> <p>Anti-competitive elements remaining in legislation following amendments to give effect to the COAG reforms were examined as part of the third tranche of amendments in 1997. Anti-competitive provisions and regulations were either repealed or amended. The remaining provisions identified as potentially restricting competition are the subject of an ongoing review and will be finalised by mid 1998.</p>	1996–97 for Act 1998–99 for Regs	1997	Legislation was amended late in 1997 to give effect to COAG reforms.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<p><i>Environmental Protection Act 1994, Environmental Protection Interim Regulation 1995, Environmental Protection Regulation 1998 and Environmental Protection (Interim Waste) Regulation 1996</i></p>	Env	<p>Nature of restriction: LR, BC, MB, NR</p> <p>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.</p> <p>A Ministerial Advisory Committee reported to the Queensland Government on the efficiency, practicality and fairness of the licensing provisions in the Act and regulations. Further consideration is required to identify the extent to which these regulatory arrangements represent an actual restriction on competition.</p> <p>The Environmental Protection (Interim Waste) Regulation 1996 is due to expire 31/12/98 when it will be replaced with the Environmental Protection (Waste Management) and Associated Regulation. The Environmental Protection (Interim) Regulation 1995 has been repealed without NCP Review and replaced with the Environmental Protection Regulation 1998.</p>	1998-99		
<p><i>Explosives Act 1952 and Explosives Regulation 1955</i></p>	ME	<p>Nature of restriction: OP, LR</p> <p>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.</p> <p>This review has been removed from the timetable following consultation with NCC, and is in the process of being updated to meet present-day requirements. Jurisdictions moving towards national uniformity.</p>			Not to be reviewed under NCP.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Fair Trading Act 1989</i> and Fair Trading Regulation 1989	CAO (DJ)	Nature of restriction: QT, BC, MB 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 <i>Trade Practices Act</i> and, in this sense, forms part of a national uniform scheme. Could be considered for either national or some other form of inter-jurisdictional review. Review will commence in the latter half of 1998.	1997-98		
<i>Farm Produce Marketing Act 1964</i> and Farm Produce Marketing Regulation 1984	PI	Nature of restriction: LR, PR, BC 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. The Act is currently sunsetted to 31/12/99. Similar legislation previously existed in New South Wales and Victoria, but have been replaced by non-statutory arrangements. The Review is to commence in July 1998.	1997-98		
<i>Financial Intermediaries Act 1996</i>	Tr	Nature of restriction: LR, BC Replace the <i>Co-operative Housing Societies Act</i> and remaining live provisions of the <i>Building Societies Act</i> . The Act provides for a prudentially based supervisory system for societies in place of the previous, heavily prescriptive regulatory regime.	1998-99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Fire Services Act 1990</i>	ES	Nature of restriction: BC, PS 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.	1998–99		
<i>Fisheries Act 1994 and Fisheries Regulation 1995</i>	PI	Nature of restriction: QE, NR New legislation developed after extensive consultation with industry and designed to provide for the management, use and protection of fisheries resources and fish habitats and the management of the aquaculture industry. To that end, regulations provide for various types of management measures which, with one possible exception, are not considered to be restrictions on competition using the criteria in the Queensland guidelines used to identify such measures, but rather are considered to be legitimate resource management measures. Potential restrictions on competition in regard to output controls that apply for certain fisheries have been identified for review. Fisheries management legislation also exists in the other jurisdictions but differs significantly in scope and content to the Queensland legislation.  A scoping study has been completed which provides a common approach for each jurisdiction to review its own fisheries legislation.	1998–99		
<i>Fluoridation of Public Water Supplies Act 1963 &amp; Fluoridation of Public Water Supplies Regulation 1964</i>	H	Nature of restriction: PS The only restriction is a prescription of a particular brand of testing equipment.	1996–97	1997	The anti-competitive provisions have been repealed.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Forestry Act 1959 and Forestry Regulation 1987</i>	PI	Nature of restriction: BC, NR Legislation provides for the management of the forest estate and contains a range of measures related to the management of that resource (including the regulation of both commercial forestry and recreational activities in State forests), most of which are not considered to be restrictions on competition using the criteria in the Queensland guidelines used to identify such measures. The only identified restriction on competition relates to a funding mechanism for industry research and development purposes which may be discriminatory in its application. However, the sawlog allocation system may be in breach of the Trade Practices Act and was also assessed. Review underway and expected to be completed by mid 1998.	1996-97		
<i>Fruit Marketing Organisation Act 1923</i>	PI	Nature of restriction: SM, QT, PR, BC The identified provisions in relation to the marketing of fruit and vegetables are either dormant or have expired. Remaining provisions relating to a statutory producer representative organisation in the fruit and vegetable industry are not considered to contain any measures that restrict competition. Dormant provisions are likely to be repealed. Review is underway in conjunction with the review of the Primary Producers' Organisation and Marketing Act. The completion of the review has been delayed due to a legal challenge to certain provisions relating to funding of the statutory producer body .	1997-98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Funeral Benefit Business Act 1982</i> and Funeral Benefit Business Regulation 1989	CAO (DJ)	<p>Nature of restriction: LR, BC, MB, RO</p> <p>Legislation limits the registration of corporations and provides for business conduct requirements. Similar legislation exists in some other jurisdictions (including Victoria and New South Wales).</p> <p>The scope and terms of the review are presently being developed.</p>	1997–98		
<i>Gaming Machine Act 1991</i> and Gaming Machine Regulation 1991	Tr	<p>Nature of restriction: SM, LR, QT, BC</p> <p>Under the Act, the possession and playing of gaming machines, which would otherwise be illegal, is made lawful at a licensed site.</p> <p>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.</p> <p>NCP review process has begun although scope and terms are yet to be agreed within government.</p>	1997–98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Gas Act 1965</i> and Gas Regulations 1989	ME	<p>Nature of restriction: SM, LR, QE, QT, PR, BC, MB</p> <p>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.</p> <p>The Gas Act and Regulations are to be reviewed as part of the COAG gas reform process. The legislation review component has commenced and it is proposed to be amended in accordance with franchising and licensing principles of the COAG Natural Gas Pipelines Access Agreement. A discussion paper will be distributed for public comment in July 1998.</p>	1996–97 for Act 1998–99 for Regs		
<i>Gas Suppliers (Shareholdings) Act 1972</i>	ME	<p>Nature of restriction: OP, BC</p> <p>Prohibition relates to a statutory limitation on the level of ownership of shares in a nominated gas supplier (i.e. 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 New South Wales.</p> <p>The Department is examining the necessity to retain this type of legislation. As from June 1998, there will be no companies to which this Act applies.</p>	1997–98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Grain Industry (Restructuring) Act 1993</i>	PI	<p>Nature of restriction: SM</p> <p>Legislation provided for the restructuring of the previously statutory grain industry organisations and for certain transitional regulatory measures. Statutory monopoly powers relate to vesting arrangements for 3 grains only (wheat and barley State-wide and grain sorghum produced in Central Queensland), are currently sunsetted to 30/6/99.</p> <p>NCP review completed.</p>		1997	<p>Statutory marketing arrangements (vesting) for export barley only have been retained following a Public Benefit Test. This decision is subject to review should circumstances change in other States, including removal of SMAs. In this respect, the implementation phase of the joint Vic-SA review is being monitored. Vesting arrangements for wheat (although dormant) are to be retained awaiting review of Commonwealth legislation.</p>
<i>Grammar Schools Act 1975</i>	E	<p>Nature of restriction: BC</p> <p>The Act 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.</p> <p>Review completed. Consideration is being given to whether Act should be retained.</p>	1997-98	1997	



Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
Harbours (Reclamation of Land) Regulation 1979 and Marine Land (Dredging) By-Laws under the <i>Harbours Act 1955 (sections 91-93)</i>	Env	Nature of restriction: QE, QT, NR Legislative provisions set out certain external approval requirements for activities in tidal waters. The provisions have been extended to continue in effect until 1/7/99. It is proposed to incorporate these provisions under the Integrated Planning Act 1997. The assessment of the scope of the review is due to commence in July 1998.	1998-99		
<i>Hawkers Act 1984</i> and <i>Hawkers Regulation 1994</i>	CAO (DJ)	Nature of restriction: LR, BC Legislation provides for the licensing of hawkers and business conduct requirements. The Act does not apply to certain businesses (such as a registered charity or sale by the actual maker of the goods). The scope and terms of the review are presently being developed.	1997-98		
Health (Drugs and Poisons) Regulation 1996	H	Largely remakes the Poisons Regulation 1973 that was originally listed as 'not proposed' for review. Candidate for national review. Scope and Terms of Reference for proposed National Review are being finalised.	Conditional on outcome of national review process.		
Health (Nursing Homes) Regulation 1982 under the <i>Health Act 1937</i>	H	Nature of restriction: OP, LR, QT, BC, MB Prescriptive legislation pertaining to nursing homes was reviewed in 1994, and proposals were endorsed by the then Government for a new, non-licensing legislative framework. Queensland Health has examined the Commonwealth's <i>Aged Care Act 1997</i> 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 <i>Health Act 1937</i> , and to replace it with a negative licensing framework in respect of residential care facilities.	1996-97	1998	Pro-competitive reform proposal will be considered by Cabinet early in the term of the incoming Government.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
Health (Private Hospitals) Regulation 1978 and Part 3, Division 4 of the <i>Health Act 1937</i>	H	Nature of restriction: OP, LR, QT, BC, MB Review underway. Regulations are to be examined in context of <i>Aged Care Bill 1997</i> . Legislation exists in all States for the licensing and monitoring of private hospitals as well as building standards. Reg is currently to expire on 1/7/99. Review substantially completed.	1996–97	1998	New Private Health Facilities Bill (with NCP justification) is ready to be submitted for consideration by the incoming government.
<i>Health Act 1937</i> , Part 4, Division 7. <i>Health Regulation 1996</i> : Part 10 – Pest Control Operators, Part 12 – Poisons (Fumigation)	H	Nature of restriction: LR Provides for the licensing of both fumigators and pest control operators. Similar regulations exist in the other States. Regulation dealing with fumigators is to expire on 1/7/98 (note: licensing provisions for pest control operators are set out in the Act itself). To be reviewed in conjunction with development of new <i>Drugs and Poison Act</i> . The scope and terms of the review are presently being developed.	1997–98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
Health Practitioner Legislation (Refer to Attachment 4.3 for listing of Acts and regulations in this category)	H	<p>Nature of restriction: LR, BC</p> <p>All health practitioner legislation currently provides for the registration of the relevant practitioners in accordance with prescribed eligibility criteria. Most control who may practise and, to a greater or lesser extent, restrict business practices (relating to matters such as advertising, ownership, use of business names, incorporation, formation of business associations, etc).</p> <p>Currently all health practitioner legislation (except the <i>Nursing Act 1992</i>) is under comprehensive review within Queensland Health. The review has taken NCP legislation review requirements into account in formulating policy recommendations. Draft policy paper was publicly released in September 1996. If any restrictions on competition are retained following the Queensland Government's consideration of the current review's recommendation, the relevant legislation will be listed for specific review under NCP legislation review arrangements. Certain areas of health practitioner legislation have been identified as candidates for national review.</p> <p>Two-staged review process. Main review has been completed. Carryover issues (eg. ownership and restrictions on practice) will be the subject of separate reviews during the latter part of 1998. A national review of pharmacy ownership restrictions will occur in 1999.</p>	1996	May 1998 (Stage 1)	Cabinet endorsed pro-competitive policy proposals in May 1998 and gave authority to prepare amending legislation. Unresolved NCP issues to be addressed separately by end of 1998.
Health Regulation 1996 Part 6 – Hyperbaric Chamber Therapy	H	<p>Nature of restriction: LR</p> <p>Minor restriction (i.e. regulation restricts possession and use of a compression chamber).</p> <p>The scope and terms of the review are presently being developed.</p>	1997–98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
Health Regulation 1996 Part 15 – Skin Penetration and Part 5 Hairdressers	H	<p>Nature of restriction: LR</p> <p>A review in 1995 recommended new regulatory arrangements to provide for enforceable codes of practice for tattooing, acupuncture, ear piercing etc. and the licensing of premises to be maintained. The codes of practice being drafted will take NCP legislation review principles into account. Current regulation is to expire on 1/7/99.</p> <p>To be reviewed in conjunction with the Public Health Act. The scope and terms of the review are currently being considered.</p>	1997–98		
Health Regulation 1996 Part 16 - Therapeutic Goods and Other Drugs	H	<p>Nature of restriction: OP, QT, BC</p> <p>The regulation currently restricts the advertising, including publication and labelling, of therapeutic goods and drugs (including cigarettes) and contains other restrictions in regard to certain goods (eg. regulating the composition and labelling of soap and requiring cigarette packaging to include warning labels that smoking is a health hazard). Regulations also prohibit certain activities (namely advertising on condom vending machines and carrying on the business of preparing second-hand or used bottles for therapeutic goods packaging except where approval is obtained from the Chief Health Officer). The regulation is currently sunsetted to expire on 1/7/99. Legislative proposals involving the adoption, by reference, of the Commonwealth's <i>Therapeutic Goods Act 1989</i>, are currently being finalised prior to submission for Ministerial approval. It is proposed that if a review is to be undertaken it be on a national basis.</p>	1997–98 Conditional on outcome of national review process		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
Health Services Regulation 1992	H	Nature of restriction: MB Certain provisions limit the ability of a Health Authority to provide private ancillary services (eg. physiotherapy, speech pathology, etc) to circumstances where there is no private practitioner. The provision is likely to be repealed when subordinate legislation under the <i>Health Services Act</i> is reformed.	1996–97	1997	The anti-competitive provisions have been repealed.
<i>Higher Education (General Provisions) Act 1993</i>	E	Nature of restriction: QT The Act essentially provides for accreditation and monitoring procedures to address standards and modes of delivery in regard to higher education (tertiary) degree courses. Similar legislation exists in the other States. This review coincides with a general policy review of the legislation.	1998–99		
<i>Hire Purchase Act 1959</i>	CAO (DJ)	Nature of restriction: OP, PR, BC Legislation provides for the rights and responsibilities of owners and hirers under hire purchase agreements and conduct requirements in regard to HP agreements. One type of transaction prohibited (i.e. entering into an agreement for the bailment of goods which includes an option to purchase them so as to constitute a HP agreement). Could be considered for national review.	1998–99		
<i>Industrial Development Act 1963</i>	TSBI	Nature of restriction: BC The only identified restriction relates to the acquisition and use of land for industrial purposes (i.e. in industrial estates) thereby precluding other uses (but only in a defined area). The review has been completed.	1996–97	1998	Cabinet in March 1998 gave authority to introduce amendments to remove the anti-competitive aspects of the legislation.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Indy Car Grand Prix Act 1990</i> and <i>Indy Car Grand Prix Regulations 1990</i>	TSBI	Nature of restriction: PS, MB 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 (i.e. sale of film and television rights, sale of goods with the GP insignia and sale of other goods in a declared area during a declared period {i.e. the race days}). Review process has begun. Review will be completed in 1998.	1996-97		
<i>Invasion of Privacy Act 1971</i> and <i>Invasion of Privacy Regulations 1986</i>	CAO (DJ)	Nature of restriction: OP, LR, BC 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. The scope and terms of the review are presently being developed.	1998-99		
<i>Keno Act 1996</i>	Tr	Nature of restriction: SM 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 examined prior to the introduction of the Bill. Outstanding NCP matters are presently being examined and public benefit justification provided, and are expected to be finalised by mid 1998.	1996-97		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Land Act 1994</i>	NR	<p>Nature of restriction: BC</p> <p>Legislation provides for the administration and management of non-freehold lands and the legal creation of freehold land. Two potential restrictions have been identified, namely a prohibition on corporations holding perpetual leases for grazing or agricultural purposes and a restriction on the areas which individuals may hold.</p> <p>A preliminary test was undertaken in early 1997 to assess the need for a full review. In the absence of clear community support for the removal of the restrictions, the Queensland Government decided that a full review should be undertaken but its completion deferred until the end of 1998 to allow, among other things, uncertainty relating to native title to be clarified.</p> <p>Review deferred from 1996/97 to Dec. 1997/98</p> <p>The review is underway, but public consultation has yet to occur.</p>	Dec. 1997-98		
<i>Land Sale Act 1984 and Land Sale Regulation 1989</i>	CAO (DJ)	<p>Nature of restriction: BC, MB</p> <p>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.</p> <p>This Act is subject to an amendment taking into account NCP issues. Public Benefit Test to be undertaken before introduction of bill. Full NCP review yet to begin.</p>	1996-97		Amendments were passed in August 1997 removing restriction on sale of unregistered land prior to sealing by Local Authority.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Legal Practitioners Act 1995</i>	J	<p>Nature of restriction: OP, SM, LR, PR, BC</p> <p>This Act consolidates relevant provisions from other legislation, namely <i>the Supreme Court Acts 1867 and 1921</i> (relating respectively to prohibiting conveyancing other than by barristers, solicitors and certified conveyancers, and registration requirements for persons wishing to be admitted as barristers and solicitors), the <i>Legal Assistance Act 1965</i> (contains certain restrictions on the conduct of a legal business), the <i>Costs Act 1867</i> (prescribes a process for determining maximum prices to be charged for legal services by solicitors) and the <i>Legal Practitioners Act Amendment Acts 1938 and 1968</i> (respectively relating to restricted practising requirements for solicitors and barristers and registration requirements for solicitors and barristers including qualifications and administrative procedures).</p> <p>.Issues have a national dimension. COAG Committee on Regulating Reform is developing options for the review of all professions.</p>	1998–99		
<i>Liquid Fuel Supply Act 1984</i>	ME	<p>Nature of restriction: QE, BC, MB</p> <p>The purpose of the Act is to regulate the distribution of liquid fuels (petrol, diesel and 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.</p> <p>Following consultation with the NCC, this Act has been removed from the timetable.</p>			Not to be reviewed under NCP.



Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Liquor Act 1992 and Liquor Regulation 1992</i>	TSBI	<p>Nature of restriction: LR, QT, BC, MB</p> <p>All States and Territories have liquor outlet licensing legislation. Most Liquor Acts, including the Queensland statute, define certain categories of licences, prescribe the relevant fee structure (including the payment of premiums for certain categories of licences) and provide restrictions on how liquor is sold and to whom. Not all jurisdictions have the same categories of licences with some other provisions tailored to particular circumstances. Queensland and Tasmania are the only States which restrict take-away liquor sales to hotels and associated premises. Queensland is the only State with a specific regulation for “detached bottle shops” with approvals for these restricted to general licence holders (i.e. hotels) with further restrictions as to the number any one hotel can establish and the distance from the hotel.</p> <p>The scope and terms of the review are presently being developed.</p>	1998–99		
<i>Loan Fund Companies Act 1982</i>	CAO (DJ)	<p>Nature of restriction: LR, BC, MB</p> <p>Legislation contains numerous provisions relating to business conduct and which may limit participation or have the effect of conferring competitive benefits on some participants (for example, a loan fund company which has a lien over any loan entitlements or shares in a company is prohibited from selling its shares but otherwise can enforce the lien).</p> <p>Could be considered for national review.</p>	1998–99		
<i>Local Government (Harbour Town Zoning) Act 1990</i>	LG&P	<p>Nature of restriction: MB</p> <p>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.</p>	1998–99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Local Government (Planning and Environment) Act 1990</i>	LG&P	Nature of restriction: QT, BC Current heavily prescriptive regulatory arrangements were to be superseded by the proposed Planning, Environment and Development Assessment (PEDA) Bill which would have introduced a performance-based planning and development assessment regime. However, the PEDA Bill has not proceeded pending a review of public submissions on the draft legislation. Current general planning scheme authorisation provisions in the Act are not considered to be anti-competitive in intent but the potential exists for anti-competitive restrictions to be imposed in individual planning schemes made under the Act. Only one provision in the current Act is specifically directed at constraining a particular type of commercial business (namely a supermarket style outlet which also retails petrol).	1996/97	1997	The new <i>Integrated Planning Act</i> has replaced this Act. The new Act removes the highly prescriptive provisions contained in the Act it replaces and has been shown not to restrict competition.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<p><i>Local Government Act 1993, City of Brisbane Act 1924 &amp; Local Government Finance Standard 1994</i></p>	<p>LG&amp;P, NR</p>	<p>Nature of restriction: OP, SM</p> <p>The prime purpose of the legislation is to establish the framework for the constitution, planning and operation of local government (ie. essentially it is enabling legislation). The current Local Government Act stems from a detailed review of older legislation dating back to 1936. The <i>City of Brisbane Act</i> is currently under revision to bring it into line with the <i>Local Government Act</i>. The intention is to review the provisions of the 1993 Act on a rolling basis over the next few years. Only two current provisions in the Act appear to be anti-competitive, 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.</p> <p>Review of relevant provisions relating to the operation of joint local government water supply boards under the <i>Local Government Act</i> and other water-related local government functions will need to be coordinated with a review of similar provisions in the <i>Water Resources Act</i> and urban water board legislation administered by the Department of Natural Resources.</p> <p>A process and program for review of these two Acts and regulation are in place.</p>	<p>1997–99</p>		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
Local Government Local Laws (formerly By-laws) made under the <i>Local Government Act 1993</i>	LG&P	<p>Restrictions to be identified by each local government (including Brisbane City) in accordance with a review methodology being developed by the Queensland Treasury NCP Unit and a State/Local Government Working Group established to develop proposals on the application of the NCP package to local government in Queensland.</p> <p>Model local laws under the Local Government Act are to be reviewed by the Department of Local Government and Planning. Review exercise for local laws will initially be targeted at the 17 local governments identified as potential candidates for the application of competitive neutrality principles under NCP. Review of local laws will also include those laws made under the <i>Local Government Act</i> that implement powers and functions delegated to local government under other legislation, notably the <i>Health Act</i> and the <i>Traffic Act</i>.</p> <p>A process and program for review of local government laws are in place.</p>	1997–99		<i>Local Government Amendment Act 1997</i> applies legislation review requirements to local government.
<i>Lotteries Act 1997</i> and Lotteries Regulation 1997	Tr	<p>Nature of restriction: OP, SM</p> <p><i>The Lotteries Act 1997</i> replaced the <i>Lotteries Act 1994</i>. The 1994 Act was scheduled for review in 1998/99. While the 1997 Act amounts to a loosening of anti-competitive provisions, certain outstanding NCP matters are presently being examined and public benefit justification provided. Expected to be completed by mid 1998.</p>	1997–98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Mental Health Act 1974</i>	H	Nature of restriction: SM Statutory monopoly provision refers to conferral on the Public Trust Office of sole responsibility for the management of estates of specified patients (except where a Court directs otherwise). The future of the provision is dependent on the Government's position on assisted and substitute decision making legislation. The anti-competitive provision is to be repealed as an amendment under the proposed Guardianship and Administration Bill.	1997/98		
<i>Mercantile Act 1867</i>	CAO (DJ)	Nature of restriction: OP, BC Restrictions relate to the duration of partnerships and prohibits partnerships in certain businesses (banking and insurance only). Could be considered for national review.	1998-99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Metropolitan Water Supply and Sewerage Act 1909, Sewerage and Water Supply Act 1949</i> and the Standard Sewerage and Water Supply Laws	NR	<p>Nature of restriction: SM, LR, BC</p> <p>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. The MWS &amp; S Act 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.</p> <p>Provisions of the MWS&amp;S Act have now largely been taken by ordinances in the City of Brisbane Act. The current proposal is to repeal the MWS&amp;S Act with any remaining essential provisions taken up in principal legislation within the LG&amp;P portfolio or in local laws. Standard laws under S&amp;WS Act have been revised as sub-legislation which adopts the national code. The review of the licensing provisions for plumbers and drainers in the Principal Act is to be undertaken by LG&amp;P. The review plan is yet to be finalised.</p>	1997–99		
<i>Mobile Homes Act 1989</i> and Mobile Homes Regulation 1994	CAO (DJ)	<p>Nature of restriction: PR, BC</p> <p>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. New South Wales may have similar legislation.</p> <p>Scope and terms of the review are being developed.</p>	1997–98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Motor Accident Insurance Act 1994</i>	Tr	Nature of restriction: LR, PR, BC The Act contains a review clause. A review is currently scheduled to commence by 1/9/99. Each State has legislative provisions, in various forms, pertaining to compulsory third party (CTP) insurance, including licensing of insurers. The current Queensland CTP scheme commenced 1/9/94 following extensive community consultation.	1998-99		
<i>Nature Conservation Act 1992, Nature Conservation Regulation 1994 and specific flora and fauna Conservation Plans</i>	Env	Nature of restriction: LR, BC, NR 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. The scope and terms of the review are presently being developed.	1998-99		
<i>Nursing Act 1992 and Nursing By-Law 1993</i>	H	Nature of restriction: LR, BC Apart from the licensing of registered and enrolled nurses, legislation authorises individuals to practise certain types of nursing (i.e. midwifery and psychiatric nursing). Legislation also requires that permanent head and teaching staff of a hospital nursing school must be registered nurses.	1998-99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Partnership (Limited Liability) Act 1988</i> and Partnership (Limited Liability) Regulation 1993	CAO (DJ)	Nature of restriction: BC Legislation contains certain restrictions relating to limited partners. Could be considered for national review.	1998–99		
<i>Partnership Act 1891</i>	CAO (DJ)	Nature of restriction: OP Prohibitions relate to the conduct of business outside of the partnership except where the consent of other partners is obtained. Could be considered for national review.	1998–99		
<i>Pawnbrokers Act 1984</i> and Pawnbrokers Regulation 1984	CAO (DJ)	Nature of restriction: LR, QT, BC, MB Provides for the licensing of pawnbrokers and business conduct requirements. The Queensland Police Service has made a request to increase the reporting requirements, and it is preferable to incorporate the NCP review as part of this process. The scope and terms of the review are currently being developed.	1997–98		



Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Primary Producers' Organisation and Marketing Act 1926</i> and Orders in Council pertaining to the commodity tobacco leaf	PI	<p>Nature of restriction: SM</p> <p>Legislation provides for the constitution, powers, and functions of statutory commodity marketing boards and statutory producer representative bodies. The sole remaining marketing board (for tobacco leaf) sunsetted on 31/12/96, but provisions setting out the procedure by which marketing boards could be established for various commodities remain in place. Provisions relating to statutory producer representative organisations are not considered to contain any measures that restrict competition.</p> <p>Act contains a clause which effectively requires a review of the entire Act (not just for NCP purposes) by October 1997.</p> <p>General review of Act underway. Only issue is the need for NCP requirements to be considered prior to any new marketing boards being established. Review completion has been delayed due to legal challenges to certain provisions relating to funding of statutory producer bodies.</p>	1996–97		Tobacco marketing Orders in Council have been repealed.
<i>Private Employment Agencies Act 1983</i> and Private Employment Agencies Regulation 1989	TIR	<p>Nature of restriction: LR, PR</p> <p>Legislation provides for licensing and operational requirements regarding private employment agencies, including restrictions on fees that can be charged to employees. New legislation, awaiting introduction into the Parliament, also provides for regulation of the industry in a similar manner. New South Wales, South Australia and Western Australia also have legislation in regard to private employment agents (and Victoria in regard to nursing agencies).</p>	1998–99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Professional Engineers Act 1988</i> and Professional Engineers Regulation 1992	PWH	<p>Nature of restriction: LR, QT, BC</p> <p>The Act provides for the registration of professional engineers (in various divisions of the profession, i.e. civil, mechanical, metallurgical, etc), professional engineering companies and professional engineering units within a company. A non-registered entity is prohibited from undertaking professional engineering services for fee or reward. The Act also requires that, to be registered, an engineer must have a specified period of experience (5 years) which may be greater than that applying in other States or nationally and which may represent a relatively greater restriction on entry into the profession.</p> <p>Review scheduled to begin in 1998.</p> <p>Issues have a national dimension. COAG Committee on Regulating Reform is developing options for the review of all professions.</p>	1998–99		
<i>Profiteering Prevention Act 1948</i>	CAO (DJ)	<p>Nature of restriction: QT, PR, BC, MB</p> <p>Similar legislation may exist in other jurisdictions but in Queensland the provisions of this Act have not been utilised for many years. The future of the Act could be influenced by the development of a prices oversight regime under NCP.</p>	1998–99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Queensland Building Services Authority (QBSA) Act 1991, Queensland Building Services Authority Regulation 1992 and Queensland Building Services Authority Policy 1995</i>	PWH	<p>Nature of restriction: SM, LR, BC, MB</p> <p>Most jurisdictions regulate the building industry in some form (i.e. licensing of contractors carrying out defined building work). Licensing requirements under the QBSA Act and Regulations cover a wide range of building occupations. Statutory monopoly in QBSA Act relates to the compulsory scheme of insurance, administered by the QBSA, against the default of a licensed builder to rectify defects in new residential construction work.</p> <p>Consultation with Builders Licensing Australia indicates that a national review of builder and trade contractor licensing is not feasible. Combined legislative review of existing provisions and proposed reforms to be conducted from July 1998.</p>	1997-98		
<i>Queensland Heritage Act 1992 and Queensland Heritage Regulation 1992</i>	Env	<p>Nature of restriction: BC, MB</p> <p>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.</p> <p>Review is underway.</p>	1998-99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Queensland Law Society Act 1952, Queensland Law Society Rule 1987, Queensland Law Society (Indemnity) Rule 1987 and Continuing Legal Education Rule</i>	J	Nature of restriction: SM, LR, BC Legislation requires annual practising certificates for persons directly or indirectly practising law (i.e. a solicitor) which can only be issued by the Queensland Law Society (QLS). Certain business conduct requirements are also prescribed (including practitioners being required to pay an annual levy into a fidelity guarantee fund, to undertake various educational programs and practise courses and to take out indemnity insurance with QLS Master Policy or an insurer approved by QLS). Scoping and development of terms for review currently underway in respect of QLS Indemnity Rule 1987. Possible candidate for national review. Issues have a national dimension. COAG Committee on Regulating Reform is developing options for the review of all professions.	1998–99 (for Act)		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Racing &amp; Betting Act 1980, Racing and Betting Regulation 1981, Racing and Betting Act Notifications &amp; Rules of Greyhound Racing, Racing and Betting Act and subordinate legislation</i>	OR	<p>Nature of restriction: OP, SM, LR, PR, BC</p> <p>All States regulate racing and betting with extensive regulatory arrangements to ensure the proper conduct of the industry and the probity of operators (such as bookmakers). 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. Regs will expire in 30/6/99.</p> <p>An NCP review of the Wagering Act including Totalisator Administration Board of Queensland, has been completed following examination by a racing industry taskforce during 1997. <i>The Racing and Betting Act</i> is being amended as part of the reform of the TAB. The NCP review of the remaining parts of the Racing and Betting Act is yet to begin.</p>	1997-98	1998 (first stage)	Wagering Act removes statutory monopoly for the TAB and replaces it with a limited duration exclusive licence as a transition to a situation where additional wagering licences may be issued. Probity and integrity provisions have been retained in the public interest.
<i>Racing Venues Development Act 1982</i>	OR	<p>Nature of restriction: BC</p> <p>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.</p>	1998-99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Residential Tenancies Act 1994</i> and Residential Tenancies Regulation 1995	PWH	Nature of restriction: SM, BC The Act is currently subject to review, NCP issues will be addressed during this exercise. Statutory monopoly provisions relate to Residential Tenancies Authority as the sole body authorised to manage rental bonds. Similar requirements exist in most other jurisdictions. Review has been completed.	1996–97	1998	Statutory monopoly for managing rental bonds has been retained following the completion of a public benefit test.
<i>Retail Shop Leases Act 1994</i> and Retail Shop Leases Regulation 1994	TSBI	Nature of restriction: MB The Act 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. A review clause in the Act requires a review of the entire statute by 28/10/99. A general review that includes NCP has begun.	1998–99		
<i>Retirement Villages Act 1988</i> and Retirement Villages Regulation 1989	CAO (DJ)	Nature of restriction: LR, QT, PR, BC, MB 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 which 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. A draft Bill has been released for public comment and anti-competitive provisions will be subject to Public Benefit Test prior to introduction (expected in 1998/99).. The scope and terms of the review are currently being developed.	1996–97		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Sale of Goods Act 1896 and Sale of Goods (Vienna Convention) Act 1986</i>	CAO (DJ)	Nature of restriction: PR, BC, MB Legislation contains certain stipulations relating to the sale or purchase of goods that affect rights and remedies of buyers and sellers. Could be considered for national review.	1998–99		
<i>Sawmills Licensing Act 1936 and Sawmills Licensing Regulation 1965</i>	PI	Nature of restriction: LR, BC Provides for the licensing of sawmills and plywood and veneer mills. Currently being reviewed as part of the development of new and consolidated natural resources legislation. NCP review is underway and is expected to be completed by mid 1998.	1996–97		
<i>Second-hand Dealers and Collectors Act 1984 &amp; Second-hand Dealers and Collectors Regulation 1994</i>	CAO (DJ)	Nature of restriction: LR, BC, MB Provides for the licensing of persons involved in certain activities but excludes others (eg. definition of “second hand goods” includes certain goods and articles but excludes other products while the Act does not apply to collecting or dealing in second hand goods by a charity). Various restrictions exist on business conduct such as dealer’s licences being limited to a single premises or locality, collector’s licences may be limited to a specific part of the State and limitations on the holding of different licences (i.e. a licensed collector cannot hold a dealer’s licence and vice versa). The Queensland Police Service has requested an increase in the reporting requirements. It is preferable to incorporate the NCP review as part of this process. The scope and terms of the review are currently being considered.	1997–98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Security Providers Act 1992</i> and Security Providers Regulation 1995	CAO (DJ)	Nature of restriction: LR, BC, MB Provides for the licensing of persons engaged in the business of supplying security officers, private investigators or crowd controllers where services are for reward (i.e. excludes in-house security officers). The scope and terms of the review are currently being considered.	1997–98		
<i>Sewerage and Water Supply Act 1949</i> , Sewerage and Water Supply Regulation 1987 and Standard Water and Sewerage Laws	LG&P, NR	Nature of restriction: LR  This Act contains the arrangements for the licensing of plumbers and drainers in Queensland and provides the head of power for the making of plumbing and drainage standards. This Act and associated subordinate legislation will need to be reviewed in partnership with the Department of Natural Resources, which is jointly responsible for the administration of the Act.	1997–99		
<i>South Bank Corporation Act 1989</i> , South Bank Corporation By-law 1992, South Bank Corporation Regulation 1992, South Bank Corporation Amendment Regulation 1992 and other relevant subordinate legislation	P&C	Nature of restriction: BC, MB The primary purpose of the legislation is the development and provision of public parkland and facilities within the declared South Bank area. To that end, 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. Preliminary scoping for the review has begun.	1998–99		



Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>State Housing Act 1945, State Housing (Freeholding of Land) Act 1957, State Housing Regulation 1986 and Interest Rate Orders under these Acts</i>	PWH	Nature of restriction: PR, MB 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 <i>Housing Act</i> and for purchase price of certain land under the <i>Housing (Freeholding of Land) Act</i> . NCP review scheduled to begin mid 1998.	1996-97		
<i>State Transport (People-movers) Act 1989</i>	TMR	Nature of restriction: LR, MB Provides for licensing and agreements for the installation of people movers and also contains provisions which can override local government planning schemes. The provisions are scheduled for incorporation into the <i>Transport Infrastructure Act</i> during 1996-97. Act is to be included in other transport legislation without increasing restrictions on competition. These other Acts – <i>Transport Infrastructure Act</i> and <i>Transport Operations (Passenger Transport)</i> – will be reviewed in 1998-99.	1998-99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>State Transport Act 1960</i> and <i>State Transport Regulation 1987</i>	TMR	<p>Nature of restriction: OP, LR, BC</p> <p>Restrictions apply in regard to the carriage of goods by road. Currently, the carriage of most goods by road is allowed but certain goods are excluded (eg. coal, coke, LPG, grain etc) other than for short distances or if a permit is held for particular journeys. The Act is to be repealed upon proclamation of certain sections of the <i>Transport (Road Use Management) Act</i> (which will be no later than 1/7/99). Some matters may then be by way of regulation under that Act.</p> <p>Most provisions of <i>State Transport Act</i> and <i>Regulations</i> have been reviewed in recent times, and in some cases repealed, as a result of the development of new transport legislation and the adoption of nationally agreed regime of regulations for heavy and light vehicles being developed by the National Road Transport Commission. Remaining provisions to be reviewed prior to the expiry of the Act.</p> <p>Review underway and policy position currently subject to consultation within government. The Act is to be repealed by certain provisions of the <i>Transport Operations (Road Use Management) Act</i>.</p>	1996–97		
<i>Sugar Industry Act 1991</i> , <i>Sugar Industry Regulation 1991</i> and <i>Sugar Industry (Assignment Grant) Guideline 1995</i>	PI	<p>Nature of restriction: SM, QE, BC</p> <p>Legislation enacts significant statutory marketing arrangements. Queensland Sugar Corporation has vesting powers (for raw sugar) and also allocates cane production entitlements.</p> <p>A comprehensive review of this legislation has been undertaken by a review committee comprising Commonwealth, State and industry representatives in accordance with terms of reference agreed to by the Commonwealth and Queensland Governments.</p> <p>Review completed.</p>		1996	Queensland and the Commonwealth have endorsed review. New <i>Sugar Act</i> expected to be in place by Jan. 1999.

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Sugar Milling Rationalisation Act 1991</i>	PI	Nature of restriction: BC 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. Reviewed in conjunction with the review of the <i>Sugar Industry Act</i> . Review completed.		1996	Queensland and the Commonwealth have endorsed review. New Sugar Act expected to be in place by Jan. 1999. Restrictions in SMR Act to be removed.
<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</i>	Tr, P&C	Nature of restriction: SM Each Act provides for the operation of a contributory superannuation scheme. Statutory monopoly provision in each Act relates to the requirement that Queensland Investment Corporation be the sole funds manager for the superannuation fund established under the Act. A general review of <i>Superannuation (State Public Sector) Act 1990</i> and <i>Parliamentary Contributory Superannuation Act 1970</i> commenced in Feb. 1997 and made recommendations to Cabinet in Dec. 1997. Cabinet will further consider this matter in 1998.	1996-97		
<i>Surveyors Act 1977 and Surveyors Regulation 1992</i>	NR	Nature of restriction: LR, BC The Act provides for the regulation of the practice of surveying and for the registration of surveyors. The Public Benefit Test review was completed in Nov. 1997. Government is considering options canvassed in the review. A proposal is to be considered by Government during 1998.	1996-97	1997	

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Tobacco Products (Licensing) Act 1988</i> and Tobacco Products (Licensing) Regulation 1993	Tr	Nature of restriction: LR, BC 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 (i.e. for the purposes of calculating the quantum of fees payable by a licensee).	1998–99		
<i>Tow-truck Act 1973</i> and Tow-truck Regulation 1988	TMR	Nature of restriction: LR, BC Similar regulatory arrangements for the licensing of tow truck operators operate in the other jurisdictions. The nature of the industry is such that it is considered that a degree of regulation is required to protect the public against undesirable practices revealed in a number of recent inquiries, including CJC probes and the Commission of Inquiry into Operation Trident. Review process underway but review parameters yet to receive endorsement within government.	1997–98		
<i>Trading (Allowable Hours) Act 1990</i> and Trading (Allowable Hours) Regulation 1994	TIR	Nature of restriction: BC Legislation regulates the allowable trading hours of different types of shops (especially retail outlets) including provisions for certain closures (eg. Anzac Day and bank holidays) and was subject to an extensive review process during 1993-1994. Trading hours restrictions apply in most other jurisdictions. The Queensland Government commissioned a review of the matter of extended (night) shopping hours in the retail sector. The outcome of this review exercise and the present claim in the Industrial Commission may influence the timing and nature of the NCP review of Act.	1998–99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Transport Infrastructure Act 1994</i> , Transport Infrastructure (State Controlled Roads) Regulation 1994, Transport Infrastructure (Railways) Regulation 1994 and Transport Infrastructure (Ports) Regulation 1994	TMR	Nature of restriction: SM, LR, QT, PS, MB 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's) monopoly on haulage of export coal (i.e. effectively a statutory monopoly for 5 years before access provisions apply consistent with provisions of Part IIIA of the <i>Trade Practices Act</i> ), 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.	1998–99		
<i>Transport Operations (Marine Safety) Act 1994</i> and Transport Operations (Marine Safety) Regulation 1995	TMR	Nature of restriction: LR, PS 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 relate to the holding of licences for piloting a ship. The NCP review is underway.	1996–97		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<p><i>Transport Operations (Passenger Transport) Act 1994</i> and Transport Operations (Passenger Transport) Regulation 1994</p>	TMR	<p>Nature of restriction: LR, QE, PR, BC, PS, MB</p> <p>Legislation covers, inter alia, licensing arrangements for taxis, limousine services, inland air services, scheduled urban bus services and school transport. Broadly similar regulatory arrangements for road passenger transport exist in the other jurisdictions (eg taxi licensing). Current Queensland legislation stems from a major review conducted in 1993 with the new Act commencing in November 1994. The new Act provides for a transitional process changing from previously heavily prescriptive regulatory arrangements towards service contracts. 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 (i.e. maximum fares) and other service requirements (such as specifying age limits for taxis and limousines and vehicle equipment requirements). The scope and terms of review are currently being considered within government as part of a general review of the Act.</p>	1998–99		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Travel Agents Act 1988</i> and Travel Agents Regulations 1988	CAO (DJ)	<p>Nature of restriction: LR, QT, BC</p> <p>Provides for the licensing of travel agents and business conduct requirements. Similar legislation exists in the other jurisdictions.</p> <p>Queensland is a signatory to National Participation Agreement to set up a Travel Compensation Fund (contributions from licensees required under the Act). Originally tabled for reviews in 1997/98, progress on the national review through the Ministerial Council on Consumer Affairs means that the review has been brought forward to 1997.</p> <p>National review to be undertaken. Terms of Reference have been agreed to by all States and Territories. Western Australia is to be lead agency for National Review.</p>	1997		
<i>Trustee Companies Act 1968</i>	J	<p>Nature of restriction: QT, PR, MB</p> <p>Legislation restricts access into a particular market, namely by limiting 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 (i.e. those cited in a schedule to the Act) and also prescribes a maximum commission chargeable against the estate. New uniform trustee company legislation has been approved by the Standing Committee of AG.</p> <p>New legislation being developed following the outcome of the Commonwealth Government's reforms to the Australian financial sector.</p>	1997-98		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<p><i>University of Southern Queensland Act 1989</i>, University of Southern Queensland (Investment) Statute 1993 and similar legislation in respect of the Central Queensland University, the Queensland University of Technology, the James Cook University of North Queensland, the University of Queensland, the Griffith University and the Sunshine Coast University College</p>	E	<p>Nature of restriction: BC            Legislation provides for the constitution, powers and operations of a particular 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 (i.e. from 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, but have to be considered in light of the public purpose for which a university is established.</p> <p>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. These Acts meet with NCP gatekeeping arrangements and will be reviewed under NCP during 1998/99.</p>	1998-99		
<p><i>Valuers Registration Act 1992</i> and Valuers Registration Regulation 1992</p>	NR	<p>Nature of restriction: LR, BC            The Act provides for the registration of valuers and for a Code of Professional Conduct.            A Public Benefit Test is near completion and options are expected to be considered by Government in 1998.</p>	1996-97		



Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Veterinary Surgeons Act 1936, Veterinary Surgeons Regulation 1991 and Orders in Council (various).</i>	PI	Nature of restriction: LR, BC Legislation provides for licensing and conduct requirements for veterinary surgeons. Provisions relating to advertising and ownership of practices are the areas proposed for review.	1998-99		
<i>Vocational Education, Training and Employment Act 1991 and Vocational Education, Training and Employment Regulation 1991</i>	TIR	Nature of restriction: SM, LR, MB Creation of a statutory monopoly relates to the State Training Council in regard to the administration of apprenticeship and traineeship schemes and the Accreditation Council in regard to certain courses and training programs. A review of the Act is currently under way. Other jurisdictions have broadly similar legislation to give effect, as with the Queensland Act, to the National Vocational Education and Training Statement which forms part of a national scheme for training (Australian National Training Authorities Agreement) as provided for under the Australian National Training Authority Act. TAFE Institutes Bill and Vocational Education and Training Bill are being drafted to replace the Vocational Education, Training and Employment Act 1991. A minor review has been undertaken (first stage). The review concluded that the restrictions in the Bills are minimal and justifiable. A major review (second stage) will be undertaken in 1999-2000 at which time it will be possible to quantify impacts of reform.	1998-99	1998 (First Stage)	

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<p><i>Water Resources Act 1989, Water Resources (Watercourse Protection) Regulation 1993, Water Resources (Rates and Charges) Regulation 1992, South East Queensland Water Board Act 1979, Gladstone Area Water Board Act 1984, Townsville/ Thuringowa Water Supply Board Act 1987, and Natural Resources Amendment Act 1996.</i></p>	NR	<p>Nature of restriction: LR, PR, BC, NR</p> <p>Legislation contains provisions relating to regulating the flow and control of water and for the construction and maintenance of dams and other water works. The Water Resources Act includes requirements for the transfer of water allocations and the licensing of artesian bore drillers. The review process will also include both the Water Resources Act and separate legislation providing for the administration and control of bulk water supply to major users (including local governments) in certain defined areas of the State (namely South East Queensland, the Gladstone area and Townsville-Thuringowa).</p> <p>Legislation is to be reviewed in conjunction with the implementation of the agreed COAG water reforms. Review of this legislation will need to be co-ordinated with a review of relevant provisions of the Local Government Act relating to the operation of joint local government water supply boards and other water-related local government function water reforms. Urban water boards legislation will also have major restrictions reviewed</p> <p>The scope and terms for the review of the Gladstone Area Water Board have been developed. Consideration is being given to the structure and ownership arrangements of the other two urban water boards within their respective Acts.</p> <p><i>Water Resources Act</i> and associated Regulations will be reviewed during 1998-99.</p>	1997-1999		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Wine Industry Act 1994</i> and Wine Industry Regulation 1995	TSBI	Nature of restriction: LR, BC, MB The other States have licensing provisions for wine producers in the relevant liquor licensing legislation. Current Queensland legislation was introduced in November 1994, following extensive review of the previous Act, and contains a mandatory review clause. The outcome of the National Inquiry into the Winegrape and Wine Industry may also impact on this legislation. The scope and terms of review are currently under consideration.	1998–99		
<i>Workcover (Queensland) Act 1996</i> (replacing the <i>Workers' Compensation Act 1990</i> and <i>Workers' Compensation Regulation 1992</i> )	TIR	Nature of restriction: SM, PR, PS The <i>Workcover Act 1996</i> contains similar anti-competitive provisions as the <i>Worker's Compensation Act 1990</i> . The Queensland Government announced (8/7/96) that it endorses the recommendations of the Kennedy Inquiry into Workers' Compensation Arrangements in Queensland which includes the retention of the current monopoly accident insurance arrangements for three years with a further review at the end of that time.	2000		

Name of legislation	Agency	Description/Comment on review process	Date of review	Date review completed	Reform progress
<i>Workplace Health and Safety Act 1995</i> and Workplace Health and Safety Regulation 1997	TIR	<p>Nature of restriction: LR, BC</p> <p>A major review of the Workplace Health and Safety program was undertaken in 1997 resulting in a number of amendments to the Act and Regulation. The resulting regulatory framework commenced on 2/2/98. The Workplace Health and Safety (Miscellaneous) Regulation carries over provisions of the 1995 regulation which are now sunsetted to 30/6/99.</p> <p>Part 3 of the 1997 regulation (licensing/registration requirements for persons engaging in particular business activities) embodies an agreed national scheme for certification of users and operators of industrial equipment developed by the National Occupation Health and Safety Commission.</p> <p>This NCP review is underway.</p>	1998–99 for Act 1996–97 for Reg.		

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## Attachment 4.1

### **Guidelines for identifying “measures that restrict competition” for the purposes of the Queensland legislation review program**

In December 1995, and following endorsement by the NCP Steering Committee, departments were asked to identify legislative provisions, in both primary and subordinate legislation, that provide for any of the following, namely:

- (i) an outright prohibition in regard to any particular business activity;
- (ii) a statutory monopoly, namely where a body specified in the legislation is created or given powers, either State-wide or in a particular locality, as the sole participant allowed to engage in a particular business activity;
- (iii) licensing or registration requirements for persons or bodies wishing to engage in a particular business activity and which operate on the basis of either limiting the number of participants or limiting participation to those persons or bodies that meet defined standards, qualifications or training or to those who hold membership of a particular occupational or professional organisation;
- (iv) allocation of quantitative entitlements, quotas or franchises among participants engaging in a particular business activity;
- (v) requirements for prescribed quality or technical standards to be observed, or for specified equipment to be used, in regard to a particular business activity, other than those requirements that apply generally in regard to public/workplace health and safety;
- (vi) price control provisions, whether by way of setting, or prescribing a process for determining, the maximum/minimum prices or charges for a specified good or service or the maximum/minimum rates of commission, agency or fees for any good or service;
- (vii) restrictions on the conduct of a business relating to matters such as hours of operation, size of premises, provision of specified facilities, geographical area of operation, advertising or promotion, sector-specific operation (eg. retail versus wholesale), type of good or service allowed to be offered for sale, etc;

- (viii) the nomination of a particular person or body as the sole or preferred customer or supplier in regard to a particular business activity;
- (ix) measures that have the effect of conferring a benefit on a particular person or body engaged in a particular business activity relative to other parties engaged in the same activity, including prescribing technical specifications or standards that can only be met by a particular operator, prescribing different requirements for public sector vis a vis private sector operators or making financial assistance available (including the waiver of various State or local government charges or fees as well as direct assistance measures such as a grant or subsidy) if a business is carried on at a particular place or in a particular manner;
- (x) the allocation of licences or other authorities which either allow the holder access to natural resources (including water, minerals, forests and fisheries) [see also note below] or which create rights, or permit specified activities, denied to non-holders (for example, licences to dispose of waste material in a particular manner); and
- (xi) restrictions that have the effect of limiting or preventing participation in a particular business activity by interstate or overseas participants, for example by way of preferential purchasing arrangements for State-based suppliers, statutory restrictions on supply or purchase arrangements outside the Queensland market and product standards that differ significantly from interstate or international standards.

**Note:** Following subsequent consideration on the matter of restrictions on access to natural resources, the following principles have been adopted in deciding if there is a restriction on competition, namely :

1. Only restrictions that exist in Acts and regulations are to be considered in deciding if there is a restriction;
2. Crown ownership or control of the resource, and licensing schemes<sup>4</sup> to regulate access to those resources **are not** restrictions per se;
3. Limits on the number of licences issued, or on the amount of the resource attached to a licence, **are** restrictions, unless required for legitimate resource management purposes;<sup>5</sup>

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<sup>4</sup> "Licence" includes permits, allocations and all other methods for controlling access to natural resources vested in, or under the control of, the Crown in the right of the State of Queensland.

4. Conditions imposed, or discrimination in the issuing, renewal or transfer of licences are restrictions unless for legitimate resource management purposes or for reasons associated with normal commercial dealings (eg. financial position and previous non-performance of applicants); and
5. Non-licence conditions prescribed in legislation relating to the harvesting and use of the resource (eg. closed seasons, harvesting methods, etc) **are** restrictions unless for legitimate resource management purposes.

## **Attachment 4.2**

### **Queensland legislation excluded by departments from legislative review on the natural resource exemption**

- Wet Tropics World Heritage and Management Act 1993
- Recreation Areas Management Act 1988 and relevant subordinate legislation
- Marine Parks Act 1982 and subordinate legislation
- Mineral Resources Act
- Petroleum Act
- Forestry Act 1994, only certain provisions have been excluded.
- Fisheries Act 1994, only certain provisions have been excluded.
- Brisbane Forest Park Act 1977
- Soil Conservation Act 1986
- River Improvement Trust Act 1940
- Water Resources Act 1989 (only certain provisions have been excluded)

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<sup>5</sup> “Resource management purposes” means ensuring a natural resource is managed in an ecologically sustainable way in accordance with recognised scientific evaluations.

### **Attachment 4.3**

#### **Queensland health practitioner legislation currently (June 1998) the subject of review by Queensland Health**

- Dental Technicians and Dental Prosthetists Act 1991 and Dental Technicians and Dental Prosthetists By-Law 1992
- Occupational Therapists Act 1979 and Occupational Therapists Regulation 1981
- Physiotherapists Act 1964 and Physiotherapists Regulation 1965
- Podiatrists Act 1969 and Podiatrists By-Law 1996
- Psychologists Act 1977 and Psychologists By-Law 1993
- Speech Pathologists Act 1979 and Speech Pathologists By-Law 1995
- Medical Act 1939, Medical Regulation 1990, Medical Call Service By-Law 1984 and Medical Board of Queensland By-Law 1990
- Dental Act 1971 and Dental By-Law 1988
- Pharmacy Act 1976 and Pharmacy By-Laws 1985
- Optometrists Act 1974 and Optometrists By-Law 1996
- Chiropractors and Osteopaths Act 1979 and Chiropractors and Osteopaths By-Law 1990
- Occupational Therapists By-Law 1995

### **Attachment 4.4**

#### **Queensland legislation identified as forming part of joint or co-operative Commonwealth-State regulatory arrangements for the purpose of legislation review (30 June 1996)**

- Corporations (Queensland) Act 1990
- Consumer Credit (Queensland) Act 1994 and the Consumer Credit Code



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- Financial Institutions Act 1992 and the Financial Institutions Code
  - Securities Industry (Application of Laws) Act 1981
  - Futures Industry (Application of Laws) Act 1986
  - Trade Measurement Act 1990<sup>a</sup>
  - Agricultural and Veterinary Chemicals (Queensland) Act 1994<sup>b</sup>
  - Food Standards Regulation 1994 under the Food Act 1981 (which adopts the National Food Standards Code)<sup>b</sup>
  - Workplace Health and Safety (Lead) Compliance Standard under the Workplace Health and Safety Act 1995
  - That part of the Standard Building Law under the Building Act 1975 which adopts the Building Code of Australia
  - Legislation that provides for the adoption of provisions from the Commonwealth's Classification (Publications, Films, and Computer Games) Act 1995 namely the classification of Computer Games and Images (Interim) Act 1995, the Classification of Films Act 1991 and the Classification of Publications Act 1991
  - Mutual Recognition Act 1992<sup>b</sup>
  - Wheat Marketing (Facilitation) Act 1989
  - Travel Agents Act 1988 and Travel Agents Regulations 1988<sup>b</sup>

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<sup>a</sup> Candidate status

<sup>b</sup> National review status