

6 Western Australia

Agency abbreviations

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

A	Department of Agriculture
BAG	Board of the Art Gallery of Western Australia
CALM	Department of Conservation and Land Management
CD	Department for Community Development
CEP	Department of Consumer and Employment Protection
CHA	Country Housing Authority
CSB	Coal Industry Superannuation Board
DET	Department of Education and Training
DH	Department of Health
DOIR	Department of Industry and Resources
DRGL	Department of Racing, Gaming and Liquor
DT	Department of Training
EP	Department of Environmental Protection
EPRA	East Perth Redevelopment Authority
F	Department of Fisheries
FESA	Fire and Emergency Services Authority
FPC	Forest Products Commission
GC	Gold Corporation
GESB	Government Employee Superannuation Board

HW	Department of Housing and Works
IA	Department of Indigenous Affairs
IC	Insurance Commission
J	Department of Justice
LGRD	Department of Local Government and Regional Development
LI	Department of Land Information
OE	Office of Energy
OWP	Office of Water Policy
P	Police Service
PC	Department of the Premier and Cabinet
PI	Department of Planning and Infrastructure
PTT	Perth Theatre Trust
RGL	Office of Racing, Gaming and Liquor
RIA	Rottnest Island Authority
SBDC	Small Business Development Corporation
SR	Department of Sport and Recreation
SRT	Swan River Trust
TF	Department of Treasury and Finance
WALA	Western Australian Land Authority
WCRC	Workers Compensation and Rehabilitation Commission

Legislation review: Western Australia

Updated to February 2004

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal Affairs Planning Authority Act 1972 and Regulations	IA	Access to Aboriginal lands is restricted. Provision of finance for Aboriginal enterprises which enables finance to be provided to Aboriginal enterprises through the Aboriginal trading fund, which may have competitive advantages over private sector lenders.	Review completed in 1997. Review concluded that both restrictions protect the residents of Aboriginal Lands and enable support for Aboriginal enterprises that could reduce reliance on welfare and other transfer payments. The costs are estimated to be minimal, but achieve significant public benefits. Recommended retaining the restrictions.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal Communities Act 1979 and By-laws	IA	<p>Section 7(1) empowers a community to which the act applies to make by-laws relating to the community lands of that community for or with respect to:</p> <ul style="list-style-type: none"> the prohibition or regulation of the admission of persons, vehicles and animals to the community lands or a part of the community lands; and the prohibition, restriction or regulation of the possession, use or supply of alcoholic liquor or deleterious substances. 	<p>Review completed in 1997. Review concluded that effects on the general economy are not significant. Nonlegislative alternatives were considered, but it is considered that the provision of powers to Aboriginal communities to regulate access to community lands is necessary and that no less restrictive means are available to fulfil the purpose of the Act and maintain the level of public benefit. Recommended retaining the powers of the communities to regulate access and the availability of deleterious substances on the grounds of public health and cultural preservation.</p>	<p>The Government endorsed the review recommendations. Act retained without reform.</p>
Aboriginal Heritage Act and Regulations 1974	IA	<p>Access to Aboriginal lands containing protected sites is restricted.</p>	<p>Review completed in 1997. Review concluded the restriction protects the cultural heritage of the State and ensures that sites of historical and cultural significance are not damaged or destroyed. Noted the restrictions on competition contained in the legislation are in the public interest and should be retained.</p>	<p>The Government endorsed the review recommendations. Act retained without reform.</p>

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Administration Act 1903 and Regulations	J	The Act treats natural persons differently from other classes of administrators of intestate estates as regards a requirement to obtain surety.	<p>Review completed in 1997. The restriction has no costs, but provides benefits by placing natural person administrators on a level playing field with other classes of administrators. It does so because other administrators are already subject to similar safeguards to protect deceased estates, by other means. Recommended retaining the restriction as it was found to be in the public interest.</p> <p>Review also recommended: broadening the range of financial institutions covered by a provision that grants them protection to pay funds from a deceased estate, up to a maximum amount, for funeral or other authorised purposes prior to administration of the estate; and making this maximum amount consistent with corresponding provisions of the Financial Institutions Code (WA).</p>	Amendments made under the Acts Amendment and Repeal (Financial Sector Reform) Act 1999 removed the restrictions that were to be addressed through the recommendations of the National Competition Policy (NCP) review of this Act.
Aerial Spraying Control Act 1966	A	Licenses aerial spray contractors.	National review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). The Government will replace the Act with regulations under the Agriculture Management Bill, currently being drafted.

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Agricultural Produce (Chemical Residues) Act 1983 and Regulations	A	Restricts sale, movement and destruction of chemically affected produce. Requires analysts to have minimum qualifications.	Not on WA's legislation review program (LRP) but reviewed as part of the national review of agvet chemicals. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). Act is to be replaced by the Agricultural Management Bill being drafted. Reform complete. However, the Government will replace the Act with regulations under the Agriculture Management Bill, currently being drafted.
Agricultural Products Act 1929 and Regulations	A	Regulates the packing and sale of agricultural products.	Review by officials completed. Review recommended repealing all codes and replacing these with regulations on labelling.	Codes have been repealed. The legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.
Agricultural Protection Board Act 1950	A		Review by officials, in conjunction with review of other agricultural protection Acts, completed. Review found the Act did not restrict competition.	Act retained without reform.
Agriculture Act 1988	A		Review by officials, in conjunction with review of other agricultural protection Acts, completed. Review found the Act did not restrict competition.	Act retained without reform.

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Agriculture and Related Resources Protection Act 1976 and Regulations	A	Restricts importation of some plants or animals. Requires landholders to control pests and diseases. Spraying regulations. Raises rates on pastoral land. Restricts the storage of agricultural chemicals.	Review by officials, in conjunction with review of other agricultural protection Acts, completed. Review found the Act did not restrict competition, but nevertheless recommended: <ul style="list-style-type: none"> repealing the spraying regulations (as when amendments are made to Health (Pesticides) Regulations 1956) and rewriting so that aerial operators are subject to the same licensing regimes as other pesticide operators; but retaining powers to control use and other restrictions. 	Review recommendations are being implemented through the Agricultural Management Bill, which is currently being drafted.
Agriculture and Veterinary Chemicals (Western Australia) Act 1995 and Regulations	A	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	National review completed in 1999 (see the Australian Government Agricultural and Veterinary Chemicals Code Act 1994).	Reform incomplete, due to national processes. The State's Act imports Federal legislation, so any changes must first be made at the national level. (See the Australian Government Agricultural and Veterinary Chemicals Code Act 1994.)
Albany Port Authority Act 1926 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Albany Woollen Mills Agreement Act 1976	PI	Differential treatment.	Review not required.	Act repealed.
Anatomy Act 1930	DH	Licensing.	Review completed in 2000. Review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.

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Anglo-Persian Oil Company Limited (Private) Act 1919	HW	The Acts define the relationships, rights and duties of oil companies, local government authorities and the Minister for Works in relation to the construction, operation and maintenance of pipelines on public lands. These duties and powers of the State and local governments constitute restrictions on the commercial activities of the oil companies.	<p>Review completed in 1998. Review identifies public benefits of restrictions identified as: minor cost savings in management of municipal infrastructure arising from coordination in planning, construction and maintenance of municipal infrastructure and oil facilities; minimisation of public inconvenience during construction and maintenance activities on public land; and ensuring proper restoration of municipal infrastructure where this has been disturbed as a result of construction or maintenance activities by the oil companies.</p> <p>Review concluded that the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact.</p>	The Government endorsed the review recommendations. Act retained without reform.
Animal Resources Authority Act 1981	DH		Review by officials completed. Review found the Act contains no restrictions on competition.	Act retained without reform.

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Architects Act 1921 and Regulations	HW	Restrictions on registration, entry requirements, reservation of title, disciplinary processes, business conduct (including require Architects Board approval for advertising), and business licensing.	<p>National review conducted by the Productivity Commission (PC) completed in August 2000 (publicly released November 2000). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act. The State review and its recommendations were endorsed by Cabinet on 17 December 2001. The State review found the Act should be amended as follows:</p> <ul style="list-style-type: none"> • composition of the Architects Board will be broadened with consumer and educational representatives; • removal of the restrictions on ownership or control of corporations or firms; and • removal of restrictions on age, advertising, and use of derivatives of the word architect where such use is not false or misleading. <p>A States and Territories working group developed a national response to the PC review.</p>	<p>WA endorsed the review of the Act in December 2001. Cabinet approved the drafting of amendments to the Act in March 2002 in response to the review. The public consultation period for the Architects Bill 2003 closed on 4 April 2003. The major change arising from the public consultation period is the composition of the Architect's Board will half consist of registered architects to provide the necessary architectural understanding for the board to carry out its functions. The Government introduced the Bill into Parliament on 26 November 2003.</p>

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Art Gallery Act 1959	BAG	<p>The Act provides that works of art shall not be sold or exposed for sale in the Art Gallery or in any other places under the sole management and control of the Board. This imposes a discriminatory restriction on competition by not allowing private owners to sell works of art from the Gallery whilst allowing the Board to exempt governments or other art galleries from this provision.</p> <p>Regulations specifying the conditions and restrictions under which the public may be allowed to examine works of art in the Art Gallery and other places under the management and control of the Board.</p>	<p>Review completed. Review concluded that the intended effect of the restriction on the sale of artworks is to maintain the Gallery's status as the premier visual art collection and display institution and ensure that the Gallery is not diverted to overtly commercial operations.</p> <p>Review recommended amending the Act to give the Board discretionary powers in the sale of artworks in the Art Gallery or in any other place under the management and control of the Board. The proposed amendment would allow the Gallery some flexibility to sell artworks from its premises should the need or desire arise.</p> <p>Restrictions on the sale of art works have minimal impact on those wishing to sell their artwork as the Art Gallery typically refers queries regarding the purchase of art works to the relevant owner.</p>	<p>Act retained without reform. In May 2002, the Government endorsed the Minister's decision not to support the review's recommendation to amend the Act to give the Board of the Art Gallery discretionary powers in the sale of art works in the Art Gallery or in any other place under the management and control of the Board.</p>
Artificial Breeding of Stock Act 1965	A	<p>Restricts premises for supplying semen and other reproductive material.</p> <p>Licenses artificial breeders.</p> <p>Restricts importation of reproductive material.</p>	<p>Review by officials, in conjunction with review of a range of other agricultural protection Acts, completed. Review recommended:</p> <ul style="list-style-type: none"> • repealing all restrictions; • introducing new less restrictive regulations on control of diseases; and • voluntary licensing of artificial breeders. 	<p>This legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.</p>

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Auction Sales Act 1973 and Regulations	CEP	Licensing of auctioneers, entry requirements (fit and proper person, requires two years experience on restricted licence before general licence), the reservation of practice, and business conduct (maintenance of records in relation to livestock and vendor accounts).	<p>Review completed. Discussion paper released in September 2000 inviting submissions. The review has now been endorsed by the Government. It recommended that: the licensing system be retained until a full legislative review of the Act is completed within the next 12 months; unless justified by new reasons arising from that review, the licensing system be repealed; and if licensing, or some other form of occupational regulation, is justified after completion of a full legislative review, then the administration of such a system be the responsibility of a single Government organisation.</p> <p>A general review of the Act is presently being conducted by the Department of Consumer and Employment Protection following completion of the NCP review. I</p>	
Australian Soccer Pools Bloc: Rules for Subscriber Participation	DRGL	Licensing.		Act repealed and replaced by the Lotteries Commission (Soccer Pools) Rules 1996.
Beekeepers Act 1963	A	Requires registration of all beekeepers and branding of hives. Restricts importation, antibiotic use and testing. Imposes standards on honey.	Review by officials, in conjunction with review of a range of other agricultural protection Acts, completed. Review recommended retaining all restrictions except to reconsider those relating to honey standards and nuisance provisions.	This legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.

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Betting Control Act 1954 and Regulations	DRGL	Licensing.	<p>Review in conjunction with the Totalisator Agency Board Betting Act 1960, completed in 1998. Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> relaxing restrictions on the operation of totalisators other than by the Totalisator Agency Board; relaxing restrictions on bookmakers and their operations; removing limits on bets in the regulations, leaving the racing clubs to set limits as they see fit; and relaxing some restrictions on the operations of the Totalisator Agency Board. <p>The legislative provisions giving rise to the remaining restrictions were assessed as being in the public interest and recommended for retention.</p>	<p>The Government endorsed some of the review recommendations.</p> <p>The Betting Legislation Amendment Act 2002 implemented some of the review recommendations. The Act provided for the establishment of corporate licensing structures and the removal of the restriction on bookmakers fielding only during race meetings. The Act also amended the Totalisator Agency Board Betting Act 1960 to ensure that no claim may be made against the TAB in relation to a bet that has been made with, or accepted by, the TAB.</p> <p>Recommendations not endorsed include the removal of bookmakers' betting limits and the removal of the prohibition on the licensing of additional off course totalisators. The Government has not provided a public benefit argument for their retention.</p>
Biological Control Act 1986	A	Makes provision for the biological control of pests in WA. Complementary to Australian Government legislation. Act does not restrict competition. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.	Deleted from the LRP as the Council of Australian Governments (CoAG) Committee on Regulatory Reform (CRR) determined that the legislation has no anticompetitive impacts.	Reform complete.

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Boxing Control Act 1987 and Regulations	SR	Registration (boxers, trainers, promoters and judges).	Departmental review completed in 1997. Consultation involved submissions. Review found that the restrictions were in the public interest.	The Government endorsed the review recommendations. Legislation retained without reform.
Bread Act 1982	CEP	Restrictions on market entry. Restrictions on delivery time for bread. Requirements for marking vehicles delivering bread.	Review by officials completed. Review recommended repeal of the Act.	Repeal of this Act was incorporated into the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed the Bill on 14 November 2003 and it was passed to the Legislative Assembly with amendments. The Bill was given royal assent on 15 December 2003.
British Imperial Oil Company (Private) Act 1925	DOIR	Licensing.		Act retained without reform.
Builders Registration Act 1939 and Regulations	CEP	Licensing, registration, entry requirements (training and seven years practical experience, age, good character, 'sufficient material and financial resources'), the reservation of practice, business licensing.	Review, in conjunction with the Home Building Contracts Act 1991, completed in 2002. Proposed recommendations included reducing restrictions on owner builders, expanding the scope of conditional licences, and expanding the coverage of the Act to the whole State.	In May 2002, the Government endorsed the review recommendations that the following restrictions on competition in the Act be amended: <ul style="list-style-type: none"> prohibition of unregistered builders to be amended to allow a limited number of builder categories consistent with the Building Code of Australia; conditional licence: will be amended to allow all potential builders rather than just those who have practised in non-covered regional areas to obtain conditional registration; and journeyman builders: will be removed as a special case of conditional licences because it is redundant.

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Bulk Handling Act 1967 and Regulations	A	Co-operative Bulk Handling Limited (CBHL) granted sole right to receive and deliver grain until 31 December 2000 subject to obligation to charge uniform prices and to receive all grain tendered.	Departmental review completed in 2002. Review recommended repeal of all remaining restrictions on competition except the requirement that CBHL accept all grain tendered to it. It also recommended retention of the requirement that CBHL allow anyone to use its port facilities on payment of prescribed charges, and that the Government continue to monitor the need to establish an access regime for these facilities.	The Bulk Handling Amendment Act 2002 repealed the major remaining restrictions on competition. Reform complete.
Bunbury Port Authority Act 1909 and Regulations	PI	Restrictions on market entry and conduct.	Review not required.	Act repealed and replaced by the generic Port Authorities Act 1998.

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Bush Fires Act 1954 and Regulations	FESA	<p>Restriction on the lighting of fires and the requirement to maintain fire breaks. This restriction regulates the lighting of fires and requires the maintenance of fire breaks.</p> <p>Requirement on local governments to provide firefighting equipment and insure voluntary firefighters.</p>	<p>Review completed in 1997. Review concluded the restriction on the lighting of fires and the requirement to maintain fire breaks is a very minor restriction on competition. This restriction is clearly in the public interest as it reduces the likelihood of fires. Recommended retaining the restriction.</p> <p>Review also noted that firefighting equipment is essential in combating bush fires and protecting the community. The extremely high potential cost of fire damage means local governments must be prepared. Volunteer firefighters are also essential in protecting communities from bush fires and therefore it is in the public interest for government to provide insurance to those who voluntarily risk their lives to protect the community. Recommended retaining the restriction.</p> <p>Review also recommended that Government businesses be subject to the same fire control requirements as other businesses.</p>	The Government endorsed the review recommendations. Amendments to this Act have been incorporated into the Acts Amendment and Repeal (Competition Policy) Act 2003, which gained assent on 15 December 2003.
Business Franchise (Tobacco) Act 1975	DH	A licence is required by any person wholesaling tobacco or purchasing tobacco for retailing from someone who is not a licensed wholesaler, unless purchase is exempt.	Review completed in 1997. Review concluded that although this licensing regime restricts competition in the tobacco wholesaling industry and by doing so keeps prices artificially inflated, it thereby reduces consumption, and was found to be in the public interest on public health grounds. Recommended retaining the restriction.	The Government endorsed the review recommendations. Act retained without reform.

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Camballin Farms (AIL Holdings Pty Ltd) Agreement Act 1985	PI	Differential treatment	Review not required.	The Act has been repealed by the Statutes (Repeals and Minor Amendments) Bill 2001, which was assented on 15 December 2003.
Caravan Parks and Camping Grounds Act 1995	LGRD	Competitive neutrality, and licensing.	The Caravan Parks and Camping Grounds Advisory Committee, a committee comprising government and industry representatives, considered matters to do with restrictions in both the Act and associated regulations. Review is to be considered by the Government in early 2004.	
Carnarvon Banana Industry (Compensation Trust Fund) Act 1961	A	Trust fund provides compensation for storm damage that restricts the entry of potential insurers to this market. Subsidised compensation is available only to Carnarvon growers.	Review by officials completed. Review recommended that the Act be repealed.	Act repealed on 28 June 2000.
Casino (Burswood Island) Agreement Act 1985 and Regulations	DRGL	Licences, restrictions on games, regulation of operations.	Review completed in 1998. The following restrictions found to be in the public interest: <ul style="list-style-type: none"> • limits on prizes and play amounts for amusement games with prizes; • limits on the number of bingo permits; • payout ratios and minimum and maximum wagers for minor lotteries; • the ability to set licence fees and taxes should remain, measures taken to ensure that in future, competing casino operators are treated equally and that licence fees are limited to 	The Government endorsed the review recommendations. Main restrictions on conduct of casinos and casino games retained. The exclusive casino licence has expired and has not been renewed. Other entry barriers not in the public interest were removed and the government is negotiating the remaining entry restrictions with the casino operator.

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			<ul style="list-style-type: none"> cost recovery; • the licensing of casinos, games and the rules of games, and employees; • the approval needed for Casino supply contracts; • the ability of the Minister to approve certain ownership transactions and certain operating decisions; • the restriction of the use of credit wagering at the Casino; • the period of exclusivity for the Casino; • the conditions imposed on new casinos beyond the period of exclusivity; and • the monopoly over Casino style games and variants restricted to Burswood and any new casino beyond the period of exclusivity. 	
Casino Control Act 1984	DRGL	Licensing, market conduct, and operations.	Review completed in 1998.	Exclusive licence expired and was not renewed. Other barriers to entry that are not in the public interest were removed. The Government is negotiating remaining entry restrictions with the casino operator.

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Cattle Industry Compensation Act 1965	A	Powers to nominated persons to inspect and destroy cattle for the purposes of disease control. Provision to raise a levy on the sale of cattle.	Review by officials completed in 1998. Review recommended: <ul style="list-style-type: none"> retaining the restrictions; and amending the Act to ensure that compensation is only paid for animals destroyed as a result of a control program which is of a 'sufficiently public good nature'. 	To be repealed when planned legislation for grazing industry health protection funding is drafted during 2003-04.
Censorship Act 1996	J	Restrictions on the publication and possession of a range of media.	Review not required. Removed from LRP.	Act replaced the Censorship and Films Act 1947, the Video Tape Classification and Control Act 1987 and the Indecent Publication and Articles Act 1902.
Censorship and Films Act 1947	J	Licensing.	Review not required. Removed from LRP.	Act repealed.
Charitable Collections Act 1946 and Regulations	J	Licensing.	Review not required.	These Acts will be repealed upon enactment of the Public Collections Bill. This Bill is expected to be introduced into Parliament during 2004.
Chicken Meat Industry Act 1977 and Regulations	A	Prohibits supply of chickens unless under an agreement approved by the Industry Committee. Processing plants and growing facilities must be approved.	Review completed in 1997. Review recommended that the Government should: <ul style="list-style-type: none"> retain the industry committee's power to set industry-wide supply fees, subject to allowing growers to opt-out of collective negotiations; and remove restrictions on processor and grower entry. Review also recommended that the collective bargaining arrangements be reviewed again after five years.	Review recommendations being implemented through the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed the Bill on 14 November 2003, and it was returned to the Legislative Assembly with amendments. It gained assent on 15 December 2003.

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Chiropractors Act 1964	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released October 1998, and Key Directions paper released June 2001. It proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). A core practices discussion paper was released in March 2003.	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professions legislation. The Government will introduce the legislation into Parliament as soon as possible.
City of Perth Parking Facilities Act 1956 and Regulations	PI	Licensing.	Review not required.	Act repealed.
Coal Industry Superannuation Act 1989	CSB	Competitive neutrality.	Review completed. Review found that clause 22, providing the Government assistance for the Coal Industry Superannuation Fund, should be removed as it restricts competition by conferring a competitive advantage on the fund. Review also considered clauses 14 and 15, setting out mandatory contributions to the Fund from members and employers. The review concluded that these restrictions were in the public interest due to economies of scale and reduced administration costs, and should be retained.	Review endorsed by the Government in February 2003.

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Commonwealth Oil Refineries Limited (Private) Act 1940	DOIR	Licensing	Review completed. Review concluded that the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact (see the Anglo-Persian Oil Company Limited (Private) Act 1919).	Act retained without reform.
Community Services Act 1972 Community Services (Child Care) Regulations 1988	CD	Licensing, standards, operating procedures	NCP review completed in June 2002. Review recommended retaining the restrictions because they are in the public interest, and expanding the current three-yearly review process of the Regulations to encompass day care outside of school hours. Another recommendation was to consider, via the three-yearly review process, changing prescriptive regulations to a more outcome-based system within the regulatory framework.	The Children and Community Development Bill 2003 repeals these two Acts and the Child Welfare Act 1947. The Bill had its second reading following introduction to the Legislative Assembly on 4 December 2003. The new Act, among other things, makes provisions for the licensing of child care services.

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Conservation and Land Management Act 1984	CALM	<p>Licensing of timber collection and of taking of other resources.</p> <p>Administrative discretion over how licences and produce are allocated and priced.</p> <p>Permits to occupy and use State forest.</p> <p>Registration of timber worker.</p>	<p>In 1999 a review by an independent economic adviser recommended the repeal of:</p> <ul style="list-style-type: none"> • various limits on beekeeping in State forests; and • the exemption of State forest tree values from local body rating. <p>In May 2002, the Government endorsed the review recommendations.</p> <p>Separately, in 2000, the Act was amended by:</p> <ul style="list-style-type: none"> • the Conservation and Land Management Amendment Act 2000; and • the Forest Products Act 2000. <p>These Acts vested State forests and other lands in the Conservation Commission and established the Forest Products Commission to undertake commercial forestry functions on State forests and private land. A review of this amending legislation found all identified restrictions to be in the public interest, and is to be considered by the Government in early 2004.</p>	<p>Rating exemptions have been removed via the Acts Amendment and Repeal (Competition Policy) Bill 2002, which gained assent on 15 December 2003.</p> <p>Regulations 73(2) and 73(3) have been repealed from the Forest Management Regulations 1993 under the Forest Management Amendment Regulations 2003, published in the Government Gazette of 12 August 2003.</p>

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Consumer Affairs Act 1971	CEP		Review completed. Review recommended that certain restrictions be maintained and that the product safety provisions of this Act and the Fair Trading Act 1987 be combined in a single Act to remove unnecessary duplication. The Review was endorsed by Cabinet on 4 August 2003. The Act is currently the subject of a general legislative review concurrently with the review of the Fair Trading Act.	
Consumer Credit (Western Australia) Act 1996	CEP	Regulates the provision of consumer credit.	National review completed. Review recommended maintaining the current provisions of the code, reviewing its definitions to bring term sales of land, conditional sales agreements, tiny term contracts and solicitor lending within the scope of the code. The review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs endorsed the final report in 2002 and referred it to the Uniform Credit Code Management Committee which is facilitating the resolution of some issues.	Amendments currently are being progressed under a template legislation model to ensure national consistency.
Cooperative and Provident Societies Act 1903	CEP	Licensing.	Act recommended for repeal.	This Act will be repealed upon the enactment of the proposed Co-operatives Bill. This Bill is subject to current national consideration in respect to an agreement for template legislation. The Co-operatives Bill has an AO4 priority for introduction into Parliament in the Autumn Session 2004.

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Country Slaughterhouse Regulations 1969	DH		Review by Health Department officials completed.	Regulations repealed by Regulation 28 of the Health (Meat Hygiene) Regulations 2001.
Credit (Administration) Act 1984 and Regulations	CEP	Restrictions on licensing, and disciplinary provisions.	Review by the Ministry of Fair Trading completed with public consultation. Review recommended that the licensing requirements be repealed and that many of the powers of the Tribunal and Commission be removed, but that the disciplinary provisions are retained on public interest grounds.	The Government endorsed the review recommendations. A public benefit argument for retaining the licensing requirement for payday lenders made it necessary to reassess the NCP review recommendations, to determine whether the amendments needed minor modifications. The original NCP report was re-examined to account for the relevant market changes. Amended report endorsed by Cabinet on 4 August 2003. The report recommended that the Act be amended to replace the licensing requirement for credit providers with a system of registration coupled with negative licensing; and replace the prohibition against persons having a business as a credit provider when in partnership with an unlicensed person. WA is still to implement the endorsed recommendations through amendment of the Act.
Credit Act 1984 and Regulations	CEP	Differential treatment.	Review completed in 2000. Review recommended repeal subject to further consideration of impact on contracts entered into prior to 1 November 1996.	Amendments to this Act incorporated into the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed the Bill on 14 November 2003.
Cremation Act 1929	DH	Licensing.	Review completed in 2002. Review found that the licensing requirements provide a net benefit to the public and recommended that they be retained.	The Government endorsed the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Curtin University of Technology Act 1996	ES	Competitive neutrality, and market power.	Review, by the Office of Higher Education, completed in 1998. Review recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendments required.
Dairy Industry Act 1973 and Regulations	A	Vesting of milk in the Dairy Industry Authority. Farmgate price-setting for market milk. Market milk quotas. Licensing of farmers and processors.	Review by Agriculture WA officials, assisted by an industry working party, completed in 1998. Review recommended: <ul style="list-style-type: none"> the retention of farm-gate pricing for market milk; the continued vesting of all milk in the Dairy Industry Authority; and the continuation of the licensing powers of the Authority. Review also found that quotas as a mechanism for ensuring year round supply were unnecessary, but recommended that quotas be retained for as long as farm-gate pricing continues.	In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, WA passed the Dairy Industry and Herd Improvement Legislation Repeal Act 2000 on 27 June 2000, deregulating the industry from 1 July 2000.
Dampier Port Authority Act 1985 and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Dampier to Bunbury Pipeline Regulations 1998	OE			Regulations repealed on 1 January 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Debt Collectors Licensing Act 1964 and Regulations	CEP	Licensing, entry requirements (age, good name and character, fit and proper person), the reservation of practice, and business conduct (trust accounts, fidelity bonds).	Departmental review completed in 2003. Review found many of the restrictions in the licensing system to be in the public interest, but recommended that limits on fees charged to creditors by debt collectors and the requirements for written contracts between creditors and debtors be removed. It also recommended that licensing be extended to cover debt collectors' employees.	The Government endorsed the review recommendations, but has not yet implemented any reforms.
Dental Act 1939	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released October 1998 and the 'Key Directions' paper was released in June 2001. The latter proposed removing prescriptive ownership restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). The core practices discussion paper was released in March 2003.	In April 2001, the Government instructed Parliamentary counsel to draft new template health practitioner legislation to replace the health professions legislation. The Government will introduce the legislation into Parliament as soon as possible.
Dental Amendment Act 1996	DH	Licensing.	Review completed. Issues paper released October 1998. Key Directions paper released June 2001.	This Act has been incorporated into the Dental Act.
Dental Prosthetics Act 1985	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review completed. Key Directions paper released in June 2001, stating that ownership restrictions should be removed, but current practice restrictions would be retained for three years to allow the identification of core practices.	New health practitioner legislation being drafted. This Act will be repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dried Fruits Act 1947	A	Grading of fruit. Registration of dealers and packing sheds. Maintenance of health standards.	Review by officials completed in 1997. Review recommended the Act be repealed.	Act repealed on 15 December 1998.
East Perth Redevelopment Act 1991 and Regulations	EPRA	Redevelopment control of the area, the compulsory taking of land, subdivision approval from Minister rather than the State Planning Commission, Treasurer's guarantee of loans, and Ministerial controls.	Review completed in 1997. Review found that effects of the restrictions on competition are relatively minor. The report concludes that there are no acceptable alternatives to achieving the objectives of the three restrictions relating to the powers of the Authority. The powers are necessary to clean up the existing environmental problems and achieve redevelopment in line with the vision for the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. The restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed. Recommended retaining restrictions.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Eastern Goldfields Transport Board Act 1984 and Regulations	PI	<p>Restrictions that gave the Board advantages arising from public ownership included:</p> <ul style="list-style-type: none"> • nominating the Board as an agent of the Crown; • implying a Government Guarantee on borrowings; • exempting the Board from payment of local government rates; and • allowing the Board to make by-laws and regulations governing the behaviour of patrons and other matters. 	<p>Review completed in 1997. Review concluded the Board needs to retain the powers to enable monies to be borrowed to continue to perform its role as a provider of public bus services in Kalgoorlie/Boulder. Recommended repealing restrictions on nominating the Board as an agent of the Crown and exempting the Board from paying local rates.</p> <p>Nonlegislative alternatives were considered (and rejected) relating to the Board's current power to regulate patrons' behaviour through by-laws and regulations. The Board's powers in this respect are comparable to those of the Department of Transport in the Transperth system, and they do not confer any significant advantage over potential competitors. Recommended retaining above restriction.</p>	<p>Amendments to this Act were incorporated into the Acts Amendment and Repeal (Competition Policy) Bill 2002. On 10 April 2003 the Bill was referred to the Standing Committee on Uniform Legislation and General Purposes for scrutiny. The Committee reported on the Bill on 10 June 2003. The report recommended the Bill be passed without amendment. The Upper House passed the Bill on 14 November 2003. The legislation gained assent on 15 December 2003.</p>
Edith Cowan University Act 1984	ES	Competitive neutrality, market power.	Review, by the Office of Higher Education, completed 1998. Review recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendments being progressed via the Acts Amendment and Repeal (Competition Policy) Act 2003, which gained assent on 15 December 2003.
Education Service Providers (Full Fee Overseas Students) Registration Act 1992	ES	Licensing of providers of education to overseas students.	Review under way.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Act 1945 - Part 1 of 2	OE	Regulations concerning mandated supply; coordinator determines interconnection prices; restriction on sale/hire of non-approved electrical appliances; and uniform pricing.	Initial review completed in 1998. Review recommendations have been superseded by wider reform of the electricity industry.	The Government is proposing new legislation based on the recommendations of the Electricity Reform Taskforce.
Electricity Act 1945 - Part 2 of 2 (Electricity (Licensing) Regulations 1991)	OE	Regulations - licensing, entry requirements (apprenticeship/training and experience/exam, fit and proper), reservation of practice, and disciplinary processes.	A review of the legislation was endorsed by the Expenditure Review Committee of Cabinet. The WA Government indicated that the review concluded that licensing of electricians is in the public interest, but further examination of some provisions is warranted.	
Electricity Corporation Act 1994	OE	Exclusive franchise of Western Power; barrier to entry to generate electricity; vertical integration; and competitive neutrality restrictions.	Initial review completed. Further review being conducted as part of wider electricity sector reform.	The Government endorsed the recommendations of the Electricity Reform Task Force. Some minor competitive neutrality advantages have been removed by the Statutes (Repeals and Minor Amendments) Act 1998. Any remaining restrictions will be removed within the context of electricity reform implementation.
Employment Agents Act 1976 and Regulations	CEP	Licensing, entry requirements (fit and proper person), the reservation of practice, and business conduct (scale of fees, maintenance of records, no misleading advertising).	Departmental review completed and expected to be submitted to the Minister by spring 2003.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Energy Coordination Act 1994	OE	Amended to introduce a gas licensing system that provides for regulation of companies operating distribution systems and supplying gas to consumers using less than 1 Terajoule per year.	Review of new provisions found restrictions were minimal and were the most cost-effective means of protecting small customers.	Act retained without reform.
Energy Operators (Powers) Act 1995 (formerly known as the Energy Corporations (Powers) Act 1979)	OE	Provided monopoly rights over sale of liquid petroleum gas (LPG) and provides energy corporations with powers of compulsory land acquisition and disposal, powers of entry, certain planning approval and water rights, and indemnity against compensation claims.	Review completed in 1998. Review recommended removal of monopoly over sale of LPG, and retention of land use powers of energy corporations. Land use powers necessary to facilitate energy supply.	Restrictions on LPG trading lifted with enactment of the Energy Coordination Amendment Act 1999 and the Gas Corporation (Business Disposal) Act 1999.
Environmental Protection (Diesel and Petrol) Regulations 1999	EP	Setting of fuel standards above national standards, thus protecting the local refinery.	New legislation.	
Environmental Protection Act 1986	EP	The ability to require an environmental impact assessment; licensing of occupiers of prescribed premises; exempting certain firms from EPA licensing; the requirement for firms to comply with the environmental standards set; and the power to prepare and publish environmental protection policies.	Review by independent consultants completed. Review found that restrictions should be retained.	The Government endorsed the review recommendations in 1997. Act retained without reform.
Esperance Lands Agreement Act 1960	PI		Review not required. Act to be repealed.	Act repealed in the Statutes (Repeals and Minor Amendments) Bill 2001, which gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Esperance Port Authority Act 1968 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Exotic Diseases of Animals Act 1993	A	Powers to inspect, demand assistance and issue local quarantine orders. Powers to seize and destroy infected stock. Powers to control the movement of stock.	Review completed in 1998. Review recommended retaining the restrictions in the public interest.	The Government endorsed the review recommendation in March 1999. Act retained without reform.
Explosives and Dangerous Goods Act 1961	DOIR	<p>The Act requires licences, permits, authorisations or approvals to be obtained as a means of regulating the various activities involving explosives and dangerous goods.</p> <p>The effects of the restrictions are generally to impose compliance costs on business and to protect the community from the activities involving explosives and dangerous goods.</p>	Review completed in 1998. Review found that generally there are more efficient and effective ways of achieving the objectives of the legislation. The review considered more flexible approaches to controlling activities involving dangerous goods and found that these alternatives can also achieve the required safety and community protection objectives.	<p>The Government endorsed the review recommendations.</p> <p>The Dangerous Goods (Transport) Act 1998 implemented a revised framework for classifying explosives and dangerous goods and transport-related matters. This ensures international consistency in systems of classification and authorisation criteria for dangerous goods and explosives. In addition, regulation of the transportation of explosives is now consistent with that of other dangerous goods under the new national transport framework.</p> <p>The Government introduced the Dangerous Goods Safety Bill 2002 in December 2002. This legislation will repeal the Explosives and Dangerous Goods Act and the Dangerous Goods (Transport) Act. The Bill has passed the Legislative Assembly and received its second reading in the Upper House on 24 June 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1987	CEP	Regulates the supply, advertising and description of goods and services and, in certain respects, the disposal of interests in land, and to make provision with respect to certain unfair or undesirable trade practices, as to the conditions and warranties to be applicable in consumer transactions, and as to the conditions and warranties to be applicable in consumer transactions, and as to the establishment of Codes of Practice as between certain classes of suppliers and consumers.	<p>NCP review completed and considered by the Government in July 2003. the review recommended the retention of:</p> <ul style="list-style-type: none"> • product safety regulations and product safety recall orders; • product information standards; • product quality standards; • packaging standards; and • product safety orders or regulations. <p>The report recommended the product safety provisions of this Act and the Consumer Affairs Act 1971 be combined into a single Act to remove unnecessary duplication.</p>	
Fertilisers Act 1977	A	Requires retailers to clearly label fertilisers and to handle them in such a way as to avoid contamination.	<p>Review completed in 1997. Review recommended:</p> <ul style="list-style-type: none"> • amending the Act to apply only to those fertilisers that pose a risk to agriculture; and • using less restrictive means to achieve the same objectives for other fertilisers. 	<p>The Government endorsed the review recommendations in 1997.</p> <p>This legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Finance Brokers Control Act 1975	CEP	Registration, business licensing (with exceptions), advertising, limits on remuneration, conditions on how monies are kept on behalf of clients, auditing requirements and other conduct restrictions.	Review completed in 1999. Review concluded that the significant cost of complying with the Act did not warrant the benefits (if any) that it obtained and that these could be achieved with a less restrictive model. There was no evidence that the current system reduced the risk of defalcation or fraudulent behaviour of finance brokers. The review identified a class of persons known as private lenders who require some form of regulation to ensure a high quality service is maintained. This group includes superannuants who see mortgage backed loans as being an alternative to bank deposits. The review recommended repealing the Act and introducing Code of Practice under section 42 of the Fair Trading Act 1987, to provide regulation of financial intermediaries who deal as private lenders, for 3 years while the industry develops a self regulatory mechanism.	Review held in abeyance pending the decision of the Temby Royal Commission to the Finance Broking Industry. The report of the Royal Commission was tabled in Parliament in February 2002. The Australian Securities and Investments Commission has not assumed responsibility for regulating the whole finance broking industry as had been anticipated at the time of the Temby Royal Commission. Problems in mortgage broking have come to light at the national level. WA is retaining the Act with an amendment Bill currently before Parliament.
Firearms Act 1973 and Regulations	P	Registration (firearm repairers).	Review not required. Act removed from the LRP in view of a national approach to firearms policy.	No further action required.

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Fish Resources Management Act 1994	F	Licensing of fishers. Prohibitions on market outlets. Input controls on boat, gear and fishing methods. Output controls such total allowable catches, quota, bag and size limits.	<p>First review completed in 1999. Review recommended that the Government:</p> <ul style="list-style-type: none"> • retain most of the existing restrictions; • in the rock lobster fishery: <ul style="list-style-type: none"> - commission an independent update on the net benefits of moving to output-based management; and - in the interim, remove the 150 pot maximum holding, and separate pot licences from boat licences; • amend the Act to clarify its objectives; and • integrate NCP principles into the ongoing fisheries management review cycle. <p>The second review, of the rock lobster processing sector, recommended that the State Government remove limits on the number of domestic processing licences and provide licence holders the right to establish at multiple locations.</p>	<p>In relation to fisheries generally, the Government decided to:</p> <ul style="list-style-type: none"> • include a clear statement of objectives in all fisheries management plans over the next 2-3 years; • schedule by June 2003 reviews of specific fisheries management plans against NCP; and • introduce by December 2004 a new framework consistent with NCP for individual holdings of access entitlements and licence transfers. <p>In the rock lobster fishery, it has decided to retain input-based management until at least December 2006 pending review of the efficiency gains of moving to output-based management. It has also removed the 150 pot minimum holding restriction.</p> <p>In relation to rock lobster processing, it has established a new domestic processing licence from July 2003 that allows holders to establish processing facilities at multiple locations and to hold and grow lobsters for domestic sale, while retaining limits on the number of export processing licences.</p>
Fisheries Adjustment Schemes Act 1987	F	Ministerial discretion as to eligibility for compensation upon cancellation of fishing property rights.	Review by independent consultant recommended no change to the Act. No NCP implications identified.	Act retained without reform.

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Fishing Industry Promotion Training and Management Levy Act 1994	F	Potential for levies to be imposed with differential impact on fishers.	Review by independent consultant completed. Review recommended no change to the Act. No NCP implications identified.	Act retained without reform.
Fremantle Port Authority Act 1902 Act and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Friendly Societies Act 1894	J	Licensing.		Act repealed.
Fruit Growing Industry Trust Fund Act 1941	A		Review not required.	Act repealed.
Gaming Commission Act 1987 and Regulations	DRGL	Licensing for the conduct of games such as bingo, two-up and so on.	<p>Review completed in 1998. Review recommended :</p> <ul style="list-style-type: none"> • removal of restrictions on casino games for community gaming, two-up and bingo prize pools, subject to appropriate changes being negotiated in the Casino (Burswood Island) Agreement Act; • removal of lotteries restrictions to be removed or reduced, including: to allow for the licensing of suppliers of State lottery products by State Agreement; • amending the legislation so that lotteries conducted by organisations the subject of such an agreement are lawful lotteries; • allowing for licensing professional fundraisers; and • removing the definition of 'foreign lottery' from the legislation; and related amendments. 	Amendments are yet to be made. The Government is considering its response to the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Corporation Act 1994	OE	Creates Gas Corporation to run certain publicly owned gas assets.		Act repealed in December 2000.
Gas Standards Act 1972 and Regulations	OE	Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999 - gasfitters licensing, registration, entry requirements (knowledge and skills, fit and proper), reservation of practice.	Review completed. Review concluded that licensing of gas fitters is in the public interest, but further examination of some provisions is warranted.	Review was endorsed by the Expenditure Review Committee of Cabinet.
Gas Transmission Regulations 1994	OE	Access provisions.		Regulations repealed. Access and related matters now regulated under the Gas Pipelines Access (WA) Act 1998.
Geraldton Port Authority Act 1968 and Regulations	PI	Restricts market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Gold Corporation Act 1987 and Regulations	GC	Deals with competitive advantages and disadvantages arising from government ownership.	Review completed in 1999-2000. Review recommended removal of advantages enjoyed by the Gold Corporation and subsidiaries over other businesses operating in precious metals markets.	The Government endorsed the review recommendations. Review recommendations are being implemented through the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed the Bill on 14 November 2003, and the legislation gained assent on 15 December 2003.
Government Employees Superannuation Act 1987	GESB	Limits on choice of funds.		Act repealed.
Government Railways Act 1904 and By-laws: Nos. 1 to 53, 59, 62, 63, 64, 68, 74. No 55 (rates) No 60 (passenger fares) No 75 (Auction Sales) No 76 (Licensed Porters)	WARC	Access, market power, and competitive neutrality.	Review completed in 1998.	The Government Railways (Access) Act 1998 and the Rail Safety Act 1998 have addressed amendments removing various advantages and disadvantages conferred on the Commission.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Grain Marketing Act 1975 and Regulations	A	Prohibits export marketing of barley, canola and lupins other than by the Grain Pool of Western Australia (GPWA).	Act reviewed by the Department of Agriculture in 2002. This recommended retaining the export monopoly in respect of barley, canola and lupins subject to: <ul style="list-style-type: none"> allowing free export of grain in bags and containers; and establishing a Grain Licensing Authority to license value-added grain exports and non-competitive bulk grain exports. 	A Grain Marketing Act 2002 was passed in November 2002 to provide for the deregulation of grain marketing upon similar moves by the Australian Government and, in the interim, to issue an export licence to CBHL/GPWA and to establish a Grain Licensing Authority to licence bulk exports by others except where this would have a significant impact on market power-related price premiums. Appointments to the Authority were announced in May 2003, and the Authority began issuing licences in October 2003. The Ministerial Policy Guidelines and the Regulations have resulted in the GLA granting numerous licences for bulk exports of prescribed grains.
Hairdressers Registration Act 1946 and Regulations	DT	Licensing, registration, entry requirements (good character, training and exam), reservation of practice and title, and disciplinary processes.	Review by independent consultants completed. Review recommended the hairdressers' registration scheme be retained and the provisions be extended to apply to the whole State and the Hairdressing Registration Board be given discretionary power to create different classes of registration.	In February 2003, the Government endorsed the recommendation to retain the hairdressers' registration scheme. It has not yet implemented any reforms.
Health (Adoption of Food Standards Code) Regulations 1992	DH	As per the Food Standards Code (Australian Government).	Subject to the CoAG Food Regulation Agreement 2000.	Repealed and replaced by the Health (ANZ Food Standards Code Adoption) Regulations 2001.
Health (Asbestos) Regulations 1992	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health (Cloth Materials) Regulations 1973	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	

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Health (Construction Work) Regulations 1973	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health (Drugs and Allied Substances) Regulations 1961	DH	Licensing.	<p>Part of Galbally Review. Draft review report completed on 11 September 2000. Final review report given to the Australian Health Ministers Conference (AHMC) in early 2001.</p> <p>Galbally Review concluded that most of the current controls provide a net benefit to the community as a whole in relation to the use of substances that have the potential to cause harm.</p> <p>The Review's final report presented to Health Ministers in January 2001. A Working Party of the Australian Health Ministers Advisory Council (AHMAC) was established to assist in the preparation of comments on the Review Report. AHMAC released the draft Response to the PIMC for comments on the draft AHMAC Working Party Response to the Review and the response takes account of the comments. The AHMC and CoAG are to endorse the response.</p>	The Department of Health is preparing a review of the Health Regulations. WA has already implemented some recommendations.
Health (Food Hygiene) Regulations 1993	DH	Licenses food processors. Requires premises to be registered. Sets standards for safe food practices.	Review under way. Review near completion, and report being drafted.	
Health (Game Meat) Regulations 1992	DH	Requires slaughterers to hold minimum qualifications. Requires registration of field depots and processing facilities.	Review completed.	Regulations repealed and replaced by the Health (Meat Hygiene) Regulations 2001.
Health (Meat Inspection and Branding) Regulations 1950	DH		Review completed.	These regulations have been repealed. Reform complete.

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Health (Pesticides) Regulations 1956	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health (Pet Meat) Regulations 1990	DH		Review under way, as part of the review of the Health Act 1911.	
Health (Public Buildings) Regulations 1992	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health (School Dental Therapists) Regulations 1974	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health Act (Swimming Pools) Regulations 1964	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	
Health Act 1911	DH	Licensing.	Review under way.	WA is preparing legislation that will replace the Health Act 1911 which will include a Food Bill to adopt the Food Standards Code. Cabinet has approved phased replacement of the Act. Cabinet has approved drafting of the Food Bill, which will replace Part 8 of the Act.
Health Laboratory Services (Fees) Regulations	DH	Licensing.	Review completed.	Act repealed.
Health Services (Conciliation and Review) Act 1995	DH		Removed from the LRP.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hire Purchase Act 1959 and Regulations	CEP	Credit providers are required to refund any surplus amount following repossession of goods under hire-purchase transactions; the Court has power to reopen hire-purchase transactions which it considers to be "harsh or unconscionable"; and the ability of credit providers to repossess farming goods is regulated.	Review, by the Ministry of Fair Trading completed, with public consultation. Review found that most of the provisions of the Act are no longer needed to achieve consumer protection for new hire-purchase transactions, since the enactment in 1996 of the national uniform Consumer Credit Code. However, the review found that three provisions (relating to surplus from sale of goods, equitable relief and farm goods purchases) are not adequately reproduced in the new Code and are justified for retention in the public interest. The Government endorsed the review recommendations.	The Government endorsed the review recommendations. Act to be amended via the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed the Bill on 14 November 2003, and the legislation gained assent on 15 December 2003.
Home Building Contracts Amendments Act 1996 and Regulations	CEP	Home building work contracts, dispute resolution procedures, and home building insurance arrangements.	Review, in conjunction with the Builders Registration Act 1939, completed in 2002.	In May 2002, Government endorsed the review recommendations to amend the following: <ul style="list-style-type: none"> • directions from Water Corporation to be amended to include all relevant licensed water service providers or the Office of Water Regulation where no licensed water service provider exists; an • consumers may terminate contract when they are at fault: will be amended to allow termination only if both parties agree. Amendments implemented by the Building Legislation Amendment Act 2000.

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Horticultural and Produce Commission Act 1988	A	The Horticultural Produce Commission is empowered to raise compulsory levies from growers.	Review completed in 1997. Review recommended amending the Act to ensure that levies are used only to fund services that are of a sufficiently public good nature and have had a benefit-cost assessment.	Act amended. Now called the Agricultural Produce Commission Act 1988.
Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Regulations 1997	DH	Licensing.	The NCP review of the Hospitals and Health Services Act 1927 included these regulations.	
Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987	DH	Licensing.	Review completed.	Hospital Regulations were dealt with in the Hospitals and Health Services Amendment Bill 2002. The Bill was assented to on 8 July 2002. This addressed an uncertainty in the operation of the Hospitals and Health Services Act 1927 by clarifying that agencies established under the Hospitals Act may be created to carry out a power, as well as a duty or function. This amendment alleviates the uncertainty that potentially impacted on the operation of PathCentre.
Hospitals (Service Charges) Regulations 1984	DH	Licensing.	The NCP review of the Hospitals and Health Services Act 1927 included these regulations.	

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Hospitals and Health Services Act 1927	DH	<ul style="list-style-type: none"> Regulatory system controls entry of firms or individuals into or out of the market for private sector health services (e.g. number of private hospital bed numbers at a facility and specifications of buildings); and Fees charged for private patients treated in public hospitals are determined by the Governor. 	NCP review completed in May 2001 and endorsed by the Expenditure Review Committee and Cabinet in December 2001. It was noted that the review largely met the Competition Principles Agreement and that the proposed repeal and replacement of the legislation would fully meet the State's obligations under the Agreement.	The Department of Health intends to progress the development of new structural health services legislation to replace those parts of the Hospitals and Health Services Act 1927 that deal with public health system governance.
Hospitals and Health Services Amendment Act 1996	DH	Licensing.	The provisions of this Act have been incorporated into the Hospitals and Health Services Act 1927. An NCP review of this latter Act was completed in May 2001 and endorsed by the Expenditure Review Committee and Cabinet in December 2001.	
Human Reproductive Technology Act 1991	DH	Licensing.	Review completed. Review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.
Human Reproductive Technology Amendment Act 1996	DH	Licensing.	Review completed. Review recommended no change.	Act retained without reform.
Human Tissue and Transplant Act 1982	DH	Licensing.	Review completed in 2000. Review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.
Indecent Publications and Articles Act 1902 and Regulations	J	Licensing.	Review not required.	Legislation repealed and replaced by the Censorship Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Industrial Relations Act 1979	CEP	<p>Qualification requirements of office bearers of the Western Australian Industrial Relations Commission (WAIRC).</p> <p>Persons who have reached 65 years of age are ineligible for appointment to the Commission.</p> <p>Restricted access for public servants to the WAIRC.</p> <p>Restrictions on individual access to the WAIRC.</p> <p>Restricted representation of parties by legal practitioners.</p> <p>Restrictions on individual employees entering into industrial agreements.</p> <p>Registration requirements for employer and employee organizations.</p> <p>Restricted access to Public Sector Appeal Board and Railway Classification Board (to public service officers or Government officers or organisations).</p>	<p>In July 2003, the Government endorsed a Department of Consumer and Employment Protection (DOCEP) review of the Act, which was a revision of an earlier draft endorsed by the Government in 1998</p> <p>The review recommended that the restrictions on access to the WAIRC and the composition of the WAIRC be retained, and that restrictions on individuals entering into employment contracts were also in the public interest and be retained.</p>	
Industrial Training Act 1975 and Regulations	DET	Licensing.	Removed from the LRP.	Regulations repealed and replaced by the Vocational Education and Training Act.
Infectious Diseases (Inspection of Persons) Regulations	DH	Licensing.	Review completed.	Regulations have been repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Inquiry Agents Licensing Act 1954 and Regulations	P	Licensing.		Act repealed and replaced by the Security and Related Activities (Control) Act 1996.
Insurance Commission of Western Australia Act 1986	IC	Limits on investment and borrowing powers, Treasurer's guarantee, and competitive neutrality.	Review completed in 1998. Review concluded that the restrictions provide net public benefit primarily because they improve accountability and oversight controls that are consistent with the approach to other public sector bodies, and legislation other than this Act gives the Insurance Commission exclusive functions so that it has no competitors. The review recommended retaining the restrictions as they provide a net public benefit and are necessary to achieve the objectives of the Act.	Act retained without reform.
Jetties Act 1926 and Regulations	PI	Licensing, and competitive neutrality.		Legislation to be repealed by the Maritime Bill and the Maritime and Transport Legislation Amendment and Repeal Bill (to be drafted).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Valuers Licensing Act 1978 Regulations	CEP	Licensing, entry requirements (member of Institute of Valuers or education and four years experience, and possibly exams), the reservation of title and practice, and business conduct (including board setting maximum fees, code of conduct).	<p>The 1999 departmental review of the Act was not finalised pending the findings of the Gunning Inquiry and the Temby Royal Commission into the finance broking industry. The review recommended the discontinuation of licensing and the Land Valuers Licensing Board. The Temby Royal Commission recommended that valuers be licensed. The Government endorsed the findings of the Royal Commission.</p> <p>The Government is examining review recommendations in light of the Gunning Inquiry. (Gunning Inquiry recommended replacing seven licensing boards including the Land Valuers Licensing Board, with a single authority to license finance brokers, builders, car dealers, land valuers, and real estate and settlement agents.)</p> <p>The NCP review was updated and endorsed by Cabinet on 4 August 2003. The review found that the following restrictions were in the public interest and should be retained:</p> <ul style="list-style-type: none"> • the requirement for land valuers to be licensed; • the criteria for licensing; • the power to discipline land valuers; and <p>the power to set maximum remuneration received by valuers.</p>	No implementation is required.

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Aid Commission Act 1976 and Regulations	J	<p>The review identified four restrictions in the Act as it will be amended by the Bill, all classified as minor:</p> <ul style="list-style-type: none"> • prescribed composition of the Legal Aid Commission; • power and recognition given to the Law Society of WA (Inc); • prescribed qualifications of public assessor; and • prescribed rate of interest payable on money owed to Legal Aid Commission. 	Review completed. Review found that each of the restrictions is in the public interest and should be retained.	Act retained without reform. The Government endorsed the review conclusion that the restrictions in the Act, as it will be amended by the Bill, should be retained as being in the public interest.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practitioners Act 1893 and Rules	J	Licensing, registration, entry requirements, reservation of title, reservation of practice, disciplinary processes, and business conduct (including monopoly professional indemnity insurance, trust accounts, fees, advertising).	Review completed in June 2002. Issues paper released in June 2000. Review recommended reserving sore areas of legal work; allowing practitioners who have made suitable alternative arrangements to opt out of the Law Society's professional indemnity insurance scheme; and removing restrictions on incorporated practices and multidisciplinary practices.	<p>The Government introduced advertising restrictions similar to those in Queensland through the Civil Liability Act 2002.</p> <p>The Legal Practice Bill 2002 (introduced in October 2002) was passed in the Legislative Assembly on 24 June 2003 and in the Legislative Council on 14 November 2003. It was assented to on 4 December 2003. The Bill clarifies the standards required of, and regulation of, legal practitioners; modernises the structure and function of the Legal Practice Board, the complaints committee and disciplinary tribunal; enables the creation of incorporated legal practices and multidisciplinary partnerships; and introduces national practising certificates into WA. Further reforms may be introduced following the outcome of the national model laws project.</p>
Licensed Surveyors Act 1909 and Regulations	PI	Licensing, entry requirements (competency - education and experience, age, good fame and character, continuing professional development), the reservation of title and practice, disciplinary processes, and business conduct (including professional indemnity insurance).	Review, in conjunction with the Strata Titles Act 1985, completed in November 1998. Review recommendations included re-composing the board, clarifying entry standards, and retaining restrictions on professional indemnity insurance.	The Government endorsed the review recommendations. Amendments to the Act were progressed via the Acts Amendment and Repeal (Competition Policy) Bill 2002 which gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lights (Navigation Protection) Act 1938	PI	Licensing.		Act to be repealed by the Maritime Bill and the Maritime and Transport Legislation Amendment and Repeal Bill. The earliest time for the redrafting of Maritime Bill is the second half of 2003 (to be drafted).
Liquor Licensing Act 1988 and Regulations	DRGL	Contains a public needs test. (s 38 requires the licensing authorities to have regard to the number and condition and distribution and services provided by existing licensed premises in the affected area.) Also, differential hours for hotels and liquor stores with the latter prohibited from opening on Sundays.	Draft review completed in March 2001. Review recommended that the public needs test should be replaced by a public interest test. This public interest criteria should include reference to the likely effect on competition in the liquor market but not on individual competitors to enable identification of important but otherwise undisclosed public interest matters, i.e. outlet density and propensity for harm and ill health. Review also recommended that trading hours for liquor stores and hotels be similar including on Sundays.	WA introduced a package of measures (to take effect from 1 July 2005) that will implement the major review recommendations. The public needs test will be replaced with a public interest test and the same opening hours for outlets engaged in similar activities will be allowed. The Government has approved the drafting of the Liquor Licensing Amendment Bill 2003.
Local Government (Miscellaneous Provisions) Act 1960 Building Regulations 1989	LGRD		Review completed in mid 2002.	New legislation is being drafted to replace the Local Government (Miscellaneous Provisions) Act 1960 and the Building Regulations 1989. The new legislation will establish building regulations and specify building approval procedures. The drafting of the Building Act is delayed until the Productivity Commission reports on the effectiveness of the Building Code of Australia.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government Act 1995	LGRD	Competitive neutrality, differential treatment, and single industry superannuation scheme for employees.	Review completed. Review concluded that requirement for local governments to participate in a single industry superannuation scheme is inappropriate. Exemption of Cooperative Bulk Handling from rates found to be potentially anti-competitive. Matter to be considered in conjunction with the review of the Bulk Handling Act 1967.	The Government is currently developing a Bill to implement the review recommendations.
Local Government Draft Model By-Laws	LGRD		Removed from the LRP.	No further action required.
Lotteries Commission Act 1990	DRGL	<p>Allowing the Lotteries Commission (the Commission) to enter into agreements with other State lotteries agencies for the purposes of jointly conducting Lotto and Soccer Pools.</p> <p>Allowing the Commission to use trading names and symbols.</p> <p>Allowing the Commission to obtain permits directly from the Minister.</p> <p>Making it an offence for a person, without the approval of the Commission, to derive a fee or reward for promoting or forming a syndicate to purchase a ticket in a game conducted by the Commission.</p> <p>Allowing the Commission to enjoy the status, immunities and privileges of the Crown.</p>	Review completed in 1997. Review recommended retention of restrictions.	The Government is considering its response to the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marine (Hire and Drive Vessels) Regulations 1983	PI			Repeal pending enactment of the Maritime Bill and the Maritime and Transport Legislation Amendment and Repeal Bill (to be drafted).
Marine Act 1982	PI			Repeal pending enactment of the Maritime Bill and the Maritime and Transport Legislation Amendment and Repeal Bill (to be drafted).
Marine and Harbours Act 1981 and Regulations	PI	Competitive neutrality.	Review completed in 1999.	Act to be repealed by the Maritime Bill and the Maritime and Transport Legislation Amendment and Repeal Bill (to be drafted).
Marketing of Eggs Act 1945	A	Licenses producers. Limits production via quotas. Vests ownership of eggs in the egg marketing board.	Departmental review completed.	In August 2003, the Government endorsed the removal of competitive restrictions on the supply and marketing of eggs by July 2007. A Transitional Advisory Committee has been established and is preparing a plan to deregulate the industry by 2007.
Marketing of Meat Act 1946 and Regulations	A		Review not required.	Act repealed in mid-1999.
Marketing of Potatoes Act 1946 and Regulations	A	Prohibits sale for domestic consumption of potatoes to persons other than the WA Potato Marketing Corporation unless under certain exemptions. Producers must hold growing area licences allocated by the corporation.	Reviewed by the Department of Agriculture. The review recommended the Government maintain the current regulated supply system given the lack of evidence that any major changes would result in improvement in the public interest.	On 5 August 2003, the Minister for Agriculture announced that the State Government would retain the marketing powers of the Potato Marketing Corporation. An implementation advisory group has been formed to investigate possible improvements to the operation of the Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Meat Transport Regulations 1969	DH		Review completed.	Regulations repealed by Regulation 28 of the Health (Meat Hygiene) Regulations 2001.
Medical Act 1894	DH	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	A Ministerial working party released a draft report October 1999. Final report released in 2001 and recommended: retaining registration and title protection; changing the disciplinary system; removing prescriptive controls on advertising; further considering issues relating to the regulation of bodies corporate; and linking registration with a requirement for ongoing professional development. Cabinet accepted the review recommendations.	Cabinet accepted the review recommendations and approved drafting of a Medical Practitioners Registration Bill, which will replace the current Act.
Mental Health (Administration) Regulations 1965	DH	Licensing.		Regulations repealed and replaced. Replacement legislation to be reviewed.
Mental Health (Consequential) Provisions Act 1996	DH	Licensing.	Review concluded that restrictions are in the public interest and should be retained.	The Government endorsed the review recommendations.
Mental Health (Transitional) Regulations 1997	DH		Review concluded that restrictions contained in the replacement legislation were in the public interest.	The Government endorsed the review recommendations.
Mental Health (Treatment Fees) Regulations 1992	DH	Licensing.	Review completed.	Repealed.
Mental Health Act 1962	DH	Licensing, and differential treatment.	Review concluded that restrictions contained in the replacement legislation were in the public interest.	Act repealed and replaced by the Mental Health Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mental Health Act 1996	DH	Licensing, and differential treatment.	Review completed in December 2000. Review found that the restrictions safeguard the welfare of patients with mental illnesses, comply with international obligations and promote high and consistent standards in mental health care, leading to increased public confidence in the system. The review concludes that the restrictions are in the public interest and should be retained.	The Government endorsed the review recommendations.
Mental Health Regulations 1997	DH	Licensing.	Review concluded restrictions are in the public interest.	The Government endorsed the review recommendations.
Metropolitan (Perth) Passenger Transport Trust Act 1957 and Regulations	PI		The Trust is to be abolished and replaced by the new WA Transit Authority.	The Metropolitan (Perth) Passenger Transport Trust Act 1957 and Regulations were repealed on 1 July 2003. The Public Transport Authority Act gained assent on 26 May 2003.
Metropolitan Region Town Planning Scheme Act 1959	PI	Controls on land use, via town planning schemes.	The current Government re-activated the consolidation of the planning legislation with the release of a position paper in April 2002.	The Government received submissions on the position paper and is developing the Planning and Development Bill 2004.
Mining Act 1978 and Mining Regulations 1981	DOIR	Prohibits mineral exploration or extraction without a licence. Term of exploration licences - 5 years. Term of extraction (mining) licences - 21 years (renewable). Minimum expenditure conditions.	Departmental review completed. Review recommended retention of all restrictions.	The Government endorsed the recommendations in December 2000. Act retained without reform.
Morley Shopping Centre Redevelopment Agreement Act 1992	IT	Government assistance for retail development.	Review completed. Review found that the agreement was in the public interest.	The Government accepted review findings. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicle (Third Party Insurance) Act 1943	IC	Mandatory insurance, monopoly insurer, and centralised premium setting.	Review completed in 2000. Review found mandatory insurance and price restrictions give rise to net public benefits (ensuring injured parties are compensated, reducing costly private legal action, lowering transactions costs, lowering costs of insurance, increasing the proportion of claims' payments retained by claimants). No less restrictive means of achieving the objectives were found. The review found that monopoly provisions do not offer sufficient public benefit to justify their retention, and recommended the restrictions should be removed.	Amending legislation was withdrawn in 2001 and the Government has since taken no further action. It is still considering the 2000 review.
Motor Vehicle Dealers Act 1973 and Regulations	CEP	Licensing (motor vehicle dealers, yard managers, car market operators and sales persons), entry requirements (dealers must be solvent and understand their obligations under the Act, yard managers must complete a four-day course), business conduct (statutory warranties on used vehicles), and power to the Motor Vehicle Licensing Board to set standards for premises.	Review completed in 1997. Review recommended: retaining restrictions on licensing for motor vehicle dealers and yard managers; retaining statutory warranties for used vehicles; repealing restrictions on licensing for car market operators and salespersons; and repealing the power of the Motor Vehicle Licensing Board to set standards for premises.	The Government endorsed the review recommendations. Amending legislation passed in May 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Vehicle Drivers Instructors Act 1963	PI	Licensing, entry requirements (competency, aged at least 21 years, good character, fit and proper person, may require test or course), the reservation of practice (teach for reward), and business conduct (dual control vehicle, regulations may make provisions for displaying identification).	The review recommended: <ul style="list-style-type: none"> alterations to the definition of driving instructor; police clearance for applicants for driving instructors' licences; that it be compulsory for instructors to attain a relevant qualification; and that licensed instructors maintain records. Cabinet accepted the recommendations.	Amendments will be included in the Road Traffic Amendment Bill (No. 2) 2003, which is being drafted.
Murdoch University Act 1973	ES	Competitive neutrality, and market power.	Review by officials completed in 1998. Review recommended that investment provisions be consistent between universities. Government endorsed review recommendations.	Amendments required.
Mutual Recognition (Western Australia) Act 1995	PC		National review completed in July 1998.	
North West Gas Development (Woodside) Agreement Act 1979	DOIR		Review not required.	Act repealed and replaced by the North West Gas Development (Woodside) Agreement Amendment Act 1994.
North West Gas Development (Woodside) Agreement Amendment Act 1994	DOIR	Differential treatment.	Review completed in 1998.	Act retained without reform in view of sovereign risk implications of unilateral amendment or repeal.
Northern Developments (Ord River) Pty Ltd Agreement Act 1960	PI	Differential treatment.	Review not required.	Legislation has been repealed in the Statutes (Repeals and Minor Amendments) Bill 2001, which gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Northern Developments Pty Ltd Agreement Act 1957	PI	Differential treatment.	Review not required.	Legislation has been repealed in the Statutes (Repeals and Minor Amendments) Bill 2001, which gained assent on 15 December 2003.
Northern Developments Pty Ltd Agreement Act 1969	PI	Differential treatment.	Review not required.	Legislation has been repealed in the Statutes (Repeals and Minor Amendments) Bill 2001, which gained assent on 15 December 2003..
Nurses Act 1992	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released October 1998 and the 'Key Directions' paper was released in June 2001. The latter proposed removing prescriptive ownership restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). The core practices discussion paper was released in March 2003.	The Nurses Amendment Act 2003, which deems Australian and New Zealand nurses to be registered in WA in certain emergency situations, received the Governor's assent in April 2003.
Occupational Therapists Registration Act 1980	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. The latter paper indicated that the Government would maintain title protection for occupational therapists. The Government is reconsidering this issue in the core practices review.	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professions legislation. The legislation will be introduced into Parliament as soon as possible.
Offensive Trades (Fees) Regulations 1976	DH	Licensing.	Review under way, as part of the review of the Health Act 1911.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Optical Dispensers Act 1966	DH	Licensing.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. That review recommended a separate review of optical dispensers, which was chaired Professor Bryant Stokes and provided to the Government in April 2003.	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professions legislation. The legislation will be introduced into Parliament as soon as possible.
Optometrists Act 1940	DH	Restrictions on entry, registration, title, practice, advertising, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. It proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is completed). A core practices discussion paper was released in March 2003.	In April 2001, the Government approved the drafting of template health practitioner Acts to replace the health professions legislation. The proposed reforms retain restrictions on optical dispensing. The legislation will be introduced into Parliament as soon as possible.
Osteopaths Act 1997	DH	Restrictions on entry, registration, title, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. It proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). A core practices discussion paper was released in March 2003.	In April 2001, the Government approved the drafting of template health practitioner Acts to replace the health professions legislation. The legislation will be introduced into Parliament as soon as possible.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Painters Registration Act 1961	CEP	Licensing and registration (for persons carrying on a painting business in their own right and not as employees and for painting valued greater than \$200), entry requirements (degree/apprenticeship/experience and exams, age, good character), the reservation of title and practice, disciplinary processes, and business licensing.	<p>Review completed in 1998. Review concluded that the current system of mandatory licensing is too restrictive and should be removed. The review recommended a certification scheme be developed to allow consumers to readily identify painters who possess particular skills. It also recommended negative licensing to support a certification system, allowing for the removal from the industry of persons who do not adhere to basic standards of commercial conduct.</p> <p>The Government endorsed the original review recommendations. The original review was, however, overtaken by the Gunning Inquiry. This inquiry was commissioned on 3 April 2000 to conduct a Special Inquiry under the Public Sector Management Act 1994 into the operations of the Boards and Committees in the Fair Trading portfolio.</p>	The Government endorsed the review recommendations on 30 October 2003.
Pathology Centre Notice and Directions 1995	DH	Market power: the PathCentre Directions 1995 restricts Sir Charles Gairdner Hospital from conducting a pathology service.	Review of the Agencies (PathCentre) Notice 1995 completed. Review found that the Notice does not restrict competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pawnbrokers and Second-hand Dealers Act 1994 and Regulations	P	Licensing (pawnbrokers, second-hand dealers for not exempt goods), registration, entry requirements (good character, fit and proper person - that is, adequate management, supervision and control of business operations, and no conviction of dishonesty, fraud, or stealing offence in past five years), the reservation of practice, disciplinary processes, and business conduct (pawnbrokers: prescribed records, computer records, notification of pawner of surplus of proceeds of sale; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Review by WA Police Service completed in 1999. Consultation involved when developing legislation. No public consultation during review. Review recommended: retaining the current licensing provisions on the understanding that they may be modified following future review; conducting a further review after the current legislation had been in operation for an additional three years; and examining alternative approaches, including those likely to be introduced in other States. Second review undertaken.	The Government endorsed both reviews' recommendations. An amendment Bill has been prepared.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pearling Act 1990 and Regulations	F	Licensing of pearling and hatcheries. Minimum quota holding for pearling licences. Requirement that hatchery licensees must also hold pearling licence. Wildstock quota. Hatchery quota. Hatchery sales to other than Australian industry prohibited.	<p>Review by the Centre for International Economics (CIE) completed in 1999. Review recommended:</p> <ul style="list-style-type: none"> • removing minimum pearling quota holdings; • decoupling pearl farming licences from pearl fishing licences; • auctioning temporary increases in wildstock quotas; • removing hatchery quotas without delay; • codifying in regulation criteria for fishery management decisions; and • establishing an independent review tribunal. <p>The Government announced that it has accepted all recommendations but the auctioning of temporary increases in wildstock quota and the removal of hatchery quota. The latter is in place until at least December 2005 pending a further review.</p>	<p>A new Pearling Act is being developed for introduction in the Autumn 2005 Parliamentary sitting. It will incorporate many recommendations from the NCP Review of the Pearling Act and related legislation.</p> <p>A new hatchery quota will be developed over the next 1-2 years, noting the current policy expires in December 2005.</p>
Perth Market Act 1926 and Regulations	A	Licensing, and differential treatment.	<p>Review completed in 2002. Consultation involved public advertisement and calling for submissions in June 2000.</p> <p>In May 2002, the Government endorsed the review recommendations to remove the wholesale market monopoly and remove restrictive trading conditions.</p>	<p>Amended by the Acts Amendment and Repeal (Competition Policy) Bill 2003. The Upper House passed this Bill on 14 November 2003, and it gained assent on 15 December 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Perth Parking Management Act 1999	PI	Licensing, and differential treatment.	Reviewed as new legislation. New Act removes discriminatory treatment of Council and private parking providers, licenses and limits parking places in Perth Central Business District. Public benefits are reduced Central Business District congestion and improved air quality. Government approved on 18 May 1998.	Assented to on 19 May 1999.
Perth Theatre Trust Act 1979	PTT	Competitive neutrality.	Review completed in 2002. Inter-agency consultation.	In May 2002, the Government endorsed the review recommendation that the State tax and stamp duty exemptions provided to the Perth Theatre Trust are in the public interest and should be retained. The exemption from rates and taxes is considered to have a minimal impact on competition. For many of the performing art forms, which the Trust venues host, there is no competition between venues because of the technical requirements of the performance space.
Petroleum (Submerged Lands) Act 1982 and Regulations	DOIR	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999/2000. Endorsed by the Australian and New Zealand Minerals and Energy Council (ANZMEC) Ministers.	The Government is awaiting the introduction of amendments by the Australian Government before amending its own legislation.
Petroleum Act 1967	DOIR	Regulates onshore exploration for and development of petroleum reserves.	Review to be conducted after outcome of Petroleum and Submerged Land Act legislation is finalised.	The Government is awaiting the introduction of amendments by the Australian Government before amending its own legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum Legislation Amendment Act 2001	DOIR	Requirement that retailers fix their prices for at least 24 hours and notify these prices for publication on its FuelWatch web site; maximum wholesale price arrangements; the right of a retailer to purchase 50 per cent of petroleum products from a supplier other than the primary supplier; mandatory price boards to be displayed in all regional centres	Review of this Act and the Petroleum Legislation Amendment Act 2001 completed in 2001. Restrictions were found to be in the public interest. The Australian Competition and Consumer Commission (ACCC) reports found, however, that the restrictions might have reduced competition, increased the rural/urban price differential and raised prices.	
Petroleum Pipelines Act 1969 and Regulations	DOIR	Regulates construction and operation of petroleum pipelines in WA.	Review completed. Common carrier provisions to be considered following PSLA review.	Minor amendments to follow.
Petroleum Products Pricing Amendment Act 2000	CEP	Requirement that retailers fix their prices for at least 24 hours and notify these prices for publication on its FuelWatch web site; maximum wholesale price arrangements; the right of a retailer to purchase 50 per cent of petroleum products from a supplier other than the primary supplier; mandatory price boards to be displayed in all regional centres.	Review, in conjunction with the Petroleum Legislation Amendment Act 2001, completed in 2001. Restrictions were found to be in the public interest. The ACCC reports found, however, that the restrictions might have reduced competition, increased the rural/urban price differential and raised prices.	
Petroleum Products Subsidy Act 1965 and Regulations	DOIR	Market power.	Review under way.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1964	DH	Restrictions on entry, registration, title, practice, advertising, business, ownership, licensing, residence, and disciplinary provisions.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions.</p> <p>CoAG referred the national review to a senior officials working group, which recommended that CoAG accept most of the national review recommendations (except the recommendation on nonpharmacy ownership of pharmacies by friendly societies and other nonpharmacists that currently own pharmacies).</p>	WA is consulting with stakeholders on the recommendations from the national review. The review will then be considered by Cabinet.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Act 1950	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. This paper sets out the policy framework that is the basis for proposed new template health practitioner Acts. The Key Directions paper proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). A core practices discussion paper was released in March 2003.	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professionals legislation. The legislation will be introduced into Parliament as soon as possible.
Pig Industry Compensation Act 1942	A	Ministerial discretion over allocation of funds raised compulsorily for scientific research. Minister may levy growers to fund services to the pig industry including compensation and disease control programs.	Review by Department of Agriculture completed in 1997. Review recommended: <ul style="list-style-type: none"> • changes to ensure that funds from compulsory levies are used only for services of a public good nature; and • retaining the power of the Minister to levy growers. 	The Pig, Potato and Poultry Industries (Compensation Legislation Repeal Bill 2003 had its second reading in the Legislative Assembly on 20 November 2003.
Piggeries Regulations 1952	DH		Review under way, as part of the review of the Health Act 1911.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Planning legislation</p> <p>Town Planning and Development Act 1928</p> <p>Western Australian Planning Commission Act 1985</p> <p>Metropolitan Region Town Planning Scheme Act 1959</p>	PI	Controls land use via town planning schemes.	Review under way. Legislation (Town Planning and Development Act 1928, WA Planning Commission Act 1985, Metropolitan Region Town Planning Scheme Act 1959) was consolidated into Urban and Regional Planning Bill under the previous Government. The current Government reactivated the consideration of the planning legislation with the release of a position paper in April 2002.	
<p>Plant Pests and Diseases (Eradication) Fund Act 1996 [previously the Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act 1974]</p>	A	Power of Minister to impose levies and Ministerial discretion over application of funds.	Review by officials completed in 1997. Review recommended amending the Act to ensure that levies fund only services that are of a sufficiently public good nature and that have been assessed as in accordance with a benefit cost methodology.	The existing legislation will be repealed and replaced by the Grain and Seed Crops (pest Control Funding) Bill, currently being drafted.
<p>Podiatrists Registration Act 1984</p>	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. This paper sets out the policy framework that is the basis for proposed new template health practitioner Acts. The Key Directions paper proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way).	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professionals legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poisons Act 1964	DH	Licensing.	<p>Part of Galbally Review. Draft review report released on 11 September 2000. Final review report given to the AHMC in early 2001. It found a net benefit from regulating drugs, poisons and controlled substances, but also found that controls could be reduced in some areas, efficiency improved, and nonlegislative policy responses used in some areas.</p> <p>The AHMC referred the review report to the AHMAC to develop a draft response, in consultation with the Primary Industries Ministerial Council. AHMAC established a Working Party to develop a draft response for CoAG consideration. The working party's draft response, which has been endorsed by AHMAC, was considered by the Primary Industries Ministerial Council before being forwarded to CoAG. The response is expected to be sent to CoAG in spring 2003.</p>	<p>WA amended its regulations to remove or alter some unnecessarily restrictive provisions and to implement the review recommendations on record keeping requirements. A Discussion Paper outlining amendments to the Poisons Act required to implement the Galbally review was circulated in January 2001. A further Discussion Paper is to be circulated in early 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Police Force Canteen Regulations 1988	P	The Regulations enable a Canteen to sell liquor under terms and conditions that are not subject to the requirements of the Liquor Licensing Act 1988, and therefore discriminate in favour of the Canteen over competing businesses in the private sector.	Review completed in 1998. Review concluded the effect of the restriction is to enable the Canteen more flexibility in its operations than would be afforded to a private sector operator. Recommended that as the restrictions have a minimal impact and cannot be justified in the public interest, and thus the report concluded that the advantages should be removed. As there is no canteen operating at the moment, the report recommends that the removal of the restriction be addressed following the review of the Liquor Licensing Act. If a canteen is established before the review is completed, the review recommends that the canteen voluntarily comply with the Act.	The Government endorsed the review recommendations. Minor amendments to the Act are necessary. Regulations were repealed on 3 July 2001.
Port Authorities Act 1998	PI	Imposes accountability and ownership requirements, together with safety and public interest controls. Restrictions include exemptions from planning and building requirements; public sector management provisions; accountability provisions; requirements for Ministerial approval; consultation and borrowing limits provisions; pilotage provisions; licensing provisions.	Review completed in 1997. Review concluded that the objectives of the legislation could not be achieved by means other than through the licensing restrictions. Act repeals individual port Acts.	New Act following review of ports instruments assented to on 29 June 1999.
Port Hedland Port Authority Act 1970 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Port Kennedy Development Agreement Act 1992	PI	Competitive neutrality.	Review completed. Review recommended retention of the Act without change	The Government approved the review recommendations in August 2000.
Ports (Model Pilotage) Regulations 1994	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1998.
Ports Functions Act 1993	PI	Restrictions on market conduct.	Review not required.	Act repealed and replaced by the generic Port Authorities Act 1998.
Potato Growing Industry Trust Fund Act 1947	A	Power to raise a compulsory levy on the sale of potatoes for the purposes of disease control and providing compensation to growers in the event of a disease outbreak.	Review by officials completed. Review recommended retaining the restriction. The Government approved the review recommendations.	The Act will be repealed via the Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Bill 2003, which was second read in the Upper House on 20 November 2003.
Poultry Industry (Trust Fund) Act 1948	A	Power of the Poultry Industry Trust Fund Committee to impose levies. Financial assistance from the Trust Fund to the Poultry Farmers Association.	Review by officials completed in 1997. Review recommended: <ul style="list-style-type: none"> amending the legislation to ensure that levies fund only services that are of a sufficiently public good nature and that have been subject to a benefit cost analysis; replacing the compulsory levy to fund the Poultry Farmers Association with a voluntary levy; and retaining the levy raising power. 	The Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Bill 2003 was second read in the Upper House on 20 November 2003.
Poultry Processing Establishments Regulations 1973	DH			Regulations repealed by Regulation 28 of the Health (Meat Hygiene) Regulations 2001.
Professional Standards Act 1997	J	Provides for limiting liability for persons who are members of prescribed associations.	Departmental review completed in 1998. No public consultation. Review recommended retaining restriction on competition.	The Government endorsed the review recommendations in July 1999. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Psychologists Registration Act 1976	DH	Restrictions on entry, registration, title, practice, and disciplinary provisions.	Review of health practitioner legislation completed. Issues paper released in October 1998, and Key Directions paper released in June 2001. This paper sets out the policy framework that is the basis for proposed new template health practitioner Acts. The Key Directions paper proposed removing prescriptive advertising restrictions; requiring practitioners to hold professional indemnity insurance; removing restrictions on business ownership; and retaining broad practice restrictions for three years pending the outcome of the core practices review (which is under way). Core practices discussion paper was released on March 2003.	In April 2001, the Government approved the drafting of new template health practitioner Acts to replace the health professionals legislation. Legislation will be introduced into Parliament as soon as possible.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Works Act 1902	HW	<p>Four restrictions all of which are related to competitive neutrality:</p> <ul style="list-style-type: none"> • financial provisions and powers which potentially allow the WA Building Management Authority to access avenues of credit unavailable to private firms in competing commercial activities; • powers of entry on to land for the purposes of public works which may lead to cost savings deriving from not having to secure rights of access from landowners - such savings are not available to private firms; • powers to close roads or streets which may reduce the cost of works through not having to provide for access or protect the safety of road users in the vicinity of works - a right not available to private firms; and • exemptions from local building regulations (except public health regulations) which may provide cost advantages over firms which have to comply with local regulations. 	<p>Review completed. The review classified restrictions as minor, as their economic effects are insignificant and they are used to facilitate public works, the wider public benefit of which have already been assessed. The costs and loss of flexibility associated with more stringent definition of the projects to which the provisions may apply were found to outweigh the minimal benefit that might accrue. The extension of relevant powers to the private sector, in certain cases, was considered. However, given the negligible current involvement of the private sector in providing public infrastructure in WA, such reform is not considered justified. Recommended retaining the restrictions.</p>	<p>The Government endorsed the review recommendations. Act retained without reform.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986	DH	No restrictions identified.	Review completed.	The Government endorse the review recommendations. Act retained without reform.
Racing Restrictions Act 1917	DRGL	Licensing, and differential treatment.	Review completed in 1998. Review recommended limiting the authority of the WA Turf Club to thoroughbred racing and providing for licensing of other forms of horse racing where in the public interest. It recommended retaining the centralised control of horse racing and trotting with the industry bodies.	<p>The Racing Restriction Acts 1917 and 1927 will be repealed and replaced by the Racing and Gambling Legislation Amendment and Repeal Bill 2003. In addition, three other reform Bills have been prepared:</p> <ul style="list-style-type: none"> • the Racing and Wagering Western Australia Bill 2003; • the Racing Restriction Bill 2003; and • the Racing and Wagering Western Australia Tax Bill 2003. <p>The Bills were enacted on 26 June 2003. They implement a number of NCP reforms from reviews of the Racing Restriction Acts and the review of the Western Australian Greyhound Racing Authority Act 1981.</p> <p>The Acts establish Racing and Wagering WA as the new governing body for all Western Australian racing. This body has an exclusive licence to conduct off course totalisator betting.</p>
Racing Restrictions Act 1927	DRGL	Prevents the use of 'mechanical devices' in races for other than horses.	Review complete in 1999. Review recommended repeal of the Act.	Act repealed by the Racing and Gambling Legislation Amendment and Repeal Act 2003, which was assented on 26 June 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Radiation Safety Act 1975</p> <p>Radiation Safety (General) Regulations 1983-1999</p> <p>Radiation Safety (Transport of Radioactive Substances) Regulations 1980-1999</p> <p>Radiation Safety (Qualifications) Regulations 1980-1999</p>	DH	Licensing.	National review completed and the national implementation plan is currently being developed.	Recommendation to amend the regulations is being progressed.
Rates and Charges (Rebates and Deferments) Act 1992	TF	The restrictions identified refer to the differential treatment afforded pensioners and other eligible persons with respect to certain amounts payable by way of rates and charges. The legislation, in effect, discriminates in favour of pensioners and other eligible persons.	<p>Review completed in 1998. Review concluded that the effects of the restrictions on competition are minimal. Only a very small group of eligible persons could potentially obtain a competitive advantage from the differential treatment received, and where such advantage occurred it would be minor. On the other hand, the removal of pensioner rebates and deferments in respect of rates and charges would have a significant impact on the standard of living of pensioners and other eligible persons.</p> <p>An alternative to the way in which the State Revenue Department administered rebates and deferments to eligible persons was considered. However, it was concluded that this alternative would result in greater administrative cost than the present scheme and therefore would not be in the public interest.</p> <p>Recommended that all of the restrictive elements of the legislation should be retained on public interest grounds.</p>	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Real Estate and Business Agents Act 1978 and Regulations	CEP	Licensing (agent's licence, sales representative's certificate), registration, entry requirements (aged over 18 years, good character, fit and proper person (including having done prescribed courses, understands duties and obligations under Act), for agent, sufficient material and financial resources), the reservation of practice, disciplinary processes, business conduct (branch office/s require separate manager/s, supervision and control, records, trust accounts, audit, code of conduct, advertising, fidelity fund), and business licensing.	Departmental review completed. Review recommended licensing be retained; the board be allowed to recognise qualifications other than those prescribed; legislation include explicit criteria for determining conflict of interest and for deeming who has sufficient material and financial resources; restrictions on who may audit trust accounts be removed; the requirement for board approval of franchise agreements be removed and only one director/partner need be licensed.	Maximum fees removed in 1998. The Government endorsed the review recommendations in February 2003. The required amendments to the Act are being progressed together with amendments to the Settlements Agents Act 1981.
Regional Development Commissions Act 1993	LGRD		Act removed from the LRP in July 2003, because it does not contain restrictions on competition.	No further action required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Retail Trading Hours Act 1987 and Regulations	CEP	Monday to Saturday trading hours regulated. Sunday trading hours limited and prohibited outside tourism zones. No restrictions above the 26th parallel.	<p>An Industry Reference Group report completed in 1999 and a further review was conducted in 2003 but reports were not released.</p> <p>An Options Paper was prepared, examining the benefits and costs of different trading hours regimes. The paper was released in June 2003.</p>	<p>In June 2003, the Government announced that it would not change trading hours until 2005.</p> <p>The Retail Shops and Fair Trading Legislation Amendment Bill 2003 retains the current trading hours regime in the metropolitan and non-metropolitan area until 2 May 2005, when weeknight trading will be extended to 9 pm for all general retail stores in the metropolitan area.</p> <p>The Bill has passed the Legislative Assembly and has had its second reading in the Legislative Assembly on 2 December 2003.</p>
Retirement Villages Act 1992, Regulations and Code of Practice	CEP	Restrictions on the use of retirement village land; compliance with the Code of Fair Practice for Retirement Villages; and marketing and price determination rights	Review completed in 2002. The Retirement Villages Reference Group produced a discussion paper and responses were obtained from retirement village residents and associations. In May 2002, the Government endorsed the review recommendations on the use of retirement village land, the Code of Fair Practice for Retirement Villages, and the marketing and price determination rights of residents.	<p>The Code of Fair Practice for Retirement Villages was reviewed and amended during 2003.</p> <p>Amendments are being prepared.</p>

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rural Adjustment and Finance Corporation Act 1993	A	Differential treatment.	Review not required.	Act repealed and replaced by the Rural Business Development Corporation Act 2000.
Rural Housing Bill	CHA	<ul style="list-style-type: none"> Differential treatment of the Authority compared with similar private sector institutions (Sections 5,11,16,17); and differential treatment of customers based on location, occupation or type of business (Sections 18-26). 	Review completed in 1998. Review classified the restrictions as minor and in the public interest.	Changed name to the Country Housing Act 1997.
Sandalwood Act 1929 and Regulations	CALM	Caps the quantity of naturally-occurring sandalwood harvested from Crown and private land. Licenses the harvesting of sandalwood. Individual licences capped at 10 per cent of the total limit.	Review completed. Review recommended removing the cap on harvesting from private land while retaining limits on harvesting on public land.	The Acts Amendment and Repeal (Competition Policy) Act 2003 amends the Act accordingly.
Secret Harbour Management Trust Act 1984	PI	Competitive neutrality.		Repealed by the Statutes (Repeal and Minor Amendments) Bill (No. 2), this became operational on 30 April 1998.
Securities Agents Act 1976 and Regulations	J	Licensing.		Act repealed and replaced by the Security and Related Activities (Control) Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Security and Related Activities (Control) Act 1996	P	Licensing (security and inquiry activities), registration, entry requirements (training, character, possible medical exam for security officers), the reservation of practice, business conduct (operating restrictions, no advertise unless licensed), and business licensing.	Review by WA Police Service completed. Review involved no consultation. Review concluded the security and related industries need statutory control to ensure high standards and to instil public confidence, especially in the area of crowd control. Review concluded that the legislation is effective and provides the necessary controls to maintain and improve the industry.	The Government endorsed the review recommendations in 2000.
Seeds Act 1981 and Regulations	A		Review completed.	This legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.
Settlements Agents Act 1981 and Regulations	FT	Licensing, entry requirements (qualifications, two years experience, age, good character, fit and proper person, material and financial resources, resident in WA), the reservation of practice, business conduct (supervision, trust accounts, maximum fees, professional indemnity insurance, fidelity fund), and business licensing.	Final report of the legislation review completed in March 2002. Review report found the requirement for settlement agents to be licensed should be retained in the public interest because the benefits of reduced risk of financial loss and increased consumer confidence outweighed the costs associated with reduced competition. Review recommended replacing provisions regarding the financial resources of agents with provisions preventing insolvent persons holding a licence, removing the residency requirements, replacing the cap on fees with an offence of 'demanding a fee that is excessive', and giving agents the option of arranging their professional indemnity and fidelity insurance through an insurer of their choice.	Cabinet endorsed the review report in May 2002, but is yet to implement the reforms. The required amendments to the Act are being progressed, together with amendments to the Real Estate and Business Agents Act 1978, in a Bill that is currently being developed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Shipping and Pilotage Act 1967 and Regulations	PI	Governs pilotage services (licensing, competitive neutrality issues).	Review not required.	Act to be repealed.
Small Business Development Corporation Act 1983	SBDC	Differential treatment of businesses.	Review completed. Review found the effects of the restrictions on competition to have no practical importance. Government endorsed review findings.	Act retained without reform.
Small Business Guarantees Act 1984 and Regulations	SBDC	Differential treatment.	Review not required.	Act to be repealed.
Soil and Land Conservation Act 1945 and Regulations	A	Market power. Soil conservation notices, rates and service charges, clearing controls, and 90 day notice to clear or drain land.	Review completed.	The Government endorsed the review recommendations. Act retained without reform.
South Fremantle Oil Installations Pipeline Act 1948	CMS	Licensing.	Review completed in 1998.	Act retained without reform.
State Employment and Skills Development Authority Act 1990 and Regulations	DET	Licensing.	Review not required.	Legislation repealed and replaced by the Vocational Education and Training Act.
State Superannuation Act 2000	GESB	Limits on choice of fund managers. The Government Employee Superannuation Board (GESB) is the sole fund provider which government employees must use for employer contributions.	Review recommended retaining restrictions on fund choice for public benefit reasons.	The Government endorsed the review recommendations in February 2003. The Government introduced choice of investment type for West State Super members on 1 July 2001. Another review of choice of fund has commenced, but it is limited to financial impacts on the State.
State Supply Commission Act 1985 and Regulations	HW	Differential treatment.	Review completed.	Amendments to this Act incorporated into the Acts Amendment and Repeal (Competition Policy) Bill 2002, which gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
State Trading Concerns Act 1916	TF	The Act prohibits the Government from entering into or establishing any trading concern, except where the entity has been established under specific enabling legislation; has been established as a 'trading concern' under the Act; or is a department and has been authorised by the Treasurer under the Act to generate revenue from specified activities.	Review completed in 1998. Review concluded that while the legislation restricts the freedom with which government agencies can enter markets for goods and services it also reduces the risk that Government will become involved in inappropriate ventures. Recommended the restriction be retained.	The Government endorsed the review recommendations. Act retained without reform.
Statutory Corporations (Liability of Directors) Act 1996	J	Differential treatment of directors.	Review not required. Assessment of the effects of the potential restriction indicated that it does not give rise to significant costs or benefits. In view of this the Act was considered to not give rise to a restriction on competition. The 1998 amendments impose similar constraints on directors of statutory corporations as apply to private corporations, and therefore does not give rise to restrictions on competition.	Act retained without reform.
Stipendiary Magistrates Act 1957	J	The Act provides for the appointment of stipendiary magistrates with secure tenure of office and other relative purposes.	Review not required.	Act to be repealed by the Magistrates Court (Consequential Provisions) Bill 2003.
Stock (Identification and Movement) Act 1970	A	Branding of human food and fibre producing animals. Documentation required when moving stock.	Review by officials completed. Review found some scope for easing restrictions on horse owners.	This legislation will be superseded by the Agriculture Management Bill, scheduled for introduction in 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stock Disease (Regulations) Act 1968	A	Restricts importation of stock on grounds of disease control. Requires stockholders to control and notify diseases.	Review by officials completed. Review recommended no change.	
Strata Titles Act 1985 and regulations	LA	Only licensed surveyors can 'certify' a strata plan, survey-strata plan, or notice of resolution where a strata company is requesting a conversion from a strata scheme to a survey-strata scheme.	Review, in conjunction with the Licensed Surveyors Act 1909, completed in 1998. Review concluded restrictions are in the public interest and should be retained.	The Government endorsed review recommendation.
Street Collections Regulation Act 1940 and Regulations	CEP	Licensing.	Review not required.	These Acts will be repealed upon enactment of the Public Collections Bill. This Bill is expected to be introduced into Parliament during 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Subiaco Redevelopment Act 1994	PI	<ul style="list-style-type: none"> • Redevelopment control of the area; • The compulsory taking of land; • Subdivision approval from Minister rather than the State Planning Commission; and • Treasurer's guarantee of loans. 	<p>Review completed in 1997. Review found that effects of the restrictions on competition are relatively minor. The report concluded that the restrictive elements of the legislation need to be retained to achieve the objectives of the Act. The report also finds that there would be substantial costs associated with removing the restrictions, particularly at this stage of the Authority's work.</p> <p>There are no acceptable alternatives to achieving the objectives of the three restrictions relating to the powers of the Authority. The powers are necessary to remedy the existing environmental problems and achieve redevelopment consistent with the vision for the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. The restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed.</p> <p>Recommended retaining the restrictions on the grounds of public interest.</p>	<p>The Government endorsed the review recommendations. Act retained without reform.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Suitors Fund Act 1964	J	Differential treatment of large companies and Crown Agencies.	Review completed in 1997. Review noted that all litigants are required to contribute to a fund which is used to defray legal costs where a court decision is reversed on a 'point of law' appeal or where the proceedings are aborted. However, companies with a paid up capital of \$200 000 or more and Crown agencies are barred from access to the Fund to recover such legal costs. Recommended removing the bar on companies with paid up capital of \$200 000 or more.	<p>The Government endorsed the review recommendations. A Cabinet Submission is being prepared by the Department of Justice. This submission will incorporate drafting instructions necessary to give effect to the recommendations arising from the NCP review of the Act.</p> <p>A working party has been established to review this Act in its entirety. The working party is chaired by the Solicitor General. The review is likely to result in new legislation, and the working party discussed the option of putting aside the current NCP review and instead subjecting any new legislation to an NCP review. This approach was used previously with respect to the Magistrates Courts legislation and was approved by Treasury.</p>
Swan River Trust Act 1988 and Regulations	WRC	Licensing. Limitations on development activity that can be undertaken in the area under the control of the Swan River Trust; and limitations on non-development activity (including advertising) that can be undertaken in the area under the control of the Swan River Trust.	Review by Water and Rivers Commission completed in January 2000. Review recommended restrictions be retained.	The Government endorsed the review recommendation on 14 August 2000. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Taxi Act 1994 and Regulations, and Amendment Regulations 1997	PI	Limitation on number of taxi licences.	<p>Review completed in August 1999. Review recommended removal of all licence number restrictions, buy-back of existing licences at full market value and limiting new licence issues to 20 per cent a year.</p> <p>The Government tendered peak period licences in 2000. Uptake was low due to restrictive conditions. Industry forum in February 2003 was followed by a review. This review recommended that the Act be amended to allow for the release of additional licences on a lease only basis. The review also recommended that lease rates be set at a level below the rate currently charged by private plate owners and that licences be offered to drivers on a regular basis. The review favoured a voluntary buy-back but this was opposed by sections of the industry.</p>	<p>The Government announced in July 2003 that it would lease 50 new taxi plates 2003-04 and smaller numbers in following years. The Taxi Amendment Bill was introduced to Parliament on 19 August 2003 and assented on 15 December 2003. In January 2004, the Government offered 48 new plates for lease. Additional plates will be released in the future, although as yet the Government has not announced the details of the licence release mechanism.</p>

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tobacco Control Act 1990	DH	Differential treatment, licensing.	<p>Review completed in 2002. In May 2002, the Government endorsed the conclusions of the review that the restrictions on competition in the Act and regulations provide a net public benefit and therefore should be retained.</p> <p>Review found that the restrictions serve to correct significant market failures in the tobacco market and are based on sound public interest grounds. They also apply equally to all participants and do not prevent entry into the already very competitive tobacco market.</p>	The Government endorsed the review recommendations.
Totalisator Agency Board Betting Act 1960 and Rules and Regulations	DRGL	Restrictions on events and prescription of circumstances under which betting may occur; restrictions on persons and organisations able to conduct betting; constraints and costs imposed on bookmakers and operators of totalisators generally; constraints and costs imposed on racing clubs, authorities controlling racecourses and owners/occupiers of premises; constraints and costs imposed on punters; constraints and costs imposed specifically on the Totalisator Agency Board (TAB); and competitive neutrality of the TAB.	<p>Review, in conjunction with the Betting Control Act 1954, completed in 1998. Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> • relaxing restrictions on the operation of totalisators other than by the TAB; • relaxing restrictions on bookmakers and their operations; • removing limits on bets in the regulations, leaving the racing clubs to set limits as they see fit; and • relaxing some restrictions on the operations of the TAB. <p>The legislative provisions giving rise to the remaining restrictions were assessed as being in the public interest and recommended for retention.</p>	The Government retained the prohibition on the licensing of additional off-course totalisators in the Acts that restructure the racing industry.

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Town Planning and Development Act 1928	PI	Controls on land use, via town planning schemes	The previous WA Government developed the Urban and Regional Planning Bill 2000, which consolidated this legislation. The NCP review examined both the proposed and existing legislation, because the Bill was essentially a consolidation of the existing legislation. The review was almost finalised, but the change of Government in November 2001 meant that it was not submitted to Cabinet. The current Government re-activated the consolidation of the planning legislation with the release of a position paper in April 2002. The Government received a number of submissions and is developing a new green Bill, which will be called the Planning and Development Bill 2004. The purpose of the Bill is to elicit submissions on the broad proposals contained in the position paper and a number of fresh proposals.	Following review and analysis of submissions on the Bill, the Government anticipates introducing a consolidated Planning and Development Bill 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Co-ordination Act 1966 and Regulations	PI	Restrictions relate to provisions for the Minister to borrow funds and make payment of subsidies to providers of transport services. Also included are a range of provisions, powers and requirements related to the licensing of vehicles used for commercial purposes and the regulation of transport services provided by these vehicles.	<p>Review completed in 1999. Review recommended:</p> <ul style="list-style-type: none"> • removal of provisions relating to the licensing of ships engaged in coastal trade; • removing requirements for public vehicles (other than ships) to be licensed; and • limiting licence fees to an amount sufficient to recover costs incurred in administering the relevant licence system and associated regulatory activities. 	<p>The Government endorsed the review recommendations in November 2000.</p> <p>Since those recommendations were made however, the effects of 11 September 2001 and the Ansett collapse of 14 September 2001 have had a significant impact on the intrastate air transport market in WA, especially regional WA. This prompted the Government's intrastate air services review in 2001-02. The Government believes that some measure of air service regulation may be necessary to ensure that proposed and existing charter services do not compromise the viability of scheduled RPT services. The design of such regulations will proceed in open consultation with industry. Following the review of intrastate air services, the Government extended the licence to operate on the network connecting Perth with major coastal towns. It will undertake a further review of the provision of services to these routes from 2005. The Government is also considering changes for other air routes.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1985 and Regulations	CEP	Licensing and compulsory consumer compensation fund.	Part of national review of travel agent legislation, coordinated by WA. A final review report by CIE released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended that entry qualifications for travel agents be removed and maintain compulsory insurance, but recommended the requirement for agents to hold membership of the Travel Compensation Fund, the compulsory insurance scheme, be dropped. Instead, a competitive insurance system where private insurers compete with the Travel Compensation Fund was viewed as the best option. In November 2002, the Ministerial Council on Consumer Affairs (MCCA) decided to maintain the Travel Compensation Fund monopoly, but consider establishing a risk-based premium structure and making prudential reporting arrangements more equitable. It recommended that each participating jurisdiction review and amend its entry qualifications to ensure uniformity.	Cabinet endorsed the national review on 23 June 2003. WA has commenced implementation of the proposed reforms but all regulatory amendments will need to be agreed at the national level before being tabled in Parliament.

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Trustees Companies Act 1987	J	Competitive neutrality, and licensing.	Review completed in 1998. Review recommended retention on limits on borrowings and loans, and lessening of barriers to entry.	National uniform legislation is proposed and has 'in principle' support from the Australian Government. States were to contract the Australian Prudential Regulatory Authority to complete the prudential reviews (as they already do them for insurance and superannuation) but no agreement could be reached. The Attorney General has written to Senator Campbell expressing disappointment with decision and asked that this situation be taken into account regarding the NCP review. Western Australia believes that South Australia (and maybe New South Australia) has written to the Australian Government expressing a similar view.
University Colleges Act 1926	ES	Competitive neutrality, and market power.	Review, by the Office of Higher Education, completed 1998. Review concluded that the restrictions are in the public interest given the quality of pastoral care provided to students by university colleges. Government endorsed review findings.	Act retained without reform.
University Medical School Teaching Hospitals Act 1955	DH	Market power.	Review completed. Review did not identify any restrictions on competition.	The Government endorsed the review recommendations.
University of Notre Dame Australia Act 1989	ES	Competitive neutrality, and market power.	Review, conducted by the Office of Higher Education, completed in 1998. Review recommended that investment provisions be consistent between universities. Government endorsed review recommendations	Amendment to the Edith Cowan University Act being progressed via the Acts Amendment and Repeal (Competition Policy) Act 2003, which gained assent on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
University of Western Australia Act 1911	ES	Competitive neutrality, and market power.	Review, by the Office of Higher Education, completed in 1998. Recommended that investment provisions be consistent between universities. Government endorsed review recommendations.	Amendment to the Edith Cowan University Act being progressed via the Acts Amendment and Repeal (Competition Policy) Act 2003, which gained assent on 15 December 2003.
Valuation of Land Act 1987	LI	Valuer-General powers and activities.	Review completed in 1998. Review undertaken by intra-agency committee. Public consultation involved submissions following release of an information paper. Recommended less narrowly defined eligibility for the position of Valuer General (dropping requirement to be a member of the Australian Property Institute), removing restriction that any person making valuation for rating and taxing purposes must be licensed under Land Valuers Licensing Act, and encouraging greater flow of information for the purposes of making valuations. Government endorsed review recommendations.	Recommendations are being implemented via the Acts Amendment and Repeal (Competition Policy) Act 2003, which gained assent on 15 December 2003. .
Veterinary Preparations and Animal Feeding Stuffs Act 1976	A	Until mid-1990s, required premises and products to be registered. Restricts packaging and labelling. Requires analysts to hold minimum qualifications. Restricts advertising.	Review as part of the national review completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). The Veterinary Preparations Animal Feeding Stuffs Amendment Bill 2003, which implements the recommendations of the national review regarding consistency in regulation between jurisdictions, is currently before Parliament.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Veterinary Surgeons Act 1960	A	Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, and controls on business names.	<p>Review completed in 2001. Review recommended:</p> <ul style="list-style-type: none"> • introducing a new registration for lesser qualified practitioners; • replacing restrictions on advertising, premises and ownership with voluntary codes; • repealing the restrictive aspects of the premises registration provisions, and replacing them with a voluntary code of practice; and • repealing the restrictions on ownership of veterinary practices by non-veterinarians. 	The Government endorsed the review recommendations and drafting of an amendment Bill has commenced.
Video Tape Classification and Control Act 1987	J	Licensing.	Review not required.	Act repealed and replaced by the Censorship Act 1996.
Vocational Education and Training Act 1996	DET	Registers training providers and accredits training courses.	Review, by an independent consultant, completed. Review concluded that public benefits of restrictions outweigh costs.	The Government endorsed the review recommendations. Act retained without reform.
Water Services Coordination Act 1995 - Part 2 of 2: Water Services Coordination (Plumbers Licensing) Regulations 2000	CEP	Plumbers - licensing, registration, entry requirements (competency or six years experience and qualification, fit and proper, reservation of practice (either licensed or under supervision of licensed), and disciplinary processes.	Review completed. Review recommended retaining restrictions to prevent unlicensed persons performing plumbing work and maintain the power of the Board to set licence conditions.	The Government endorsed the review recommendations. Act retained without reform.
Weights and Measures Act 1915 and Regulations	CEP			Act to be repealed upon the enactment of new trade measurement legislation, which is to be based on the national model and introduced during 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Greyhound Racing Authority Act 1981	DRGL	Differential treatment.	Review completed. Review recommended removal from the WA Greyhound Racing Authority Act 1981 of the arbitrary limit on the number of meetings the WA Greyhound Racing Association may conduct. It also recommended that the provisions contained in the Act which establish centralised control of greyhound racing are in the public interest and should be retained. However, the establishment of an independent regulator should be considered if it is demonstrated that the Authority has improperly used its power to favour its racing activities.	The Government endorsed the review recommendations. Removal of provisions that limit the number of meetings that the WA Greyhound Racing Authority may hold was in the racing legislation that was enacted on 26 June 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Land Authority Act 1992	WALA	<p>The WA Land Authority's exemption from rates and taxes.</p> <p>The Authority's power to compulsorily acquire land.</p> <p>The requirement to seek pre-approval from the Minister on contracts.</p> <p>Restrictions on the Authority's retail activities in the higher end of the residential land market.</p>	<p>Review completed in 1997. Review recommended:</p> <ul style="list-style-type: none"> the Authority be subject to a tax equivalent regime and pay to the Treasurer an amount equivalent to all rates and taxes imposed on private land developers that the Authority is currently not obliged to pay; removing the section of the Act allowing the Authority's power to compulsorily acquire land; amending that legislation to allow contracts to be agreed subject to Ministerial approval; and exempting surplus public sector land assets and urban renewal projects from the restrictions on the Authority's retail activities in the higher end of the residential land market. 	<p>The Government endorsed the review recommendations. Amendment Bill passed on 6 July 2000.</p>
Western Australian Marine (Hire and Drive Vessels) Regulations 1983	PI	Licensing.	Review not required.	<p>The repeal of the Western Australian Marine (Hire and Drive Vessels) Regulations 1983 and the Western Australian Marine Act 1982 will form part of the Maritime Bill.</p>
Western Australian Marine Act 1982	PI	Licensing.	Review not required.	<p>The repeal of the Western Australian Marine (Hire and Drive Vessels) Regulations 1983 and the Western Australian Marine Act 1982 will form part of the Maritime Bill</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Meat Industry Authority Act 1976	A	Controls on abattoir capacity, controls on branding, and regulations of saleyards, abattoirs and processing works.	Review by officials completed in 1998. Review recommended: <ul style="list-style-type: none"> • removing controls on abattoir capacity and regulation of saleyards; • retaining controls on branding; and • retaining regulation of abattoirs and processing works. 	Amendments incorporated into the Acts Amendment and Repeal (Competition Policy) Bill 2002. The Upper House passed this Bill on 14 November 2003 and it was returned to the Legislative Assembly with amendments. It was assented on 15 December 2003.
Western Australian Planning Commission Act 1985	PI	Controls on land use, via town planning schemes	The current Government re-activated the consolidation of the planning legislation with the release of a position paper in April 2002. The Government received submissions on the position paper and is developing the Planning and Development Bill 2004.	Following review and analysis of submissions on the Bill, the Government anticipates introducing a consolidated Planning and Development Bill 2004.

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Western Australian Product Symbols Act 1972	HW	The symbols are able to be used by eligible businesses free of charge and may present a slight advantage to WA businesses and products in home markets.	<p>Review completed. Review found that the symbols do not comprise a significant restriction in their own right, but due to their widespread success and recognition, they now influence consumer behaviour in WA. Their use may therefore confer a competitive advantage on qualifying businesses and products, which could potentially lead to an ability to charge marginally higher prices or obtain a higher market share.</p> <p>Alternatively, when viewed as a labelling mechanism, the symbols may do no more than provide consumers with the necessary information to purchase local products or support local business according to their inclination. The review noted some important spin-off benefits from the symbols in growing the WA economy and noted their popularity among consumers.</p> <p>Review concluded that, on the balance of probabilities, the benefits of the current model outweigh its minor costs and that the Act should be retained.</p>	The Government endorsed the review recommendations. Act retained without reform.
Western Australian Reproductive Technology Council (Nominating Bodies) Regulations 1992 and Directions	DH			Directions will be amended following amendment to the HRT Act currently before Parliament.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Treasury Corporation (Amendment) Bill 1997	TF	The Act provides an exemption to the Corporation from State duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed. Review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Australian Government and other government borrowers. Recommended retaining the restriction.	The Government endorsed the review recommendations. Act retained without reform.
Western Australian Treasury Corporation Act 1986	TF	The Act provides an exemption to the Corporation from State duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed in 1997. Review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Australian Government and other government borrowers. Recommended retaining the restriction.	The Government endorsed the review recommendations. Act retained without reform.
Wheat Marketing Act 1989	A	Imports Australian Government Act into State jurisdiction.	Review not required.	Act no longer operating and will be repealed in the Acts Amendment and Repeal (Competition Policy) Bill 2003. The Upper House passed this Bill on 14 November 2003, and it was assented on 15 December 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wild Cattle Nuisance Act 1871	A	Regulates the destruction of wild cattle.	Review by officials completed. Review recommended repealing the Act as it is redundant.	Repealed by the Statutes (Repeals and Minor Amendments) Bill 2001, which on 29 October 2003 reached the second reading stage in the Legislative Assembly (having already progressed through all Legislative Council stages). It was assented on 15 December 2003.
Wildlife Conservation Act 1950	CALM	Restrictions include prohibitions on the taking of protected fauna from all lands and waters unless one has authority to do so under the Act, prohibitions on commercial dealings in protected fauna (including skins and carcasses) and flora unless undertaken in accordance with licensing provisions and regulations, and prohibitions on abandoning or releasing fauna and prescribed animals into the State, or moving those animals out of the State, unless licensed to do so.	Review completed. Review and associated regulations concluded that all of the restrictions on competition identified in this legislation provide a net public benefit, and should be retained. Review identified a range of public benefits that arise as a result of the restrictions, including increased economic activity associated with sustainable wildlife management, enhanced tourism opportunities, enhanced environmental and recreational amenity, and the beneficial contribution of wildlife to the functioning of the ecosystem in general.	No reform required.
Workers' Compensation and Rehabilitation Act 1981	WCRC	Mandatory insurance, licensed insurers, centralised premium setting.	Review report completed early 2002.	WorkCover is progressing minor legislative change.