

# 2 Australian Government

## Agency abbreviations

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

ACA	Australian Communications Authority
AG	Attorney-General's Department
C	Comcare
D	Department of Defence
DAFF	Department of Agriculture, Fisheries and Forestry
DCITA	Department of Communications, Information Technology and the Arts
DEH	Department of the Environment and Heritage
DEST	Department of Education, Science and Training
DEWR	Department of Employment and Workplace Relations
DFA	Department of Finance and Administration
DFAT	Department of Foreign Affairs and Trade
DHA	Department of Health and Ageing
DIMIA	Department of Immigration and Multicultural and Indigenous
DITR	Department of Industry, Tourism and Resources
DTRS	Department of Transport and Regional Services
DVA	Department of Veterans'
PMC	Department of Prime Minister and Cabinet
T	Department of the Treasury

## Legislation review: Australian Government

*\* denotes not on the Australian Government's original legislation review program*

*Updated to February 2004*

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
A New Tax System (Family Assistance Administration) Act 1999*		The Child Care Benefit is provided to families using 'approved' child care services.	Legislation for which the Australian Government provided the Council a public benefit case. It is considered necessary to approve providers to maintain the quality of services. The conditions for approval are not unduly onerous and do not discriminate among providers.	
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Aboriginal and Torres Strait Islander Heritage Protection Act 1984	DEH	Preserves and protects from injury or desecration areas and objects that are of particular significance to Aboriginal and Torres Strait Islander peoples.	<p>Evatt Review completed in 1996. The report made recommendations concerning reforms to Australian Government, State and Territory indigenous heritage protection regimes. The major recommendations included:</p> <ul style="list-style-type: none"> <li>• establishment of national standards for the protection of indigenous heritage;</li> <li>• separation of decisions on the issue of significance from the question of site protection;</li> <li>• providing adequate protection for culturally sensitive information disclosed in the course of administering heritage protection legislation;</li> <li>• promoting negotiated outcomes through mediation; and</li> <li>• establishment of an Indigenous Heritage Protection Agency/Office.</li> </ul>	<p>Recommendations were taken into consideration when formulating the Aboriginal and Torres Strait Islander Heritage Protection Bill 1998. The Bill was introduced into the House of Representatives in April 1998 and after the 1998 election was reintroduced into the House of Representatives in November 1998. The opposition made numerous amendments to the Bill in the Senate in November 1999, most of which were unacceptable to the Government. The Government consulted further with all major stakeholders over the next two years. The Bill lapsed when Parliament was prorogued prior to the 2001 election. The Government is consulting further with all major stakeholders with a view to pursuing its election commitment of reforming the Act.</p>

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Aboriginal Land Rights (Northern Territory) Act 1976 and Regulation	PMC	Provides for the granting of land to traditional Aboriginal owners and gives certain rights over granted land, including a veto over mineral exploration.	Review completed. Review report released publicly in August 1999.	<p>The Government is considering a response to this and other reviews relating to the Act.</p> <p>The Government released an options paper on possible reforms in 2002 and, in response, the Northern Territory Government and the Northern Territory Land Council released a joint submission in September 2003 proposing reforms to the Act. The Australian Government is now considering the final form of a reform package to the Act.</p>
Affirmative Action (Equal Employment Opportunity for Women) Act 1986	DEWR		Review, by a five member independent committee, completed in July 1998.	<p>The Government announced its response to the review on 16 December 1998, endorsing its main recommendations. Of those recommendations that were rejected, none were considered to be pro-competitive. Key changes to be implemented include the establishment of an Advisory Board and the introduction of a simpler reporting system to reduce the paperwork burden on business.</p> <p>To implement the endorsed recommendations from the report the revised and renamed Equal Employment Opportunity for Women in the Workplace Act 1999 came into effect from 1 January 2000.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Agricultural and Veterinary Chemicals (Administration) Act 1992</p> <p>Agricultural and Veterinary Chemicals Code Act 1994</p>	DAFF	<p>Prohibits chemicals from being imported, supplied or held unless approved or exempt.</p> <p>Requires approval of chemicals solely by the National Registration Authority (NRA).</p> <p>Imposes same approval costs on low risk chemicals as on high risk chemicals.</p> <p>Provides for assessment services purchased from only certain authorities.</p> <p>Prohibits approval of chemicals unless NRA satisfied of appropriate efficacy.</p> <p>Licenses chemical manufacturers and analysts.</p> <p>Protects approval data from rivals unless compensation is paid.</p>	<p>Review completed and report released by the Standing Committee on Agriculture and Resources Management (SCARM) in March 1999. In relation to the National Registration Scheme, review recommended:</p> <ul style="list-style-type: none"> <li>• retaining the monopoly on approval of chemicals;</li> <li>• lowering of regulatory costs for low risk chemicals;</li> <li>• including principles in the Code to guide inclusion/exclusion of chemicals in scheme;</li> <li>• accepting alternative suppliers of assessment services;</li> <li>• limiting of efficacy review to truth of claimed efficacy;</li> <li>• recovering NRA costs via a simple flat rate sales levy and cost-reflective application fees;</li> <li>• retaining licensing of veterinary chemical manufacturers;</li> <li>• removing provision to license agricultural chemical manufacturers until case is made; and</li> <li>• applying the Trade Practices Act 1974 (TPA) third party access pricing to data protection provisions.</li> </ul> <p>Data protection is to be considered in a wider review by the Department of similar provisions.</p>	<p>Intergovernmental response completed in 2000 by SCARM/Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) Signatories Working Group. It supported all recommendations except:</p> <ul style="list-style-type: none"> <li>• removing provision to license agricultural chemical manufacturers; and</li> <li>• limiting efficacy review.</li> </ul> <p>Amendments to implement a number of review recommendations were enacted in February 2003.</p> <p>Further reviews of fee setting, assessment services and licensing of agricultural chemical manufacturers have been completed. A revised fee and levy structure for the Australian Pesticides and Veterinary Medicines Authority (APVMA) will be introduced in an amendment Bill in autumn 2004. In December 2003, the Government endorsed a framework for the provision of advice by DAFF and DHA on human health risk management to APMVA. Also in that month, APMVA released a RIS for quality assurance of active constituents and agricultural chemical products to implement the recommendations relating to manufacturers' licensing. Implementation is scheduled for March 2004.</p>

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Anti-dumping Authority Act 1988				Act repealed in December 1998 following changes to the administration of the anti-dumping and countervailing investigations.
Anti-dumping legislation Customs Act 1901 Pt XVB Customs Tariff (Anti-dumping) Act 1975	AG	Barrier to competition from low priced or discounted imports.	The Government has not finalised the timing or manner of review of legislation relevant to anti-dumping and countervailing measures.	Reference to the Anti-dumping Authority Act 1988 has been deleted, as this Act was repealed in December 1998 following changes to the administration of the anti-dumping and countervailing investigations.
Australian Maritime Safety Authority Act 1990	DTRS		Review completed in 1997. Review recommended that the safety regulatory functions of Australian Maritime Safety Authority continue to be undertaken by the government and that the current administrative arrangements should continue (with the Board able to review the scope to contract out administrative activities).	Recommendations implemented.

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Australian Postal Corporation Act 1989	DCITA	Legislated monopoly for Australia Post for activities including letter delivery and inwards international mail.	The National Competition Council (NCC) completed a review in 1998. The review recommended a package of reforms to open up letter delivery to more competition. Review recommended reserving only household mail to Australia Post, and opening the delivery of business letters and international mail to competition. The review also recommended funding unprofitable business associated with Australia Post's universal service obligation from the budget; introducing access arrangements for post office boxes; and introducing accounting separation for Australia Post's retail, reserved services and CSO operations.	<p>A 2000 amendment Bill included provisions which would have reduced Australia Post's monopoly protection from four times the standard letter rate to one times the standard letter rate and the weight restriction from 250g to 50g. The Bill would also have removed incoming international mail from the monopoly. However, the Government withdrew the amending legislation in March 2001 as it did not attract the support necessary for passage in the Senate. An alternative legislative package (the Postal Services Legislation Amendment Bill 2003) was introduced to Parliament in June 2003. It partly addresses the recommendations of the 1998 National Competition Policy (NCP) review, providing for: expanded powers for the Australian Competition and Consumer Commission (ACCC) to inquire into disputes about bulk mail interconnection arrangements; expanded powers for the Australian Communications Authority (ACA) to cost Australia Post's CSOs and report on its service quality; and the introduction of accounting transparency by Australia Post.</p> <p>The Government is intending to introduce legislation in the first half of 2004 to establish a Postal Industry Ombudsman.</p>

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<p>Australian Radiation Protection and Nuclear Safety Act 1998*</p> <p>Australian Radiation Protection and Nuclear Safety Regulations 1999*</p> <p>Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998*</p>	DHA		<p>Not part of the Australian Government's legislation review program (LRP). However, the Acts were reviewed as part of a national review of radiation protection legislation. National review completed.</p>	
<p>Bankruptcy Act 1966</p> <p>Bankruptcy (Registration Charges) Act 1997*</p>	AG	Trustee registration.	<p>Review completed in December 1998. Review recommended that Insolvency and Trustee Service Australia continue to register bankruptcy trustees; and that a handover of the trustee registration function to the private sector be considered if and when that sector has an appropriate and adequate infrastructure in place.</p>	<p>There is no Government response to the review report. The Minister approved the recommendations in late January 1999, subject to the comments of the then Minister for Financial Services and Regulation. On 24 June 1999, the then Minister for Financial Services and Regulation advised that he had no comments on the matter.</p> <p>No further, formal, Government response, beyond existing Ministerial approval of the recommendations, is anticipated.</p> <p>The recommendation of the report was that the status quo be maintained — for this reason there is no timetable for reform implementation.</p> <p>ITSA is continuing to register bankruptcy trustees as there is no private sector infrastructure in place.</p>



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Bills of Exchange Act 1909	T	The objectives of the Act are to provide uniformity of law across Australia in relation to bills of exchange and promissory notes, to provide legal certainty by confirming the nature of bills of exchange and promissory notes as negotiable instruments, and to promote efficiency in the market place which utilises bills of exchange and promissory notes as financial instruments.	Review, by a taskforce of officials, comprising representatives of the Australian Government Treasury, the Reserve Bank of Australia and the Attorney-General's Department, commenced in April 1997. A final report was released in August 2003. Treasury expects to undertake further consultations with industry to inform the Australian Government's response to the review recommendations.	
Bounty (Books) Act 1986	DITR		Review completed.	Bounty ceased on 31 December 1997.
Bounty (Fuel Ethanol) Act 1994	DITR		Review completed.	Ethanol Bounty Scheme terminated.
Bounty (Machine Tools and Robots) Act 1985	DITR		Review completed.	Bounty ceased on 30 June 1997.

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<p>Broadcasting Services Act 1992</p> <p>Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992</p> <p>Radio Licence Fees Act 1964</p> <p>Television Licence Fees Act 1964</p>	DCITA	Licensing, entry barriers, content, antisiphoning rules, simulcasting requirement, spectrum allocation, restrictions on ownership, conduct, multichannelling and datacasting.	<p>Review by the Productivity Commission (PC) completed in March 2000. Review raised significant questions and made extensive recommendations for reform, including: separating licences granting access to spectrum from content-related licences that grant permission to broadcast and converting broadcasting licences to access fees; selling spectrum for new broadcasters competitively; converting licence fees for existing commercial radio and television broadcasters to fees that reflect the opportunity cost of the spectrum; permitting multichannelling and the provision of interactive services by commercial and national broadcasters; removing restrictions that prevent the entry of new broadcasters before the end of 2006; freeing up spectrum by setting a final date for the end of simulcasting of standard and high definition digital television services, and by making the broadcasting of high definition services optional rather than mandatory; and relaxing the antisiphoning rules.</p>	<p>The Minister for Communications, Information Technology and the Arts announced on 5 August 2002 a review of the roles of the Australian Broadcasting Authority and the Australian Communications Authority. This review will focus on, but not be limited to, arrangements for the management of broadcasting and telecommunications spectrum. The review of datacasting by the Department was released on 10 December 2002. The Government announced that there would be no change to the rules on datacasters' broadcasting content.</p> <p>The Broadcasting Amendment Act (No. 2) 2000 was passed in November 2002 providing a new licensing framework for community television. The Broadcasting Services Amendment (Media Ownership) Bill 2003 has passed the House of Representatives and introduced into the Senate in December 2003. It provides for the repeal of specific restrictions on foreign ownership and empowers the ABA to issue an exemption to the cross-media rules.</p>
Census and Statistics Act 1905	T		<p>Review completed in 1996 as part of the Small Business Deregulation Taskforce.</p>	<p>The Australian Bureau of Statistics required to reduce the cost of completing statistical returns by 20 per cent in 1996-97. Code of conduct for private sector statistical collection agencies.</p>

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Commerce (Imports) Regulations Customs (Prohibited Imports) Regulations Commerce (Trade Descriptions) Act 1905	AG		Review completed in November 2002. Review recommended: <ul style="list-style-type: none"> <li>• retention of the Commerce (Trade Descriptions) Act with amendments to certain (mainly administrative) provisions; and</li> <li>• repeal of the Commerce (Imports) Regulations.</li> </ul> Commerce Prohibited Imports Regulations - The scope and timing of the review of the Commerce (Prohibited Imports) Regulations is under consideration.	The Government response to the report is currently being developed.
Corporations Act 1989	T		Deleted from the Australian Government's LRP.	
Customs Act 1901 Regulation 11 (Prohibited exports – nuclear materials)	AG		Review deleted from the Australian Government's LRP in 1999.	

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<p>Customs Act 1901 Sections 154-161L</p>	<p>AG</p>	<p>Provides the basis for determining the customs value of goods imported into Australia. Customs value is used to determine the duty payable on imported goods, to compile import statistics and also contributes to the collection of sales tax where this is payable at the time of importation. Customs value also contributes to the calculation of GST on imported goods.</p> <p>Legislation enacts Australia's obligations under the World Trade Organisation Customs Valuation Agreement.</p>	<p>Interdepartmental review completed and released on 16 June 1999. Review recommended: sections 154 to 161L be repealed and redrafted in a clear straightforward 'plain English' format that incorporates the language and terms of the World Trade Organisation Agreement on Customs Valuation as far as possible and is consistent with that Agreement; the redrafted legislation contain statements of its purpose and objectives; the proposed new legislation make clear the statutory basis on which importers are required to self-assess the value of imported goods; the legislation or its supporting material should clearly explain the principles which underpin import valuation procedures and the intent behind each of the provisions; the Customs Service examine the feasibility of adopting a system of public valuation rulings; and the Customs Service introduce (at the same time the new legislation comes into effect) a public information program about the requirements for valuation of imports under the proposed new legislation.</p>	<p>In early 2001, implementation of the review recommendations commenced with Customs seeking the necessary approvals for legislative amendments. These approvals have now been obtained. The Prime Minister and relevant Ministers have supported the amendment of the legislation.</p> <p>Customs has commenced processes to amend the valuation provisions of the Customs Act (to give effect to the first four recommendations of the review).</p> <p>Customs is considering the feasibility of a system of public valuation rulings (recommendation five). Customs already provides a valuation advice service. Each piece of advice is provided only to the applicant for that advice. Most advice would not have general applicability, given that it is tailored to particular circumstances, including the contractual arrangements, of the applicant.</p> <p>Customs intends to provide information to the public once the new legislation is enacted (recommendation six).</p>

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Customs Tariff Act 1995 - Automotive Industry Arrangements	DITR	Barrier to competition from automotive imports.	PC review of automotive assistance post 2005 completed in August 2002.	The Government announced its response to the PC review report in December 2002. Tariffs are to be reduced from 15 per cent to 10 per cent in 2005 (as previously introduced), and from 10 per cent to 5 per cent in 2010 (with no further reductions until 2015). The Automotive Competitiveness and Investment Scheme (ACIS) will be extended to 2015 as a transitional industry support measure. On 14 October 2003, the ACIS Administration Amendment Act 2003 and Customs Tariff Amendment (ACIS) Act 2003 on 25 June 2003 were given royal assent. These Bills enact the 2010 tariff reduction and give effect to the extension of ACIS.

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Customs Tariff Act 1995 – Textiles, Clothing and Footwear Arrangements	DITR	Barrier to competition from imports.	<p>Current arrangements for the textiles, clothing and footwear (TCF) industries provide for: Strategic Investment Program (SIP) grants for eligible investment in plant and equipment, research and development, production and ancillary activities related to restructuring; a commitment to hold tariffs at 2001 levels until 2005, when the tariff for clothing and finished textiles will fall from 25 per cent to 17.5 per cent, for cotton sheeting and fabrics, carpet and footwear from 15 to 10 per cent, and for sleeping bags, table linen and footwear parts from 10 per cent to 7.5 per cent; and the Expanded Overseas Assembly Provision Scheme, specific TCF policy by-laws and market access initiatives.</p> <p>In 2002, the Government asked the PC to provide a report on post-2005 assistance. This report was completed on 31 July 2003 and forwarded to the Government for its consideration and release within 25 Parliamentary sitting days of receipt of the report.</p>	<p>The Government announced its response to the inquiry on 27 November 2003. Recommendations relating to tariff reductions were adopted. The announcement package includes a \$747 million package of adjustment assistance. The core element of the package — a \$600 million scheme to encourage investment and innovation — will require new legislation.</p> <p>Amendments to the Customs Tariff Act reflecting both the tariff reductions and a new item for the proposed import credit scheme will be required. The Government expects to introduce all legislation into Parliament in 2004. TCF By-laws, which form part of the Customs Tariff Act, remain unaffected.</p>

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Dairy Produce Act 1986	DAFF	<p>Prohibits export of specified dairy products to specified markets unless under licence from the Australian Dairy Corporation (ADC).</p> <p>Imposes a tariff-quota on imported manufactured dairy products.</p> <p>Levies producers of milk for drinking and pays the proceeds to producers of milk for manufacturing — the Domestic Market Support (DMS) scheme.</p>	The Government is considering the scope and nature of a review of restrictions following reforms to domestic market support and industry bodies. If a review is still necessary, it will take place in 2004.	<p>Domestic market supports sunsetted on 30 June 2000. Also from this date, the ADC has ceased the single desk for sales of cheese to Japan.</p> <p>On 1 July 2003, amendments to the Act facilitated the merger of the Dairy Research and Development Corporation and the ADC into one Corporations Act company, Dairy Australia. The Act does not provide for the new privatised entity to undertake any single desk selling arrangements. Export control functions transferred from the ADC are now the responsibility of the Department. Regulations governing certain types of cheese products entering the regulated markets of the European Union and United States came into effect from 1 January 2004.</p>
Defence Act 1903 (Army and Airforce Canteen Services Regulations)	D		This review had not commenced by early March 2004.	
Defence Force (Home Loans Assistance) Act 1990	D		The review had not commenced by early March 2004.	
Defence Forces Retirement Benefits Act 1948* Military Superannuation and Benefits Act 1991*	T	Limits on choice of funds.	The Australian Government does not intend to provide a choice of fund for military personnel. The superannuation schemes operated under the Acts contain benefit features that are unique to the nature of military service.	The Australian Government argues that attractive in-service death and invalidity benefits are required to attract and retain Defence Force personnel. The Government does not propose to alter defence sector superannuation arrangements.

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Defence Housing Authority Act 1987	D		Review completed. A comprehensive external review of the Act was commissioned by the Defence Housing Authority and reported in November 2000.	The terms of reference for this review were agreed to in June 1998. Since then, however, extensive competitive neutrality reforms have been applied progressively to the DHA, including a commercial rate of return, debt neutrality and a tax equivalent regime. In addition, a Services Agreement has been instituted to set Defence Housing Authority relations with Defence on a commercial footing, and this Agreement does not oblige Defence to exclusively use the services of the Defence Housing Authority. Consideration is being given to whether the Act contains any restrictions on competition that would require a review.



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Disability Discrimination Act 1992	AG		<p>Act added to the Australian Government's LRP timetable in 1998-99. The Office of Regulation Review (ORR) approved terms of reference for the review on the 9 December 2002. The PC commenced the review on 5 February 2003.</p> <p>The PC has released an issues paper. Submissions were due in mid-May 2003, and a draft report was released in October 2003. The draft report was followed by another round of public consultations in January and February 2004. A final report is expected by April 2004. The draft report indicates that the legislation seems to meet the tests of the Competition Principles Agreement and has limited impact on competition. It recommends a number of reforms to the Act to make it more effective in meeting its objectives.</p>	The Government's final response will be tabled in Parliament within six months of receipt of the final report.
<p>Dried Vine Fruits Equalization Act 1978</p> <p>Dried Sultana Production Underwriting Act 1982</p> <p>Dried Vine Fruits Legislation Amendment Act 1991</p> <p>Various regulations under the Australian Horticultural Corporation Act 1987 restricting the export of dried vine fruit</p>	DAFF	<p>The Dried Vine Fruits Equalization Act 1978 equalises returns from the export of dried fruit.</p> <p>The Dried Sultana Production Underwriting Act 1982 underwrites the production of sultanas.</p> <p>The regulations under the Australian Horticultural Corporation Act 1987 restrict the export of dried fruits.</p>	The Acts have been repealed without review. The regulations expired as part of horticulture industry regulation and structural reforms.	Acts repealed and regulations expired. New dried fruit export licensing arrangements now in place (quality standards, export credit insurance and statistical reporting) followed the preparation of a regulatory impact statement approved by the Secretary of DAFF. These are reviewed under NCP every three years.

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Duty Drawback (Customs Regulations 129-136B) TEXCO (Tariff Export Concession Scheme) — Customs Tariff Act 1995, Schedule 4, Item 21, Treatment Code 421	AG		Review completed in 1997.	TEXCO and Duty Drawback integrated into simplified and more accessible scheme — TRADEX.
Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991	DEST	Requires registration of providers of education to overseas students.	Review completed.	Act extended to allow development of self regulating measures.
Employment Services Act 1994 (case management issues)	DEWR		Review removed from the Australian Government's LRP.	
Environmental Protection (Nuclear Codes) Act 1978	DHA			Act repealed by the Australian Radiation Protection and Nuclear Safety (Consequential Amendments) Act 1998. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) will oversee the codes.

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Export Control (Unprocessed Wood) Regulations under the Export Control Act 1982	DAFF	<p>Licensing of unprocessed wood exporters.</p> <p>Licensing of hardwood chip exporters.</p> <p>Maximum aggregate mass limits for woodchip exports.</p>	<p>Review principally by DAFF officials completed in July 2001. It recommended the Government:</p> <ul style="list-style-type: none"> <li>• remove export controls on sandalwood;</li> <li>• remove export controls over plantation-sourced wood if reviews of plantation codes of practice for Queensland and the Northern Territory find these meet National Plantation Principles; and</li> <li>• either remove export controls over native forest-sourced hardwood chips, or allow such exports from non-RFA regions under licence.</li> </ul>	<p>The Government is currently planning the removal of export controls on exporting sandalwood and is consulting with Western Australia on this matter. Discussions are yet to take place with Queensland, the other State that exports sandalwood. Discussions with Queensland on a Code of Practice for plantation timber will be progressed in 2004.</p> <p>The Government has agreed to remove export controls on plantation timber from the Northern Territory and is finalising administrative arrangements for this to occur.</p> <p>Once export controls have been removed for plantation timber from the Northern Territory and Queensland, export controls on hardwood chips from non-RFA regions can then be considered for removal. Hardwood chips from native forest in non-RFA regions are prohibited from export.</p>

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Export Control Act 1982 (fish, grains, dairy, processed foods etc)	DAFF	Registration of processing premises. Inspection of premises and goods. Product standards. Charges and penalties for noncompliance.	Review of provisions related to fish, grain, dairy and processed food completed in February 2000. Review recommended: <ul style="list-style-type: none"> <li>• introducing a three-tier model for export standards;</li> <li>• harmonising domestic and international standards;</li> <li>• retaining a monopoly on certification of exports; and</li> <li>• making monitoring and inspection contestable.</li> </ul>	The Government has accepted all recommendations, and progress has been made against each of them. In the meat export industry, a harmonised national standard has been developed and subordinate legislation is being restructured to reflect the three-tier model proposed by the Report.  The Quarantine and Exports Advisory Committee is monitoring implementation of the recommendations.
Export Finance and Insurance Corporation Act 1991  Export Finance and Insurance Corporation (Transitional Provisions and Consequential Amendments) Act 1991	DFAT		Review deleted from the Australian Government's LRP in June 2002.	
Financial Corporations Act 1974	T		Removed from the Australian Government's LRP.	
Financial system — comprehensive review of the regulatory framework	T		Review completed in 1997. The Wallis Inquiry examined the Australian financial system, making recommendations on regulatory change.	The Government announced package of reforms in September 1997. Suite of legislation passed in all jurisdictions in 1998-99, and in 2001, in line with recommendations.

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Financial Transactions Reports Act 1988	AG	The objective of the Act is to facilitate administration and enforcement of taxation laws, other laws of the Australian Government and the Territories, and to make information collected available to State authorities to facilitate administration and enforcement of the laws of the States.	Review, by a taskforce of Australian Government officials with a reference group of two non-government persons, completed. The taskforce report recommends a number of amendments to the Act and the Regulations. Those recommendations, together with a number of other legislative amendment proposals, have been the subject of continuing consultations.	<p>The recommendations of the taskforce will be considered as part of Australia's wider consideration of implementing the Financial Action Task Force on Anti-Money Laundering, international anti-money laundering and counter-terrorist financing standards.</p> <p>On 8 December 2003, the Government announced its endorsement of those international standards. This will require a significant review of Australia's anti-money laundering system and include some new measures intended to counter terrorism financing.</p>

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Fisheries Legislation	DAFF	Licensing of commercial fishers. Permits for fish receivers. Input controls on boats, gear and fishing methods. Output controls such as total allowable catches, individual transferable quota (transfer of which is subject to various restrictions), size limits, prohibitions on taking certain species and restrictions on by-catch.	<p>Review finalised in September 2002, recommending that the Australian Government retain all existing restrictions available under the Act, subject to using the following controls as temporary measures only while longer term measures are developed and implemented:</p> <ul style="list-style-type: none"> <li>• Competitive total allowable catches.</li> <li>• Nontransferable fishing rights.</li> <li>• It also confirmed that individual transferable quotas are the preferred management tool where it is feasible to set and enforce practical total allowable catches.</li> </ul>	<p>The Government referred the report to the wider review of Commonwealth fisheries policy. The Fisheries Minister tabled a report of this policy review, Looking to the Future, in Parliament on 25 June 2003. The report noted that:</p> <ul style="list-style-type: none"> <li>• The Australian Government will prepare a policy paper on pursuing economic efficiency and ecologically sustainable development in management of Commonwealth fisheries.</li> <li>• The Australian Fisheries Management Authority (AFMA) will continue to provide RISs when developing statutory management plans.</li> <li>• The Government will amend the Fisheries Management Act 1991 ('the Act') to clarify that management plans must include objectives that are consistent with those under the legislation, and include criteria and timeframes for performance review.</li> </ul> <p>The AFMA will complete fisheries management plans for all major fisheries as soon as practicable, and implement the Government's cost recovery policy for Commonwealth-managed fisheries.</p>

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Food Standards Australia New Zealand Act 1991 (replaces the Australia New Zealand Food Authority Act 1991)	DHA	Establishes the Australia New Zealand Food Authority (ANZFA) (now FSANZ), which develops food standards, coordinates food surveillance and recall systems, and develops codes of practice with industry.	Blair review of food regulation completed in 1998. Review recommended amending the Act to: clarify regulatory objectives; and require ANZFA, in carrying out its regulatory functions, to apply an NCP test.	Act was amended by the Australia New Zealand Food Authority Amendment Act 1999 to address the key recommendations.
Food Standards Code (under the Food Standards Australia New Zealand Act 1991)	DHA	The Code sets standards for preparation, composition and labelling of food.	ANZFA developed a proposed new code including new standards on ingredient and nutritional labelling. It undertook regulatory impact analysis but the ORR found this analysis to be inadequate. A revised code has since been developed.	A new joint code was adopted in November 2000. Transition arrangements were completed in December 2002.
Foreign investment policy and associated regulation	T		Review completed in September 1999.	On 3 September 1999, the Treasurer announced a number of foreign investment policy and administrative changes arising from the review. These changes reduce notification obligations on business and streamline the administration of foreign investment policy, while continuing to ensure that foreign investment is consistent with the interests of the Australian public. A number of changes required regulation, which took effect from September 1999.
General Insurance Supervisory Levy Act 1989	T		Removed from the Australian Government's LRP.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Hazardous Waste (Regulation of Imports and Exports) Act 1989</p> <p>Hazardous Waste (Regulation of Imports and Exports) Amendment Bill 1995</p> <p>Related Regulations</p>	DEH	Act's objective is to regulate export, import and transit of hazardous waste to ensure it is managed in an environmentally sound manner to protect human beings and the environment, both within and outside Australia, from the harmful effects of the waste.	<p>Review, by a taskforce of officials from Environment Australia, Attorney-General's Department, the Department of Foreign Affairs and Trade, the Department of Industry, Science and Resources and the Department of Health and Aged Care and the ORR, completed. The taskforce is supported by the Hazardous Waste Act Policy Reference Group, acting as a reference group of independent members.</p> <p>A draft report of the review was discussed with stakeholders at a meeting of the Hazardous Waste Act Policy Reference Group in November 2000. The taskforce of officials required that numerous changes be made and the final report was received on 23 February 2001. A copy of the report can be located at: <a href="http://www.ea.gov.au/industry/hwa/papers/review.html">www.ea.gov.au/industry/hwa/papers/review.html</a>.</p>	<p>The Government response, agreeing to most of the review recommendations, was released on 12 June 2001 and can be located at: <a href="http://www.ea.gov.au/industry/hwa/papers/review_response.html">www.ea.gov.au/industry/hwa/papers/review_response.html</a>.</p> <p>Amendments to the Hazardous Waste (Regulation of Exports and Imports) Act 1989 commenced on 16 October 2001, implementing some of the recommendations.</p> <p>Amendments have been made to the 'Australian Guide to Exporting and Importing Hazardous Waste: Applying for a Permit: Second Edition' implementing some other recommendations.</p> <p>A draft RIS to the Fess Regulations was discussed with stakeholders in September 2003 and the amendment process has begun.</p> <p>Further recommendations will be implemented in amendments to the OECD Decision Regulations in early 2004.</p>



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Health Insurance Act 1973, Part IIA	DHA	Pathology collection centre licensing which affects entry to the market.	An NCP review commenced in 2000 and was completed in December 2002. Review found that, under the current funding arrangements, it is necessary to maintain the current legislative framework to achieve the Government's objectives. It also found that the approved collection centre scheme may not be appropriate or sustainable in the longer term, but recommended deferring reforms in this area until 2005 to provide time to realise any benefits arising from the new arrangements.	Legislative changes introduced in June 2001 simplified the licensed collection centre scheme while retaining licensing. The review report was released to the public in February 2003 and is available at DHA's website.  The Government has agreed and finalised its response, and DHA is working to implement the recommendations as a priority.
Health Insurance Amendment Act (No. 2) 1996*		Prevents new medical graduates from providing a service that attracts a Medicare rebate unless they hold postgraduate qualifications, are studying towards such qualifications or work in rural areas.	Mid-term review of provider number legislation completed in December 1999. Review recommended removing the sunset clause on the legislation and addressing some training issues.	Act amended in 2001 to remove the sunset clause.
Higher Education Funding Act 1988 Vocational Education and Training Funding Act 1992 Other regulation with similar effects to the Higher Education Funding Act 1988	DEST		Review completed in 1998 as part of the West Review of Higher Education Financing and Policy. Proposed changes relate to the equal treatment of private and public institutions.  The Australian National Training Authority (ANTA), the Australian Government and the State and Territory Governments reviewed major components funded under the Vocational Education and Training Funding Act 1992. This Act is Commonwealth-State funding legislation, and does not directly affect business or restrict competition. Neither does it have	The outcomes of the Higher Education Review were announced by the Treasurer in the 2003-04 Budget. The Higher Education Support Act 2003, given royal assent on 19 December 2003, is new primary legislation for the Australian Government's funding and regulation of the higher education sector and will give effect to the Government's higher education reforms.  The Act: <ul style="list-style-type: none"> <li>provides the framework for quality and accountability in the</li> </ul>

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			a significant indirect impact on business.	<p>higher education sector;</p> <ul style="list-style-type: none"> <li>• establishes the Australian Government Grants Scheme (CGS);</li> <li>• provides for forms of financial assistance for higher education providers; establish the Student Learning Entitlement and the Australian Government Higher Education Record, which will include a unique student identifier;</li> <li>• establishes the framework for Australian Government Scholarship Programmes;</li> <li>• establishes the Higher Education Loans Programme (HELP); and</li> <li>• maintains relevant provisions from Chapter 6 of the Higher Education Funding Act 1988 — miscellaneous provisions which include appropriating money from the Consolidated Revenue Fund.</li> </ul> <p>The Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991 was repealed and replaced in part by the Education Services for Overseas Students Act 2000. An independent evaluation of the operation of this Act has commenced.</p>

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Home and Community Care Act 1985	DHA		Act removed from the Australian Government's LRP.	
Human Services and Health Legislation Amendment Act (No. 2) 1995*		Prevents new medical graduates from providing a service that attracts a Medicare rebate unless they hold postgraduate qualifications, are studying towards such qualifications or work in rural areas.	Mid-term review of provider number legislation completed in December 1999. Review recommended removing the sunset clause on the legislation and addressing some training issues.	Act amended in 2001 to remove the sunset clause.
Imported Food Control Act 1992 and Regulations	DAFF	Requires imported food to meet Australian standards. Subjects imported food to risk-based inspection and testing. Only Australian Government Analytical Laboratories performs testing.	Review completed in 1998. Review recommended: <ul style="list-style-type: none"> <li>recognising quality assurance processes of importers;</li> <li>tailoring inspection rates and strategies to importer performance and agreements on certification and compliance; and</li> <li>permitting qualified laboratories to test imported food.</li> </ul>	Australian Government accepted all recommendations in June 2000. Amendments to the Act have been introduced into Parliament and were before the Senate in early 2004, while amendments to regulations relating to surveillance of imported food are close to finalisation.
Income Equalisation Deposits (Interest Adjustment) Act 1984 Loan (Income Equalisation Deposits ) Act 1976	DAFF		Review completed.	These schemes were replaced by the Farm Management Deposit Scheme in 1998. The new scheme is a commercially available arrangement operating through deposit taking institutions (such as banks, credit unions and building societies).
Industrial Relations Act 1988	DEWR		Review subsumed into major restructuring of industrial relations legislation.	Changes to structure for negotiating wages and conditions. Legislation replaced by the Workplace Relations Act 1996.

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Insurance (Agents and Brokers) Act 1984	T		Act removed from LRP.	
Intellectual property protection legislation Designs Act 1906 Patents Act 1990 Trade Marks Act 1995 Copyright Act 1968 Circuit Layouts Act 1989)	AG and DITR	Objective of each Act is to encourage investment in innovation and creative effort for the benefit of society.	Review by an independent committee completed in September 2000. Public consultation included releasing an issues paper and an interim report, receiving submissions, and consultation.  The review committee presented its Report on Parallel Importing under the Copyright Act 1968 in June 2000 and its final report, Review of Intellectual Property Legislation under the Competition Principles Agreement, in September 2000. The final report is available on the review committee's website ( <a href="http://www.ipcr.gov.au">www.ipcr.gov.au</a> ).	In June 2000, the Government announced the decision to allow parallel imports of books, periodicals, printed music and software products (with the decision being informed, inter alia, by the June 2000 report noted above).  The Government announced its response to the review on 28 August 2001, including: <ul style="list-style-type: none"> <li>raising threshold tests for obtaining a patent to international standards, implementing a grace period to protect a patent application against invalidation by inadvertent or ill-timed public disclosure, and amending the Trade Marks Act 1995 to remove the impediment to the parallel importation of legitimately trade marked goods. The Government fast-tracked implementation of the more significant patent initiatives;</li> <li>accepting the recommendation to repeal copyright control over parallel importation, except in relation to films;</li> <li>accepting recommendations regarding the copyright term and the efficient operations of the</li> </ul>

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				<p>Internet; and</p> <ul style="list-style-type: none"> <li>• deciding to consider best practice guidelines for the Australian Government in commissioning works with regard to Crown ownership of commissioned works.</li> </ul> <p>The Government did not accept the recommendation to remove the cap on royalties for broadcasting sound recordings, and accepted in part the Committee's recommendations regarding collecting societies, identifying existing as well as future actions to implement the Committee recommendations.</p> <p>Some of the recommendations have been implemented through various Acts and Regulations, while further legislation will be introduced during 2004. In November 2003, the Government announced a review of government ownership of copyright.</p> <p>For the two recommendations deferred to the Advisory Council on intellectual property, the Council reported to Government on one in December 2003 and expects to report on the other by mid 2004.</p> <p>In its formal response, the Government accepted the recommendations regarding the copyright term and the efficient operations of the Internet but has since had further occasion to review</p>

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				the issue of the term of protection and the amendments made by the Copyright Amendment (Digital Agenda) Act in the context of the negotiations on a free trade agreement (FTA) with the USA and a specific review of the digital agenda amendments. Following the conclusion of the FTA in February 2004, the Government has agreed to increase the term of protection by an additional 20 years. Further, it proposes to make changes to provisions concerned with technological protection and the arrangements for managing the liability for Internet service providers to make these areas more in line with US law. The review of the digital agenda amendments was not complete at the time of writing.
Interactive Gambling Act 2001*	DCITA	Prohibition.	The ORR is of the view that, although the social benefits of the proposed legislation were discussed, the Regulation Impact Statements that had been prepared before the Act was introduced did not demonstrate that the Government's objectives could only be met by restricting competition.	
International Air Service Agreements	DTRS		Review by the PC completed in September 1998. Review combined with the review of International Air Services Commission Act 1992.	On 3 June 1999, the Government issued a joint statement by the Treasurer and Minister on international aviation policy. Provisions are being progressed, with the regulations and policy statement being negotiated with stakeholders.

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International Air Services Commission Act 1992	DTRS		Review by the PC completed in September 1998. Review combined with the review of International Air Services Agreements.	On 3 June 1999, the Government issued a joint statement by the Treasurer and Minister on international aviation policy. Provisions are being progressed, with the regulations and policy statement being negotiated with stakeholders.
International Arbitration Act 1974	AG		Review completed. Act assessed as not restricting competition.	The Government accepted the review recommendations.
Land Acquisition Acts: Land Acquisitions (Defence) Act 1968 Land Acquisition (Northern Territory Pastoral Leases) Act 1981 Land Acquisition Act 1989 and Regulations	DFA	<p>The Land Acquisition Act sets out processes that the Australian Government and its agencies must follow when acquiring or disposing of an interest in land. It also deals with entry on private land by Australian Government officers and the regulation of mining on Australian Government land. The Act includes provisions for compulsorily acquiring an interest in land and for the arrangements for consequential payment of compensation.</p> <p>The Land Acquisition (Defence) Act 1986 facilitated the acquisition of public park land in New South Wales for defence purposes and the Land Acquisitions (Northern Territory Pastoral Leases) Act 1981 was used to compulsorily acquire two pastoral leases for subsequent inclusion in Kakadu National Park.</p>	Review, by officers of the Department of Finance and Administration reporting to an internal Steering Committee, completed. The review was advertised nationally and public comment sought from interested persons. The review identified some operational and administrative issues but concluded that the legislation substantially complies with competition policy principles.	There is no Government response to the report; however, the review found that the legislation does not significantly restrict competition.

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Life Insurance Supervisory Levy Act 1989	T		Removed from the Australian Government's LRP.	
Marine Insurance Act 1909	AG	The Act sets out the legal requirements surrounding contracts for and policies of marine insurance.	Review by the Australian Law Reform Commission was submitted to the Attorney-General on 30 April 2001 and tabled in Parliament on 22 May 2001. Review recommended minor changes, including bringing marine insurance brokers and agents into the financial services reform regulatory framework. The review found that the Act has no impact on competition in the insurance sector, and is not regulatory legislation.	The Government has yet to announce its response.
Migration Act 1958 — sub-classes 120 and 121 (business visas)	DIMIA		Review completed in 1997.	Amendments, aimed at strengthening and streamlining the skilled entry programs, came into effect in November 1997.
Migration Act 1958 — sub-classes 560, 562 and 563 (student visas)	DIMIA		Review completed in 1998.	Recommendations implemented to further deregulate student visa program without compromising the integrity of the immigration program.
Migration Act 1958 — sub-classes 676 and 686 (tourist visas)	DIMIA		Removed from the Australian Government's LRP.	



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Migration Act 1958, Part 3 (Migration Agents and Immigration Assistance) and Regulations	DIMIA		Review completed in 1997. Review combined with that for Migration Agents Registration (Application) Levy Act 1992 and Migration Agents Registration (Renewal) Levy Act 1992. Review concluded that due to consumer protection concerns, voluntary self-regulation was not immediately achievable, and a transitional arrangement needs to be in place to enable the industry to prepare for self-regulation.	The Government accepted review findings, and passed legislation to implement statutory self-regulation for two years then voluntary self-regulation. Statutory self-regulation extended to March 2003 after a review in 1999 found that the industry was not ready for voluntary self-regulation.
Migration Agents Registration (Application) Levy Act 1992 Migration Agents Registration (Renewal) Levy Act 1992	DIMIA		Review completed in 1997. Review combined with that for Migration Act 1958 Part 3.	The Government decided to move the migration advice industry to statutory self-regulation. Legislation to give effect to this decision commenced in March 1998.
Moomba-Sydney Pipeline System Sale Act 1994 — Part 6 (access provisions)	T		Removed from the Australian Government's LRP.	Act repealed.
Motor Vehicle Standards Act 1989	DTRS	Provides a mechanism for setting national safety, emissions and anti-theft standards for road vehicles supplied to the Australian market. It applies to all new and imported vehicles.	Review completed. Review recommended a number of changes to the administrative and legislative arrangements to improve clarity and efficiency. It recommended that the low volume scheme be maintained and extended to full volume manufacturers and some other modifications to the scheme should be made. The review also recommended changes to the vehicle import arrangements and cost recovery.	The Government announced changes on 8 May 2000. The Government accepted nearly all of the report recommendations except those relating to restrictions on imports of vehicles under the Low Volume Scheme. A new scheme, the Specialist and Enthusiasts Vehicle Scheme, is now in place.  Some amendments commenced on 1 April 2002 and work is progressing on other matters.

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Mutual Recognition Act 1992	DEST and PMC		National review completed in July 1998. Review conducted by a working group of Council of Australian Governments (CoAG) Committee on Regulatory Reform (CRR), comprising representatives from the Australian Government, NSW, Queensland (Chair) and WA. The report, which covers both the NCP and Mutual Recognition Agreement (MRA) aspects of the review, is available on the Internet at <a href="http://www.pmc.gov.au">www.pmc.gov.au</a> . The review found that the scheme is generally working well to minimise the impediments to freedom of trade in goods and services and to establish a truly national market in goods and services in Australia. The review data indicated that the MRA has increased competition and consumer choice, and reduced business costs. In relation to the NCP review, it was recommended that all existing (potentially anticompetitive) exceptions to the MRA be retained.	<p>Jurisdictions generally support the review recommendations. In relation to the NCP aspect of the review, Queensland and Victoria had concerns about some recommendations.</p> <p>The recommendations of the review, and the concerns expressed by Queensland and Victoria are being taken up in the 2003 review of the MRA. On 8 January 2003, the PC commenced a nine month commissioned research study reviewing the Trans Tasman Mutual Recognition Arrangement (TTMRA) and its internal Australian equivalent, the MRA. The PC report was released in October 2003, concluding that the MRA and TTMRA have been effective overall in assisting the integration of the State, Territory and New Zealand economies.</p>
National Health Act 1953 (Part 6 and Schedule 1) Health Insurance Act 1973 (Part 3)	DHA	Community rating of private health insurance, preventing insurers from setting different terms and conditions for insurance on the basis of sex, age and health status.	The PC completed a review of private health insurance in 1997. The review was prevented from examining community rating.	The Government accepted most recommendations. Succession of legislative changes from 1998. Lifetime Health Cover introduced July 2000, amending community rating to permit a premium surcharge for new entrants based on age at entry.

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National Residue Survey Administration Act 1992 and related Acts	DAFF	Provides for monitoring of chemical residue in many Australian agricultural food commodities.	Review, by a committee of officials, completed and made public. The review committee concluded that the legislation did not restrict competition and actually provided a substantial competitive benefit to Australian producers by facilitating local and international trade. The Government has approved the report and its recommendations and it has been forwarded (out of session) to SCARM and the Standing Committee on Fisheries and Aquaculture for information.	No reform required.
National Road Transport Commission Act 1991 and related Acts	DTRS	The Act provides a statutory basis for the National Road Transport Commission (NRTC), which is also governed by Heads of Government Agreements scheduled to the Act. The NRTC's primary role is to advise the Australian Transport Council (ATC) on reforms that will improve the safety, efficiency and reduce the administrative cost of road transport.	Review completed in 1997. Review recommendations focused on improving the NRTC and the delivery of its outcomes. No changes were needed to address the requirements of the Competition Principles Agreement (CPA). ATC Ministers made recommendations to CoAG in 1997.	<p>Following a Review of the Act commencing in December 2001, Heads of Government agreed to the repeal of the Act and the establishment of a new body, the National Transport Commission, under the <i>National Transport Commission Act 2003</i>.</p> <p>The National Transport Commission commenced on 15 January 2004 with a focus on cooperative national regulatory reform with responsibilities for road, rail and intermodal transport. The Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport formalises the cooperative arrangements between the States, Territories and the Australian Government and defines the role and responsibilities of the new Commission, the Australian Transport Council and jurisdictions.</p>

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Native Title Act 1993 and Regulations	AG		Review had not commenced by early March 2004. The Department is examining whether review of the Act is required.	
Navigation Act 1912	DTRS	Regulates maritime matters (including ship safety, coastal trade, the employment of seafarers and shipboard aspects of protection of the marine environment), wreck and salvage operations, passengers, tonnage measurement of ships, administrative measures relating to ships and seafarers, and processes (part VI) for engaging in coastal trade.	The Shipping Reform Group reviewed the coastal trade provisions of part VI of the Act in 1997. The rest of the Act was reviewed in two stages. The first stage was concerned with employment regulation in shipping. The second stage was a comprehensive review of the Act (excluding part VI) that was completed in June 2000. The review found that the benefits of regulating ship safety and environmental protection outweigh the costs of restrictions on competition, and that the alternative approaches to meeting shipping safety and environmental objectives would be impractical.	<p>Following the 1997 review, the Government introduced measures to streamline processes and reduce compliance costs in coastal trade. The first stage of the review led to the Navigation Amendment (Employment of Seafarers) Bill 1998. The Bill would have removed the employment-related provisions that are inconsistent with the Workplace Relations Act 1996. The Bill was introduced to Parliament on 25 June 1998. The Senate rejected a significant number of items. The Minister deferred the Bill. The second stage of the review covered maritime and safety issues and seafarers' employment arrangements that had been deferred from the first stage process.</p> <p>The Government has recently announced its intention to introduce amendments to Section 286 of the Act and there is an ongoing examination of this Act and the Shipping Registration Act 1912 as part of the Government's consideration of shipping policy issues.</p>

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Nuclear Safeguards (Producers of Uranium Ore Concentrates) Charge Act 1993 and Regulations	DFAT	Imposes a charge on uranium producers to recover cost of nuclear safeguards and protection activities.	Review by officials completed in 1997. Review recommended principally that the flat fee be replaced with an output-based fee. Review also recommended removal of cap on fees paid by individual producers.	The Government announced its response in December 1997, accepting all recommendations but that to remove the fee cap.

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<p>Ozone Protection Act 1989 Ozone Protection (Amendment) Act 1995</p>	<p>DEH</p>	<p>Implement the provisions of the Montreal Protocol on Substances that Deplete the Ozone Layer. Regulates the phase out of ozone depleting substances, in some cases ahead of the Montreal Protocol requirements where consultations with industry determined a faster phase out was possible.</p>	<p>Review completed in January 2001 and endorsed by the Minister for the Environment and Heritage in May 2001. The review recommended that:</p> <ul style="list-style-type: none"> <li>• the Ozone Protection Reserve be extended to include all applications, revenue and expenditure associated with ozone protection, including that associated with the National Halon Bank;</li> <li>• Environment Australia develop longer-term budgets for its ozone protection activities;</li> <li>• a fee be introduced for processing Section 40 exemptions under the legislation;</li> <li>• Australian Government end-use powers be elaborated and exercised in a new part of the legislation;</li> <li>• the Australian Government consider early extension of the legislation to ensure national consistency in ozone protection regulation across all States and Territories, in relation to supply and end-use; and</li> <li>• noting widespread support from stakeholders, the Australian Government should determine, upon direct and early advice from relevant agencies, whether the legislation should be extended to cover synthetic greenhouse gases used in Montreal Protocol industries.</li> </ul>	<p>In a press release on the 2002-03 Budget, the Minister for the Environment and Heritage announced measures in response to the review.</p> <p>Amendments to the Ozone Protection Act 1989 and the Ozone Protection and Synthetic Greenhouse Management Act 1989 were passed in December 2003.</p> <p>The Department of Environment and Heritage and the Australian Greenhouse Office have commenced implementation of the amendments. The licensing system for synthetic greenhouse gases and equipment pre-charged with HCFCs or HFCs commences on 1 April 2004. Consultation has commenced with fire protection, refrigeration and air-conditioning industries to establish end-use regulations and product stewardship arrangements. End use arrangements for these sectors are expected to be in place by mid 2004.</p>

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Parliamentary Contributory Superannuation Act 1948	T	Limits on choice of funds.	Review completed. Review of the Act concluded that administration costs are trivial and that there are efficiencies. The scheme operated under this Act (an unfunded defined benefit scheme) is small (with minimal consequences arising from the lack of competition).	Choice of fund will not apply to parliamentarians.
Patents Act 1990, S198-202 (Patent Attorney registration)	DITR		Review completed.	In February 1997, the Government announced it would make changes to the Act including broadening the range of experience for qualifications in patents and removing restrictions to practice in trademarks and design.  The Government announced its response to the review on 28 August 2001. The Government fast tracked implementation of the more significant patent initiatives. The Patents Amendment Act 2001 amends the Patents Act 1990 to strengthen its novelty and inventiveness requirements. The introduction of a grace period for patents will be achieved through amendments to the Patents Regulations 1991. These amendments to both the Act and Regulations commenced on 1 April 2002.

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Petroleum (Submerged Lands) Act 1967	DAFF	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	Two specific legislative amendments flow from the review. One addresses potential compliance costs associated with retention leases and the other expedites the rate at which exploration acreage can be made available to explorers. These amendments were given effect by the Petroleum (Submerged Lands) Amendment Act 2002. Amendment and rewrites of the counterpart State and Northern Territory legislation will follow. Consequential amendments to the Gas Pipeline Access (Commonwealth) Act 1999, arising from the rewrite of the Petroleum (Submerged Lands) Act 1967, are expected to be introduced to Parliament in autumn 2004.



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<p>Petroleum Retail Marketing Franchise Act 1980</p> <p>Petroleum Retail Marketing Sites Act 1980</p>	DITR		Review had not commenced by early March 2004.	<p>The Treasurer's joint press release with the Minister for Industry, Tourism and Resources of 14 May 2002, notes that discussions are ongoing between the Government and industry concerning the reform package, and the Government will pursue petroleum industry reform if there is broad industry support.</p> <p>The Government responded to the Senate Economics Reference Committee Report in December 2002, confirming the Government's position favouring repeal of both Acts. Currently, the Government continues to actively pursue reform of the petroleum retail-marketing sector as part of the Downstream Petroleum Industry Framework, including the proposed repeal of these Acts. The reform package will be subject to the RIS process.</p>
Pig Industry Act 1986 and related Acts	DAFF	The Act established the Australian Pork Corporation whose functions include improving the production, consumption, promotion and marketing of pigs and pork both in Australia and overseas.	Work on the review was suspended following advice from industry on a restructure of industry bodies, including the Australian Pork Corporation.	Act repealed and replaced by the Pig Industry Act 2001 which allows for the declaration of a pig industry services body, established under Corporations Law, responsible for the industry's strategic policy development as well as the industry's marketing and research and development services, formerly provided by the Australian Pork Corporation and the Pig Research and Development Corporation.

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Pooled Development Funds Act 1992	DITR		Review completed in 1998.	Amendments were made through the Pooled Development Funds Amendments Act 2000.
Prawn Boat Levy Act 1995	DAFF		Removed from the Australian Government's LRP.	
Prices Surveillance Act 1983	T	<p>The Act assigns three specific functions to the ACCC:</p> <ul style="list-style-type: none"> <li>• to review price rises notified to the ACCC by certain organisations;</li> <li>• to undertake monitoring of prices or other matters for particular organisations, products or services; and</li> <li>• to hold inquiries into price and other matters as directed by the Australian Government.</li> </ul>	Review, by the PC, completed. Final reports provided to Government on 22 August 2001.	The Government has accepted the recommendation that the PSA be repealed and that limited new inquiry and monitoring functions be written into the TPA. An Act to give effect to the Government's response was passed on 17 December 2003 and is scheduled to commence on 1 March 2004.
Primary Industries Levies Act (and related Collection Acts)	DAFF	Legislation authorises the collection of statutory levies imposed on primary industries under separate legislation for specified purposes.	Review by officials completed in 2000. Review found, in general, that the benefits to the community of the present structure of levies legislation outweigh the costs and should be retained. Only some minor changes to the legislation and the guidelines were recommended, including a proposal that the guidelines indicate a preference for voluntary arrangements unless the free rider costs are assessed to exceed compliance, enforcement, administrative, and other costs.	An Interdepartmental Committee (IDC) was formed to develop a Government response. The Minister approved the response on 20 December 2003. The Government considered that there was sufficient flexibility in these arrangements to accommodate the issues raised in the review report without the need to explicitly indicate a preference for voluntary levy arrangements in the legislation or the guidelines. Hence, amendments to existing legislation and guidelines were not necessary.
Proceeds of Crime Act 1987	AG	The Act's principal objects are:	The competition principles review of the	The Proceeds of Crime Act 2002 and

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and Regulations		<ul style="list-style-type: none"> <li>• to deprive persons of the proceeds of, and benefits derived from the commission of offences against the laws of the Australian Government or Territories;</li> <li>• to provide for the forfeiture of property used in or in connection with the commission of such offences; and</li> <li>• to enable law enforcement authorities effectively to trace such proceeds, benefits and property.</li> </ul> <p>Other objects of the Act are:</p> <ul style="list-style-type: none"> <li>• to provide for the enforcement in the Territories of forfeiture orders, pecuniary penalty orders and restraining orders made in respect of offences against the laws of the States;</li> <li>• to facilitate the enforcement in Australia, pursuant to the Mutual Assistance Act, of forfeiture orders, pecuniary penalty orders and restraining orders made in respect of foreign serious offences; and</li> </ul>	<p>Financial Transaction Reports Act 1988 (FTR Act) completed in August 2000. That review included a review of Division 4 of Part IV of the Proceeds of Crime Act as well as of Part III of the FTR Act, both parts dealing with various obligations on financial institutions such as banks and like organisations to retain various records and documents. Division 4 of Part IV of the Proceeds of Crime Act, which imposes record retention obligations on financial institutions, is the only Part of the Proceeds of Crime Act which affects the business sector.</p>	<p>the Proceeds of Crime Act (Consequential Amendments and Transitional Provisions) Act 2002 came into effect on 1 January 2003. The Proceeds of Crime Act 2002 greatly strengthens and improves Australian Government laws for the confiscation of the proceeds of crime.</p> <p>The Proceeds of Crime Act 2002 includes improved provisions for conviction based confiscation and also provides for a new civil forfeiture regime (namely forfeiture which does not require conviction of a criminal offence as a condition precedent). It also includes provisions for literary proceeds orders to prevent criminals exploiting their notoriety for commercial purposes.</p> <p>Amongst other things the Proceeds of Crime Act (Consequential Amendments and Transitional Provisions) Act 2002 repeals Division 4 of Part IV of the Proceeds of Crime Act 1987 and replaces the repealed provisions by a new Part VIA which the Act inserts into the Financial Transaction Reports Act 1988.</p> <p>The Act includes provision for an independent review of the operation of the Act to be undertaken after the third year of its commencement (that is, as soon as practicable after 1 January 2006).</p>

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		<ul style="list-style-type: none"> <li>to assist foreign countries, pursuant to the Mutual Assistance Act, to trace the proceeds of, benefits derived from and property used in or in connection with the commission of foreign serious offences.</li> </ul>		
Protection of Movable Cultural Heritage Act 1986	DCITA		Review completed.	The Government implemented the review recommendations by amending the Act and regulations in December 1998 and May 1999.
Quarantine Act 1908 (human quarantine provisions)	DHA	Requires screening of goods and passengers entering Australia.	Departmental review of provisions relating to human quarantine completed in 1998. Review found minimal impact on competition, and public health benefits in excess of costs, but recommended some updating via a second phase review.	The Government announced in July 1998 that it approved the report. Act retained without reform.
Quarantine Act 1908 (in relation to plant and animal quarantine)	DAFF	Prohibits import of certain goods, animals and plants unless with a permit.	The NCP review of this Act has been delayed pending the resolution of the challenges concerning Australia's quarantine regime in the World Trade Organisation and assessment of any administrative and legislative actions that might become necessary as a result.	

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Radiocommunications Act 1992 and related Acts	DCITA	Licensing, and spectrum allocation.	<p>Review commenced in 1997. However, the national competition principles aspects of the review were not completed.</p> <p>The PC commenced a review of the Act in July 2001 and completed it in July 2002. The Government released the report on 5 December 2002. The report recommended legislative amendments to allow encumbered spectrum to be sold, to facilitate the conversion of apparatus licences to spectrum licences, to allow spectrum charges to be based on opportunity cost, to facilitate better use of spectrum for broadcasters, and to allow the Australian Communications Authority to re-assign spectrum licences three years before expiry.</p>	The Government accepted the PC's recommendations on conversion of licences, selling encumbered spectrum and re-assigning spectrum licences, and it will consider the recommendations on broadcasters' use of spectrum. Work has commenced on implementing amending legislation.
Rural Adjustment Act 1992  States and Northern Territory Grants (Rural Adjustment) Acts	DAFF		Review completed in 1997. Review report made a number of recommendations for future government programs to address rural adjustment.	The review recommendations were addressed in the Government's package 'Agriculture — Advancing Australia' announced on 14 September 1997. Consistent with the recommendations of the review, a range of other support schemes replaced the Rural Adjustment Scheme.
Safety, Rehabilitation and Compensation Act 1988*	C	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review completed in 1997. Review recommended introducing competition to Comcare.	No reforms introduced.

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Shipping Registration Act 1981	DTRS	Registration of ships and ship mortgages in Australia.	Review completed in 1997. Review recommended amendments to improve the efficiency of the legislation and reduce compliance costs.	The Government accepted the review recommendations. The shipping industry, however, raised concerns about implications on finance for shipping, particularly mortgage arrangements. The proposed amendments to the legislation did not proceed. The Government has informed the Council that it is considering the review recommendations in the context of broader shipping policy issues. The Government advised in July 2003 that a review of significant shipping issues is under way.
Spectrum Management Agency (SMA) - review of SMA's market-based reforms and activities.*	ACA		Review by the PC completed.	
Superannuation Act 1976 Superannuation Act 1990 Superannuation Guarantee (Administration) Act 1992	T	Limits on choice of funds.	Review completed in 1997.	Following the 1997 review, the Government introduced legislation to Parliament to allow choice of fund for Australian Government employees. Amending legislation was defeated in the Senate in 2001. Legislation requiring employers to offer choice of funds was reintroduced to Parliament on 27 June 2002. The legislation passed the House of Representatives on 4 December 2003 and is awaiting debate in the Senate. Further legislation would be required to allow all Australian Government employees to be offered choice of funds.

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<p>Superannuation Industry (Supervision) Act 1993</p> <p>Superannuation (Resolution of Complaints) Act 1993</p> <p>Superannuation (Financial Assistance Funding) Levy Act 1993</p> <p>Superannuation (Self Managed Superannuation Funds) Taxation Act 1987</p> <p>Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act 1991</p> <p>Occupational Superannuation Standards Regulations Applications Act 1992</p>	T	Provision for prudential supervision of the superannuation industry and the imposition of certain levies on superannuation funds and approved deposit funds.	An NCP review of the Acts by the PC completed on 10 December 2001. Review report made various recommendations relating to the prudential supervision and regulation of the superannuation industry.	Interim response to PC review was released by the Assistant Treasurer on 17 April 2002. The Government agreed to various recommendations, including one relating to simplifying compliance requirements and enhancing capital adequacy requirements. The Government subsequently released its response to another report of the Superannuation Working Group chaired by Mr Don Mercer. This paved the way for the Government to issue its final response to the PC report on 20 June 2003. The Government introduced the Superannuation Safety Amendment Bill 2003 to implement recommendations that all superannuation fund trustees be licensed and required to submit a risk management plan to APRA. It also agreed to implement most of the PC's other recommendations (or take action that is largely consistent with those recommendations).

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Therapeutic Goods Act 1989		<p>Scheduling restrictions on the labelling, packaging and advertising of listed substances, and to whom a product may be sold and under what conditions.</p> <p>Licensing restrictions on the handling, storage and reporting requirements of controlled substances for wholesalers and retailers.</p>	<p>The Galbally Review of Drugs, Poisons and Controlled Substances issued a final report in January 2001 which concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. The report found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>The final report was presented to the Australian Health Ministers Conference (AHMC) in early 2001. An Australian Health Ministers Advisory Committee (AHMAC) working party examined the report and (with input from the Primary Industries Ministerial Council) provided to AHMAC a draft response to the Galbally national review. AHMAC endorsed the draft response and sent it to the AHMC in July 2003. The response was endorsed by AHMC out-of-session in October 2003 and was forwarded to CoAG.</p>	<p>Since the release of the Report of the Galbally review, the Australian and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products. Australia's Therapeutic Goods Administration (TGA) and the New Zealand Medicines and Medical Devices Safety Authority (Medsafe) will be replaced by a single agency accountable to both the NZ and Australian governments. These new arrangements will probably commence on 1 July 2005.</p> <p>Australian and NZ officials are developing the regulatory framework and the legislation to regulate therapeutic products in both countries. Rather than reviewing and reforming the Therapeutic Goods legislation, which is likely to be repealed in 2005, the Government response therefore proposes that the Galbally review recommendations which require Commonwealth legislative change, be implemented as part of the new trans-Tasman legislation.</p> <p>The TGA is working with relevant health officials in the Australian States and Territories and NZ to co-ordinate changes required to State / Territory legislation to implement relevant Galbally recommendations and the development of the new trans-Tasman legislation.</p>



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Torres Strait Fisheries Act 1984	DAFF	Licensing of community and commercial fishers. Wide Ministerial powers to prohibit taking of certain species; prohibit taking fish under certain sizes; and impose a variety of input controls. Collection of a research and development levy.	Review completed in 1999 by Australian Government and Queensland officials. The review recommended: <ul style="list-style-type: none"> <li>• a new statement of objectives for the Act;</li> <li>• maintaining the distinction between community and commercial fishing;</li> <li>• retaining licensing of fishing; and</li> <li>• retaining wide Ministerial powers to regulate fishing.</li> </ul>	No reform required.
Trade Practices (Consumer Product Information Standards) (Care for clothing and other textile products labelling) Regulations	T		Review completed in 1997.	The Government introduced a less prescriptive consumer product information standard.
Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations	T		Review completed in 1998.	Regulations replaced by the Trade Practices (Consumer Product Information Standards) Amendment Regulations, requiring a list of ingredients and a nomenclature used by the United States and the European Union.
Trade Practices Act 1974 — 2D exemptions (local government activities)	T	Exempts the licensing decisions and internal transactions of local government bodies from Part IV of the TPA, which regulates restrictive trade practices.	Review by the PC commenced in late September 2001. Draft report released on 16 May 2002 and is available at <a href="http://www.pc.gov.au">www.pc.gov.au</a> . Final report released on 12 December 2002.	The Australian Government released its response in December 2003, accepting the recommendations. It has commenced its work on drafting the Bill to give effect to these recommendations.

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Trade Practices Act 1974 — fees charged	T	Fees charged under the Act attempt to offset some of the costs of meeting the objectives of the Act through user charges.	Review completed. Review included in the twelve month PC inquiry "Cost Recovery by Regulatory, Administrative and Information Agencies - including Fees charged under the Trade Practices Act", which commenced in August 2000. The PC released the final report on 22 March 2002. The PC found that current TPA charges (by the ACCC) appear to have little if any impact on competition and economic efficiency and hence are not inconsistent with the competition tests under the CPA.	The Treasurer and Minister for Finance joint press release of 14 March 2002 noted that this completes this review commitment under the LRP. The press release is available at <a href="http://www.treasurer.gov.au">http://www.treasurer.gov.au</a> .
Trade Practices Act 1974 (including exemptions) — Part IIIA (access regime)	T	Provides a regime for third party access to services provided by significant infrastructure facilities.	Review, by the PC, completed. Issues paper released on 11 October 2000 and a position paper released in March 2001. The final report was provided to the Government on 3 October 2001.	The Government tabled the report on 17 September 2002. The Government released its final response to the report on 20 February 2004. The Treasurer's press release and the Government's response to the report are available at <a href="http://www.treasurer.gov.au">http://www.treasurer.gov.au</a> .

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Trade Practices Act 1974 (s 51(2) and s 51(3) exemption provisions)	T	Legislation provides for exemptions for a number of activities relating to intellectual property rights, employment regulations, export arrangements, and approved standards from many of the competition laws contained within Part IV of the TPA.	Review completed in 1999. The subject of a further review by the Intellectual Property and Competition Review Committee (the Ergas Committee), which forwarded its final report to the Australian Government in September 2000.	<p>The Government is considering its response to the review of section 51(2) of the TPA.</p> <p>On 28 August 2001, the Government announced changes to section 51(3) of the Act in its response to the report of the Intellectual Property and Competition Review Committee (the Ergas Committee) of December 2000, which also examined section 51(3) (see page X).</p> <p>The Government will amend the TPA by applying modified competitive conduct rules in Part IV (Restrictive Trade Practices) to intellectual property licensing transactions, and to exempt the Plant Breeders' Rights Act 1994 (Cth) from the modified competitive conduct rules. Passage of the Bill is expected in 2004.</p>

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

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Tradesmen's Rights Regulation Act 1946	DEWR	National recognition of metal and electrical trade skills developed informally.	Review completed in November 1998. Review recommendations included repealing the Act. Also recommended that the Australian Government vacate the domestic skills recognition field (and that Registered Training Organisations established under the Australian Recognition Framework undertake skill recognition on a free competition basis) and that detailed consideration be given to the implementation arrangements.	The Government accepted the review recommendations. A Bill to repeal the legislation introduced into Parliament. The Government is continuing consultations with industry about the new arrangements for domestic skills recognition and migration skills assessment.
Veterans' Entitlement Act 1986 - Treatment Principles (s90) and Repatriation Private Patient Principles (s90A)	DVA		Review had not commenced by early March 2004.	

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Wheat Marketing Act 1989	DAFF	Prohibits the export of wheat except with the consent of the Wheat Export Authority (WEA) or by AWB International Limited (AWBI).	<p>Review completed in 2000 by an independent committee (Irving Review),. It found that introducing competition was more likely to deliver net benefits than continuing the export controls. However, it also found it would be premature to repeal the Act before a relatively short evaluation of new commercial arrangements. Review recommended:</p> <ul style="list-style-type: none"> <li>• retaining the export single desk until the 2004 review;</li> <li>• incorporating NCP principles into the 2004 review;</li> <li>• developing performance indicators for the 2004 review;</li> <li>• moving from export consents to export licensing;</li> <li>• removing for a three-year trial the requirement that the WEA consult AWBI on applications to export of bagged and containerised wheat; and</li> <li>• removing for a three-year trial the requirement that the WEA obtain written approval from AWBI for the export of durum wheat.</li> </ul>	<p>In April 2001, the Australian Government announced its acceptance of recommendations, except that it:</p> <ul style="list-style-type: none"> <li>• declined to incorporate NCP principles in the 2004 review;</li> <li>• retained the requirement for consultation with AWBI on consents for export of bagged and containerised wheat; and</li> <li>• retained the requirement for written approval of AWBI for export of durum wheat.</li> </ul> <p>The Act was amended in July 2003. Changes included an objective for the WEA in undertaking its export control functions that gives effect to the position expressed by the government in its response to the NCP review.</p> <p>The 2004 review will now be conducted by an independent panel. While not addressing whether the single desk should continue, it will address the performance indicators developed as part of the Government's response to the NCP review.</p> <p>Another review of the legislation governing the single desk arrangements is required to be conducted before 2010.</p>