
7 TASMANIA

7.1 Guide to the Tasmanian legislation review schedule

[Summarised to 30 April 1998 from information supplied by the Tasmanian Government.]

Legislation Review Program

In June 1996, the Tasmanian Government published its *Legislation Review Program: 1996 – 2000 – Tasmanian Timetable for the Review of Legislation that Restricts Competition* (LRP). The LRP complements Tasmania's previous Systematic Review of Business Legislation. The LRP sets out for review, by the year 2000, all State legislation that restricts competition to ensure that only restrictions in the public benefit are retained.

Legislation has been included in the LRP timetable if it restricts competition in any of the following ways:

- restricts market entry;
- restricts competitive conduct;
- restricts product or service innovation;
- restricts the entry of goods or services; or
- restricts competition through administrative discretion.

In general, any legislation dealing with licensing, registration, or product or service standard-setting (whether occupational or otherwise) has been included in the LRP timetable. In addition, "Taxation" Acts that are specially concerned with raising tax but which restrict competition, "Agreement" or

“Ratification” Acts, and Acts under which Government agencies issue permits or licences to operate on Crown land, have been listed for review. However, 15 “Tax” or “Agreement” Acts listed in Attachment 7.1 have been excluded from the review process.

At April 1998, the Tasmanian LRP listed 236 Acts (after exclusion of the 15 Acts on the Exclusion Table). Of the 236 Acts listed for review:

- over 80 are listed for ‘General’ review, where restrictions on competition will be subject to thorough review;
- about 15 Acts have been agreed for ‘National Review’, and negotiation over possible national review is continuing for some others. Several Acts that were originally scheduled for national review have now been listed for state-based review; and
- some 20 Acts have been listed in the ‘Community Standards’ category, where it is considered that certain restrictions on competition are justified in terms of the recognised social objectives of the legislation. The Tasmanian Government will review these Acts to ensure that any restrictions on competition, other than those deemed to constitute community standards, can be justified as in the public benefit.

The process for legislation review is outlined in the LRP. The review process uses a standard terms of reference template for establishing the focus of each review. Where legislation has a major restriction on competition or impact on business, review bodies must prepare a regulatory impact statement (RIS) and conduct a public consultation process. Where the restriction on competition or impact on business is considered minor, review bodies must complete a brief assessment of costs and benefits of the restriction, and public consultation, while encouraged, is not mandatory.

The LRP guidelines and principles apply to all new primary legislation which restricts competition or impacts on business. The *Subordinate Legislation Act 1992* reflects legislation review principles, and applies to all new subordinate legislation which restricts competition or impacts on business.

Review Progress to April 1998

Of the 236 Acts listed for review:

- 42 Acts have been repealed;
- 26 Acts are expected to be repealed and not replaced;
- 48 Acts are expected to be repealed and replaced with legislation that conforms with legislation review principles;
- seven Acts have been reviewed and are either under consideration or have been retained;
- 25 reviews are in progress (including those where the Government is negotiating with other Governments over the scope of a joint review);
- 66 Acts have yet to be reviewed; and
- 22 Acts, that after further consideration, are not to be reviewed.

Of the 23 Acts listed in the LRP that are not to be reviewed, the Tasmanian Government has decided not to continue with a review because:

- on further consideration it is considered the Act does not impose restrictions on competition;
- the Act in question provides that any restrictions on competition imposed under the Act must be justified in the public benefit;
- the elements of the Act which restrict competition have been repealed; or
- the Act applies to actions taken under previous legislative regimes which are in a state of transition to new regimes (for example, Acts which relate to money-lending arrangements prior to the introduction of the Consumer Credit Code).

The LRP guidelines and principles also apply to all proposals for new primary legislation. The Subordinate Legislation Act 1992 reflects similar principles, in that it requires all new subordinate legislation that imposes a significant cost, burden, or disadvantage on any sector of the Tasmanian public, to be subject to a regulatory impact statement and public consultation.

7.2 Abbreviations

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

DCHS	Department of Community and Health Services
DECCD	Department of Education, Community & Cultural Development
DELM	Department of Environment and Land Management
DOJ	Department of Justice
DOPPS	Department of Police and Public Safety
DOT	Department of Transport
DPIF	Department of Primary Industry and Fisheries
EMB	Egg Marketing Board
FPB	Forest Practices Board
FT	Forestry Tasmania
HEC	Hydro-Electric Commission
IFC	Inland Fisheries Commission
LC	Licensing Commission
LGO	Local Government Office
MAIB	Motor Accidents Insurance Board
MTT	Metropolitan Transport Trust
NASAT	Navigation and Survey Authority of Tasmania
OCA	Office of Consumer Affairs
OEPC	Office of Energy Planning and Conservation
P&C	Department of Premier and Cabinet
PAHSMA	Port Arthur Historic Site Management Authority
T&F	Department of Treasury and Finance
TAO	Tasmanian Audit Office
TDIA	Tasmanian Dairy Industry Authority

TDR	Tasmania, Development and Resources
TFS	Tasmania Fire Service
TGEB	Tasmanian Grain Elevators Board
TRA	Tasmanian Racing Authority
WSA	Workplace Standards Authority

The following abbreviations are used in the ‘Description/Comment on review’ column of the Tasmanian legislation review schedule.

Nature of the restriction on competition

ME	Restrictions on market entry
CC	Restrictions on competitive conduct
PSI	Restrictions on product or service innovation
EGS	Restrictions on the entry of goods or services
AD	Administrative discretion

Nature of the National Dimension

ND	National dimension
NC	National codes
SE	Spillover effects
CI	Common Interest

7.3 Legislation review schedule: Tasmania

Updated to 30 April 1998

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Adoption Act 1988</i>	DCHS	ME, PSI Sets standards for counsellors and limits persons who may be approved as counselors. Requires adoption agencies to be approved and provides for the setting of qualification and service standards in relation to such agencies.		1998	1998	Review completed and restrictions justified in the public benefit.
<i>Agricultural and Veterinary Chemicals (Control of Use) Act 1995</i>	DPIF	ME, CC, PSI, ND (NC) Prohibits persons from selling a chemical product unless it is registered under the Agvet Code or a permit. Regulates the packaging, Labelling and the use of agricultural and veterinary chemicals.	Commonwealth consulting on terms of reference prior to a national review.			
<i>Agricultural and Veterinary Chemicals (Tasmania) Act 1994</i>	DPIF	ME, PSI, ND (NC) Applies certain laws of the Commonwealth, relating to agricultural and veterinary chemical products, as laws of Tasmania. Establishes standards for agricultural and veterinary chemicals.	Commonwealth consulting on terms of reference prior to a national review.			

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Air Navigation Act 1937</i>	DOT	ME, CC, PSI, ND (NC) Requires air pilots to be licensed. The Act applies Commonwealth legislation to Tasmania with regard to air-traffic rules and the regulation of aerodromes.	Anti-competitive elements to be considered as part of Productivity Commission review of International Air Services Agreement. PC Review underway.	1998		
<i>Aluminium Industry Act 1960</i>	T&F	CC Provides a company with a low interest loan, directs them to increase production capacity and restricts their ability to sell assets for a specified time period.		1997		To be repealed by <i>Legislation Repeal Bill 1998</i> . Redundant.
<i>Ambulance Service Act 1982</i>	DCHS	ME Requires the approval of the Director of Ambulance Services for the provision of any privately run ambulance service.		1997		A minor review has been finalised subject to separation of regulatory and service functions of office of Director of Ambulance Services.
<i>Animal Farming (Registration) Act 1994</i>	DPIF	ME Requires the registration of farmers of emus and fallow deer.		1998		
<i>Animal Health Act 1995</i>	DPIF	ME, EGS, ND (NC) Requires a licence for commercial artificial breeding. Enables the Minister to prohibit or restrict the movement of any animals into Tasmania from any other State. Protection of animal resources from the introduction of a disease, organism, variety or disorder.	State-based review	1999		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Animal Welfare Act 1993</i>	DPIF	ME Prohibits persons from carrying out animal research unless it is carried out by an institution licensed under the Act. Essential provisions to restrict cruelty to animals.	Community standards	1999		
<i>Apiaries Act 1978</i>	DPIF	ME, CC, EGS Requires bee-keepers to be registered. Provides that the Governor may by order declare that only certain bees can be brought into or kept in a certain area.		1996		Government considering recommendations of review.
<i>Apple and Pear Industry (Crop Insurance) Act 1982</i>	DPIF	ME, CC Provides that growers must apply to the Fruit Crop Insurance Board for a crop insurance policy and pay the premium as gazetted.	Review underway. RIS released for public comment.	1996		
<i>Architects Act 1929</i>	P&C - LGO	ME, CC, ND (CI) Prohibits persons promoting themselves as architects unless they are registered. Prescribes conduct standards of architects and prohibits certain practices.	National review proposed	1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Auctioneers and Real Estate Agents Act 1991</i>	DOJ	ME, CC, ND (CI) Requires auctioneers, real estate agents and sales consultants to be registered. Specifies conduct rules for auctions in relation to misrepresentation, bids by owners, collusion, etc.	State-based review	1998		
<i>Australia and New Zealand Banking Group Act 1970</i>	DOJ	ME Facilitates a bank merger, giving additional legal security. Provides for special treatment in relation to other Acts of Parliament, in particular the Companies and Stamp Duties Acts.		1998		Act does not restrict competition per se. Deals with mergers.
<i>Australian Titan Products Act 1945</i>	TDR	ME Provides certain water rights to a company and prohibits it from generating electricity.		1997		To be repealed under <i>Legislation Repeal Bill 1998</i>
<i>Bank Holidays Act 1919</i>	WSA	CC The Act restricts bank trading days.		1997		To be replaced by new legislation. New Act assessed under gatekeeper provisions as not imposing restrictions on competition.
<i>Bank of Adelaide (Merger) Act 1980</i>	DOJ	ME Facilitates a bank merger, giving additional legal security. Provides for special treatment in relation to other Acts of Parliament, in particular the Companies and Stamp Duties Acts.		1998		Act does not restrict competition per se. Deals with mergers.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Ben Lomond Skifield Management Authority Act 1995</i>	DELM	ME Imposes restrictions on commercial operations in the Ben Lomond Skifield area.		1998		
<i>Biological Control Act 1986</i>	DPIF	PSI, ND (NC) Provides that declared organisms can only be released in accordance with certain conditions.				Not proposed for review. Does not contain restrictions on competition.
<i>Botanical Gardens Act 1950</i>	DELM	ME Imposes restrictions on commercial operations in the Botanical Gardens.	Review of by-laws complete, and review of Act to be finalised in 1998	1996		
<i>Building and Construction Industry Training Fund Act 1990</i>	DECCD	CC Provides for the collection of a levy on building work, except in relation to any work undertaken by, or for, State and local governments.	Deferred to 1998 to fully identify anti-competitive provisions of Act	1998		
<i>Burnie to Waratah Railway Act 1939</i>	DOT	ME The Act provides a particular company with a competitive advantage by giving them the authority to operate and maintain a railway (some on private land, the rest on Crown Land lease).	Review deferred pending proclamation of Rail Safety Act 1997, which is likely to make Act redundant.	1998		
<i>Business Names Act 1962</i>	DOJ	ME, ND (NC) No person running a business may use a business name unless it is registered.	State-based review	1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Casino Company Control Act 1973</i>	T&F	ME A casino licence can only be issued to a company specified in the Act. Prohibits the use of “casino” in any business name unless they are in possession of a casino licence. Restricts ownership and control of casinos by foreign individuals and companies.	Terms of reference being prepared for a joint review of this Act and <i>Gaming Control Act 1993</i> , <i>TT-line Gaming Act 1993</i> , and elements of <i>Racing and Gaming Act 1952</i> .	1998		
<i>Child Welfare Act 1960</i>	DCHS	ME, CC, PSI Imposes licences for childcare operators and their premises, including restrictions on the number of children in care and the setting of premise standards. Sets standards for family and home-based care.		1996	1997	Children, Young Persons, and Their Families Act passed in 1997. Deals with assistance and intervention in relation to children at risk of abuse or neglect previously contained in the <i>Child Welfare Act</i> . Childcare provisions in the Child Welfare Act retained.
<i>Chiropractors Registration Act 1982</i>	DCHS	ME, CC, ND (CI) Requires chiropractors to be registered. Restricts practices relating to the provision of services, including the use of names and titles, advertising, signs and soliciting patients.				To be repealed and replaced by <i>Chiropractors and Osteopaths Registration Act 1997</i> (yet to be proclaimed). Draft legislation assessed under the LRP Gatekeeper requirements as imposing minor restrictions on competition, which could be justified in the public benefit.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Christ College Act 1926</i>	DECCD	ME Provides for three schools and two trusts to be combined. It is effectively the constitution of the organisation. Provides a possible advantage not given to other schools.		1999		
<i>Classification (Publications, Films and Computer Games) Enforcement Act 1995</i>	DOJ	PSI, ND (NC) Regulates the classification of publications, films and computer games. Essential provisions to limit the availability of pornographic material.	National review	1999		
<i>Clyde Water Act 1898</i>	DPIF	ME Vests trustees with the power to repair and alter works, construct works to convey water from Lake Sorell to the River Clyde and any waterworks necessary to provide the towns of Bothwell and Hamilton with water.	Being reviewed as part of COAG reform agenda for water industry. New legislation expected, which will be reviewed under the gatekeeper provisions.	1998		
<i>Commercial and Inquiry Agents Act 1974</i>	DOJ	ME, ND (CI) Requires commercial and inquiry agents to be licensed. Prohibits licences from being issued to certain classes of persons.	State-based review	1999		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Commercial Bank of Australia Limited (Merger) Act 1982</i>	DOJ	ME Facilitates a bank merger, giving additional legal security. Provides for special treatment in relation to other Acts of Parliament, in particular the Companies and Stamp Duties Acts.		1998		Not to be reviewed because it does not restrict competition per se.
<i>Commercial Banking Company of Sydney Limited (Merger) Act 1982</i>	DOJ	ME Facilitates a bank merger, giving additional legal security. Provides for special treatment in relation to other Acts of Parliament, in particular the Companies and Stamp Duties Acts.		1998		Not to be reviewed because it does not restrict competition per se.
<i>Companies (Acquisition of Shares) (Application of Laws) Act 1981</i>	DOJ	CC, ND (NC) This Act is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. It only has an effect in relation to breaches that occurred prior to introduction of <i>Corporations (Tasmania) Act 1990</i> . The Australian Securities Commission advises that it cannot be repealed yet.				Not to be reviewed because it does not restrict competition per se.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Companies (Acquisition of Shares) (Tasmania) Code</i>	DOJ	CC, ND (NC) This Code is one component of a suite of legislation that regulated companies prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> . It only has an effect in relation to breaches that occurred prior to introduction of <i>Corporations (Tasmania) Act 1990</i> . The Australian Securities Commission advises that it can not yet be repealed.				Not to be reviewed because it does not restrict competition per se.
<i>Companies (Application of Laws) Act 1982</i>	DOJ	CC, ND (NC) This Act is one component of a suite of legislation that regulated companies prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> . It only has an effect in relation to breaches that occurred prior to introduction of <i>Corporations (Tasmania) Act 1990</i> . The Australian Securities Commission advises that it can not yet be repealed.				Not to be reviewed because it does not restrict competition per se.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Companies (Tasmania) Code</i>	DOJ	CC, ND (NC) This Code is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. It only has an effect in relation to breaches that occurred prior to introduction of <i>Corporations (Tasmania) Act 1990</i> . The Australian Securities Commission advises that it can not yet be repealed.				Not to be reviewed because it does not restrict competition per se.
<i>Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981</i>	DOJ	CC, ND (NC) This Act is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. It only has an effect in relation to breaches that occurred prior to introduction of <i>Corporations (Tasmania) Act 1990</i> . The Australian Securities Commission advises that it can not yet be repealed.				Not to be reviewed because it does not restrict competition per se.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Companies and Securities (Interpretation and Miscellaneous Provisions) (Tasmania) Code</i>	DOJ	CC, ND (NC) This Code is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. It only has an effect in relation to breaches that occurred prior to introduction of <i>Corporations (Tasmania) Act 1990</i> . The Australian Securities Commission advises that it can not yet be repealed.				Not to be reviewed because it does not restrict competition per se.
<i>Companies and Securities (Miscellaneous Amendments) Act (No. 2) 1982</i>	DOJ	CC, ND (NC) This Act is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. It only has an effect in relation to breaches that occurred prior to introduction of <i>Corporations (Tasmania) Act 1990</i> . The Australian Securities Commission advises that it can not yet be repealed.				Not to be reviewed because it does not restrict competition per se.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Companies and Securities Legislation (Miscellaneous Amendments) Act 1982</i>	DOJ	CC, ND (NC) This Act is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. It only has an effect in relation to breaches that occurred prior to introduction of <i>Corporations (Tasmania) Act 1990</i> . The Australian Securities Commission advises that it can not yet be repealed.				Not to be reviewed because it does not restrict competition per se.
<i>Companies Auditors and Liquidators Disciplinary Board Act 1982</i>	DOJ	CC, ND (NC) This Act is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. It only has an effect in relation to breaches that occurred prior to introduction of <i>Corporations (Tasmania) Act 1990</i> . The Australian Securities Commission advises that it can not yet be repealed.				Not to be reviewed because it does not restrict competition per se.
<i>Construction Industry (Long Service) Act 1997</i>	WSA	Act contains anti-competitive provisions, and was passed without complying with gatekeeper provisions.	Act added to review timetable.	1999		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Co-operative Housing Societies Act 1963</i>	T&F	ME, CC Prohibits co-operative housing societies from carrying on business unless they are formed and registered under the Act. Specifies the purposes for which a co-operative housing society can be registered, conduct of the society and name of the society.		1998		
<i>Co-operative Industrial Societies Act 1928</i>	DOJ	ME, CC Provides for the registration of co-operative building societies and regulates their conduct.		1998		New legislation is proposed to replace this Act during 1998. New legislation will be based on national template and subject to gatekeeper provisions.
<i>Corporations (Tasmania) Act 1990</i>	DOJ	ME, CC, PSI, ND (NC) Applies Commonwealth Corporations Law within Tasmania.	Review of all areas of Corporation Law is being undertaken by Commonwealth review body. New legislation will replace this Act.			
<i>Cremation Act 1934</i>	P&C - LGO	ME, CC, PSI Licences crematoriums and prohibits cremation without a licence. Sets out the procedures to be followed in order to establish a crematorium and when cremating human bodies.		1997		Following review, a decision was taken to expand Act to include burial. New legislation will be assessed under gatekeeper provisions.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Dairy Industry Act 1994</i>	TDIA	ME, CC, PSI, ND (SE) Requires dairy processing and manufacturing operations to be licensed. Establishes the 'farmgate' price which processors pay for milk. Provides for the operation of "Codes of Practice" and sets standards for dairy produce and premises.	State-based review	1998		
<i>Dangerous Goods Act 1976</i>	WSA	ME, CC, ND (NC) Requires the licensing of persons manufacturing dangerous goods. Persons may not possess dangerous goods without complying with certain requirements and premises must comply with prescribed requirements.				To be repealed and replaced by new legislation based on national model. New legislation has been assessed under the gatekeeper provisions.
<i>Dental Act 1982</i>	DCHS	ME, CC, ND (CI) Requires dentist and dental mechanics to be registered. Restricts the use of titles, payments of commission, advertisements, soliciting patients and exhibiting signs.	State-based review	1998		
<i>Devonport Airport (Special Provisions) Act 1980</i>	DOT	ME Provides for the granting of a lease or licence to use any part of the land, buildings or structures of the airport.		1998		Repealed by <i>Port Companies Act 1997</i> .

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Dog Control Act 1987</i>	P&C - LGO	ME, CC Prohibits kennels and the keeping of dogs for breeding purposes without a licence. Sets standards for dog breeders and imposes certain standards on all licensed kennels.	Government is currently considering recommendations of review	1997		
<i>Don River Tramway Act 1974</i>	DOT	ME, PSI Provides a railway agreement giving a competitive advantage to a particular company, potentially acting to restrict competition. Gives the company authority to construct and operate a railway.	Review deferred pending proclamation of <i>Rail Safety Act 1997</i> , which is likely to make Act redundant.	1998		
<i>Door to Door Trading Act 1986</i>	DOJ - OCA	CC, PSI Defines a prescribed contract and prohibited contractual terms. Details information to be incorporated under prescribed contracts. Limits the hours in which a dealer may call on a person.		1999		
<i>Education Act 1994</i>	DECCD	ME Requires non-Government schools to be registered.		1999		
<i>Education Providers Registration (Overseas Students) Act 1991</i>	DECCD	ME, CC, ND (NC) Requires providers of education to overseas students to be registered and enables conditions to be imposed on the conduct of registered education services.	State-based review in 1999	1999		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Egg Industry Act 1988</i>	DPIF - EMB	ME, PSI, ND (SE) Requires egg producers to be licensed. Provides that producers must consign all second grade eggs to the Board for processing.	State-based review	1998		
<i>Electricity Supply Industry Act 1995</i>	OEPC	ME, CC Requires licences for the generation, transmission, distribution or retailing of electricity. Can compel acceptance of conditions of a national electricity code and may impose restrictions on re-supply in contracts with very large users of electricity.		1999		
<i>Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995</i>	OEPC	ME Requires certain irrigation waters to be made available to certain water users, providing them with a commercial benefit that is not available to others.	Being reviewed as part of COAG reform agenda for water industry. New legislation will be assessed under the gatekeeper provisions.	1998		
<i>Emu Bay Railway Act 1976</i>	DOT	CC Provides a competitive advantage by releasing a particular company from obligations as a common carrier (Common Carrier Act). Provides that the company is not entitled to any of the rights or privileges of a common carrier.	Review deferred pending proclamation of <i>Rail Safety Act 1997</i> , which is likely to make Act redundant.	1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Environment Protection (Sea Dumping) Act 1987</i>	DELM	ME, CC, ND (CI) Requires a permit to undertake waste dumping or incineration at sea. Essential provisions to prevent degradation of the environment.	To be repealed following amendments to the <i>Environmental Management and Pollution Control Act 1994</i>			
<i>Environmental Management and Pollution Control Act 1994</i>	DELM	ME, CC, PSI, EGS Requires a person carrying out a controlled activity to have authorisation and a TAFE certificate. Sets minimum standards for products in terms of air emissions. Restricts the importation of certain products. Essential provisions to prevent degradation of the environment.	Terms of reference currently being drafted	1998		
<i>Evidence Act 1910</i>	DOJ	ME Restricts court room employment of shorthand writers to those who have been examined and licensed.		1997		To be repealed and replaced by <i>Uniform Evidence Bill 1998</i> . New legislation to be assessed under gatekeeper provisions.
<i>Fair Trading Act 1990</i>	DOJ - OCA	CC, PSI Requires motor vehicle traders to provide a warranty for specific vehicles and establishes a system for dealing with customer complaints.		1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Fertilisers Act 1993</i>	DPIF	CC, PSI, ND (NC) Prohibits the sale of fertiliser unless the package has the prescribed label. Regulates the details to be included on the label. Sets standards for the composition of fertilisers.		1999		
<i>Financial Management and Audit Act 1990</i>	TAO	ME Requires the Auditor-General to be the auditor of the Treasurer, all Government Departments, statutory authorities and GBEs. The Auditor-General can appoint external auditors to undertake the audit and pay them an appropriate fee.	Review has commenced	1998		
<i>Fire Service Act 1979</i>	TFS	ME The formation of private fire brigades and salvage corps is prohibited unless authorised by the Tasmanian Fire Service.		1998		
<i>Firearms Act 1996</i>	DOPPS	Replaces Guns Act 1991	To be reviewed under gatekeeper provisions.	1999		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Fisheries Act 1959</i>	DPIF – DELM – IFC	ME, CC, PSI, EGS Prohibits persons carrying out marine farming activities or fish processing without authorisation and/or licences. Requires licensing of private fisheries and restricts the methods and equipment for taking fish. Restricts the import of fish. Protection of a natural resource from unsustainable extraction and the introduction of a disease, organism, variety or disorder.				Repealed May 1996 by <i>Inland Fisheries Act 1995, Living Marine Resources Management Act 1995, and Marine Farming Planning Act 1995</i> , which are to be reviewed.
<i>Flammable Clothing Act 1973</i>	DOJ - OCA	PSI, ND (NC) Requires clothing to be labelled in accordance with the regulations. Requires that labels must indicate the level of flammability.	State-based review in conjunction with <i>Goods (Trade Descriptions) Act 1971</i> .	1998		
<i>Florentine Valley Paper Industry Act 1935</i>	FT	ME Grants a particular company the right to construct a pulp and paper mill at Boyer. Authorises the granting of exclusive timber, water and transport rights to that company.	Being reviewed as part of COAG reform agenda for water industry. New legislation will be assessed under the gatekeeper provisions.	1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Forest Practices Act 1985</i>	FPB	ME, CC The Forest Practices Board has the authority to restrict the operation of timber harvesting through the Forest Practices Code, to reduce the concentration of harvesting or to control transport routes for the transportation of timber.		1998		
<i>Forestry Act 1920</i>	FT	ME Provides for the granting of forest permits, licences and the registration of all sawmills and timber brands. Specifies the qualifications that must be held by forestry officers.		1998		A minor review has been completed and majority of restrictions are expected to be removed. Remainder of restrictions considered justified
<i>Friendly Societies Act 1888</i>	T&F	ME, CC, ND (NC) Requires friendly societies to be registered. Requires that two friendly societies conducting the business of a chemist must be within a distance of 11 km of the Hobart or Launceston GPO.				Government intends to introduce new nationally consistent legislation. New legislation to be assessed under gatekeeper provisions.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Futures Industry (Application of Laws) Act 1987</i>	DOJ	CC, ND (NC) This Act is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. Act has no effect except in relation to breaches prior to introduction of Corporations (Tasmania) Act 1990. The Australian Securities Commission advises that it can not yet be repealed.				Not subject to review because it does not restrict competition per se.
<i>Futures Industry (Tasmania) Code</i>	DOJ	CC, ND (NC) This Act is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. Not subject to review because it does not restrict competition per se. The Australian Securities Commission advises that it can not yet be repealed.				Not subject to review because it does not restrict competition per se.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Gaming Control Act 1993</i>	T&F	ME, CC, PSI Grants exclusive rights to specific companies to conduct casino operations and operate gaming machines in Tasmania. Requires that gaming equipment must meet the approval of the Gaming Commission. Limitations on the availability of gaming to minors.	Terms of reference being prepared for a joint review of this Act and <i>Casino Company Control Act 1973</i> , <i>TT-line Gaming Act 1993</i> , and elements of <i>Racing and Gaming Act 1952</i> .	1998		
<i>Gas Franchises Act 1973</i>	WSA	ME Grants franchise holders (Hobart and Launceston Gas Companies) exclusive rights to supply gas by reticulation or in bulk in their respective franchise areas.		1996		This Act is expected to be repealed.
<i>Goods (Trade Descriptions) Act 1971</i>	DOJ - OCA	PSI, ND (NC) Requires the Labelling of footwear and textiles. Limits the materials that can be used in footwear and requires safety footwear to comply with Australian standards requirements.	For state based review in conjunction with <i>Flammable Clothing Act 1973</i>	1998		
<i>Grain Reserve Act 1950</i>	TGEB – DPIF	ME Exempts the Tasmanian Grain Elevators Board from Council rates and protects it from being sued.		1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Groundwater Act 1985</i>	TDR	ME, CC Prohibits the construction or enlarging of a well, or the drawing of water, in a proclaimed region without a permit. Provides the Director of Mines with the power to shut, limit, repair or modify any Tasmanian well.	Being reviewed as part of COAG reform agenda for water industry. New legislation expected, which will be reviewed under the gatekeeper provisions.	1998		
<i>Guns Act 1991</i>	DOPPS	ME Requires gun owners and firearm dealers to be licensed. Essential provisions to limit the availability of potentially dangerous goods such as guns.		1998		Repealed by <i>Firearms Act 1996</i> , which is to be reviewed.
<i>Hairdressers' Registration Act 1975</i>	WSA	ME, CC Requires the registration of hairdressers and the licensing of hairdressers' premises. Premises must comply with prescribed requirements in relation to their design, construction, furnishings and equipment.		1998		
<i>Henry Jones Limited (Huon Pine) Agreement Act 1978</i>	FT	ME Ratifies an agreement allowing a company to cut and take a specific quantity of Huon Pine.		1998		To be repealed by <i>Legislation Repeal Bill 1998</i> .

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Hire-Purchase Act 1959</i>	DOJ	CC, PSI Only relates to hire purchase contracts taken out prior to introduction of Consumer Credit Code. Specifies the conditions of a legal hire-purchase agreement. It specifies the standards that must be met in writing a legal hire-purchase contract.				Not for review because it does not restrict competition per se.
<i>Historic Cultural Heritage Act 1995</i>	DELM	CC Places restrictions on building work on places of historic heritage significance that may affect historic cultural heritage.		1998		
<i>HIV/AIDS Preventative Measures Act 1993</i>	DCHS	ME, CC, PSI Provides for the approval of health care workers at Secretarial discretion. Imposes restrictions on the manufacture and sale of HIV testing kits. Sets guidelines on medical and surgical procedures.		1998		
<i>Hobart Bridge Act 1958</i>	DOT	ME Restricts the business of passenger ferry services on the Derwent River. Provides a contractual agreement effectively establishing a monopoly with one licensed operator, ie restricts market entry.		1996		Repealed by <i>Legislation Repeal Act 1996</i> .

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Hobart Regional Water Act 1984</i>	DPIF	ME Gives the Hobart Regional Water Board exclusive rights to take water from the Derwent River, Mount Wellington and other streams, construct bulk supply works and enter into agreements with municipalities to provide water.		1996		Repealed in January 1997 by <i>Hobart Regional Water (Arrangements) Act 1996</i> , which was assessed under gatekeeper provisions.
<i>Hobart Town Gas Company's Act 1854</i>	DOJ	CC, PSI Establishes the Hobart Town Gas Company to provide Hobart with gas powered street lights. Specifies conduct of the company and sets lighting standards to be met.		1997		To be repealed following winding-up of company.
<i>Hobart Town Gas Company's Act 1857</i>	DOJ	ME Gives the company powers not afforded to potential competitors, such as entering premises, and recovering property on 24 hours notice.		1997		To be repealed following winding-up of company.
<i>Hospitals Act 1918</i>	DCHS	ME, CC Prohibits private medical establishments unless a licence to operate is obtained. Prohibits alterations, extensions and other changes to private hospitals without authorisation. Requires certain qualifications to be held by hospital managers.	Review commenced in 1997 and will progress as two separate reviews.	1997		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Housing Indemnity Act 1992</i>	OCA – DOJ	CC Requires builders to obtain an indemnity insurance policy before performing building work.		1998		
<i>Huon Valley Pulp and Paper Industry Act 1959</i>	FT	ME, CC, PSI Provides the company with free unlimited water rights and restricts the water rights of the Huon Council (and its residents). Provides the company with rights over Crown land. Sets company conduct in relation to river bank degradation and water quality.		1996		Repealed by <i>Legislation Repeal Act 1996</i> .
<i>Hutchins School Act 1911</i>	DECCD	ME Combines the Hutchins School and a trust and gives the school the power to lease land that it otherwise could not. Provides a possible advantage not given to other schools.		1999		
<i>Hydro-Electric Commission (Doubts Removal) Act 1972</i>	HEC	ME Provides the Hydro-Electric Commission with the power to do all such acts, matters and things in relation to the specified area of Crown land as are necessary to construct and carry out works.		1997		Repealed Nov 1996 by <i>Electricity Supply Industry Act 1995</i> , and <i>Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995</i> , which are to be reviewed.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Hydro-Electric Commission (Doubts Removal) Act 1982</i>	HEC	ME Provides the Hydro-Electric Commission with the power to do all such acts, matters and things in relation to the specified area of Crown land as are necessary to construct and carry out works.		1997		Repealed Nov 1996 by <i>Electricity Supply Industry Act 1995</i> , and <i>Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995</i> , which are to be reviewed.
<i>Hydro-Electric Commission Act 1944</i>	HEC	ME, CC, PSI Prohibits the generation and/or transmission of electricity without the consent of the Hydro-Electric Commission (HEC). Establishes pricing rules and prohibits electrical wiring work and the sale of electrical fittings unless approved by the HEC.		1997		Repealed Nov 1996 by <i>Electricity Supply Industry Act 1995</i> , and <i>Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995</i> , which are to be reviewed.
<i>Ida Bay Railway Act 1977</i>	DELM	ME Confers Ida Bay Railway with an exemption from the provisions of the National Parks and Wildlife Act 1950 and the Railway Management Act 1935.		1997		To be repealed following proclamation of the <i>Rail Management Act (Repeal) Act 1997</i> .

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Inland Fisheries Act 1995</i>	DELM - IFC	ME, CC, PSI, EGS Requires the licensing and registration of private fisheries and restricts the methods and equipment that can be used to take or kill fish. Limits the size and sex of fish that can be taken. Restricts the importation of fish. Protection of a natural resource from unsustainable extraction or the introduction of a disease, organism, variety, or disorder.	Review commenced	1997		
<i>Irrigation Clauses Act 1973</i>	DPIF	ME Provides for the construction of waterworks by persons authorised by another Act to do so. Provides for the right to a supply of water for irrigation.	Being reviewed as part of COAG reform agenda for water industry. New legislation is being prepared that will be assessed under the gatekeeper provisions.	1998		
<i>Land Surveyors Act 1909</i>	DELM	ME, CC, ND (CI) Requires surveyors to be registered and sets standards for the profession.	State-based review	1998		
<i>Land Use Planning and Approvals Act 1993</i>	DELM	CC, PSI Requires the observance of planning schemes by planning authorities in respect of all use or development within a certain area. Requires persons undertaking certain developments to apply to the planning authority for a permit.		1999		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Land Valuation Act 1971</i>	DELM	ME Gives the Valuer-General a monopoly on the provision of valuation services to local government for the setting of valuations for the purpose of determining local rates.	Review nearing completion. Undertaken in conjunction with review of <i>Valuers Registration Act 1974</i> .	1997		
<i>Launceston Gas Company Act 1982</i>	DOJ	ME Gives the Launceston Gas Company powers that are not available to potential competitors in the gas supply market. For example, they are given the power to “break up public roads” without council approval, only needing to give 24 hours notice.		1997		This Act is expected to be repealed.
<i>Launceston Savings Investment and Building Society Act 1955</i>	DOJ	ME Provides the Launceston Savings, Investment and Building Society with the power to invest in a specific property that it may not have been able to under the Building Societies Act 1876.		1996		Repealed by <i>Legislation Repeal Act 1996</i> .
<i>Legal Profession Act 1993</i>	DOJ	ME, CC, ND (CI) Prohibits persons practicing as a legal practitioner or barrister unless admitted by the Supreme Court. Specifies conduct rules for legal practitioners and the way in which mandatory trust accounts must be operated.	National review proposed. Three references are recommended by COAG’s legal profession reform working group. Other issues to be reviewed at State level.			

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Lending of Money Act 1915</i>	DOJ	ME Only relates to money lending contracts taken out prior to introduction of Consumer Credit Code. Requires that money lenders be registered.				Not for review because it does not restrict competition per se.
<i>Liquor and Accommodation Act 1990</i>	T&F - LC	ME, CC, PSI Prohibits granting of a liquor licence in connection with supermarket activities. Regulates the sale of liquor, provides for licensing of certain accommodation and provides an appellation system for Tasmanian wine. Limitations on the availability of liquor to minors.	Review near completion	1996		
<i>Living Marine Resources Management Act 1995</i>	DPIF	ME, CC, EGS Prohibits fish processing and marine farming without a licence. Provides for management plans for fisheries that limit the use of equipment and set conduct rules. Prohibits importation of live fish into Tasmania. Protection of a natural resource from unsustainable extraction and the introduction of a disease, organism, variety or disorder.	Community standards review	1999		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Loan (Hydro-Electric Commission) Act 1957</i>	HEC	ME Provides irrigation rights to persons in the Parish of Lawrency.		1997		Repealed Nov 1996 by <i>Electricity Supply Industry Act 1995</i> , and <i>Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995</i> , which are to be reviewed.
<i>Local Government (Building and Miscellaneous Provisions) Act 1993 - (in so far as it relates to health issues)</i>	DCHS	ME Prohibits cesspools and the inhabitation of houses that do not have sanitation facilities. Requires the registration of premises used for offensive trades (tanneries, etc), the licensing of night-soil disposal systems and places of public entertainment.		1996		Relevant sections to be repealed and replaced by new building legislation in late 1998. New legislation to be assessed under gatekeeper provisions.
<i>Local Government (Building and Miscellaneous Provisions) Act 1993 - (except in relation to health issues)</i>	P&C - LGO	ME, CC, PSI, ND (NC) Provides for the control of building and plumbing work, the setting of product and construction standards and application of the Building Code of Australia to Tasmania. Provides for the approval of subdivisions and restrictions on the use of water.				New legislation to be introduced to replace building provisions of existing Act. New legislation to be assessed under gatekeeper provisions. In relation to Building Code of Australia, Committee on Reg Reform is considering scope of a national review in this area.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Local Government (Highways) Act 1982</i>	P&C - LGO	ME, CC Provides for the creation, construction, maintenance and management of highways and establishes construction standards. Empowers Councils to make by-laws prohibiting the carriage of certain materials over local highways unless licensed.	Review deferred	1998		
<i>Local Government Act 1993</i>	P&C - LGO	ME, CC Enables Councils to make by-laws in respect of any matter or thing, such as fees and licences and the execution of works, for which the Council has a function of power under this or any other Act.	Review delayed pending outcome of Government's intention to pursue the amalgamation of local councils.	1998		
<i>Marine Act 1976</i>	DOT - NASAT	ME, CC, PSI, ND (NC) Provides for the survey of marine vessels and equipment. Establishes standards for marine vessels and equipment through the adoption of national codes and standards.				Repealed in June 1997 and replaced by <i>Marine and Safety Authority Act 1997</i> , <i>Port Companies Act 1997</i> , and <i>Marine (Consequential Amendment) Act 1997</i> . These Acts were assessed under gatekeeper provisions.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Marine Farming Planning Act 1995</i>	DPIF	ME, CC Prohibits persons from carrying out marine farming activities unless they hold a lease, a re-seeding lease, a permit or a marine farm licence. Provides that a person must not do anything that is contrary to any marine farming development plan.		1999		
<i>Meat Hygiene Act 1985</i>	DPIF	ME, CC, PSI, EGS, ND (NC) Prohibits the operation of abattoirs and slaughterhouses without a licence and provides for conditions to be attached to licences. Prohibits persons from selling or bringing meat into Tasmania unless it is fit for human consumption.	Terms of reference currently being drafted.	1998		
<i>Medical Act 1959</i>	DCHS	ME, CC, ND (CI) Requires medical practitioners to be registered and prevents certain medical activities from being performed without being registered, for example, prescribing medicine.				Repealed and replaced by <i>Medical Practitioners Registration Act 1996</i> , which is included in LRP timetable.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Medical Practitioners Registration Act 1996</i>	DCHS	ME, CC, ND (CI) Requires medical practitioners to be registered and prevents certain medical activities from being performed without being registered, for example, prescribing medicine.	State-based review to commence in 1998	1998		
<i>Mental Health Act 1963</i>	DCHS	ME Restricts the admission of involuntary mental patients to public hospitals only.		1996		To be repealed on proclamation of <i>Mental Health Act 1996</i> . New legislation to be reviewed in 1999.
<i>Mental Health Act 1996</i>	DCHS		Replaces <i>Mental Health Act 1963</i>	1999		
<i>Merchant Seamen Act 1935</i>	DOT	CC, ND (NC) Places restrictions on shipping crews through the adoption of International Labour Conventions.				To be repealed under Legislation Repeal Bill 1998.
<i>Metropolitan Transport Act 1954</i>	DOT - MTT	ME Places restrictions on the provision of public bus services within a 22 kilometre radius of the Hobart GPO and a 12 kilometre radius of the Launceston GPO.		1998		Replaced by <i>Metro Tasmania Act 1997</i> and <i>Metro Tasmania (Transitional and Consequential Provisions) Act 1997</i> . New legislation was assessed under gatekeeper provisions.
<i>Mineral Resources Development Act 1995</i>	TDR	ME, CC A person must not carry out mining operations other than on their own land unless holding a lease or authorised under a mineral tenement.		1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Mining Act 1929</i>	TDR	ME, CC Provides for the issuing of prospecting, retention, mining, water and easement licenses and leases, providing substantial rights over unoccupied land. Prospecting licences for private land provide certain rights over private land.		1997		Repealed in July 1996 by <i>Mineral Resources Development Act 1995</i> , which is to be reviewed.
<i>Mock Auctions Act 1973</i>	DOJ - OCA	CC Prohibits auctions whereby it is a normal auction, but items are sold at a price lower than the highest bid, ie. no kick backs allowed.		1998		To be repealed under <i>Legislation Repeal Bill 1998</i> .
<i>Motor Accidents (Liabilities and Compensation) Act 1973</i>	MAIB	ME, CC Prohibits the driving of a motor vehicle on a public road unless a third party insurance premium has been paid. Provides the Motor Accidents Insurance Board (MAIB) with a monopoly on the provision of compulsory third party insurance.		1997		Government is currently considering recommendations of review.
<i>Mount Cameron Water Race Act 1926</i>	TDR	This Act contains a legislated restriction on competition as part of a legislative scheme governing water rights to the Rushy Lagoon property. Not originally listed for review.				To be repealed under <i>Legislation Repeal Bill 1998</i> .

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Mount Dundas and Zeehan Railway Act 1890</i>	DOT	ME, CC The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway.		1997		To be repealed under <i>Legislation Repeal Bill 1998</i> .
<i>Mount Dundas and Zeehan Railway Act 1891</i>	DOT	ME, CC The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway.		1997		To be repealed under <i>Legislation Repeal Bill 1998</i> .
<i>Mount Lyell and Strahan Railway Act 1892</i>	DOT	ME, CC, PSI Provides the company with the power to construct a railway through public and private lands. Specifies quality levels to be met in the construction of the railway.		1996		Repealed under <i>Legislation Repeal Act 1996</i> .
<i>Mount Lyell and Strahan Railway Act 1893</i>	DOT	PSI Specifies railway construction standards to be met by this railway.		1996		Repealed under <i>Legislation Repeal Act 1996</i> .

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Mount Lyell and Strahan Railway Act 1896</i>	DOT	ME Provides the company with the power to alter the course of the railway through public and private lands. It provides the company with greater rights of acquisition than is available to other companies under the law.		1996		Repealed under <i>Legislation Repeal Act 1996</i> .
<i>Mount Lyell and Strahan Railway Act 1898</i>	DOT	CC Restricts the ability of the company to set freight rates. As a monopoly provider of rail services to Strahan the Government empowered itself to oversee the private freight fees charged by the company.		1996		Repealed under <i>Legislation Repeal Act 1996</i> .
<i>Mount Lyell and Strahan Railway Act 1900</i>	DOT	ME Provides the company with an extension to its rights over public and private lands.		1996		Repealed under <i>Legislation Repeal Act 1996</i> .
<i>(The) Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1985</i>	T&F	CC Provides financial assistance to extend the life of the mine and to establish a rehabilitation agreement.		1996		Repealed by <i>Legislation Repeal Act 1996</i>

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>(The) Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1987</i>	T&F	CC Provides financial assistance to further extend the life of the mine and to ensure continuation of the rehabilitation agreement.		1996		Repealed by <i>Legislation Repeal Act 1996</i>
<i>(The) Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1992</i>	T&F	ME Ratifies and implements a deed of variation with respect to the continuation of operations of a particular company. Grants to the company certain environmental degradation exemptions.		1997		To be repealed under <i>Legislation Repeal Bill 1998</i> , as Act now redundant.
<i>Mount Read and Rosebery Mines Limited Leases Act 1916</i>	TDR	ME The Act authorises the issue of special leases and licences to the Company in order for it to acquire “a more certain tenure of the lands, water and other rights”. The Company has sole rights to timber on any lands in the lease.		1998		This Act is expected to be repealed.
<i>National Parks and Wildlife Act 1970</i>	DELM	ME Provides for conditions to be placed on the commercial use of crown land and limits the number and type of licenses that can be issued.	Review has commenced.	1997		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>North Esk Regional Water Act 1960</i>	DPIF	ME Provides the Rivers and Water Supply Commission with the exclusive right to supply certain "water districts" from waterworks vested in the Commission.		1996		Repealed by <i>Northern Regional Water (Arrangements) Act 1997</i> .
<i>North Mount Lyell and Macquarie Harbour Railway Act 1897</i>	DOT	ME, CC, PSI Provides the company with the power to construct a railway through public and private lands. Specifies quality levels to be met in the construction of the railway.		1996		Repealed under <i>Legislation Repeal Act 1996</i> .
<i>North Mount Lyell Mining and Railway Act 1901</i>	DOT	ME, CC Provides the company with more land for its railway and retrospectively approves certain new railway constructions. Specifies the conduct and form of leasing arrangements that the company can enter into.		1996		Repealed under <i>Legislation Repeal Act 1996</i> .
<i>North-West Regional Water Act 1987</i>	DPIF	ME Provides that the North West Regional Water Authority may take water from specified places. Provides that the Authority shall supply municipalities in the Water District with water and that municipalities will not obtain water in bulk from elsewhere.		1996		To be repealed by <i>North West Water (Arrangements) Act 1997</i> in 1998. New Act assessed under gatekeeper provisions.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Noxious Insects and Molluscs Act 1951</i>	DPIF	CC, EGS, ND (NC) Prohibits the importation into Tasmania of any noxious insect or mollusc, except for scientific purposes and with the prior approval of the Minister. Prohibits the sale of any infested animal or good. Protection of plant resources from the introduction of a disease, organism, variety or disorder.				To be repealed and replaced by <i>Plant Quarantine Act 1997</i> . New legislation assessed under gatekeeper provisions.
<i>Noxious Weeds Act 1964</i>	DPIF	CC, EGS, ND (NC) Provides for the declaration of “infected areas” and prohibits the movement of plants and animals from that area. Prohibits the importation of banned weeds and unidentified plants. Controls the importation of seeds, aquatic plants and animals. Protection of plant resources from the introduction of a disease, organism, variety or disorder.				Expected to be replaced by new legislation. New provisions to be assessed under gatekeeper provisions.
<i>Nursing Act 1987</i>	DCHS	ME, ND (CI) Sets out the qualifications necessary for persons to be registered or enrolled as nurses.				Repealed and replaced by <i>Nursing Act 1995</i> . New legislation is on LRP timetable.
<i>Nursing Act 1995</i>	DCHS	ME, ND (CI) Sets out the qualifications necessary for persons to be registered or enrolled as nurses.	State-based review	1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Optometrists Registration Act 1994</i>	DCHS	ME, CC, ND (CI) Requires optometrists to be registered. Restricts the ownership of optometrical practices, advertising and the dispensing of optical appliances.	State-based review	1998		
<i>Partnership Act 1891</i>	DOJ	CC Defines the rights and obligations of partnerships and partners. Places restrictions on partners competing with the partnership.		1998		
<i>Pawnbrokers Act 1857</i>	DOJ	ME, CC Prohibits persons acting as pawnbrokers without a licence. Restricts the conduct of pawnbrokers.		1999		Repealed in June 1996 by <i>Second-Hand Dealers and Pawnbrokers Act 1994</i> , which is for review.
<i>Pesticides Act 1968</i>	DPIF	ME, CC, PSI, ND (NC) Provides for the registration of pesticides and prohibits their sale unless registered. Prohibits the sale of foodstuffs that contain pesticide residue above the permitted tolerance. Controls the packaging, Labeling and use of pesticides.				Repealed Jan 1997, by <i>Agricultural and Veterinary Chemicals (Control of Use) Act 1995</i> , which is to be reviewed.
<i>Petroleum (Submerged Lands) Act 1982</i>	TDR	ME, ND (NC) Requires licences for the production of petroleum and the construction and operations of pipelines. Requires retention leases for petroleum.		1999		Act expected to be repealed and replaced with template legislation developed by Commonwealth. New legislation to be assessed under gatekeeper provisions.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Petroleum Products Emergency Act 1994</i>	DOPPS	ME, CC Provides for the licensing and prohibition of sale of petroleum products and the rationing of petroleum sales in an emergency.		1998		Not for review. Legislation provides that any restrictions must be in public benefit, therefore no further justification of provisions is considered necessary.
<i>Pharmacy Act 1908</i>	DCHS	ME, CC, ND (CI) Requires pharmaceutical chemists to be registered and restricts advertising, the selling of medicines, the recording of prescriptions and so on.	Commonwealth has proposed a review in 1999 in conjunction with Commonwealth's Community Pharmacy Agreement. A State-based review, which did not address ownership issues (which will be addressed nationally), was completed Jan 1998. This Act to be replaced by new legislation subject to gatekeeper provisions.		Jan 1998	
<i>Physiotherapists Registration Act 1951</i>	DCHS	ME, CC, ND (CI) Requires physiotherapists to be registered and restricts various forms of advertising.				New legislation being drafted to replace existing Act. New Act to be assessed under gatekeeper provisions

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Plant Diseases Act 1930</i>	DPIF	CC, EGS, ND (NC) Provides for the Governor to prohibit the introduction into Tasmania of any plant that is likely to introduce any disease or noxious organism. Prohibits the movement and export of diseased plants. Protection of plant resources from the introduction of a disease, organism, variety or disorder.				To be repealed by <i>Plant Quarantine Act 1997</i> , which is to assessed under gatekeeper provisions.
<i>Plant Protection Act 1994</i>	DPIF	CC, EGS, ND (NC) Provides that the Minister may prohibit the sale of anything found in an “infested area” and may prohibit any article, goods or material from being imported into Tasmania. Prohibits exportation of diseased plants unless in accordance with restrictions. Protection of plant resources from the introduction of a disease, organism, variety or disorder.				Act passed but not proclaimed. To be repealed and replaced by new legislation under gatekeeper provisions.
<i>Plumbers and Gas-fitters Registration Act 1951</i>	WSA	ME Requires that plumbers and gas-fitters be registered. Prohibits plumbing and gas-fitting work by unregistered persons.	Review commenced	1997		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Podiatrists Registration Act 1974</i>	DCHS	ME, CC, ND (CI) Requires podiatrists to be registered and restricts various forms of advertising.				Repealed and replaced by <i>Podiatrists Registration Act 1995</i> , which is for review.
<i>Podiatrists Registration Act 1995</i>	DCHS	ME, CC, ND (CI) Requires podiatrists to be registered and restricts various forms of advertising.	State-based review in 1998	1998		
<i>Poisons Act 1971</i>	DCHS	ME, CC, PSI, ND (NC) Requires the licensing of manufacturing and wholesale chemists and restricts the sale or supply of narcotic or prohibited substances. Prohibits the sale of new drugs until they are classified. Essential provisions to prohibit the widespread use of potentially dangerous substances such as drugs.	National review proposed. Victoria is drafting terms of reference. DCHS is drafting legislation to replace Poisons Act 1971 with two Bills dealing with licit and illicit drug use. New Acts to be assessed under gatekeeper provisions.			
<i>Police Offences Act 1935</i>	DOPPS	ME Requires the licensing of tanners, motor racing events, wood stacks, fund raising, money lending and boxing.	Replacement legislation being drafted. New Act to be assessed under gatekeeper provisions.	1999		
<i>Port Arthur Historic Site Management Authority Act 1987</i>	PAHS MA	ME Imposes restrictions on commercial operations in the Port Arthur Historic Site area.	Review deferred due to management changes made by Board during 1997.	1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Port Huon Wharf Act 1955</i>	T&F	Contains legislation that restricts competition. Was not on original timetable for review.				Repealed July 1997
<i>Primary Industry Activities Protection Act 1995</i>	DPIF	ME, CC Provides legal protection from a claim of nuisance to established primary producers, but not to new ones entering the market.		1999		
<i>Printers and Newspapers Act 1911</i>	DOJ	CC Requires printed matter to carry printer's name and address. Prohibits the sale of printed matter that does not bear printer's name and address.		1997		To be repealed under <i>Legislation Repeal Bill 1998</i> .
<i>Psychologists Registration Act 1976</i>	DCHS	ME, CC, ND (CI) Requires psychologists to be registered. Restricts advertising by persons who are not registered psychologists without Board approval. Prevents a person other than a registered psychologist from using certain instruments or devices.				New registration legislation is being drafted and subject to gatekeeper provisions.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Public Health Act 1962</i>	DCHS	ME, CC, PSI, ND (NC) Prohibits persons other than medical practitioners from treating patients suffering from certain diseases. The Act prescribes food labeling requirements and sets food standards. Requires the registration of, and sets standards for, food premises.				To be repealed and replaced by <i>Public Health Act 1997</i> and <i>Food Bill 1997</i> , which were assessed under gatekeeper provisions. Commonwealth is consulting with the States on national review of food regulation.
<i>Pulpwood Products Industry (Eastern and Central Tasmania) Act 1968</i>	FT	ME Ratifies a financial agreement providing a particular company with a competitive advantage, potentially acting to restrict competition.		1997		Repealed by <i>Legislation Repeal Act 1995</i>
<i>Racing Act 1983</i>	TRA – DPIF	ME, CC, ND (NC) Provides for the licensing of thoroughbred horses and greyhounds and persons involved in this type of racing. Controls thoroughbred and greyhound racing in Tasmania.	State based review	Nov 1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Racing and Gaming Act 1952 (except in relation to totalisator betting)</i>	T&F – DPIF – TRA	ME, CC Requires the registration of bookmakers, bookmaker’s clerks, racing clubs and race courses. Restricts race meetings, telephone sports betting, bookmaker betting activities and the appointment of officials. Prohibits proprietary racing. Limitations on the availability of gaming to minors.	Terms of reference being prepared for a joint review of this Act and Gaming Control Act 1993, TT-line Gaming Act 1993, and the Casino Company Control Act 1973.	1997		
<i>Racing and Gaming Act 1952 (in so far as it relates to totalisator betting)</i>	T&F – DPIF – TRA	ME, CC, ND (NC) Restrictions on totalisator betting.	Racing components will be reviewed following completion of the review of the State’s gaming legislation.	Nov 1998		
<i>Radiation Control Act 1977</i>	DCHS	ME, CC Prohibits unlicensed dealings with radioactive materials and electronic products. Enables requirements to be imposed on premises and requires the registration of certain products and materials.	National review proposed. New legislation is being drafted and subject to gatekeeper provisions	1996		
<i>Radiographers Registration Act 1971</i>	DCHS	ME, CC, ND (CI) Requires radiographers to be registered. Prevents persons carrying out radiographic procedures unless they are registered.				New registration legislation covering radiation technologists is proposed to replace existing legislation, and is subject to gatekeeper provisions.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Railway Management Act 1935</i>	DOT	ME, CC Gives the Transport Commission the power to issue licences to reopen abandoned railways. Exempts railway buildings from planning laws.		1997		To be repealed following proclamation of <i>Rail Safety Bill 1997</i> . Redundant since Government does not own any railways anymore.
<i>Railways (Transfer to Comm-wealth) Act 1975</i>	DOT	CC Establishes a price fixing regime, whereby rail freight charges cannot be set at a level higher than those applying to railways of the Commonwealth outside Tasmania.		1997		To be repealed under the <i>Legislation Repeal Bill 1998</i> .
<i>Railways Clauses Consolidation Act 1901</i>	DOT	CC, PSI Authorises the construction of railways or tramways and sets fares, construction standards, rates and charges.	Review deferred pending proclamation of Rail Safety Act 1997, which is likely to make Act redundant.	1998		
<i>Renison Limited (Zeehan Lands) Act 1970</i>	DELM	ME Vests certain land to Renison Limited.		1997		To be repealed under the <i>Legislation Repeal Bill 1998</i> .
<i>Roads and Jetties Act 1935</i>	DOT	CC Prohibits persons from moving vehicles or livestock so as to cross the side boundary of a limited access road without authority to do so.		1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Rossarden Water Act 1954</i>	DPIF	CC Provides that the Fingal Council may use its power to supply water to the Aberfoyle Tin mine free of charge, effectively providing the company with a competitive advantage.	Being reviewed as part of COAG reform agenda for water industry. New legislation will be assessed under the gatekeeper provisions.	1996		
<i>Rules Publication Act 1953</i>	DOJ	ME, PSI, AD All Statutes and Statutory Rules to be sent to the Government Printer and shall be numbered, printed and sold by the Printer as prescribed. Provides Administrative Discretion to the Chief Parliamentary Counsel to decide who to appoint as the Government Printer.		1997		Restrictive provisions to be repealed by <i>Legislation Publication Act 1996</i> in 1998.
<i>Sale of Condoms Act 1987</i>	DCHS	ME, CC, PSI Requires the installers of condom vending machines to be licensed. Prohibits certain advertisements and the sale and supply of particular condoms. Requires that condoms meet certain standards.		1998		
<i>Sale of Hazardous Goods Act 1977</i>	DOJ - OCA	PSI, ND (NC) Enables the prohibition of the sale of certain products which are determined to be hazardous.	State-based review	1999		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Salt-water Salmonid Culture (Supplementary Agreements Validation) Act 1992</i>	DPIF	ME The Act amends the Joint Venture Agreement which gives SALTAS a monopoly on the production of salmon smolt.		1998		To be repealed by <i>Legislation Repeal Bill 1998</i> .
<i>Salt-water Salmonid Culture Act 1985</i>	DPIF	ME The Act ratifies the Joint Venture Agreement which gives SALTAS a monopoly on the production of salmon smolt.		1998		To be repealed under <i>Legislation Repeal Bill 1998</i> .
<i>School Dental Therapy Service Act 1965</i>	DCHS	ME, CC Sets conditions under which dental therapists can practice, for example, they can only treat children up to 16 years. Outlines the limited range of duties that can be performed by dental therapists and limits their practice to the public sector.	Requirement for Act assessed as part of review of Dental Act 1982	1998		
<i>Second-hand Dealers Act 1905</i>	DOJ	ME, CC Prohibits persons acting as second-hand dealers without a licence. Restricts the conduct of second-hand dealers.				Repealed in June 1996 by <i>Second-Hand Dealers and Pawnbrokers Act 1994</i> , which is to be reviewed

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Second-hand Dealers and Pawnbrokers Act 1994</i>	DOJ	CC Requires a person seeking to commence business as a second-hand dealer or pawnbroker to notify the nearest police station of their intention. Persons may be prohibited (negatively licensed) from operating as second-hand dealers or pawnbrokers.		1999		
<i>Securities Industry (Application of Laws) Act 1981</i>	DOJ	CC, ND (NC) This Act is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. Act has no effect except in relation to breaches prior to Corporations (Tasmania) Act 1990. The Australian Securities Commission advises that it can not yet be repealed.				Not subject to review because it does not restrict competition per se.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Securities Industry (Tasmania) Code</i>	DOJ	CC, ND (NC) This Act is one component of a suite of legislation that regulated companies prior to the introduction of the Corporations (Tasmania) Act 1990. Not subject to review because it does not restrict competition per se. The Australian Securities Commission advises that it can not yet be repealed.				Not subject to review because it does not restrict competition per se.
<i>Seeds Act 1985</i>	DPIF	PSI, EGS, ND (NC) Prohibits the importation of certain seeds and the sale of seeds if the quality of those seeds is less than prescribed, or if they are mixed with other seeds in the wrong proportion or with seeds which are infected.	State-based review.	1999		
<i>Sewers and Drains Act 1954</i>	DPIF	ME, PSI Specifies material and work standards for the construction and maintenance of sewerage works. Requires certain Council officers to hold certificates of qualification.	Being reviewed as part of COAG reform agenda for water industry. New legislation will be assessed under the gatekeeper provisions.	1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Shop Trading Hours Act 1984</i>	WSA	CC Stipulates that any business employing more than 250 people may not open on Sundays and certain other prescribed times. The Minister may declare certain days to be extended trading days.	Review deferred to coincide with Government commitments made in relation to shop trading hours.	1999		
<i>Stock (Brands and Movement) Act 1984</i>	DPIF	CC, ND (CI) Imposes an obligation on all persons with cattle or sheep to brand them with registered earmarks. Pigs cannot be sold unless they are branded with a registered body tattoo.	State-based review.	1999		
<i>Stock Act 1932</i>	DPIF	ME, EGS, ND (NC) Requires a licence for commercial artificial breeding. Enables the Minister to prohibit or restrict the movement of any animals into Tasmania from any other State. Protection of animal resources from the introduction of a disease, organism, variety or disorder.				Repealed in Sept 1996, and replaced by <i>Animal Health Act 1995</i> , which is to be reviewed.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Stock, Wool, and Crop Mortgages Act 1930</i>	DOJ	PSI Provides for the registration of mortgages against stock, wool and crops by the Office of Consumer Affairs. Specifies what can be mortgaged and how it is to be done.		1998		New legislation being prepared to replace this Act. New Act to be assessed under gatekeeper provisions.
<i>Substandard Housing Control Act 1973</i>	DCHS	PSI Provides for the closure of substandard rental accommodation and for rental control over certain premises.		1996		Repealed by <i>Public Health Act 1997</i> .
<i>Sunday Observance Act 1968</i>	WSA	CC No person shall purchase, sell or negotiate the purchase of property on a Sunday. Certain other business activities are forbidden on a Sunday.		1997		This Act is expected to be repealed.
<i>Survey Co-ordination Act 1944</i>	DELM	ME, CC Prohibits the erection of a structure, building or any other erection that is likely to be mistaken for a standard permanent mark on a mountain, hill or elevated land without the approval of the Surveyor-General.		1998		Any restrictions to be repealed as part of review of <i>Land Surveyors Act 1909</i>

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Tasmanian Government Insurance Act 1919</i>	T&F	ME, CC, PSI Establishes the Tasmanian Government Insurance Office and prohibits it from trading in life insurance. Specifies business practices and standards.		1997		To be repealed once transitional issues associated with sale of TGIO's business are completed (after July 1999).
<i>Tasmanian Harness Racing Board Act 1976</i>	DPIF - TRA	ME, CC, ND (NC) Provides for the registration of all harness racing trainers and drivers. Controls harness racing in Tasmania.				Repealed and replaced by <i>Racing Amendment Act 1997</i> . New Act assessed under gatekeeper provisions as not restricting competition.
<i>Tasmanian Public Finance Corporation Act 1985</i>	T&F	ME Provides for the Treasurer to direct a State authority to exclusively source loans from Tascorp.	Review has commenced	1998		
<i>Taxi Industry Act 1995</i>	DOT	ME, CC, PSI, ND (CI) Provides for the licensing of taxis and places restrictions on their operation. Limits the number of taxi licences available.	State-based review.	1998		
<i>Therapeutic Goods and Cosmetics Act 1976</i>	DCHS	PSI, ND (NC) The Act provides for the control of therapeutic goods and cosmetics.				To be replaced by new <i>Therapeutic Goods Bill</i> in 1998, which will complement Commonwealth legislation. New legislation to be assessed under gatekeeper provisions.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Thomas Owen and Co. (Australia) Limited Act 1948</i>	DPIF	ME Provides a company with the right to take as much water as required at no cost and prohibits it from using that water to generate electricity.	Being reviewed as part of COAG reform agenda for water industry. New legislation will be assessed under the gatekeeper provisions.	1998		
<i>Threatened Species Protection Act 1995</i>	DELM	ME, CC Prohibits trade in protected flora and fauna. Provides for protection orders prohibiting certain activities and exemptions from those orders. Specifies conduct of Government agencies, GBEs, authorities and bodies in relation to sustainable development. Essential provisions to protect native species or other classes of animals from extinction.	Community standards	1999		
<i>Tobacco Products (Labelling) Act 1987</i>	DCHS	PSI Prescribes regulations for the packaging of tobacco products and requires warning notices to be displayed on tobacco products.				Repealed by <i>Public Health Act 1997</i> .

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Traffic Act 1925</i>	DOT	ME, CC Provides for the licensing of public vehicles (cars, carriers, omnibuses, hire cars and charter buses) and for conditions to be placed on licenses.		1996		Substantially reviewed. Anti-competitive provisions of Part III will be replaced by <i>Passenger Transport Act 1997, Passenger Transport (Consequential and Transitional) Act 1997</i> and <i>Traffic Amendment (Accreditation and Miscellaneous) Act 1997</i> . Legislation to replace remainder of <i>Traffic Act 1925</i> is being drafted, and will be assessed under gatekeeper provisions.
<i>Travel Agents Act 1987</i>	DOJ - OCA	ME, CC, ND (NC) Requires travel agents to be licensed and defines what does and does not constitute the business of a travel agent.	National review proposed. Terms of reference being considered by Ministerial Council on Consumer Affairs.			
<i>Trustee (Insured Housing Loans) Act 1970</i>	T&F	ME, CC Prescribes the power to approve insurers and provides that trustees can only invest in a housing loan if that housing loan is insured by an approved insurer.		1997		Repealed by <i>Trustee Amendment (Investment Powers) Act 1997</i>
<i>Trustee Act 1898</i>	T&F	CC Regulates the types of investments that trustees can and cannot make.		1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Trustee Banks Act 1985</i>	T&F	ME, CC Restricts the establishment of Trustee Banks and provides a regulatory framework for Trustee Banks that can affect their competitive conduct. It also requires auditors of Trustee Banks to be registered auditors.		1998		
<i>Trustee Companies Act 1953</i>	DOJ	ME, CC, ND (NC) Provides for the establishment of trustee companies. Prohibits specific actions in relation to loans. Prohibits trustee companies from engaging in any business unless expressly authorised in the Act.				New <i>Trustee Amendment Bill 1997</i> , which is subject to gatekeeper provisions, to replace anti-competitive provisions. Review of Act has been postponed pending introduction of new legislation.
<i>TT-Line Gaming Act 1993</i>	T&F	ME, CC Grants a licence to a State shipping company to conduct gaming operations. Specifies how gaming is to be conducted and which games can be played. Limitations on the availability of gaming to minors.	Terms of reference being prepared for a joint review of this Act and <i>Casino Company Control Act 1973</i> , <i>Gaming Control Act 1993</i> , and elements of <i>Racing and Gaming Act 1952</i> .	1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>United Milk Products Ltd (Amalgamation) Act 1981</i>	TDR	ME Special Act to allow the amalgamation of two companies and two co-operative industrial societies into one single company. Not practicable under the Companies Act 1962, therefore this special Act was passed.		1998		To be repealed by <i>Legislation Repeal Bill 1998</i>
<i>Universities Registration Act 1995</i>	DECCD	ME, CC, ND (NC) Requires institutions wanting to operate as universities to be registered and enables conditions to be imposed on their conduct.	State-based review	1998		
<i>Valuers Registration Act 1974</i>	DELM	ME, CC, ND (CI) Requires valuers to be registered and specifies conduct that may result in de-registration, such as professional misconduct, taking excessive amounts of alcohol and drugs, suffering from a mental disorder or committing an offence.	State-based review near completion. Undertaken in conjunction with review of <i>Land Valuation Act 1971</i>	1997		
<i>Van Dieman's Land Company's Waratah and Zeehan Railway Act 1895</i>	DOT	ME, CC The Act sets out a railway agreement providing a competitive advantage to a particular company; gives authority to construct and operate a railway and prescribes the construction standards that must be met.	Review deferred pending proclamation of <i>Rail Safety Act 1997</i> , which may render Act redundant.	1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Van Dieman's Land Company's Waratah and Zeehan Railway Act 1896</i>	DOT	ME, CC The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.	Review deferred pending proclamation of <i>Rail Safety Act 1997</i> , which may render Act redundant.	1998		
<i>Van Dieman's Land Company's Waratah and Zeehan Railway Act 1948</i>	DOT	ME, CC The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.	Review deferred pending proclamation of <i>Rail Safety Act 1997</i> , which may render Act redundant.	1998		
<i>Vermin Destruction Act 1950</i>	DPIF	ME, EGS, ND (SE) Prohibits the keeping and intrastate transportation or importation into Tasmania of vermin and rabbits without a permit.	State-based review	1999		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Veterinary Medicines Act 1987</i>	DPIF	ME, PSI, ND (NC) Provides for the registration of veterinary medicines, prohibits their sale unless they are registered and packaged in accordance with requirements. Requires animals treated with prescribed medicines to be marked in a manner approved by the Registrar.				Repealed Jan 1997 by <i>Agricultural and Veterinary Chemicals (Control of Use) Act 1995</i> , which is to be reviewed.
<i>Veterinary Surgeons Act 1987</i>	DPIF	ME, CC, ND (CI) Requires persons practising veterinary surgery or rendering a veterinary service to be registered. Specifies constraints on the formation of veterinary services companies and alters the legal obligations of veterinary surgeons employed by such companies.	State-based review.	1999		
<i>Vocational Education and Training Act 1994</i>	DECCD	ME, PSI, ND (NC) Requires training providers to be registered in order to offer accredited courses. Provides for compulsory training agreements for training undertaken in respect of a declared vocation.				To be replaced by new legislation, to be assessed under gatekeeper provisions.

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Water Act 1957</i>	DPIF	ME, CC, AD Gives the Rivers and Water Supply Commission the power to allow or prevent persons from taking water from rivers and lakes. Prohibits the taking of water for irrigation without the authority of the Commission. Specifies water quality standards.	Being reviewed as part of COAG reform agenda for water industry. New legislation will be assessed under the gatekeeper provisions.	1998		
<i>Waterworks Clauses Act 1952</i>	DPIF	ME Gives power to persons, authorised by special Acts to construct waterworks, to acquire land and to undertake various activities associated with the construction of such waterworks.	Being reviewed as part of COAG reform agenda for water industry. New legislation will be assessed under the gatekeeper provisions.	1998		
<i>Wee Georgie Wood Steam Railway Act 1977</i>	DOT	ME, CC The Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.	Review deferred pending proclamation of <i>Rail Safety Act 1997</i> , which may render Act redundant.	1998		
<i>Weights and Measures Act 1934</i>	DOJ - OCA	ME, CC, PSI, ND (NC) Requires the licensing of weigh bridges and public weigh bridge operators. Specifies requirements for pre-packed articles and other products.				New legislation to be introduced in 1998 to provide for State-based uniform trade measurement. New Act to be assessed under gatekeeper provisions

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Wellington Park Act 1993</i>	DELM	ME Imposes restrictions on commercial operations in the Wellington Park area.		1998		
<i>Wesley Vale Pulp and Paper Industry Act 1961</i>	FT	ME Ratifies a financial agreement providing a particular company with a competitive advantage, potentially acting to restrict competition.	Being reviewed as part of COAG reform agenda for water industry. New legislation will be assessed under the gatekeeper provisions.	1998		
<i>Whales Protection Act 1988</i>	DELM	ME, CC, ND (CI) Requires a permit to trade in any whale products, or to take/interfere with whales.	State-based review	1998		
<i>Workers' (Occupational Diseases) Relief Fund Act 1954</i>	WSA	ME, CC Compels employers in certain industries to contribute to the Workers (Occupational Diseases) Relief Fund.				Not for review. Relevant provisions, considered not to impose restrictions on competition per se, in any case repealed by <i>Workers' Compensation Legislation Amendment Act 1993</i>
<i>Workers' Rehabilitation and Compensation Act 1988</i>	WSA	ME, CC, PSI Compels employers to take out insurance and provides for the compulsory licensing of insurers. Establishes employers' liability to compensate workers, specifies levels of compensation and specifies the requirement for medical practitioners to be accredited.	Joint Select Committee examining need for reform of legislation; report expected in April 1998. Additionally, Labour Ministers' Council co-ordinating a national review of workers' compensation arrangements. Review deferred pending outcome	1998		

Name of legislation	Agency	Description of legislation /scope of review	Comment on review process	Date of review	Date review completed	Outcome
<i>Workplace Health and Safety Act 1995</i>	WSA	ME, CC, PSI Establishes a code of practice with respect to workplace health and safety. Sets health, safety and welfare standards. Regulates workplaces and work practices.	Labour Ministers' Council reviewed National Occupational Health and Safety Commission and agreed to change in its direction and a new role in relation to approval of OH&S standards. Review options developed after considering reforms to NOHSC.			
<i>Wynyard Airport (Special Provisions) Act 1982</i>	DOT	ME Provides for the granting of a lease or licence to use any part of the land, buildings or structures of the airport.		1998		Repealed by <i>Port Companies Act 1997</i>

Note: The *Legislation Repeal Act 1996* has passed into law; this Act is to be distinguished from the *Legislation Repeal Bill 1998*, which has yet to be passed.

Attachment 7.1

Tasmanian legislation which restricts competition that is not proposed for review

Apart from the legislation listed in the review timetable, the Tasmanian Government has identified a number of other Acts and Regulations as restricting competition. However, it is not proposing to review these as part of the National Competition Policy process. These Acts and Regulations are set out below.

Name of legislation	Agency	Description of legislation
Copper Mines of Tasmania Pty Ltd (Agreement) Act 1994	TDR	ME Ratifies a financial agreement providing a particular company with a competitive advantage, potentially acting to restrict competition.
Debits Tax Transfer Act 1990	T&F	CC Provides for the imposition and collection of a tax in respect of certain debits made to accounts kept with financial institutions.
Electricity Consumption Levy Act 1986	T&F	CC Repealed by <i>Hydro Electric Corporation (Consequential and Miscellaneous Provisions) Act 1996</i> .
Financial Institutions Duty Act 1986	T&F	CC Imposes a duty on financial receipts. Provides for the assessment and collection of duties. Requires registration of financial institutions.
Goldamere Pty Ltd (Agreement) Act 1996	TDR	Provides for the approval and ratification of an Agreement with respect to mining and mineral processing operations at Savage River and Port Latta.
Iron Ore (Savage River) Agreement Act 1965	TDR	ME The Act requires the Minister to take steps to enable the lease to be granted to the lessees free from any estates, interests or rights of any other person.
Iron Ore (Savage River) Arrangements Act 1996	TDR	Provides for certain arrangements with Pickands Mather & Co International, in relation to that company's obligations under the <i>Iron Ore (Savage River) Deed of Variation Act 1990</i> .
Iron Ore (Savage River) Deed of Variation Act 1990	TDR	ME This Act ratifies a Deed of Variation on the original agreement and sets out particulars in relation to royalty payments and so forth.

Name of legislation	Agency	Description of legislation
Land and Income Taxation Act 1910	T&F	CC Provides for the assessment of income and the taxation of land and income.
Land Tax Act 1995	T&F	CC Provides for the assessment of tax payable on certain types of land for example, rural or residential land.
Pay-roll Tax Act 1971	T&F	CC Imposes a tax on certain employers in respect of certain wages. Provides for the assessment and collection of payroll tax.
Petroleum Products Business Franchise Licences Act 1981	T&F	ME Requires licensing of businesses that wish to sell petroleum products. These licences are used as a means of raising taxation revenue.
Stamp Duties Act 1931	T&F	CC Provides for the collection of stamp duties.
The Hellyer Mine Agreement Ratification Act 1987	T&F	ME, CC Directs the company to prefer Tasmanian suppliers, contractors, labourers, etc. Provides for exemption from stamp duty. Provides for special mineral royalty arrangements, prescribes conditions and standards for the operation of the Hellyer Mine.
Tobacco Business Franchise Licences Act 1980	T&F	ME Requires licensing of businesses that wish to sell tobacco products. These licences are used as a means of raising taxation revenue.