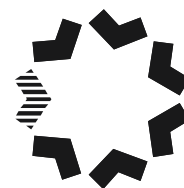


NATIONAL
COMPETITION
COUNCIL



Legislation Review Compendium



February 2010

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The National Competition Council

The National Competition Council was established on 6 November 1995 by the Competition Policy Reform Act 1995 following agreement by the Australian Government and state and territory governments. It is a federal statutory authority which functions as an independent advisory body for all governments on third party access matters.

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

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Abbreviations

ACCC	Australian Competition and Consumer Commission
ACIS	Automotive Competitiveness and Investment Scheme
ACT	Australian Capital Territory
agvet	Agricultural and veterinary
AHMAC	Australian Health Ministers Advisory Council
AHMC	Australian Health Ministers Conference
ANZFA	Australia New Zealand Food Authority
APVMA	Australian Pesticides and Veterinary Medicines Authority
APRA	Australian Prudential Regulation Authority
CBHL	Co-operative Bulk Handling Limited
CCA	Conduct Code Agreement
CIE	Centre for International Economics
CN	Competitive neutrality
COAG	Council of Australian Governments
CPA	Competition Principles Agreement
CRR	Committee on Regulatory Reform
CSO	Community Service Obligation
CTP	Compulsory Third Party
EPA	Environmental Protection Agency
GBE	Government business enterprise
GPO	General Post Office
LRP	Legislation Review Program
MCCA	Ministerial Council on Consumer Affairs
MIA	Murrumbidgee Irrigation Area
MRA	Mutual Recognition Agreement

NCC	National Competition Council
NCP	National Competition Policy
NSW	New South Wales
NT	Northern Territory
OWP	Office of Water Policy
PAWA	Power and Water Authority
PBT	Public benefit test
PC	Productivity Commission
RIS	Regulatory/Regulation Impact Statement
SA	South Australia
SCAG	Standing Committee of Attorneys-General
SCARM	Standing Committee of Agriculture and Resources Management
TAB	Totalizator Agency Board
TABCORP	Totalizator Agency Board Corporation
TPA	<i>Trade Practices Act 1974</i>
TTMRA	Trans-Tasman Mutual Recognition Arrangement
WA	Western Australia
WRC	Water and Rivers Commission
UCCCMC	Uniform Consumer Credit Code Management Committee

1 The National Competition Policy legislation review and reform program

Australia's National Competition Policy (NCP) was established by three intergovernmental agreements signed on 11 April 1995.¹ These agreements were:

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

Under the CPA², the Commonwealth Government and each state and territory government undertook to develop a review and reform schedule identifying all legislation within their jurisdiction that restricts competition (by June 1996) and to complete all reviews, and where appropriate, reforms (by 2000). On 3 November 2000, the Council of Australian Governments (COAG) extended the time for the review and reform program to 30 June 2002 (COAG 2000) and subsequently to 2005.

Under the NCP, the Council was asked to assess governments' progress towards achieving their NCP commitments including on legislation review and reform. The Council undertook these assessments in 1997, 1999, 2001 and subsequently annually until 2005. The 2005 assessment was the final NCP assessment. As part of the assessments, the Council produced a legislation review compendium. The Council published the compendium at regular intervals to provide summary reports on progress.

This is the sixth and final edition of the legislation review compendium. The Council compiled this edition from state and territory NCP progress annual reports and legislation records. This final edition also incorporates comments by states and territories on a draft prepared by the Council.

In total, governments identified some 1800 laws regulating areas of economic activity for review under the NCP with each government reporting annually on its progress. The Council's assessments found that most of the identified legislation was reviewed, and restrictions found not to provide a community benefit removed. In aggregate terms, governments reviewed and where appropriate reformed around 85 per cent of their

¹ These agreements are accessible on the Council's NCP website: www.ncp.ncc.gov.au

² Clause 5 of the CPA outlines governments' legislation review and reform commitment. Clause 5 is reproduced in appendix A.

nominated legislation. For priority legislation, the rate of compliance was around 78 per cent.³

Implementation of the legislation review and reform program required a substantial commitment by governments and proved to be pivotal in removing barriers to competition across such diverse activities as agricultural marketing, the professions, retail trading, transport and communications. It resulted in a material reduction in unwarranted competition restrictions. Governments introduced major reforms in tandem with systematically transforming a multitude of smaller productivity-impeding regulations. The smaller competition restrictions, while appearing relatively insignificant when viewed in isolation, were in total a significant drag on the economy's growth potential.

The principle guiding legislation review and reform

The guiding principle of legislation review and reform is outlined in clause 5 of the CPA. Governments agreed that legislation should not restrict competition unless it can be shown that:

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

In addition, the CPA required that new legislation that restricted competition must meet this guiding principle. All governments now have legislation gatekeeping processes to assess new legislation against the CPA principles.

What is legislation that restricts competition?

Legislation affecting competition may directly or indirectly:

- govern the entry and exit of firms or individuals into or out of markets
- control prices or production levels
- restrict the quality, level or location of goods and services available
- restrict advertising and promotional activities
- restrict price or type of inputs used in the production process
- be likely to confer significant costs on businesses, or

³ Recognising the burden on governments from conducting reviews and implementing reforms, and that the greatest community benefit would arise from prioritising legislation with the greatest impact on competition, the Council nominated priority areas of regulation (NCC 2003, ch. 4). Through the NCP assessment process the Council scrutinised around 800 pieces of priority legislation and monitored outcomes in a further 1000 non-priority areas.

- provide advantages to some firms over others by, for example, sheltering some activities from the pressures of competition.

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

The terms of reference for reviews

The CPA provided guidance on the matters that should be taken into account in undertaking a review of restrictive legislation. Without limiting the terms of reference, reviews needed to:

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

When assessing governments' compliance with their CPA obligations, the Council looked for transparent, robust and objective reviews, because these increase the likelihood of policy outcomes that are in the public interest. The Council also looked for governments to implement review recommendations expeditiously, unless a government could demonstrate that the recommendations were not in the public interest.

National reviews

In some cases, particular legislation identified in governments' schedules had a national dimension or effect on competition (or both). The CPA provided for national reviews of similar legislation where some or all jurisdictions agreed on terms of reference. The COAG Committee on Regulatory Reform facilitated identification of national reviews and agreement by jurisdictions on review arrangements.

The Council found that the conduct of national reviews was sometimes unsatisfactory, with protracted intergovernmental consultation slowing the finalisation of reviews and the implementation of reforms. A significant proportion of the legislation for which review and

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

reform was assessed as incomplete by the Council in 2005 was subject to national processes.

Water industry legislation

Chapter 11 reports on progress by state and territory governments in reviewing and reforming legislation relating to the water industry. The chapter reports on both the work undertaken by governments as a result of the CPA legislation review and reform obligation and on actions by governments to address the water reform obligations set by the COAG. COAG agreed in 2003 to refresh the 1994 reform framework and provide a forward water reform program, reaching the Intergovernmental Agreement on a National Water Initiative in 2004.

The legislation review compendium

The compendium lists for each jurisdiction the legislation reviewed and reform action taken. The following summary information, provided by each government current to the end of 2005 is available:

- Name of legislation
- Agency — the department, authority or Minister responsible for the legislation⁵
- Major restrictions — the nature of the restriction(s) on competition
- Review activity — the nature and status of review activity
- Reform activity — a summary of the reforms implemented following the review

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

Readers seeking further information about the NCP legislation review and reform program should refer to the Council's NCP website at www.ncp.ncc.gov.au.

⁵ This is the responsible government agency at the time of the legislation review and reform activity.

2 Australian Government

Agency nomenclature abbreviations

The following abbreviations are used in the 'Agency' column of the Australian Government legislation review timetable. This nomenclature identifies the relevant agency at the time of the final (2005) National Competition Policy (NCP) assessment.

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

Legislation review schedule: Australian Government

(*denotes not on the Australian Government's original legislation review program (LRP))

Updated to 5 December 2005

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
A New Tax System (Family Assistance Administration) Act 1999*		The Child Care Benefit is provided to families using 'approved' child care services.	The Government provided a public benefit case. It considered it necessary to approve providers of child care services to maintain the quality of services and that the conditions for approval are not unduly onerous and do not discriminate among providers.	
A New Tax System (Family Assistance) Act 1999*		The Child Care Benefit is provided to families using 'approved' child care services.	The Government provided a public benefit case. It considered it necessary to approve providers of child care services to maintain the quality of services and that the conditions for approval are not unduly onerous and do not discriminate among providers.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	DEH	Provides for the Minister for the Environment and Heritage to protect areas and objects that are of particular significance to Indigenous Australians under the Indigenous traditions when these are not effectively protected under the laws of the relevant state or territory.	Evatt Review completed in 1996. Major review recommendations included: <ul style="list-style-type: none"> • establishment of national standards for the protection of indigenous heritage • separation of decisions on the issue of significance from the question of site protection • providing adequate protection for culturally sensitive information disclosed in the course of administering heritage protection legislation • promoting negotiated outcomes through mediation, and • establishment of an Indigenous Heritage Protection Agency/Office. 	Recommendations taken into consideration when formulating the Aboriginal and Torres Strait Islander Heritage Protection Bill 1998. Bill introduced into the House of Representatives in April 1998 and after the 1998 election reintroduced into the House of Representatives in November 1998. The Opposition proposed amendments to the Bill in the Senate in November 1999, most of which were unacceptable to the Government. The Government consulted further with all major stakeholders over the next two years. The Bill lapsed when Parliament was prorogued prior to the 2001 election. The Government undertook further consultation with a view to reforming the Act.
Aboriginal Land Rights (Northern Territory) Act 1976 and Regulation	PMC	Provides for the granting of land to traditional Aboriginal owners and gives certain rights over granted land, including a veto over mineral exploration.	Review completed and report released publicly in August 1999.	The Government released an options paper on possible reforms in 2002 and, in response, the Northern Territory (NT) Government and the NT Land Council released a joint submission in September 2003 proposing reforms to the Act. The Government considering the final form of amendments to the Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Affirmative Action (Equal Employment Opportunity for Women) Act 1986	DEWR		Review by a five member independent committee completed in July 1998.	<p>The Government announced its response to the review on 16 December 1998, endorsing its main recommendations. Key decisions included the establishment of an Advisory Board and the introduction of a simpler reporting system to reduce the paperwork burden on business. Of those recommendations not supported, none was considered to be pro-competitive.</p> <p>The revised and renamed Equal Employment Opportunity for Women in the Workplace Act 1999 came into effect from 1 January 2000.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Agricultural and Veterinary Chemicals (Administration) Act 1992</p> <p>Agricultural and Veterinary Chemicals Code Act 1994</p>	DAFF	<p>Prohibits chemicals from being imported, supplied or held unless approved or exempt.</p> <p>Requires approval of chemicals solely by the National Registration Authority.</p> <p>Imposes same approval costs on low risk chemicals as on high risk chemicals.</p> <p>Provides for assessment services purchased from only certain authorities.</p> <p>Prohibits approval of chemicals unless National Registration Authority satisfied of appropriate efficacy.</p> <p>Licenses chemical manufacturers and analysts.</p> <p>Protects approval data from rivals unless compensation is paid.</p>	<p>National review of agricultural and veterinary chemicals completed in 1999. Review report released by the Standing Committee on Agriculture and Resources Management (SCARM) in March 1999. In relation to the National Registration Scheme, it recommended:</p> <ul style="list-style-type: none"> • retaining the monopoly on approval of chemicals • lowering of regulatory costs for low risk chemicals • including principles in the Code to guide inclusion/exclusion of chemicals in scheme • accepting alternative suppliers of assessment services • limiting of efficacy review to truth of claimed efficacy • recovering National Registration Authority costs via a simple flat rate sales levy and cost-reflective application fees • retaining licensing of veterinary chemical manufacturers • removing provision to licence of agricultural chemical manufacturers until case is made, and • applying the Trade Practices Act 1974 (TPA) third party access pricing to data protection provisions. 	<p>An intergovernmental response, completed in 2000, supported all recommendations except:</p> <ul style="list-style-type: none"> • removing the provision to license agricultural chemical manufacturers, and • limiting efficacy review. <p>Amendments to implement a number of review recommendations enacted in February 2003.</p> <p>Further reviews of fee setting, assessment services and licensing of agricultural chemical manufacturers completed. A revised fee and levy structure for the Australian Pesticides and Veterinary Medicines Authority (APVMA) introduced in the Agricultural and Veterinary Chemicals Legislation Amendment (Levy and Fees) Act 2005.</p> <p>In December 2003, the Government endorsed a framework for the provision of advice by the Department of Agriculture Fisheries and Forestry and the Department of Health and Ageing on human health risk management to APVMA. In May 2004 APVMA introduced a new quality assurance system for active constituents. The Agricultural and Veterinary Chemicals Legislation Amendment Bill (No.1) is intended to implement a regime of data protection.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Anti-dumping Authority Act 1988	AG			Act repealed in December 1998 following changes to the administration of the anti-dumping and countervailing investigations.
Anti-dumping legislation, Customs Act 1901 Pt XVB and Customs Tariff (Anti-dumping) Act 1975	AG	Barrier to competition from low priced or discounted imports.	The Government is yet to finalise the timing or manner of review of legislation relating to anti-dumping and countervailing measures.	Reference to the Anti-dumping Authority Act 1988 deleted following the repeal of that Act. See the Anti-dumping Authority Act 1988.
Australian Maritime Safety Authority Act 1990	DTRS		Review completed in 1997. Review recommended that the safety regulatory functions of Australian Maritime Safety Authority continue to be undertaken by government and that the current administrative arrangements should continue (with the Board able to review the scope to contract out administrative activities).	Review recommendations implemented.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian Postal Corporation Act 1989	DCITA	Legislated monopoly for Australia Post for activities including letter delivery and inwards international mail.	<p>Review by the National Competition Council completed in 1998. Review recommended a package of reforms to open up letter delivery to more competition. Review recommended:</p> <ul style="list-style-type: none"> • reserving only household mail to Australia Post, and opening the delivery of business letters and international mail to competition • funding unprofitable business associated with Australia Post's universal service obligation from the budget • introducing access arrangements for post office boxes, and • introducing accounting separation for Australia Post's retail, reserved services and community services obligations operations. 	<p>A 2000 amendment Bill included provisions which would have reduced Australia Post's monopoly protection from four times the standard letter rate to one times the standard letter rate and the weight restriction from 250g to 50g. The Bill would also have removed incoming international mail from the monopoly. The Government withdrew the Bill in March 2001 as it did not attract the support necessary for passage in the Senate.</p> <p>An alternative legislative package (the Postal Services Legislation Amendment Act 2004) enacted. This partly addressed the recommendations of the 1998 NCP review, providing for:</p> <ul style="list-style-type: none"> • expanded powers for the Australian Competition and Consumer Commission (ACCC) to inquire into disputes about bulk mail interconnection arrangements • expanded powers for the Australian Communications Authority to cost Australia Post's community services obligations and report on its service quality, and • the introduction of accounting transparency by Australia Post.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Australian Radiation Protection and Nuclear Safety Act 1998*</p> <p>Australian Radiation Protection and Nuclear Safety Regulations 1999*</p> <p>Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998*</p>	DHA		Acts reviewed as part of a national review of radiation protection legislation. National review completed in 2001. Review found the legislative framework for radiation protection to be appropriate.	
<p>Bankruptcy Act 1966</p> <p>Bankruptcy (Registration Charges) Act 1997*</p>	AG	Trustee registration.	Review completed in December 1998. Review recommended that Insolvency and Trustee Service Australia continue to register bankruptcy trustees; and that a handover of the trustee registration function to the private sector be considered if and when that sector has an appropriate and adequate infrastructure in place.	<p>Ministerial approval of the recommendations occurred in 1999.</p> <p>Review recommended the status quo be maintained so no reform action.</p> <p>Insolvency and Trustee Service Australia is continuing to register bankruptcy trustees as there is no private sector infrastructure in place.</p>
Bills of Exchange Act 1909	T	Act's objectives are to provide uniformity of law across Australia in relation to bills of exchange and promissory notes, to provide legal certainty by confirming the nature of bills of exchange and promissory notes as negotiable instruments and to promote efficiency in the market place which utilises bills of exchange and promissory notes as financial instruments.	Review, by a taskforce of officials, comprising representatives of the Department of Treasury, the Reserve Bank of Australia and the Attorney-General's Department, completed and final report released in August 2003.	Treasury consulted with industry.
Bounty (Books) Act 1986	DITR		Review completed.	Bounty ceased on 31 December 1997.
Bounty (Fuel Ethanol) Act 1994	DITR		Review completed.	Ethanol Bounty Scheme terminated.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bounty (Machine Tools and Robots) Act 1985	DITR		Review completed.	Bounty ceased on 30 June 1997.
Broadcasting Services Act 1992 Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992 Radio Licence Fees Act 1964 Television Licence Fees Act 1964	DCITA	Licensing, entry barriers, content, antisiphoning rules, simulcasting requirement, spectrum allocation, restrictions on ownership, conduct, multichannelling and datacasting.	Review by the Productivity Commission (PC) completed in March 2000. Review raised significant questions and made extensive recommendations for reform, including: <ul style="list-style-type: none"> • separating licences granting access to spectrum from content-related licences that grant permission to broadcast and converting broadcasting licences to access fees • selling spectrum for new broadcasters competitively • converting licence fees for existing commercial radio and television broadcasters to fees that reflect the opportunity cost of the spectrum • permitting multichannelling and the provision of interactive services by commercial and national broadcasters • removing restrictions that prevent the entry of new broadcasters before the end of 2006 • freeing up spectrum by setting a final date for the end of simulcasting of standard and high definition digital television services, and by making the broadcasting of high definition services optional rather than mandatory, and • relaxing the antisiphoning rules. 	Departmental review of datacasting released on 10 December 2002. The Government announced that there would be no change to the rules on datacasters' broadcasting content, but has since authorised limited datacasting trials. The Broadcasting Amendment Act (No. 2) 2000, passed in November 2002, provided a new licensing framework for community television. The Broadcasting Services Amendment (Media Ownership) Bill 2002 did not pass the Senate. It provided for the repeal of specific restrictions on foreign ownership and empowers the Australian Broadcasting Authority to issue an exemption to the cross-media rules. In 2004, the Government extended the antisiphoning scheme until December 2010 and updated the list of events covered by the scheme. The Broadcasting Services Amendment (Anti-Siphoning) Act 2005 extended the automatic delisting period under the antisiphoning scheme from six to twelve weeks, providing greater flexibility for subscription television services and content rights holders. The Government announced further reviews on 10 May 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Census and Statistics Act 1905	T		Review completed in 1996 as part of the Small Business Deregulation Taskforce.	The Australian Bureau of Statistics required to reduce the cost of completing statistical returns by 20 per cent in 1996-97. Code of conduct for private sector statistical collection agencies.
Commerce (Imports) Regulations Customs (Prohibited Imports) Regulations Commerce (Trade Descriptions) Act 1905	AG	Regulates the description of goods on labels or other markings applied to goods imported into or exported from Australia.	Review completed in November 2002. Review recommended: <ul style="list-style-type: none"> • retention of the Commerce (Trade Descriptions) Act with amendments to certain (mainly administrative) provisions, and • repeal of the Commerce (Imports) Regulations. Desktop review of the Customs (Prohibited Imports) Regulations commenced in 2004.	The Government response to the report is being developed.
Corporations Act 1989	T		The Government removed this Act from its LRP.	
Customs Act 1901 Regulation 11 (Prohibited exports – nuclear materials)	AG		The Government removed this legislation from its LRP.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Customs Act 1901 Sections 154-161L	AG	<p>Provides the basis for determining the customs value of goods imported into Australia. Customs value is used to determine the duty payable on imported goods, to compile import statistics and also contributes to the collection of sales tax where this is payable at the time of importation. Customs value also contributes to the calculation of goods and services tax on imported goods.</p> <p>Legislation enacts Australia's obligations under the World Trade Organisation Customs Valuation Agreement.</p>	<p>Interdepartmental review completed and released on 16 June 1999. Review recommended:</p> <ul style="list-style-type: none"> sections 154 to 161L be repealed and redrafted in a 'plain English' format that incorporates the language and terms of the World Trade Organisation Agreement on Customs Valuation as far as possible and is consistent with that Agreement the redrafted legislation contain statements of its purpose and objectives the proposed new legislation make clear the statutory basis on which importers are required to self-assess the value of imported goods the legislation or its supporting material should clearly explain the principles which underpin import valuation procedures and the intent behind each of the provisions the Customs Service examine the feasibility of adopting a system of public valuation rulings, and the Customs Service introduce, at the same time the new legislation comes into effect, a public information program about the requirements for valuation of imports under the proposed new legislation. 	<p>In early 2001, implementation of the review recommendations commenced with Customs seeking the necessary approvals for legislative amendments. Approvals obtained. The Prime Minister and relevant Ministers supported the amendment of the legislation.</p> <p>Customs commenced processes to amend the valuation provisions of the Customs Act (to give effect to the first four recommendations of the review).</p> <p>Customs is considering the feasibility of a system of public valuation rulings (recommendation five). Customs already provides a valuation advice service. Each piece of advice is provided only to the applicant for that advice. Most advice would not have general applicability, given that it is tailored to particular circumstances, including the contractual arrangements, of the applicant.</p> <p>Information to be provided to the public following enactment of the new legislation.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Customs Tariff Act 1995 – Automotive Industry Arrangements	DITR	Barrier to competition from automotive imports.	PC review of automotive assistance post 2005 completed in August 2002.	The Government announced its response to the PC review report in December 2002. Tariffs to be reduced from 15 per cent to 10 per cent in 2005 (as previously introduced), and from 10 per cent to 5 per cent in 2010 (with no further reductions until 2015). The Automotive Competitiveness and Investment Scheme (ACIS) extended to 2015 as a transitional industry support measure. On 14 October 2003, the ACIS Administration Amendment Act 2003 and Customs Tariff Amendment (ACIS) Act 2003 on 25 June 2003 assented to. These Acts enact the 2010 tariff reduction and give effect to the extension of ACIS.
Customs Tariff Act 1995 – Textiles Clothing and Footwear Arrangements	DITR	Barriers to competition from imports.	PC review on post-2005 assistance completed on 31 July 2003.	The Government announced its response to the inquiry on 27 November 2003. Recommendations relating to tariff reductions adopted. The announced package includes a \$747 million package of adjustment assistance. The Customs Tariff Amendment (Textile, Clothing and Footwear post-2005 Arrangements) Act 2004, which set tariffs in line with review recommendations, came into effect on 14 December 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dairy Produce Act 1986	DAFF	<p>Prohibits export of specified dairy products to specified markets unless under licence from the Australian Dairy Corporation.</p> <p>Imposes a tariff-quota on imported manufactured dairy products.</p> <p>Levies producers of milk for drinking and pays the proceeds to producers of milk for manufacturing - the Domestic Market Support Scheme.</p>	NCP review not required. Following various reforms, including the removal of the Domestic Market Support Scheme, the remaining restrictions relate solely to the allocation of European Union and United States concessional tariff-quota for cheese from Australia amongst Australian exporters. No less restrictive alternative is available to meet European Union and United States requirements.	<p>Domestic market supports sunsetted on 30 June 2000. Also from this date, the Australian Dairy Corporation ceased the single desk for sales of cheese to Japan.</p> <p>On 1 July 2003, amendments to the Act facilitated the merger of the Dairy Research and Development Corporation and the Australian Dairy Corporation into one Corporations Act company, Dairy Australia. The Act does not provide for the new privatised entity to undertake any single desk selling arrangements. Export control functions transferred from the Australian Dairy Corporation are now the responsibility of the Department. Regulations governing certain types of cheese products entering the regulated markets of the European Union and United States came into effect from 1 January 2004.</p>
Defence Act 1903 (Army and Airforce Canteen Services Regulations)	D	Provides for the establishment and operation of canteens to supply goods and services for members of the army and air force. This is a morale/welfare matter to enhance 'the combat capability of any deployed force'. The service operates in a commercial self-supporting way. Regulations do not contain competition restrictions of note.	NCP review not required. Subject to review to determine the financial viability of the canteen service and alternative supply of amenities to defence personal.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Defence Force (Home Loans Assistance) Act 1990	D	Members can only obtain subsidised home loan assistance from the National Australia bank. The franchise was arrived at through a competitive tendering process to deliver a service to defence force members who enlisted after 1985 (essentially an employment condition). Hence, there was competition for the market.	NCP review not required. Under ongoing review. Options being assessed include opening the next tender to all financial institutions in addition to banks.	
Defence Forces Retirement Benefits Act 1948* Military Superannuation and Benefits Act 1991*	T	Limits on choice of funds.	The Government does not intend to provide a choice of fund for military personnel. The superannuation schemes operated under the Acts contain benefit features that are unique to the nature of military service.	The Government argued that attractive in-service death and invalidity benefits are required to attract and retain Defence Force personnel. The Government did not propose to alter defence sector superannuation arrangements.
Defence Housing Authority Act 1987	D	Act does not contain direct or indirect anti-competitive provisions. The Defence Housing Authority is a designated government business enterprise and is therefore subject to Commonwealth competitive neutrality principles requiring it to operate in a commercial and competitively neutral manner. Moreover, in some circumstances, defence personnel can use competitive service providers.	NCP review not required. Review underway, focussing on administrative matters such as removing duplication and examining governance arrangements etc.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Disability Discrimination Act 1992	AG	Regulates inputs used by organisations. To a minor extent, may impose obligations on some organisations and not their competitors.	PC review completed and report released on 14 July 2004. Review concluded that, although the Act has the potential to restrict competition in the Australian economy, current restrictions on overall levels of competition appear negligible. Review also found that the objectives of the Act can only be met by such legislation.	The Government accepted the review conclusion with respect to the NCP impact of the Act.
Dried Vine Fruits Equalization Act 1978 Dried Sultana Production Underwriting Act 1982 Dried Vine Fruits Legislation Amendment Act 1991 Regulations under the Australian Horticultural Corporation Act 1987 restricting the export of dried vine fruit	DAFF	The Dried Vine Fruits Equalization Act 1978 equalises returns from the export of dried fruit. The Dried Sultana Production Underwriting Act 1982 underwrites the production of sultanas. The regulations under the Australian Horticultural Corporation Act 1987 restrict the export of dried fruits.	Review not required.	Acts repealed. Regulations expired as part of horticulture industry regulation and structural reforms. New dried fruit export licensing arrangements now in place (quality standards, export credit insurance and statistical reporting) followed the preparation of a regulatory impact statement approved by DAFF.
Duty Drawback (Customs Regulations 129-136B) and TEXCO (Tariff Export Concession Scheme) – Customs Tariff Act 1995, Schedule 4, Item 21, Treatment Code 421	AG		Review completed in 1997.	TEXCO and Duty Drawback integrated into a simplified and more accessible scheme – TRADEX.
Education Services for Overseas Students (Registration of Providers and Financial Regulation) Act 1991	DEST	Requires registration of providers of education to overseas students.	Review completed.	Act repealed and replaced in part by the Education Services for Overseas Students Act 2000. An independent evaluation of the operation of this Act commenced.
Employment Services Act 1994 (case management issues)	DEWR		The Government removed this Act from its LRP.	

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Environmental Protection (Nuclear Codes) Act 1978	DHA			Act repealed by the Australian Radiation Protection and Nuclear Safety (Consequential Amendments) Act 1998. The Australian Radiation Protection and Nuclear Safety Agency to oversee the codes.
Export Control (Unprocessed Wood) Regulations under the Export Control Act 1982	DAFF	<p>Licensing of unprocessed wood exporters.</p> <p>Licensing of hardwood chip exporters.</p> <p>Maximum aggregate mass limits for woodchip exports.</p>	<p>Review, principally by officials, completed in July 2001. Review recommended the Government:</p> <ul style="list-style-type: none"> • remove export controls on sandalwood • remove export controls over plantation-sourced wood if reviews of plantation codes of practice for Queensland and the NT find these meet National Plantation Principles, and • either remove export controls over native forest-sourced hardwood chips, or allow such exports from non-Regional Forest Agreements regions under licence. 	<p>The Government removed export controls on sandalwood and on plantation sourced wood except that from Queensland. The removal of export controls on wood from Queensland plantations is awaiting Government approval of a plantation code of practice for the state. The export of hardwood woodchips and other unprocessed wood from non-Regional Forest Agreements native forest remains subject to licensing.</p>

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Export Control Act 1982 (fish, grains, dairy, processed foods etc)	DAFF	Registration of processing premises. Inspection of premises and goods. Product standards. Charges and penalties for noncompliance.	Review of provisions related to fish, grain, dairy and processed food completed in February 2000. Review recommended: <ul style="list-style-type: none"> • introducing a three-tier model for export standards • harmonising domestic and international standards • retaining a monopoly on certification of exports, and • making monitoring and inspection contestable. 	The Government accepted all the review recommendations, and progress has been made against each of them. The Australian Quarantine Inspection Service, in consultation with industry, progressing the implementation of the recommendations such as the review of export control orders to reflect the three-tier system and to provide for contestable monitoring and inspection arrangements. The Export Control (Meat and Meat Products) Orders 2005 and the Export Control (Dairy, Eggs and Fish) Orders 2005 follow reviews of earlier orders. The export control Order relating to game, rabbit and poultry meat soon to commence. In addition ministerial councils responsible for primary industries and food regulation developed new Australian Standards, such as the Australian Standard for Hygienic Production and Transportation of Meat and Meat Products for Human Consumption-that harmonise domestic and export requirements of food manufacturers.
Export Finance and Insurance Corporation Act 1991 Export Finance and Insurance Corporation (Transitional Provisions and Consequential Amendments) Act 1991	DFAT		The Government removed these Acts from its LRP.	

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Financial Corporations Act 1974	T		The Government removed this Act from its LRP.	
Financial system – comprehensive review of the regulatory framework	T		Review completed in 1997. The Wallis Inquiry examined the Australian financial system, making recommendations on regulatory change.	The Government announced a package of reforms in September 1997. Suite of legislation passed in all jurisdictions in 1998-99, and in 2001, in line with recommendations.
Financial Transactions Reports Act 1988	AG	Principal object of the Act is to facilitate administration and enforcement of taxation laws. A further object is to facilitate the administration and enforcement of laws of the Commonwealth and Territories (other than taxation laws).	Review, by a taskforce of Government officials with a reference group of two non-government persons, completed. Review recommended a number of amendments to the Act and the Regulations. Those recommendations, together with a number of other legislative amendment proposals, were the subject of consultations.	Review recommendations are part of Australia's wider consideration of implementing new international standards on anti-money laundering and counter-terrorist financing. The Government endorsed the new international standards in December 2003, necessitating a review of Australia's anti-money laundering system and new measures intended to address terrorism financing. New legislation expected to be introduced to Parliament in 2006.

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

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Food Standards Australia New Zealand Act 1991 (replaces the Australia New Zealand Food Authority Act 1991)	DHA	Establishes the Australia New Zealand Food Authority (ANZFA) (now Food Standards Australia New Zealand), which develops food standards, coordinates food surveillance and recall systems, and develops codes of practice with industry.	Blair Review of food regulation completed in 1998. Review recommended amending the Act to: <ul style="list-style-type: none"> clarify regulatory objectives, and require ANZFA, in carrying out its regulatory functions, to apply an NCP test. 	Act amended by the ANZFA Amendment Act 1999 to address the key recommendations.
Food Standards Code (under the Food Standards Australia New Zealand Act 1991)	DHA	The Code sets standards for preparation, composition and labelling of food.	ANZFA developed a proposed new code including new standards on ingredient and nutritional labelling. It undertook regulatory impact analysis but the Office of Regulation Review found this analysis to be inadequate. A revised code since been developed.	New joint code adopted in November 2000. Transition arrangements completed in December 2002.
Foreign investment policy and associated regulation	T		Review completed in September 1999.	On 3 September 1999, the Treasurer announced a number of foreign investment policy and administrative changes arising from the review. These changes reduce notification obligations on business and streamline the administration of foreign investment policy, while continuing to ensure that foreign investment is consistent with the interests of the Australian public. A number of changes required regulation, which took effect from September 1999.
General Insurance Supervisory Levy Act 1989	T		The Government removed this Act from its LRP.	

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Hazardous Waste (Regulation of Imports and Exports) Act 1989, Hazardous Waste (Regulation of Imports and Exports) Amendment Bill 1996 and related Regulations	DEH	Regulates the export, import and transit of hazardous waste.	<p>Review, by a taskforce of officials from Environment Australia, AG, the Department of Foreign Affairs and Trade, the Department of Industry, Science and Resources and the DHA and the Office of Regulation Review, completed. Taskforce supported by the Hazardous Waste Act Policy Reference Group, acting as a reference group of independent members.</p> <p>Draft review report discussed with stakeholders at a meeting of the Hazardous Waste Act Policy Reference Group in November 2000. The taskforce required that numerous changes be made and the final report received on 23 February 2001.</p>	<p>The Government response, released on 12 June 2001, agreed to most of the review recommendations.</p> <p>Amendments to the Hazardous Waste (Regulation of Exports and Imports) Act 1989 commenced on 16 October 2001, implementing some of the recommendations.</p> <p>Amendments made to the 'Australian Guide to Exporting and Importing Hazardous Waste: Applying for a Permit: Second Edition' implementing some other recommendations.</p> <p>Draft RIS to the Regulations discussed with stakeholders in September 2003 and the amendment process underway.</p> <p>Further recommendations to be implemented in amendments to the Organisation for Economic Co-operation and Development Decision Regulations.</p>

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Health Insurance Act 1973, Part IIA	DHA	Pathology collection centre licensing which affects entry to the market.	NCP review commenced in 2000 and completed in December 2002. Review found that, under the current funding arrangements, it is necessary to maintain the current legislative framework to achieve the Government's objectives. Review also found that the approved collection centre scheme may not be appropriate or sustainable in the longer term, but recommended deferring reforms in this area until 2005 to provide time to realise any benefits arising from the new arrangements.	Legislative changes introduced in June 2001 simplified the licensed collection centre scheme while retaining licensing. The Government and the pathology industry undertook to complete a review of the approved collection centre scheme in 2005-06. The DHA advised that it developed terms of reference for the review and will seek expressions of interest in undertaking the review.
Health Insurance Amendment Act (No. 2) 1996*		Prevents new medical graduates from providing a service that attracts a Medicare rebate unless they hold postgraduate qualifications, are studying towards such qualifications or work in rural areas.	Mid-term review of provider number legislation completed in December 1999. Review recommended removing the sunset clause on the legislation and addressing some training issues.	Act amended in 2001 to remove the sunset clause.

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<p>Higher Education Funding Act 1988</p> <p>Vocational Education and Training Funding Act 1992</p> <p>Other regulation with similar effects to the Higher Education Funding Act 1988</p>	DEST		<p>Review completed in 1998 as part of the West Review of Higher Education Financing and Policy. Proposed changes relate to the equal treatment of private and public institutions.</p> <p>The Australian National Training Authority, the Australian Government and the State and Territory Governments reviewed major components funded under the Vocational Education and Training Funding Act 1992. This Act is Commonwealth-State funding legislation, and does not directly affect business or restrict competition. Neither does it have a significant indirect impact on business.</p>	<p>The outcomes of the Higher Education Review announced by the Treasurer in the 2003-04 Budget. The Higher Education Support Act 2003, assented to on 19 December 2003, was new primary legislation for the Government's funding and regulation of the higher education sector. The Act:</p> <ul style="list-style-type: none"> • provides the framework for quality and accountability in the higher education sector • establishes the Australian Government Grants Scheme • provides for forms of financial assistance for higher education providers; establish the Student Learning Entitlement and the Australian Government Higher Education Record, which will include a unique student identifier • establishes the framework for Australian Government Scholarship Programmes • establishes the Higher Education Loans Programme, and • maintains relevant provisions from Chapter 6 of the Higher Education Funding Act 1988 – miscellaneous provision which include appropriating money from the Consolidated Revenue Fund.
Home and Community Care Act 1985	DHA		The Government removed this Act from its LRP.	

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Human Services and Health Legislation Amendment Act (No. 2) 1995*		Prevents new medical graduates from providing a service that attracts a Medicare rebate unless they hold postgraduate qualifications, are studying towards such qualifications or work in rural areas.	Mid-term review of provider number legislation completed in December 1999. Review recommended removing the sunset clause on the legislation and addressing some training issues.	Act amended in 2001 to remove the sunset clause.
Imported Food Control Act 1992 and Regulations	DAFF	Requires imported food to meet Australian standards. Subjects imported food to risk-based inspection and testing. Only Australian Government Analytical Laboratories performs testing.	Review completed in 1998. Review recommended: <ul style="list-style-type: none"> recognising quality assurance processes of importers tailoring inspection rates and strategies to importer performance and agreements on certification and compliance, and permitting qualified laboratories to test imported food. 	The Government accepted all the review recommendations in June 2000. Amendments to the Act passed.
Income Equalisation Deposits (Interest Adjustment) Act 1984 Loan (Income Equalisation Deposits) Act 1976	DAFF		Review completed.	These schemes replaced by the Farm Management Deposit Scheme in 1998. The new scheme is a commercially available arrangement operating through deposit taking institutions (such as banks, credit unions and building societies).
Industrial Relations Act 1988	DEWR		Review subsumed into major restructuring of industrial relations legislation.	Changes to structure for negotiating wages and conditions. Replaced by the Workplace Relations Act 1996.
Insurance (Agents and Brokers) Act 1984	T		The Government removed this Act from its LRP.	
Intellectual property protection legislation (Designs Act 1906, Patents Act 1990, Trade Marks Act 1995, Copyright Act 1968)	AG and DITR	Objective of each Act is to encourage investment in innovation and creative effort	Review by an independent committee completed in September 2000. Public consultation included releasing an issues paper and an interim report, receiving	In June 2000, the Government announced the decision to allow parallel imports of books, periodicals, printed music and

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and the Circuit Layouts Act 1989)		for the benefit of society.	<p>submissions and consultation.</p> <p>Review committee presented its Report on Parallel Importing under the Copyright Act 1968 in June 2000 and its final report, Review of Intellectual Property Legislation under the Competition Principles Agreement (CPA), in September 2000.</p>	<p>software products (with the decision being informed, inter alia, by the June 2000 report noted above).</p> <p>The Government announced its response to the review on 28 August 2001, including:</p> <ul style="list-style-type: none"> • raising threshold tests for obtaining a patent to international standards, implementing a grace period to protect a patent application against invalidation by inadvertent or ill-timed public disclosure, and amending the Trade Marks Act 1995 to remove the impediment to the parallel importation of legitimately trademarked goods. The Government fast-tracked implementation of the more significant patent initiatives • accepting the recommendation to repeal copyright control over parallel importation, except in relation to films • accepting recommendations regarding the copyright term and the efficient operations of the Internet, and • deciding to consider best practice guidelines for the Government in commissioning works with regard to Crown ownership of commissioned works. <p>The Government did not accept the</p>

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				<p>recommendation to remove the cap on royalties for broadcasting sound recordings, and accepted in part the Committee's recommendations regarding collecting societies, identifying existing as well as future actions to implement the Committee recommendations.</p> <p>Some of the recommendations implemented through various Acts and Regulations, while further legislation will be introduced during 2004. In November 2003, the Government announced a review of government ownership of copyright.</p>
Interactive Gambling Act 2001*	DCITA	Prohibition.	<p>The Government reviewed the Act in line with the statutory requirement under the Act, to consider the social and commercial impact of interactive gambling services, and the effectiveness of the Act in dealing with these effects. This work was not an NCP review. Review did not assess the costs and benefits of making it an offence to provide certain forms of interactive gambling services to customers physically located in Australia; rather, it examined issues related to whether the legislated framework was preventing the escalation of problem gambling resulting from new interactive gambling services.</p>	<p>Following the review, the Government announced that it would not take any specific regulatory action in relation to betting exchanges. The Government perceived the licensing and regulation of gambling services as a matter for the states and territories</p>

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International Air Service Agreements	DTRS		Review by the PC completed in September 1998. Review combined with the review of International Air Services Commission (IASC) Act 1992.	Joint statement on 3 June 1999 by the Treasurer and Minister on international aviation policy. Reforms completed in May 2004 when the IASC's new policy statement came into force. Final administrative actions to implement changes to the IASC Act completed in 2004.
International Air Services Commission Act 1992	DTRS		Review by the PC completed in September 1998. Review combined with the review of International Air Services Agreements.	Joint statement on 3 June 1999 by the Treasurer and Minister on international aviation policy. Reforms completed in May 2004 when the IASC's new policy statement came into force. Final administrative actions to implement changes to the IASC Act completed in 2004.
International Arbitration Act 1974	AG		Review completed. Act assessed as not restricting competition.	The Government accepted the review recommendations.

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Land Acquisition Acts (Land Acquisitions (Defence) Act 1968; Land Acquisition (Northern Territory Pastoral Leases) Act 1981 and Land Acquisition Act 1989 and Regulations)	DFA	<p>Land Acquisition Act sets out processes that the Commonwealth and its agencies must follow when acquiring or disposing of an interest in land. It also deals with entry on private land by Commonwealth officers and the regulation of mining on Commonwealth land. Act includes provisions for compulsorily acquiring an interest in land and for the arrangements for consequential payment of compensation.</p> <p>The Land Acquisition (Defence) Act 1986 facilitated the acquisition of public park land in New South Wales (NSW) for defence purposes and the Land Acquisitions (NT Pastoral Leases) Act 1981 used to compulsorily acquire two pastoral leases for subsequent inclusion in Kakadu National Park.</p>	Review by departmental officials reporting to an internal Steering Committee completed. Review advertised nationally and public comment sought from interested persons. Review identified some operational and administrative issues but concluded that the legislation substantially complies with competition policy principles.	No Government response to the report.
Life Insurance Supervisory Levy Act 1989	T		The Government removed this Act from its LRP.	

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Marine Insurance Act 1909	AG	The Act sets out the legal requirements surrounding contracts for and policies of marine insurance.	Review by the Australian Law Reform Commission submitted to the Attorney-General on 30 April 2001 and tabled in Parliament on 22 May 2001. Review recommended minor changes, including bringing marine insurance brokers and agents into the financial services reform regulatory framework. The review found that the Act has no impact on competition in the insurance sector, and is not regulatory legislation.	The Government decided that no action on competition matters is required in relation to the Act.
Migration Act 1958 – sub-classes 120 and 121 (business visas)	DIMIA		Review completed in 1997.	Amendments aimed at strengthening and streamlining the skilled entry programs came into effect November 1997.
Migration Act 1958 – sub-classes 560, 562 and 563 (student visas)	DIMIA		Review completed in 1998.	Recommendations implemented to further deregulate student visa program without compromising the integrity of the immigration program.
Migration Act 1958 – sub-classes 676 and 686 (tourist visas)	DIMIA		The Government removed this legislation from its LRP.	
Migration Act 1958, Part 3 (Migration Agents and Immigration Assistance) and Regulations	DIMIA		Review completed in 1997. Review combined with that for Migration Agents Registration (Application) Levy Act 1992 and Migration Agents Registration (Renewal) Levy Act 1992. Review concluded that due to consumer protection concerns, voluntary self-regulation was not immediately achievable, and a transitional arrangement needs to be in place to enable the industry to prepare for self-regulation.	The Government accepted the review findings, and passed legislation to implement statutory self-regulation for two years then voluntary self-regulation. Statutory self-regulation extended to March 2003 after a review in 1999 found that the industry was not ready for voluntary self-regulation.

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Migration Agents Registration (Application) Levy Act 1992 Migration Agents Registration (Renewal) Levy Act 1992	DIMIA		Review completed in 1997. Review combined with that for Migration Act 1958 Part 3.	The Government decided to move the migration advice industry to statutory self-regulation. Legislation to give effect to this decision commenced in March 1998.
Moomba-Sydney Pipeline System Sale Act 1994 - Part 6 (access provisions)	T		The Government removed this legislation from its LRP.	Legislation repealed.
Motor Vehicle Standards Act 1989	DTRS	Provides a mechanism for setting national safety, emissions and anti-theft standards for road vehicles supplied to the Australian market. It applies to all new and imported vehicles.	Review completed in 1999. Recommended a number of changes to the administrative and legislative arrangements to improve clarity and efficiency. It recommended that the low volume scheme be maintained and extended to full volume manufacturers and some other modifications to the scheme should be made. The review also recommended changes to the vehicle import arrangements and cost recovery. The PC's subsequent 2002 review of post-2005 assistance to the automotive industry recommended retaining restrictions on the importation of used vehicles while the manufacturing industry made a transition to a lower assistance environment. The PC considered that unconstrained imports of second-hand vehicles would jeopardise the achievement of a viable domestic automotive production sector capable of operating in the long term without special treatment.	The Government announced changes on 8 May 2000. The Government accepted nearly all of the report recommendations except those relating to restrictions on imports of vehicles under the Low Volume Scheme. A new scheme, the Specialist and Enthusiasts Vehicle Scheme introduced. Some amendments commenced on 1 April 2002.

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Mutual Recognition Act 1992	DEST and PMC		<p>National review completed in July 1998. Review conducted by a working group of Council of Australian Governments' (COAG) Committee on Regulatory Reform (CRR), comprising representatives from the Commonwealth, NSW, Queensland (Chair) and Western Australia. The report, which covers both the NCP and Mutual Recognition Agreement (MRA) aspects of the review, is available on the internet at www.pmc.gov.au. Review found that the scheme is generally working well to minimise the impediments to freedom of trade in goods and services and to establish a truly national market in goods and services in Australia. The review data indicated that the MRA has increased competition and consumer choice, and reduced business costs. In relation to the NCP review, it was recommended that all existing (potentially anti-competitive) exceptions to the MRA be retained.</p>	<p>Jurisdictions generally supported the review's recommendations. In relation to the NCP aspect of the review, Queensland and Victoria had concerns about some recommendations.</p> <p>The recommendations of the review, and the concerns were taken up in the 2003 review of the MRA. The PC reviewed the Trans-Tasman Mutual Recognition Arrangement (TTMRA) and its internal Australian equivalent, the MRA. The PC report, released in October 2003, concluded that the MRA and the TTMRA have been effective overall in assisting the integration of the state, territory and New Zealand economies.</p> <p>CRR completed a report on the review of mutual recognition arrangements for COAG and the New Zealand Government, and COAG approved it out of session in May 2004. A subsequent report by the Cross Jurisdictional Review Forum submitted to the COAG Secretariat in February 2005. COAG's decision will determine whether jurisdictions, including the Australian Capital Territory, will have to make legislative changes.</p>

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National Health Act 1953 (Part 6 and Schedule 1) Health Insurance Act 1973 (Part 3)	DHA	Community rating of private health insurance, preventing insurers from setting different terms and conditions for insurance on the basis of sex, age and health status.	Review of private health insurance by the PC completed in 1997. Review prevented from examining community rating.	The Government accepted most recommendations which were implemented by a succession of legislative changes from 1998. Lifetime Health Cover introduced in July 2000, amending community rating to permit a premium surcharge for new entrants based on age at entry. The Government introduced reforms in relation to podiatry services; elaborated on the need to balance carefully competition objectives with broader social and budgetary objectives; and committed to assessing the merits of further easing the product restrictions on a case by case basis (in response to industry representations).
National Residue Survey Administration Act 1992 and related Acts	DAFF	Provides for monitoring of chemical residue in many Australian agricultural food commodities.	Review, by a committee of officials, completed and made public. Review committee concluded that the legislation did not restrict competition and actually provided a substantial competitive benefit to Australian producers by facilitating local and international trade. The Government approved the report and its recommendations and it has been forwarded (out of session) to SCARM and the Standing Committee on Fisheries and Aquaculture for information.	Reform not required.

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National Road Transport Commission Act 1991 and related Acts	DTRS	The Act provides a statutory basis for the National Road Transport Commission, which is also governed by Heads of Government Agreements scheduled to the Act. The National Road Transport Commission's primary role is to advise the Australian Transport Council on reforms that will improve the safety, efficiency and reduce the administrative cost of road transport.	Review completed in 1997. Review recommendations focused on improving the National Road Transport Commission and the delivery of its outcomes. No changes were needed to address the requirements of the CPA. Australian Transport Council Ministers made recommendations to COAG in 1997.	<p>Following a review of the Act commencing in December 2001, Heads of Government agreed to the repeal of the Act and the establishment of a new body, the National Transport Commission, under the National Transport Commission Act 2003.</p> <p>The National Transport Commission commenced on 15 January 2004 with a focus on cooperative national regulatory reform with responsibilities for road, rail and intermodal transport. The Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport formalises the cooperative arrangements between the states, territories and the Australian Government and defines the role and responsibilities of the new Commission, the Australian Transport Council and jurisdictions.</p>
Native Title Act 1993 and Regulations	AG	Management of land tenure.	Review not required.	Since 1996, the competition policy issues (particularly in relation to issues faced by mining companies and in relation to pastoral leases) have been addressed through various developments, such as the Native Title Amendment Act 1998. Also, other mechanisms and fora are now in place to address emerging concerns about native title rights and mining tenements.

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Navigation Act 1912	DTRS	Regulates maritime matters (including ship safety, coastal trade, and the employment of seafarers and shipboard aspects of protection of the marine environment), wreck and salvage operations, passengers, tonnage measurement of ships, administrative measures relating to ships and seafarers, and processes (part VI) for engaging in coastal trade.	The Shipping Reform Group reviewed the coastal trade provisions of part VI of the Act in 1997. The rest of the Act was reviewed in two stages. The first stage was concerned with employment regulation in shipping. The second stage was a comprehensive review of the Act (excluding part VI) that was completed in June 2000. The review found that the benefits of regulating ship safety and environmental protection outweigh the costs of restrictions on competition, and that the alternative approaches to meeting shipping safety and environmental objectives would be impractical.	Following the 1997 review, the Government introduced measures to streamline processes and reduce compliance costs in coastal trade. The first stage of the review led to the Navigation Amendment (Employment of Seafarers) Bill 1998. The Bill would have removed the employment-related provisions that are inconsistent with the Workplace Relations Act 1996. The Bill was introduced to Parliament on 25 June 1998. The Senate rejected a significant number of items. The Bill was deferred. The Government announced its intention to introduce amendments to Section 286 of the Act and examined this Act and the Shipping Registration Act. The Government consulted with industry on amendments to the Navigation Act (in the Navigation Amendment Act 2005).
Nuclear Safeguards (Producers of Uranium Ore Concentrates) Charge Act 1993 and regulations	DFAT	Imposes a charge on uranium producers to recover cost of nuclear safeguards and protection activities.	Review by officials completed in 1997. Review recommended principally that the flat fee be replaced with an output-based fee. It also recommended removal of cap on fees paid by individual producers.	The Government announced its response in December 1997, accepting all recommendations but that to remove the fee cap.

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

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum (Submerged Lands) Act 1967	DAFF	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by the Australia New Zealand Minerals and Energy Council Ministers. Review's main conclusion was that the Petroleum (Submerged Lands) legislation is essentially pro-competitive and, to the extent that there are restrictions on competition (for example in relation to safety, the environment, resource management or other issues), these are appropriate given the net benefits to the community. Final report made public on 27 March 2001, following consideration by COAG's CRR.	Two specific legislative amendments flowed from the review. One amendment addresses potential compliance costs associated with retention leases and the other expedites the rate at which exploration acreage can be made available to explorers. These amendments given effect by the Petroleum (Submerged Lands) Amendment Act 2002. Amendment and rewrites of the counterpart State and NT legislation to follow.
Petroleum Retail Marketing Franchise Act 1980 Petroleum Retail Marketing Sites Act 1980	DITR			Both Acts will be repealed as part of the implementation of the Downstream Petroleum Reform Package (Oilcode).
Pig Industry Act 1986 and related Acts	DAFF	The Act established the Australian Pork Corporation whose functions include improving the production, consumption, promotion and marketing of pigs and pork both in Australia and overseas.	Work on the review suspended following advice from industry on a restructure of industry bodies, including the Australian Pork Corporation.	Act repealed and replaced by the Pig Industry Act 2001 which allows for the declaration of a pig industry services body, established under Corporations Law, responsible for the industry's strategic policy development as well as the industry's marketing and research and development services, formerly provided by the Australian Pork Corporation and the Pig Research and Development Corporation.
Pooled Development Funds Act 1992	DITR		Review completed in 1998.	Amendments were made through the Pooled Development Funds Amendments Act 2000.
Prawn Boat Levy Act 1995	DAFF		The Government removed this Act from its LRP.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Prices Surveillance Act 1983	T	<p>The Act assigns three specific functions to the ACCC:</p> <ul style="list-style-type: none"> • review price rises notified to the ACCC by certain organisations • undertake monitoring of prices or other matters for particular organisations, products or services, and • hold inquiries into price and other matters as directed by the Australian Government. 	Review, by the PC, completed. Final report provided to the Government on 22 August 2001.	The Government accepted the recommendation that the Act be repealed and that limited new inquiry and monitoring functions be written into the TPA. An Act to give effect to the Government's response passed on 17 December 2003 and commenced on 1 March 2004.
Primary Industries Levies Act (and related Collection Acts)	DAFF	Legislation authorises the collection of statutory levies imposed on primary industries under separate legislation for specified purposes.	Review by officials completed in 2000. The review found, in general, that the benefits to the community of the present structure of levies legislation outweigh the costs and should be retained. Only some minor changes to the legislation and the guidelines were recommended, including a proposal that the guidelines indicate a preference for voluntary arrangements unless the free rider costs are assessed to exceed compliance, enforcement, administrative, and other costs.	An interdepartmental Committee formed to develop a Government response. The Minister approved the response on 20 December 2003. The Government considered that there was sufficient flexibility in these arrangements to accommodate the issues raised in the review report without the need to explicitly indicate a preference for voluntary levy arrangements in the legislation or the guidelines. Hence, amendments to existing legislation and guidelines were not required.
Proceeds of Crime Act 1987 and Regulations	AG	<p>Act's principal objects are:</p> <ul style="list-style-type: none"> • to deprive persons of the proceeds of, and benefits derived from the commission of offences against the laws of the Commonwealth or territories 	Competition principles review of the Financial Transaction Reports Act 1988 completed in August 2000. review included a review of Division 4 of Part IV of the Proceeds of Crime Act as well as of Part III of the Financial Transaction Reports Act, both parts dealing with various obligations on financial institutions such as banks and	The Proceeds of Crime Act 2002 and the Proceeds of Crime Act (Consequential Amendments and Transitional Provisions) Act 2002 came into effect on 1 January 2003. The Proceeds of Crime Act 2002 strengthened Australian Government laws for the confiscation of the

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
		<ul style="list-style-type: none"> • to provide for the forfeiture of property used in or in connection with the commission of such offences, and • to enable law enforcement authorities effectively to trace such proceeds, benefits and property. <p>Other objects of the Act are:</p> <ul style="list-style-type: none"> • to provide for the enforcement in the territories of forfeiture orders, pecuniary penalty orders and restraining orders made in respect of offences against the laws of the States • to facilitate the enforcement in Australia, pursuant to the Mutual Assistance Act, of forfeiture orders, pecuniary penalty orders and restraining orders made in respect of foreign serious offence, and • to assist foreign countries, pursuant to the Mutual Assistance Act, to trace the proceeds of, benefits derived from and property used in or in connection with the commission of foreign serious offences. 	<p>like organisations to retain various records and documents. Division 4 of Part IV of the Proceeds of Crime Act, which imposes record retention obligations on financial institutions, is the only Part of the Proceeds of Crime Act which affects the business sector.</p>	<p>proceeds of crime.</p> <p>The Proceeds of Crime Act 2002 includes improved provisions for conviction based confiscation and also provides for a new civil forfeiture regime (namely forfeiture which does not require conviction of a criminal offence as a condition precedent). It also includes provisions for literary proceeds orders to prevent criminals exploiting their notoriety for commercial purposes.</p> <p>Among other things, the Proceeds of Crime Act (Consequential Amendments and Transitional Provisions) Act 2002 repealed Division 4 of Part IV of the Proceeds of Crime Act 1987 and replaced the repealed provisions by a new Part VIA which the Act inserted into the Financial Transaction Reports Act 1988.</p> <p>The Act includes provision for an independent review of the operation of the Act to be undertaken after the third year of its commencement (that is, as soon as practicable after 1 January 2006).</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Protection of Movable Cultural Heritage Act 1986	DCITA		Review completed.	The Government implemented the review recommendations by amending the Act and regulations in December 1998 and May 1999.
Quarantine Act 1908 (human quarantine provisions)	DHA	Requires screening of goods and passengers entering Australia.	Departmental review of provisions relating to human quarantine completed in 1998. Review found minimal impact on competition, and public health benefits in excess of costs, but recommended some updating via a second phase review. The Government announced in July 1998 that it approved the report.	Act retained without reform.
Quarantine Act 1908 (in relation to plant and animal quarantine)	DAFF	Prohibits import of certain goods, animals and plants unless with a permit.	NCP review delayed pending the resolution of the challenges concerning Australia's quarantine regime in the World Trade Organisation. Any amendments arising from this review will be subject to analysis via a RIS.	
Radiocommunications Act 1992 and related Acts	DCITA	Licensing and spectrum allocation.	Review commenced in 1997. However, the NCP aspects of the review were not completed. The PC commenced a review of the Act in July 2001 and completed it in July 2002. The Government released the report on 5 December 2002. The report recommended legislative amendments to allow encumbered spectrum to be sold, to facilitate the conversion of apparatus licences to spectrum licences, to allow spectrum charges to be based on opportunity cost, to facilitate better use of spectrum for broadcasters, and to allow the Australian Communications Authority to re-assign spectrum licences three years before expiry.	The Government accepted the PC's recommendations on conversion of licences, selling encumbered spectrum and re-assigning spectrum licences, and it will consider the recommendations on broadcasters' use of spectrum. Of the 35 recommendations that were accepted, nine require legislative action to amend the Act. Anticipated to be considered in 2006.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rural Adjustment Act 1992 States and Northern Territory Grants (Rural Adjustment) Acts	DAFF		Review completed in 1997. Review made a number of recommendations for future government programs to address rural adjustment.	Review recommendations addressed in the Government's package Agriculture – Advancing Australia announced on 14 September 1997. Consistent with the recommendations of the review, a range of other support schemes replaced the Rural Adjustment Scheme.
Safety, Rehabilitation and Compensation Act 1988*	C	Mandatory insurance, monopoly insurer and centralised premium setting.	Review completed in 1997. Review recommended introducing competition to Comcare.	No reforms introduced.
Shipping Registration Act 1981	DTRS	Registration of ships and ship mortgages in Australia.	Review completed in 1997, recommending amendments to improve the efficiency of the legislation and reduce compliance costs.	The Government accepted the review recommendations. The shipping industry, however, raised concerns about implications on finance for shipping, particularly mortgage arrangements and the proposed amendments to the legislation did not proceed. The Maritime Legislation Amendment Bill 2005 provides for access to the register online and makes minor changes with respect to closing the registration of mortgages, but does not address the other key recommendations.
Spectrum Management Agency (SMA) - review of SMA's market-based reforms and activities.*	ACA		Review by the PC completed.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Superannuation Act 1976</p> <p>Superannuation Act 1990</p> <p>Superannuation Guarantee (Administration) Act 1992</p>	T	Limits on choice of funds.	Review completed in 1997.	Following the 1997 review, the Government introduced legislation to Parliament to allow choice of fund for Australian Government employees. Amending legislation was defeated in the Senate in 2001. Legislation requiring employers to offer choice of funds was reintroduced to Parliament on 27 June 2002 and passed on 22 June 2004.
<p>Superannuation Industry (Supervision) Act 1993</p> <p>Superannuation (Resolution of Complaints) Act 1993</p> <p>Superannuation (Financial Assistance Funding) Levy Act 1993</p> <p>Superannuation (Self Managed Superannuation Funds) Taxation Act 1987</p> <p>Superannuation (Self Managed Superannuation Funds) Supervisory Levy Imposition Act 1991</p> <p>Occupational Superannuation Standards Regulations Applications Act 1992</p>	T	First group of Acts are concerned with prudential supervision and supervision of the superannuation industry and the imposition of certain levies on superannuation funds and approved deposit funds.	NCP review by the PC completed on 10 December 2001. Review made various recommendations relating to the prudential supervision and regulation of the superannuation industry.	Interim response to PC review released by the Assistant Treasurer on 17 April 2002. The Government agreed to various recommendations, including one relating to simplifying compliance requirements and enhancing capital adequacy requirements. The Government subsequently released its response to another report of the Superannuation Working Group chaired by Mr Don Mercer. This paved the way for the Government to issue its final response to the PC report on 20 June 2003. Superannuation Safety Amendment Act 2004 to implemented recommendations that all superannuation fund trustees be licensed and required to submit a risk management plan to Australian Prudential Regulation Authority. The Government also agreed to implement most of the PC's other recommendations (or take action largely consistent with those recommendations).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Torres Strait Fisheries Act 1984	DAFF	Licensing of community and commercial fishers. Wide Ministerial powers to prohibit taking of certain species; prohibit taking fish under certain sizes; and impose a variety of input controls. Collection of a research and development levy.	Reviewed by Commonwealth and Queensland officials completed in 1999. Review recommended: <ul style="list-style-type: none"> • a new statement of objectives for the Act • maintaining the distinction between community and commercial fishing • retaining licensing of fishing, and • retaining wide Ministerial powers to regulate fishing. 	Reform not required.
Trade Practices (Consumer Product Information Standards) (Care for clothing and other textile products labelling) Regulations	T		Review completed in 1997.	The Government introduced a less prescriptive consumer product information standard.
Trade Practices (Consumer Product Information Standards) (Cosmetics) Regulations	T		Review completed in 1998.	Regulations replaced by the Trade Practices (Consumer Product Information Standards) Amendment Regulations, requiring a list of ingredients and a nomenclature used by the United States and the European Union.
Trade Practices Act 1974 – 2D exemptions (local government activities)	T	Exempts the licensing decisions and internal transactions of local government bodies from Part IV of the TPA, which regulates restrictive trade practices.	Review by the PC commenced in late September 2001. Final report released on 12 December 2002.	The required legislative amendments incorporated into the Trade Practices Legislation Amendment Act 2006.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Practices Act 1974 – fees charged	T	Fees charged under the Act attempt to offset some of the costs of meeting the objectives of the Act through user charges.	Review completed. Review included in PC inquiry "Cost Recovery by Regulatory, Administrative and Information Agencies – including Fees charged under the TPA", which commenced in August 2000. The PC released the final report on 22 March 2002. The Commission found that current TPA charges (by the ACCC) appear to have little if any impact on competition and economic efficiency and hence are not inconsistent with the competition tests under the CPA.	The Treasurer and Minister for Finance joint press release of 14 March 2002 noted that this review completed its commitment under the LRP.
Trade Practices Act 1974 (including exemptions) – Part IIIA (access regime)	T	Provides a regime for third party access to services provided by significant infrastructure facilities.	Review, by PC, completed. Issues paper released on 11 October 2000 and a position paper released in March 2001. Final report provided to the Government on 3 October 2001.	The Government released its final response to the report on 20 February 2004.
Trade Practices Act 1974 (s 51(2) and s 51(3) exemption provisions)	T	Legislation provides for exemptions for a number of activities relating to intellectual property rights, employment regulations, export arrangements, and approved standards from many of the competition laws contained within Part IV of the TPA.	Review completed in 1999. The subject of a further review by the Intellectual Property and Competition Review Committee (the Ergas Committee), which forwarded its final report to the Government in September 2000.	<p>The Government is considering its response to the review of section 51(2) of the TPA.</p> <p>On 28 August 2001, the Government announced changes to section 51(3) of the Act in its response to the report of the Ergas Committee, which also examined section 51(3).</p> <p>The Government intends to amend the TPA by applying modified competitive conduct rules in Part IV (Restrictive Trade Practices) to intellectual property licensing transactions, and to exempt the Plant Breeders' Rights Act 1994 (Commonwealth) from the modified competitive conduct rules.</p>

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

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

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

3 New South Wales

Agency nomenclature abbreviations

The following abbreviations are used in the 'Agency' column of the New South Wales (NSW) legislation review timetable. This nomenclature identifies the relevant agency at the time of the final (2005) National Competition Policy (NCP) assessment.

A	Arts
Ag	Agriculture
AG	Attorney General
C	Commerce
Env	Environment
EU	Energy and Utilities
FT	Fair Trading
GR	Gaming and Racing
H	Health
IP	Infrastructure and Planning
IR	Industrial Relations/WorkCover
LG	Local Government
MR	Mineral Resources
Po	Police
R	Roads
RD	Regional Development
SB	Small Business
SD	State Development
Tr	Treasury
TS	Transport Services
TSR	Tourism, Sport and Recreation

Legislation review schedule: New South Wales

Updated to 5 December 2005

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural Tenancies Act 1990	Ag	Regulates the rights of agricultural landowners, tenants, share-farmers and other tenant related issues where the farmers have not made their own agreements; and provides for determination of disputes by compulsory arbitration.	<p>Review completed in 1999. Review recommended:</p> <ul style="list-style-type: none"> rewriting the objectives of the Act to be environment protection, achieving certainty in tenancy agreements, and dispute resolution providing for referral of the parties to mediation before starting an arbitration, and providing for referral of disputes to courts of competent jurisdiction and for appeals to the Administrative Decisions Tribunal. 	The Agricultural Tenancies Amendment Act 2001 implemented the recommended changes.
Agriculture and Veterinary Chemicals (New South Wales) Act 1994	Ag	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into state jurisdiction. See Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	National review of agricultural and veterinary chemicals completed in 1999. Review report released by the Standing Committee on Agriculture and Resources Management in March 1999. See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	NSW to implement legislative changes that are agreed by all jurisdictions following the national review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Air Transport Act 1964	TS	Prohibits, in certain circumstances, the carriage by aircraft of passengers or goods from one place to another within NSW except if a licence is granted by the Minister. Amends certain Acts.	Review completed in 1999. Review report publicly available.	<p>In August 1999, the Government announced that it would pursue deregulation via administrative means. From 26 March 2000, restrictions on the number of airlines that operate on intrastate routes to and from Sydney Airport, with annual air patronage exceeding 20,000, were removed. These 17 routes account for 86% of all intrastate passenger journeys.</p> <p>In October 2002, the threshold for restrictions on routes to and from Sydney Airport was raised from 20,000 to 50,000 passengers annually. The services at or above the 50,000 passengers per annum level represent 10 routes and 76% of all intrastate passenger journeys. All services affected were already operating as single operator routes.</p>
Animal Research Act 1985	Ag	Regulates the carrying out of animal research and the supply of animals for research. Requires that authorisations may only be granted for recognised research purposes involving research, teaching, testing and the production of biological products.	Review completed July 2002 and final report submitted to the Minister for Agriculture. Review recommended retention of the Act based on net public benefit grounds.	Reform not required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Apiaries Act 1985	Ag	Requires beekeepers to register, with fees. Prohibits the sale or disposal of diseased bees or appliances, or importing of bees likely to spread diseases. Bees must be kept in identified hives. Beekeeping on premises can be prohibited or restricted. Inspectors can enter and inspect premises.	Review completed July 2002 (part of a generic review of all plant and animal disease legislation). Review recommended retention of the Act based on net public benefit grounds.	Reform not required.
Architects Act 1921	C	Registration, entry requirements, reservation of title, disciplinary processes, business restrictions.	National review (except Victoria), conducted by the Productivity Commission (PC), completed in August 2000 and publicly released in November 2000. PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act. A states and territories working group led by NSW developed a national response to the PC review. The working group recommended amendments to existing legislation to remove elements deemed to be anti-competitive and not in the public interest. All jurisdictions accepted the approach of the working group.	Act repealed by the Architects Act 2003. New Act implemented the nationally agreed framework.
Australian Jockey Club Act 1873	GR	Extends the period for which the trustees of the Randwick Racecourse are enabled to grant leases and to enable members of the Australian Jockey Club to sue and be sued in the name of the Chairman.	Review, in conjunction with the Sydney Turf Club Act 1943, completed in 1999. Current arrangements found to be in the public interest and retained.	Act retained without reform. The Government accepted the review's recommendation that the lease arrangements in respect of Crown land be reviewed again in the course of the 10-year NCP review cycle.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Banana Industry Act 1987	Ag	Empowers the Banana Industry Committee to regulate the quality of bananas produced in NSW and their subsequent transport to major intrastate markets, and impose compulsory charges on growers to fund industry service functions.	Review completed in 1998. Review recommended removing the Banana Industry Committee's power to regulate the marketing and transport of bananas.	The Banana Industry Amendment Act 2000 enacted. The Government's response: <ul style="list-style-type: none"> • allowed the retention of the Banana Industry Committee's power to provide industry service functions and impose compulsory charges on banana growers to fund these service functions • removed some obsolete and unexercised powers of the Banana Industry Committee, and • removed the Banana Industry Committee's transport direction power.
Biological Control Act 1985	Ag	Makes provision for the biological control of pests in NSW. Complementary to Commonwealth legislation.	Deleted from review schedule as the Council of Australian Governments' (COAG) Committee on Regulatory Reform (CRR) determined that the legislation has no anti-competitive impacts.	No NCP related reform required.
Bookmakers Taxation Act 1917	GR	Bookmakers are subject to scrutiny by the Bookmakers Revision Committee for probity and financial competence. A bookmaker may not operate without a current tax receipt issued by the Bookmakers Revision Committee.	See Racing Administration Act – omnibus review of racing and betting legislation.	Act repealed with effect from 1 July 2001. The taxation matters were transferred to the Betting Tax Act 2001 and the non-taxation matters - mainly dealing with Bookmakers Revision Committee procedures - were transferred to the Racing Administration Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Boxing and Wrestling Control Act 1986	TSR	Conduct of professional boxing, provision for the Boxing Authority of NSW and definition of its functions, conduct of wrestling and amateur boxing contests.	Review completed in February 2002. The review's final report was submitted to the Minister for Sport and Recreation.	The Government considered that there is an inherent and broad public benefit in regulating participation in dangerous combat sports and that no legislative change is necessary.
Bread Act 1969	IR	Restricts times for the baking and delivery of bread. Licensing of bread manufacturers. Certification of operative bakers. Standard bread size. Constitutes a Bread Industry Advisory Council.	Review completed.	Act repealed.
Building Services Corporation Act 1989	FT	Licensing, registration, entry requirements (qualifications or pass exams, experience, age, character), the reservation of practice (building work, electrical wiring work, plumbing and drainage work, roof plumbing work, refrigeration work, air-conditioning work), business conduct (including insurance for building work over \$5000 from approved private insurer) and business licensing.	See the Home Building Act 1989.	Changed name to Home Building Act 1989.
Business Franchise Licence (Petroleum Products) Act 1987	Tr	Provides for the licensing of people carrying on the business of selling certain petroleum products.	Review completed in 1997.	Act repealed.
Business Franchise Licence (Tobacco) Act 1987	Tr	Provides for the licensing of people carrying on the business of selling tobacco.	Review completed in 1997.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Licences Act 1990	FT	Relates to business licences.	Review completed in 2001. Review recommended the Act be repealed.	Act repealed by the Business Licences Repeal and Miscellaneous Amendments Act 2001.
Business Names Act 1962	FT	Regulates and controls the registration and use of business names. There are restrictions on names that can be registered, as well as restrictions relating to certain words or phrases.	Review completed in March 2002. Review recommended that the Act be retained with amendments to reduce some regulatory requirements on e-business to register names, and on other businesses to display their business names at premises.	The Government approved the review's recommendations in March 2002. The Business Names Act 2002 assented to on 29 November 2002.
Casino Control Act 1992	GR	Establishes the Casino Control Authority and issues exclusive licence for Sydney casino.	Review completed in 1998. Review recommended that the current exclusive casino licence arrangements be maintained. The Government supported, in principle, the review's recommendations but referred the report to NSW Treasury for updating. The revised review reached broadly similar conclusions, citing compensation costs if the licence was terminated.	The Government endorsed the review's recommendations in October 2003. No legislative change necessary.
Cattle Compensation Act 1951	Ag	Provides for the levy of a rate by Rural Lands Protection Boards with the proceeds of the levy being payable to the Cattle Compensation Fund and provides for payment of compensation to owners of cattle and carcasses of cattle destroyed because of disease.	Review not required.	Act repealed in April 2001 by the Cattle Compensation Repeal Act 2001.
Charitable Fundraising Act 1991	GR	Regulates who may conduct or participate in charitable fundraising activities and the manner in which such activities are carried out.	See the Lotteries and Art Unions Act.	No change to legislation recommended, but Government agreed with the review recommendation to continue discussions between jurisdictions to explore opportunities for greater uniformity.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropractors and Osteopaths Act 1991	H	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in January 2000. Review recommended separation of Acts, removal of minimum age criteria, reserved practice provisions to be moved to the Public Health Act, changes to administration and disciplinary processes and removal of most restrictions on advertising.	New Chiropractors Act 2001 and Osteopaths Act 2001 enacted in April 2001 in line with review recommendations.
Classification (Publications Films and Computer Games) Enforcement Act 1995	AG	Provides for a classification scheme for publications, films and computer games. Complementary to Commonwealth legislation.	Review not required.	This is a national scheme. A revised censorship regime with the support of all Australian jurisdictions came into operation on 1 January 1996.
Coal Ownership (Restitution) Act 1990 (1) Coal Acquisition Act 1981 (2)	MR	(1) Provides for the restitution of certain coal acquired by the Crown as a result of the Coal Acquisition Act 1981. (2) Vests all coal in the Crown.	Review not required. Acts considered not to restrict competition.	Acts amended by the Coal Acquisition Amendment Act 1997. To be repealed when the Coal Compensation Board is abolished.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commercial Agents and Private Inquiry Agents Act 1963	Po	Licensing (commercial agents, private inquiry agents and their subagents), registration, entry requirements (qualifications, experience, good fame and character, fit and proper person, aged at least 18 years, not convicted of an offence punishable on indictment within past 10 years), the reservation of practice, disciplinary processes, business conduct (advertising must specify agent's name and place of business, maintain records, trust account, fidelity bonds).	<p>Review commenced by a working party in 1997. Review report recommended the Act should be repealed and replaced by new legislation. Recommended new legislation should involve business licensing (rather than occupational licensing) and should remove licensing for repossession agents and process servers.</p> <p>New NCP review commenced late 2001. Review's final report submitted to the Minister in April 2002. The review found that the Act provides a net public benefit by reducing costs to clients and reducing the risk of criminal activity or harm to the public. It found that regulatory objectives can only be achieved through a licensing system. It also found that: removing these restrictions that could not be justified in the public interest: the requirements for licensees to be in charge of a business; the distinctions between commercial agent and private inquiry agent licences; and certain compliance requirements for licence holders.</p>	The Commercial Agents and Private Inquiry Agents Act 2004 implemented review recommendations.
Commercial Vessels Act 1979	TS	Regulates the use of certain vessels and of certain motors for propelling vessels; provides for marking of load lines and the carriage of certain equipment by vessels.	Review not required.	Act repealed and replaced by the Marine Safety Act 1998.
Construction Safety Act 1912	IR	Provides for the regulation and inspection of construction work and consolidates the Acts controlling scaffolding and lifts.	Review completed as part of the Regulatory impact statement (RIS) for the Occupational Health and Safety Regulation 2001. RIS publicly available.	Act repealed and replaced by the consolidated Occupational Health and Safety Regulation 2001 which commenced on 1 September 2001. A range of prescriptive regulatory controls have been replaced by a performance-based, risk management approach.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit (NSW) Act 1995	FT	Regulates the provision of consumer credit.	National review completed. The review concluded that the regulatory framework was justified in the public interest. The review also recommended amendments to broaden the scope of the Consumer Credit Code, and to enhance pre-contractual disclosure provisions. The review was endorsed by the Ministerial Council on Consumer Affairs (MCCA) in 2002. Outstanding activities are being progressed through the MCCA.	No NCP related reform required.
Conveyancers Licensing Act 1995	FT	Licensing, registration, entry requirements (age, qualifications, training, experience), the reservation of practice (lawyers also able to provide these services), disciplinary processes and business conduct (record keeping, trust monies, receipts, professional indemnity insurance).	Review by officials completed in October 2001 and the report released publicly in August 2002. Review concluded that there is a continuing need to regulate the conveyancing industry in order to protect consumers, and that occupational licensing is the regulatory model that best achieves this objective. It recommended retaining the current boundaries for conveyancing work, but proposed a number of other reforms. These included: introducing competency standards and mandatory continuing education requirements; removing restrictions on multidisciplinary partnerships and incorporation of conveyancing practices (but retaining restrictions on partnerships and sharing of staff with real estate agents) and considering changes to the disciplinary system if problems with the current system are not resolved through the NSW Law Reform Commission's review of Part 10 of the Legal Profession Act.	The Government implemented the majority of the review recommendations in the Conveyancers Licensing Act 2003, which repealed the Conveyancers Licensing Act 1995.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cooperatives Act 1992 (1) Cooperation Act 1923 (2)	FT	(1) Conduct. (2) Registration and conduct.	Review completed in 2001. Review recommended that section 43 of the Act be repealed to prevent third line forcing.	Legislation enacted in November 2001 to give effect to the review's recommendation. Treasurer's circular issued in September 2000 requiring Ministers to include analysis of wider public interest issues in applications for government guarantees under any Act authorising their issue.
Council of Law Reporting Act 1969	AG	Constitutes a Council of Law Reporting to NSW and defines its powers, authorities, duties and functions.	Review completed. Review recommended Act be retained, but administrative changes to introduce competitive tendering for licence to publish reports. Publication of on-line reports open to anyone for a fee.	The Government implemented the review's recommendations administratively.
Country Industries (Payroll Tax Rebates) Act 1977	RD	Allows rebates of payroll tax in respect of certain country manufacturing or processing industries.	Review not required. Taxation legislation is generally exempt from NCP review.	
Credit (Finance Brokers) Act 1984	FT	Relates to the conduct of business of finance brokers.	Review completed in June 2001. Review recommended the repeal of the Act and the insertion of a new Part into the Consumer Credit Administration Act 1995 to regulate the conduct of finance brokers. It also recommended a number of amendments to improve the effectiveness of consumer protection. Report is publicly available.	In February 2002, the Government accepted the review recommendations, in principle, and issued an exposure Bill for further public consultation during 2002. The Consumer Credit Administration Amendment (Finance Brokers) Act 2003 enacted which repealed the Credit (Finance Brokers) Act 1984 with effect 1 August 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dairy Industry Act 1979	Ag	Vesting of milk in the Dairy Corporation. Farmgate price-setting for market milk. Market milk quotas. Licensing of farmers and processors.	Review completed in November 1997. Chair and industry members recommended retention of restrictions, subject to review again in 2003. Other government members recommended removal of restrictions within three to five years if national reform did not occur.	In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, NSW passed the Dairy Industry Act 2000, deregulating the industry from 1 July 2000. Food safety regulation integrated under the Food Production (Safety) Act 1998.
Dangerous Goods Act 1975	IR	Restrictions on transport, storage and handling of explosives and other dangerous substances.	Review completed as part of the development of a new National Standard for the regulation of dangerous goods.	Legislative amendments involving the transport of dangerous goods commenced 20 April 1998 to give effect to the first module of reforms to national road transport law developed through the then National Road Transport Commission. The National Standard for the Storage and Handling of Dangerous Goods gazetted in March 2001. The Occupational Health and Safety Amendment (Dangerous Goods) Act 2003 passed in July 2003. It allows the Government to make regulations implementing the national standard.
Dental Practice Act 2001	H	Restrictions on the employment of dentists by nondentists.		Act repealed the Dentists Act 1989 and made minor amendments to the Dental Technicians Registration Act 1975. The passage of the National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004 removed ownership and employment restrictions.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Technician Registration Act 1975	H	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	A RIS for the Dental Technicians Registration Regulation 2003 provided.	Act amended by the Dental Practice Act 2001 and Health Legislation Amendment Act 2004.
Dentists Act 1989	H	Restrictions on entry, registration, title, practice, advertising, ownership and disciplinary provisions.	Final report completed in March 2001. Review recommended retaining title restrictions, replacing current 'total practice' restrictions with reserved core practices (to be inserted in the Public Health Act), removing restrictions on the employment of dentists and ownership of dental practices, retaining capacity to regulate advertising, and providing for the Minister to approve codes of professional conduct.	The Government accepted review recommendations with the exception of the recommendation to remove ownership controls. The Dental Practice Act 2001 repealed the Dentists Act 1989. The passage of the National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004 removed ownership and employment restrictions from the new Act.
Door to Door Sales Act 1967	FT	Controls and regulates certain agreements relating to the sale or bailment of goods and the provision of services on credit.	See the Fair Trading Act 1987.	The Fair Trading Amendment Act 2003 repealed the Door to Door Sales Act 1967.
Dried Fruits Act 1939	Ag	Regulated the dried fruits industry. Constitutes the NSW Dried Fruits Board.	Review not required as, on 1 July 1997, the Board resolved to advise the Minister for Agriculture that its affairs should be wound up.	Transitional arrangements made for the prune industry involve the making of a Prune Industry Marketing Order (expired 31/12/99) under the Marketing of Primary Products Act. Remaining sections of the Act repealed as of 1 July 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Driving Instructors Act 1992	R	Licensing, entry requirements (completed course, aged at least 21 years, may require test, medical exam, character), the reservation of practice (teach for monetary or other reward), business conduct (maintenance of records, regulations may make provisions for displaying identification and advertising).	Final report completed in September 2001.	Driving Instructors Amendment Act 2002 inserted a requirement for driving instructors' vehicles to be comprehensively insured, provided for the suspension of licences pending the outcomes of investigations of alleged improper instructor behaviour, clarified that the licensing regime applies to people providing training off-street or at private venues, removed restrictions on advertising and removes requirements for post-licence trainers (such as instructors providing advanced, defensive and recreational driving courses) to hold driving instructors' licences.
Electricity (Pacific Power) Act 1950	EU	Provides for the constitution of Pacific Power and to define its principal objectives, powers, authorities, duties and functions. Amends and repeals certain other Acts.	Review not required. The Government announced the established of a new state-owned corporation from Pacific Power's generation business in May 2000. The new corporation, Eraring Energy, commenced operations in August 2000.	Act repealed by the Pacific Power (Dissolution) Act 2003.
Electricity Safety Act 1945	FT	Provides for the development of electricity supply; confers certain powers, authorities, duties and functions on the Energy Corporation of NSW; provides for the regulation of the sale and hiring of electrical apparatus and amends certain Acts.	Review completed in March 2002. Review recommended: that the legislation be retained; that government intervention regarding consumer electrical articles and installations is warranted and should be retained; and that the provisions applying to the safety of second-hand consumer electrical articles be retained.	The Government approved the review recommendations in May 2002. No NCP-related changes required to the legislation.
Electricity Supply Act 1995	EU	Regulates the supply of electricity in the wholesale and retail markets; sets out the functions of persons engaged in the conveyance and supply of electricity.	Review to be undertaken after trends in the fully contestable retail market become clear. The Act does not contain anti-competitive provisions.	Amendments made to the Act in late 2000 to facilitate the introduction of full retail contestability for all electricity customers in NSW from 1 January 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Transmission Authority Act 1994	EU	Establishes the NSW Electricity Transmission Authority and defines its functions.	Review not required.	Act repealed by s.5 of the Energy Services Corporations Amendment (TransGrid Corporatisation) Act 1998.
Employment Agents Act 1996	FT	Restrictions on licensing, entry requirements (fit and proper person, aged at least 18 years, suitable premises, no previous cancellation), the reservation of practice and business conduct (separate licence for each premises, registered person in charge, no charge to jobseekers, maintenance of records, no misleading advertising).	Final report completed in February 2001. Review recommended that the requirement to be licensed as an employment agent be abolished. Review also recommended the repeal of the Act and the amendment of the Fair Trading Act 1987 to include specific consumer protection mechanisms in relation to the use of employment agents.	The Fair Trading Amendment (Employment Placement Services) Act 2002 repealed the Employment Agents Act 1996 and inserted specific consumer protection provisions relating to employment placement services into the Fair Trading Act.
Energy Administration Act 1987	EU	Establishes the Ministry of Energy and the Energy Corporation of NSW, and defines its functions.	Review not required.	Licence and approval requirements repealed by Electricity Supply Act 1995. Sections 35A and 35B dealt with as part of the structural reform of the gas industry.
Entertainment Industry Act 1989	IR	Licensing for entertainment industry agents, managers and venue consultants, maximum fees for entertainment industry agent.	Review completed in 2003. Review recommended retention of existing arrangements.	The Government endorsed the review recommendations. No legislative change required.
Environmental Planning and Assessment Act 1979	Env	Controls the uses to which land may be put. Sets procedures for the issue of planning permits and approval.	Not reviewed under the NCP.	The Government advised that it has initiated a number of reviews and reforms to streamline, simplify and enhance planning functions across state, regional and local domains.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Environmentally Hazardous Chemicals Act 1985	Env	Provides for the control of the effect on the environment of chemicals and chemical waste. Constitutes the Hazardous Chemicals Advisory Committee.	Review completed in 1997. Dealt with under the Licence Reduction Program.	Act partially replaced by the Contaminated Land Management Act 1997.
Exhibited Animals Protection Act 1986	Ag	Requirements for licences and permits, with fees. Restricts breeding and trading of some animals. Imposes best practice welfare standards. Imposes requirements for educational components.	Review completed and final report submitted to the Minister for Agriculture in August 2002. Act reviewed in conjunction with the Non Indigenous Animals Act 1987. It recommended retention of regulation on net public benefit grounds.	No NCP-related changes.
Exotic Diseases of Animals Act 1991	Ag	Compulsory reporting of disease outbreaks. Prohibits or restricts the movement of animals, animal products and vehicles. Provides compensation for animals destroyed for disease-control. Bans introduction into the State of certain animals. Allows for destruction orders. Empowers inspectors to enter and search premises, and test and disinfect animals.	Review, as part of a generic review of all plant and animal disease legislation, completed in July 2002. Review recommended retention of the Acts based on net public benefit grounds.	No NCP-related changes.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1987	FT	Regulates the supply, advertising and distribution of goods and services and, in certain respects, the disposal of interests in land.	<p>Review, in conjunction with the Door to Door Sales Act 1967, completed in March 2002.</p> <p>Review found that the legislation was pro-competitive and that the regulatory arrangements for consumer protection have net public benefits. It recommended legislative amendments, however, to remove or reduce the effect of restrictions where these were not justified on public benefit grounds, including the removal of mandatory codes of practice for traders.</p> <p>Review also recommended repealing the Door to Door Sales Act, and amending the Fair Trading Act to streamline the existing disciplinary scheme, add consumer protections in relation to direct selling practices and change the existing consumer protection provisions to mirror those of the Trade Practices Act (TPA).</p>	The Government accepted the review recommendations in August 2002 and released the review report in September 2002. The Fair Trading Amendment Act 2003 assented to on 22 July 2003.
Farm Debt Mediation Act 1994	Ag	The Act requires creditors to undertake mediation if a farmer chooses to exercise this statutory right; and requires that the mediator must be accredited.	<p>Review completed in December 2000. Review recommended the retention of mandatory requirements for mediation on farm debt, and also that:</p> <ul style="list-style-type: none"> • lenders be prohibited from enforcing mortgages for twelve months where found not to have participated in mandatory mediation in good faith, and • decisions of the Rural Assistance Authority in relation to mandatory farm debt mediation be subject to review by the Administrative Decisions Tribunal. 	<p>The Government endorsed the review recommendations in November 2001 and enacted the NSW Farm Debt Mediation Amendment Act 2002.</p> <p>In May 2004 the Government introduced legislation to remove the twelve month penalty and administrative review provisions. This commenced on 6 July 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Farm Produce Act 1983	Ag	Makes provision for the registration and regulation of farm produce merchants and farm produce agents.	Review completed. Review recommended the Act be repealed.	Act repealed by the Farm Produce (Repeal) Act 1996.
Fertilisers Act 1985	Ag	Requires registration of brand names for soil improving agents, composition standards and labelling.	Review, with other agricultural and veterinary (agvet) legislation, completed in 1998. Review recommended: <ul style="list-style-type: none"> removing brand name registration removing minimum content requirements, and retaining and strengthening of provisions relating to food safety, overseas market access requirements and environment protection. Examples include maximum composition standards for heavy metals and labelling requirements. 	Act amended in November 1999 as recommended.
Fisheries Management Act 1994	Ag	Licensing of fishers. Access to share managed fisheries by owning shares. Input controls on boats, gear, crew levels and fishing methods. Output controls such as total allowable catches, bag limits, size limits and prohibitions on taking certain species.	Review completed in 2001. Review found that many of the Act's provisions restrict competition, but collectively their benefits exceed their costs, and fishery management objectives can only be achieved by restricting competition. However it also found that the benefits of two restrictions – fish receiver registration fees and licensing for recreational charter fishing boats – may not exceed their costs, and recommended that they be evaluated further. A further review of these matters in 2004 found they were in the public interest. Review also recommended that the objects of the Act be amended to include the recognition of socio-economic benefits to the wider community.	The objects of the Act were changed by the Fisheries Management Amendment Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Food Act 1989	H	Provides for various food safety offences. Allows for the making of orders prohibiting or requiring conduct.	National review completed in 2000. It produced the model Food Bill – a uniform regulatory framework for states and territories. The Bill's core provisions adopt the Food Standards Code and set out various offences. Its noncore provisions include: <ul style="list-style-type: none"> • registration of all food businesses • approval of food premises, and • contestable provision of audit and laboratory services subject to approval of providers. 	All states and territories agreed in November 2000 to adopt core provisions of the model Food Bill by November 2001. NSW introduced amendments in 2003 – the Food Act 2003 assented to in September 2003.
Friendly Societies Act 1989	Tr	Provides for the formation, registration, management and regulation of friendly societies.	Review not required.	Act repealed. In 1999, NSW reached agreement with the Commonwealth regarding the transfer of prudential regulatory responsibilities for credit unions, building societies and friendly societies to the Commonwealth. The Friendly Societies Reform (NSW) Act 1999 gave effect to this transfer.
Friendly Societies Dispensaries Enabling Act 1945	H	Enables Friendly Societies to operate pharmacies.	Review, as part of the national review of pharmacy legislation, completed in 1997.	Act repealed and relevant provisions incorporated into the Pharmacy Act 1964.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Funeral Funds Act 1979	FT	Controls and regulates contributory and pre-arranged funeral funds.	<p>Review completed in November 2001. Review found that the impact of the legislation on competition was not significant. Review established a net public benefit case for retaining key consumer protections such as ensuring industry participants are of fit character and clarifying consumer rights in pre-paid contracts. Proposed new legislation would remove restrictions on funeral directors where these are not justified on public benefit grounds. These restrictions cover:</p> <ul style="list-style-type: none"> • the minimum and maximum numbers of fund directors and trustees • the nomenclature of funeral funds, and • a cap on management fees and benefits paid. 	Funeral Services Amendment Act 2003 incorporated recommended reforms.
Funeral Services Industry (Days of Operation) Act 1990	IR	Regulates the days of operation of businesses providing funeral, burial or cremation services.	Review not required.	Act repealed by the Funeral Services Industry (Days of Operation) Repeal Act 2000 with effect from 1 July 2000.
Gambling (Two-up) Act 1998	GR	Act prescribes the rules of Two-up, and the circumstances under which it may be played. Two-up is permitted to be played on Anzac Day, in Broken Hill and at the Sydney casino.	Review completed. Retention of restrictions justified as being in the public benefit.	Reform not required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming and Betting Act 1912	GR	Consolidates Acts relating to games, wagers and betting houses, the restriction of race meetings and the licensing of racecourses.		Act repealed and remade in three parts to be separately reviewed: <ul style="list-style-type: none"> • Racing Administration Act 1998 • Gambling (Two-up) Act 1998, and • Unlawful Gambling Act 1998. Review of the Racing Administration Act and Gambling (Two-up) Act completed. See separate entries. Review of the Unlawful Gambling Act not required, as it is a criminal Act not subject to NCP.
Gaming Machine Act 2001	GR	Harm minimisation measures, exclusive gaming machine investment licence granted to the NSW Totalizator Agency Board (TAB).	Departmental review completed and publicly released in June 2003. Review found a net public benefit from the Act's harm minimisation measures. Review recommended the continuation of a statewide cap and venue caps, differential caps for clubs and hotels.	The exclusive investment licence repealed by the Gaming Machines Amendment Act 2004.
Gas Industry Restructuring Act 1986	EU	Makes provision with respect to the structure of Australian Gas Light Company.	Review not required.	Act repealed by the Gas Supply Act 1996, which corporatised the Australian Gas Light Company.
Gas Supply Act 1996	EU		Act subjected to a far-reaching review to ensure that the regulatory framework would support a fully contestable retail market.	Major amendments made to the Act in 2001 to enhance consumer protection for small retail customers; to regulate the effective operation of the competitive gas retail market; and to promote convergence between the gas and electricity markets. NSW implemented full retail competition for all gas customers in January 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Government Guarantees Act 1934	Tr	Validates certain guarantees given to certain banks, authorises the Treasurer to execute certain guarantees.	NCP review completed in 2000 and endorsed by the Government. Review concluded that, while there are no provisions which explicitly impose a restriction on competition, it is possible that the Act could be applied in such a way to potentially confer anti-competitive outcomes. The main means by which competition can be restricted is when guarantees are provided on behalf of a business that is operating in a competitive or contestable market. The guarantee, which would effectively lower borrowing costs, could confer an advantage to that particular business over its competitors.	Treasury Circular issued in line with the findings of the review, that proposals recommending a Government guarantee within the terms of the Act must address the wider public interest, including any impacts on competition. The circular included all of the matters to be taken into account in assessing the net public benefits as set out in clause 3 of the Competition Principles Agreement.
Grain Marketing Act 1991	Ag	Establishes the NSW Grains Board, vests ownership of all barley, sorghum, oats, canola, safflower, sunflower linseed and soybeans grown in the State in the Grains Board, and confers upon it monopoly marketing rights.	NCP review by government/industry panel completed in July 1999. Review recommended that restrictions on: <ul style="list-style-type: none"> • all domestic sales be removed, by no later than 31 August 2001 for malting barley and by no later than 31 August 2000 for all other grains • export sales of feed and malting barley remain for only overseas markets where market power or access premiums can be demonstrated, to be reviewed again by 31 August 2004, and • export sales of all other grains be removed by 31 August 2001 for canola and by 31 August 2000 for sorghum, oats, safflowers, linseed and soybeans. 	The Grain Marketing Amendment Act 2001 removed restrictions on all commodities except <ul style="list-style-type: none"> • domestic sales of malting barley • all export sales of feed and malting barley, and • all export sales of sorghum and canola. Restrictions on these items were retained until October 2005 and have now expired.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Greyhound Racing Authority Act 1985	GR	Establishes the controlling body for this code. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so.	Review, as part of omnibus review of racing and betting legislation, completed in 2001. See the Racing Administration Act 1998.	See the Racing Administration Act 1998. In March 2002, the Government approved a restructure of the Greyhound Racing Authority and Harness Racing in NSW, which separated the regulatory and commercial functions and phased in the integration of regulatory functions of both codes into a single body.
Harness Racing Act 1977	GR	Establishes the controlling body for this code. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so.	Review, as part of omnibus review of racing and betting legislation, completed in 2001. See the Racing Administration Act 1998.	See the Racing Administration Act 1998. In March 2002, the Government approved a restructure of the Greyhound Racing Authority and Harness Racing in NSW, which separated the regulatory and commercial functions and phased in the integration of regulatory functions of both codes into a single body.
Hawkers Act 1974	FT	Restrictions on licensing and business conduct.	Review completed.	Act repealed by the Pawnbrokers and Second Hand Dealers Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Home Building Act 1989 (Previously called the Building Services Corporation Act 1989)		Licensing, registration, entry requirements (qualifications or pass exams, experience, age, character), the reservation of practice (building work, electrical wiring work, plumbing and drainage work, roof plumbing work, refrigeration work, air-conditioning work), business conduct (including insurance for building work over \$5000 from approved private insurer) and business licensing.	<p>Review completed in March 1998. Review recommended reforms to remove unnecessary components of the licensing system, subject to an assessment of the expected impact on the home warranty insurance scheme. Consultations concluded that some licensing requirements were needed to underpin the insurance system.</p> <p>The Government released a White Paper in February 2001 proposing: a tighter licensing system; faster disciplinary process; increased penalties for noncompliance; changes to insurance scheme; an early intervention dispute resolution system; and strategies to raise consumer awareness of available remedies when things go wrong.</p> <p>A further independent review of the home warranty insurance scheme undertaken in 2003 (the Gullman report) and released in October 2003. Review recommended improved consumer protection by tightening builders licensing, reforming insurance regulation and establishing a scheme board and advisory council.</p>	<p>Home Building Legislation Amendment Act 2001 passed in July 2001. On 12 March 2002, the NSW and Victorian governments announced the harmonisation of the two states' home warranty insurance schemes, with reforms that will provide ongoing protection for home owners. Further changes to home warranty insurance (agreed with Victoria) were implemented in the Home Building Amendment (Insurance) Act 2002, which commenced on 1 July 2002.</p> <p>The Government implemented the recommendations of the Home Warranty Insurance Inquiry report via the Home Building Amendment Act 2004.</p>
Homing Pigeons Protection Act 1909	Ag	Provides for the protection of homing pigeons during flights.	Review completed in 1996.	Act repealed.
Horticultural Stock and Nurseries Act 1969	Ag	Registration of certain nurserymen and resellers of horticultural stock. Regulates the sale or propagation of certain horticultural stock.	Review completed in 2000.	Act repealed in December 2000 by the Horticultural Legislation Amendment Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Human Tissue Act 1983	H	Restrictions relate to blood donation and the supply of blood products. Restricts the supply of blood to 'exempt suppliers', and requires the consent of donors and the completion of a donor's declaration form, and restricts the premises at which blood can be collected.	Review of blood donation and the supply of blood and blood products completed in 2001. Review recommended the retention of restrictions on the collection of homologous blood in the interests of public health. It also recommended the removal of restrictions on autologous blood.	The Health Legislation Amendment Act 2004 implemented the review recommendations.
Industrial Relations Act 1991	IR	Restates and reforms the law concerning industrial relations.	Review completed in 1996.	Act repealed and replaced by the Industrial Relations Act 1996. Regulation of employment agents was separated from the Industrial Relations Act into the Employment Agents Act 1996. The Employment Agents Act repealed in 2002.
Innkeepers Act 1968	GR	Make provisions with respect to certain rights and liabilities of innkeepers and persons having dealings with innkeepers. Distinguishes between "inns" and other accommodation providers. It gives innkeepers limited liability with respect to guests' property.	Review completed in 2000. Review recommended that the current Act should be retained, as it is pro-competitive. However, if there were to be a new Act, it should be written in conjunction with other Australian jurisdictions.	The Government accepted the review's recommendation that the Act be retained. In addition, in February 2001, NSW forwarded the review's final report to the Tourism Ministers' Council. In July 2001 the Tourism Ministers' Council established an Inter-Departmental Committee to develop recommendations to attain consistent liability for innkeepers across Australia.
Land Development Contribution Act 1970	IP	Levies a contribution in relation to certain land within the Sydney region.	Review not required. Act was introduced to collect contributions from developers who benefit from rezoning but has not been used to collect contributions for several years.	The subordinate legislation, which provided the power to collect contributions, repealed. The Government also agreed to repeal the Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Profession Act 1987	AG	Restrictions on licensing, registration, reservation of title and practice, disciplinary processes and business conduct (including professional indemnity insurance monopoly, advertising (must not be false, misleading or deceptive) and mandatory continuing legal education).	Review completed in 1998. Review recommendations included allowing incorporation of legal practice and allowing competition in professional indemnity insurance.	Reforms completed except in relation to professional indemnity insurance arrangements. NSW is considering these arrangements in the context of national processes.
Library Act 1939 (Library Regulation 1995)	A	Makes further provisions for the establishment, maintenance and management of libraries, library services and information services and creates certification scheme for librarians.	Review completed.	Certification scheme abolished.
Liquefied Petroleum Gas Act 1961 Liquefied Petroleum Gas (Grants) Act 1980	EU	Regulates the supply of liquid petroleum gas.	Review completed in 1996.	Act repealed by the Gas Supply Act 1996.
Liquor Act 1982 – Part 1 of 2, Gambling	GR	Regulates the use and supply of gaming devices.	Preliminary review, in conjunction with the Registered Clubs Act 1976, completed. This work was then overtaken by the Government's Gaming Reform Package, announced on 26 July 2001. NCP principles were addressed as part of the policy development process.	The gambling provisions of this Act are covered by the Gaming Machines Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Act 1982 – Part 2 of 2, Liquor Licensing	GR	Regulates the sale and supply of liquor and regulates the use of premises at which liquor is sold. Needs test is contained in s 45 which allows objection to the grant of a licence on the grounds that needs of the public can be met by existing facilities.	Combined review of liquor and club management provisions completed. See the Registered Clubs Act 1976. Preliminary report completed. On 22 April 2002, the Government approved the release of a discussion paper outlining a range of possible reform options.	The Government introduced legislation in February 2004 to replace the needs test (relating to the grant of a licence) with a social impact assessment.
Local Government (Theatre and Public Halls) Amendment Act 1989	LG	Amends the Local Government Act to make provision for approval and regulation of places of public entertainment and certain structures.	Review completed.	Dealt with under the Licence Reduction Program. Licence retained as issues of public safety outweigh costs.
Local Government Act 1993	LG	Restrictions such as: <ul style="list-style-type: none"> approval to operate businesses such as a mortuary or an undertakers business, and the ability of councils to provide goods, services, and other facilities pursuant to section 24 of the Act. 	Review completed in 2001. Review recommended the removal of a number of anti-competitive restrictions on both council businesses and other bodies. For example, the review recommended that the Act be amended to: <ul style="list-style-type: none"> allow councils to vary fees for businesses and contestable regulatory activities in accordance with a predetermined costing methodology, and lift restrictions on the use of revenue from community land. 	Amending legislation (Local Government (National Competition Policy Review) Act 2003 implemented the review's recommendations.
Lord Howe Island Act 1953 Lord Howe Island Regulation 1994	Env	Section 23 gives preference to Islanders who can buy property at valuation by Valuer General.	Final NCP review report completed in May 2000.	Act amended in line with the review recommendations in March 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lotteries and Art Unions Act 1901	GR	Act imposes general restrictions that limit the opportunity to profit from the conduct of community gaming to charities and other non-profit organisations.	Review, in conjunction with the Charitable Fundraising Act 1991, completed.	The Lotteries and Art Unions Amendment Act 2003 introduced minor reforms, including in principle agreement to allowing 'foreign' lotteries by community-based organisations to be conducted in NSW, and removed the restriction on cash prizes for trade lotteries.
Lotto Act 1979	GR	Regulates the conduct of lotto in NSW.	Review not required. See the Public Lotteries Act 1996.	Act repealed.
Marine (Boating Safety – Alcohol and Drugs) Act 1991	TS		Review not required. Act contained no restrictions on competition.	Act repealed and replaced by the Marine Safety Act 1998.
Marine Pilotage Licensing Act 1971	TS	Provides for licensing of pilots.	Review not required.	Dealt with under Licence Reduction Program. Ten licences and permits abolished from 2 February 1997. Legislation subsequently repealed and replaced by the Marine Safety Act 1998.
Marine Safety Act 1998	TS	Regulates the use of vessels, motors, marking of load lines and the carriage of certain equipment. Provides for licensing of pilots and navigation requirements. The Act repeals and consolidates the following legislation: Commercial Vessels Act 1979; Maritime Services Act 1935; Marine Pilotage Licensing Act 1971; Marine (Boating Safety – Alcohol and Drugs) Act 1991; and Navigation Act 1901.	Commencement of the Act delayed. NCP review of the Act completed in early 2004 found that the marine safety licences are in the public interest.	The Marine Safety Act 1998 was amended in March 2005 to apply provisions relating to alcohol that are consistent with those applying to road users.
Maritime Services Act 1935	TS	Provides for the constitution of the Maritime Services Board of NSW and its powers.	Review not required.	Act repealed and replaced by the Marine Safety Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marketing of Primary Products Act 1983	Ag	Relates to the marketing of certain primary products and provides for the establishment of marketing boards in relation to certain of those products, and to enable the making of marketing orders.	NCP review completed in 1995. Review recommended removing the Rice Marketing Board's monopoly over domestic marketing but retaining its export monopoly. A further review in 2005 recommended the retention of both the domestic and export monopolies.	In November 2005, NSW passed legislation that maintained a single desk for exported rice, but permitted domestic competition through the introduction of an authorised buyer scheme.
Meat Industry Act 1987	Ag	Licenses farmers and meat processors.	Review completed in 1998.	Licensing and inspection provisions were replaced by the Food Production (Meat Food Safety Scheme) Regulation 2000.
Medical Practice Act 1992	H	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review completed in December 1998. Review recommendations include insertion of an objectives clause, greater clarity for entry requirements and the disciplinary system. Recommended removal of business and practice restrictions.	The Medical Practice Amendment Act 2000 passed in line with review recommendations.
MIA Citrus Fruit Promotion Marketing Committee (established under the Marketing of Primary Products Act 1983)	Ag	The Act imposes a compulsory charge on producers of citrus in the Murrumbidgee Irrigation Area (MIA) to fund a range of industry service functions, such as pest control, research and promotion (ie. it has no vesting powers).	NCP review completed. Review found that the charge arrangements were justified and recommended retention of the committee. The Government decided that the committee should continue its role of providing various services to growers subject to limiting its role in representing the industry.	In March 1998, a grower poll supported the proposed arrangements and the Committee was re-established for a further four-year term. In March 2002, the Committee was re-constituted under the Agricultural Industry Services Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
MIA Wine Grapes Marketing Board (established under the Marketing of Primary Products Act 1983)	Ag	Constitutes the MIA Wine Grapes Marketing Board - a statutory marketing authority responsible for the marketing of MIA wine grapes and representing the interests of growers. The main restrictions were vesting and price setting powers.	<p>First NCP review completed in 1996. Review recommended that the Board's vesting power not be continued beyond 30 November 1996 and that the Board become an industry service organisation, using existing powers under the Marketing of Primary Products Act 1983.</p> <p>In 2000, the Board proposed new powers and functions. This proposal was assessed in a second NCP review, completed in November 2001. It recommended that the Board have the power to set and enforce terms and conditions of payment to growers. The Board would also carry out industry service functions, funded through compulsory levies from growers. Its powers would not be extended beyond June 2007 without a further review.</p>	Following the second NCP review, the Government enacted the Wine Grapes Marketing Board (Reconstitution) Act 2003, which provides the Board with sunsetted powers to set terms and conditions of payment until 31 December 2007, in accordance with the recommendations of the NCP review.
Mines Inspection Act 1901 (1) Coal Mines Regulation Act 1982 (2)	MR	<p>(1) Makes provision for the regulation and inspection of mines, other than coal and shale mines, and regulates the treatment of the products of such mines.</p> <p>(2) Regulates coal mines (and oil shale and kerosene shale mines) and certain related places.</p>	Review completed as part of a general review of mine safety regulation.	<p>Coal Mines Regulation Act repealed and replaced by the Coal Mine Health and Safety Act 2002.</p> <p>Mines Inspection Act repealed and replaced by the Mine Health and Safety Act 2004.</p>
Mining Act 1992	MR	Licensing of mineral exploration and extraction.	Licensing requirements dealt with under the Licence Reduction Program. Other restrictions considered in mine safety review.	Act amended following the enactment of the Coal Mine Health and Safety Act.
Monopolies Act 1923	AG	Amends the law in relation to monopolies and restraint of trade.	Review completed.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Accidents Act 1988 Motor Vehicles (Third Party Insurance) Act 1942	C	Mandatory insurance, licensing of insurers, file and write premium settings.	Review, in conjunction with the Motor Vehicles (Third Party Insurance) Act 1942, completed in 1997. Review recommended scheme design changes and insurers filing premiums with the Motor Accidents Authority.	Legislation passed in line with review recommendations.
Motor Dealers Act 1974 No 52 Motor Vehicles Repair Act 1980	FT	Licensing (motor dealer, wrecker, wholesaler, motor vehicle parts reconstruction, car market operator, motor vehicle consultant), entry requirements (fit and proper person, sufficient financial resources, dealer qualifications and expertise or experience), the reservation of practice, disciplinary processes, business conduct (record keeping, motor dealers compensation fund).	Review completed. Review recommendations included: <ul style="list-style-type: none"> allowing licensees to operate from more than one place of business, and keeping registers of stock and parts only at one place of business where multiple locations are operated by one licensee. 	The Government accepted the review recommendations, with amendments made by the Motor Trades Legislation Amendment Act 2001.
Motor Vehicle Sports (Public Safety) Act 1985	TSR	Makes provision for the control and regulation of meetings for motor vehicle racing.	NCP review by the Centre for International Economics (CIE) completed in December 2002. The Government engaged the CIE to conduct a further evaluation of the costs and benefits of a co-regulatory model. The evaluation of the co-regulatory model completed in 2004.	Act amended by the Road Transport (General) Act 2005.

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Murray Valley Citrus Marketing Act 1989	Ag	<p>Constitutes a joint NSW-Victorian Murray Valley Citrus Marketing Board.</p> <p>Imposes a compulsory charge on citrus producers in the Murray Valley.</p> <p>Power (unused) to set minimum quality standards and minimum prices.</p>	<p>Joint review with Victoria completed in August 1999. Report recommended that:</p> <ul style="list-style-type: none"> legislation should continue to underpin the operations of the Board core functions which provide benefits of a 'public good' nature continue to be funded by a compulsory levy where growers vote this to be beneficial, and any future legislation should clearly reflect the purpose of the Board in facilitating marketing and enhancing technological innovation. 	<p>The Victorian and NSW governments agreed in-principle to reconstitute the Board through an extra-territorial agreement. The Agricultural Industry Services Amendment (Interstate Arrangements) Act 2002 established the necessary legislative structure. This completes the agreed NCP reforms.</p>
Murray Valley Wines Grapes Industry Development Committee and the Murray Valley Wine Grapes Industry Negotiation Committee (under the Marketing of Primary Products Act 1983)	Ag	<p>Collective bargaining to establish recommended contract prices and terms.</p>	<p>Joint review with Victoria completed in 1999.</p>	<p>The Murray Valley Wine Grapes Industry Negotiation Committee, whose term of office expired in November 1998, not renewed. The Murray Valley Wine Grapes Industry Development Committee was re-constituted as an Industry Service Committee under the Agricultural Industry Services Act 1998.</p>
National Parks and Wildlife Act 1974	Env	<p>Consolidates and amends the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas, as well as the protection of certain fauna, native plants and Aboriginal relics.</p>	<p>Licensing under Act reviewed under the Licence Reduction Program. Review recommended retaining the licensing without modification.</p>	<p>No NCP related reform required.</p>

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National Rail Corporation (Agreement) Act 1991	TS	Approves and gives effect to an agreement between NSW, the Commonwealth and other States relating to the National Rail Corporation Ltd.	National Rail privatised in February 2002. During the pre-sale process, shareholders agreed to remove the restriction in s.7 of the Act which prevented the corporation from carrying intrastate freight. Further review not required.	Section 7 repealed in August 2000.
Navigation Act 1901	TS	Provides for navigation signalling and mooring requirements for vessels in NSW, and safety requirements including seaworthiness.	Review not required.	Act repealed and provisions incorporated into the Marine Safety Act 1998.
Non Indigenous Animals Act 1987	Ag	The Act restricts competition by requiring licences and permits, payment of fees. There are also restrictions on trading of higher-risk exotic animals and security standards.	Review, in conjunction with the Exhibited Animals Protection Act 1986, completed and final report submitted to the Minister for Agriculture in August 2002. Review recommended retention of the Act on net public benefit grounds.	Reform not required.
Noxious Weeds Act 1993	Ag	Requires control of declared noxious weeds. Restricts the sale of declared noxious weeds. Restricts movement of material containing notifiable noxious weeds. Requires cleaning and inspection of agricultural machinery at the Queensland border. Regulates the supply of materials, equipment and services by local control authorities.	Review completed in October 1998. Review found that the objectives of the legislation can only be achieved by restricting competition, and that the Act should be retained on net public benefit grounds. Review recommended refinements to the regulation of noxious weeds to better achieve the Act's objectives of weed control.	The Noxious Weeds Amendment Act 2005 implemented the recommendations of the NCP review and removed the provisions that enable a local control authority to subsidise the costs of supply of materials and equipment.
NSW Lotteries Act 1990	GR	Regulates the conduct of lotteries in NSW.	Review not required.	Act repealed and replaced by the NSW Lotteries Corporatisation Act 1996 and the Public Lotteries Act 1996.

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NSW Lotteries Corporatisation Act 1996	GR	Establishes the NSW Lotteries Corporation as a State-owned Corporation to develop, promote, conduct and otherwise participate in any lawful forms of gambling and gambling-related activities.	Act not listed for NCP review as part of the Government's 1996 legislation review schedule. Statutory review incorporating an assessment of NCP issues completed in December 2002. Review considered that there would be a net public cost in repealing the exclusive licence provisions before their expiry date. To reduce the period might undermine the licensee's financial viability. Also, lifting the restrictions in the absence of a national market would pose a significant competitive disadvantage to NSW and result in a transfer of lottery gaming activity and revenue to other states.	The Government endorsed the review recommendations.
Nurses Act 1991	H	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed. Review recommended that nurses and midwives continue to be regulated. However, it also recommended the relaxation of practice restrictions in the area of midwifery. A separate review of nurse practitioner provisions completed in 2000.	The Government approved the review recommendations. Amending legislation giving effect to the recommendations assented to in September 2003. NSW also enacted legislation allowing for advanced nurse practitioners to have limited prescribing and referring rights.
Nursing Homes Act 1988	H	Provides for the licensing and control of nursing homes.	Review completed in March 2003. Review recommended repeal of the Act and the transfer of a provision relating to staff numbers to the Public Health Act 1991.	Act repealed by the Health Legislation Further Amendment Act 2004.
Occupational Health and Safety Act 1983	IR	To secure the health, safety and welfare of persons at work and to amend certain other Acts.	Review completed as part of the RIS for the Occupational Health and Safety Regulations 2001. RIS publicly available.	Replaced by the Occupational Health and Safety Act 2000. A new consolidated Occupational Health and Safety Regulation 2001 enacted on 1 September 2001. A range of prescriptive regulatory controls have been replaced by a performance-based, risk management approach.

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Optical Dispensers Act 1963	H	Restrictions on registration, entry, title and disciplinary provisions.	Review not required.	Consideration of competition policy issues by the Commonwealth-State review of partially regulated occupations.
Optometrists Act 1930	H	Restrictions on entry, registration, title, practice, disciplinary provisions and ownership.	Review completed in December 1999 and released in April 2001. Review recommendations included removing ownership restrictions, limiting reserved practice and extending prescribing rights.	Act repealed and replaced by the Optometrists Act 2002. The National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004 removed restrictions on the persons or bodies that may carry on the business of optometry.
Osteopaths Act 2001	H	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review of preceding legislation completed in January 2000. Review recommended separation of Acts, removal of minimum age criteria, reserved practice provisions to be moved to the Public Health Act, changes to administration and disciplinary processes and removal of most restrictions on advertising.	Osteopaths Act 2001 was new legislation in line with review recommendations.
Ozone Protection Act 1989 (renamed the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989)	Env	Empowers the regulation and prohibition of the manufacture, sale, distribution, use, emission, recycle, storing and disposal of stratospheric ozone depleting substances and articles, which contain those substances.	Review completed. Dealt with under the Licence Reduction Program.	Licensing under the Act retained. This licensing supports international environmental protection obligations. Australia became a signatory to the Montreal Protocol on Substances that Deplete the Ozone Layer on 8 June 1988.
Parking Space Levy Act 1992	TS	To discourage car use in business districts by imposing a levy on off-street parking and using the revenue to develop infrastructure and encourage the use of public transport.	Review completed.	Act retained on the basis that competition restrictions were notional only.

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Partnerships Act 1892	AG	Regulates partnerships.	Act largely restates common law on partnerships. An initial issues paper found a full review not required. Tasmanian review of similar legislation confirmed current arrangements.	No NCP related reform required.
Passenger Transport Act 1990	TS	Regulates public transport services - buses, taxis and hire cars, and ferries. Limits the number of taxi and hire car licences.	<p>Buses: Final report of a review of bus services released in February 2004 (Interim report in November 2003). It proposed strategies concerning bus network and service planning, contracting and funding arrangements, fares, ticketing and concessions.</p> <p>Ferries: An interagency working party established to ensure that issues of competitive neutrality in the charter and Harbour tourism industry are adequately addressed in the operations of the newly established Sydney Ferries Corporation.</p> <p>Taxis/hire cars: Review of the relevant provisions by the Independent Pricing and Regulatory Tribunal completed in 1999, erroneously assumed there was a regulatory cap on licence numbers. A further review conducted in 2005 with terms of reference that reflect NCP principles clarified that the Act does not limit the number of taxi licences. However, there is market differentiation between 'perpetual' licences (no longer issued) and current Ministry-issued licences (ordinary and short term), which the market regards as inferior. As a consequence, only perpetual licences are traded, increasing their value and creating a barrier to entry.</p>	<p>Buses: The Passenger Transport Amendment (Bus Reform) Act 2004 reformed the planning, contracting and funding of bus services.</p> <p>Ferries: The Transport Administration Amendment (Sydney Ferries) Act 2003 separated the operation of Sydney Ferries from the State Transit Authority, which operates Sydney Buses, and passed it to a State Owned Corporation, Sydney Ferries Corporation. This will allow for greater transparency in government funding support for Sydney ferry services and a more commercial approach to the provision of those services.</p> <p>Taxis/hire cars: Annual hire car licence fees have been reduced and non-safety critical vehicle criteria have been removed.</p> <p>The Government is considering the taxi licence reform options identified in the 2005 review.</p>
Pathology Laboratories Accreditation Act 1981	H	Restrictions on licensing.	Review completed.	Act repealed.

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Pawnbrokers and Second Hand Dealers Act 1996	FT	Restrictions on licensing (pawnbrokers, second-hand dealers for prescribed goods), registration, entry requirements (aged over 18 years, not mentally incapacitated, not undischarged bankrupt, no conviction of dishonesty offence in past 10 years), the reservation of practice, disciplinary processes and business conduct (pawnbrokers: prescribed records, computer records, public auction of unredeemed goods over \$50, minimum redemption period of three months, operation from fixed premises; second-hand dealers: prescribed records, computer records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Final report completed in 2001, and released for public consultation in May 2002. Recommendations included updating the list of prescribed goods covered by the Act, requiring licensees to be 'fit and proper', clarifying record-keeping requirements and specifying the information that licensees must provide to pawners. It also recommended that the Department of Fair Trading continue to monitor the prescribed goods list (to ensure it covers high risk goods) as well as exemptions (to ensure it does not cover low risk goods).	Recommendations implemented by the Pawnbrokers and Second-hand Dealers Amendment Act 2002.

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Payroll Tax Act 1971	Tr	Imposes a tax upon employers in respect of certain wages and provides for the assessment and collection of the tax.	Registration requirement of the Act reviewed under the Licence Reduction Program. Review found that the registration satisfies a legal requirement on employers to advise the Chief Commissioner when liability for pay-roll tax first occurs. Registration also enables checking for unpaid tax liability. Review found that a reduction in the already small amount of information sought from employers would affect the Office of State Revenue's ability to administer the Act, and would affect its capacity to detect avoidance. Review also found that there is a need to retain the requirement for employers to register to maintain uniformity with other states.	The registration requirement retained, as recommended by the review.
Pesticides Act 1978, Part 7	Env	Controls the sale, supply, use and possession of pesticides, the aerial application of pesticides and residue in foodstuffs.	Review, with other agvet legislation, completed in 1988. Review recommended expanding certain powers to provide for consistent controls on chemical-affected plants and animals.	Act repealed and replaced by the Pesticides Act 1999 in line with review recommendations.
Petroleum (Onshore) Act 1991	MR	Regulates the search for, and mining of, petroleum.	Review completed. Dealt with under the Licence Reduction Program.	Authority for exploration retained. Business compliance costs minimised.

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Petroleum (Submerged Lands) Act 1982	MR	Relates to the exploration for, and exploitation of, undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by Australian and New Zealand Minerals and Energy Council Ministers. Review's main conclusion was that the Petroleum (Submerged Lands) legislation is essentially pro-competitive and, to the extent that there are restrictions on competition (for example in relation to safety, the environment, resource management or other issues), these are appropriate given the net benefits to the community. Final report made public on 27 March 2001, following consideration by COAG's CRR. Some parts dealt with under the Licence Reduction Program.	National review outcomes relevant. Now called the Petroleum (Offshore) Act 1982 No. 23.
Petroleum Products Subsidy Act 1965	Tr	Implements a Commonwealth scheme for the subsidisation of fuel transport costs in rural areas.	Review not required. The Act enables NSW to provide administrative arrangements for the payment of Commonwealth subsidies to distributors of petroleum. It does not involve the imposition of any restrictions on competition by the Government.	No NCP related reform required.

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Pharmacy Act 1964	H	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, business, ownership and licensing.	National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions. COAG referred the 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).	The National Competition Policy Health and Other Amendments (Commonwealth Financial Penalties) Act 2004 implemented the agreed reforms.
Physiotherapists Registration Act 1945	H	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review completed in March 2001. Review made 28 recommendations, including that an objectives clause be inserted, that title be restricted, that spinal manipulation and electrotherapeutic treatments be reserved, that the minimum age requirement be repealed, that advertising restrictions be reduced, and changes to the board and disciplinary structures.	Act replaced by the Physiotherapists Act 2001.
Pipelines Act 1967	EU	Relates to the construction, operation and maintenance of pipelines.	Review completed. Review found that the legislation does not contain any significant anti-competitive provisions.	Act retained without reform.

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Plant Diseases Act 1924	Ag	Permits declaration of quarantine areas and establishment of quarantine stations for plants. Allows control of the storage and movement of some items. Inspectors have powers to enter and search premises, and seize and destroy plants.	Review completed in July 2002 as part of a generic review of all plant and animal disease legislation. Review recommended the retention of the Acts, based on net public benefit grounds.	No NCP related reform required.
Podiatrists Act 1989	H	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review commenced in 1999. Consultation with stakeholders on the review's draft final report. Final report completed in March 2003. The main reform proposed is replacing the current whole-of-practice restrictions on podiatry with three core practice restrictions, which would allow podiatrists, nurses and medical practitioners to carry out certain foot treatments.	The Podiatrists Act 2003 repealed and replaced the Podiatrists Act 1989.

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Poisons and Therapeutic Goods Act 1966	H	Regulates, controls and prohibits the sale and use of poisons, restricted substances, drugs of addiction and certain dangerous drugs.	<p>Part of the Galbally Review of Drugs, Poisons and Controlled Substances. Review issued a final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to Australian Health Ministers Conference in early 2001. The Australian Health Ministers' Advisory Council working party recommended to COAG in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12 month period from COAG's endorsement of the recommendation.</p>	<p>Since the release of the Galbally review, the Australian and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products, accountable to both the New Zealand and Australian governments. These arrangements were to commence on 1 July 2005, but were deferred for 12 months to allow for consultation.</p> <p>States and territories will amend their drugs, poisons and controlled substances legislation, where necessary, to appropriately reference relevant parts of the Australian Government's legislation relating to the trans-Tasman agency.</p>
Ports Corporatisation and Waterways Management Act 1995	TS	Establishes statutory State-Owned Corporations to manage the State's major port facilities; transfers waterways management and other marine safety functions to the Minister; establishes the Waterways Authority and provides for port charges, pilotage and other marine matters.	Statutory and NCP reviews completed in December 2001. Reviews found public benefits from the Act.	The Government proposed no changes to the legislation.

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Poultry Meat Industry Act 1986	Ag	Prohibits supply of chickens unless under an agreement approved by the Poultry Meat Industry Committee.	First review completed in mid-2000. Second review completed in November 2001. Second review concluded that the Act involves a net public cost, however the benefits to individual consumers from deregulation would be marginal. A third review in October 2004 recommended the government adopt new regulatory arrangements that avoid the use of centralised compulsory price fixing and contract approval.	The Poultry Meat Industry Amendment (Prevention of National Competition Policy Penalties) Act 2005 removed the key restrictions on competition. All elements of the new regulatory system in place from 1 January 2006.
Poultry Processing Act 1969	Ag	Provided for registration of plants in which poultry is processed for sale. Imposes minimum standards in the slaughtering and processing of poultry.	Review, in conjunction with the Meat Industry Act 1987, completed.	Act repealed on 1 July 1999 when the Meat Industry Amendment Act 1998 commenced. Food safety regulation of the NSW poultry industry is now provided through the Food Production (Safety) Act 1998 and the Food Production (Meat Food Safety Scheme) Regulation 2000.
Prevention of Cruelty to Animals Act 1979	Ag	Controls or prohibits certain activities associated with animal breeding, animal husbandry, entertainment, veterinary services, animal derived production and processing and transportation. Imposes compliance costs. Authorises a range of direct interventions by regulatory officials and courts.	Review completed and the final report submitted to the Minister for Agriculture. Review recommended that the Act be retained on net public interest grounds. The key competition restriction related to the restriction of certain practices and procedures to registered veterinarians.	The Veterinary Practice Act 2003 replaced the previous monopoly held by the veterinary profession over all acts of veterinary science with a specific list of veterinary practices that, on animal welfare, human health and domestic and international trade grounds need to be restricted to licensed practitioners. This arrangement will enable a wider range of animal health care services to be provided, on a competitive basis, by both vets and non-vet service providers.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Prices Regulation Act 1948	FT	Makes provision for the regulation of prices and rates of certain goods and services.	Review completed in 1996.	The Prices Commission abolished and prices regulation powers were transferred to the Independent Pricing and Regulatory Tribunal. The requisite amendment giving effect to the proposed transfer of powers was enacted in mid-2000.
Prickly Pear Act 1987	Ag	Provides for the control and destruction of Prickly Pear.	Review completed.	Act repealed and replaced by provisions under the Noxious Weeds Act 1993.
Private Hospitals and Day Procedures Centres Act 1988	H	Licensing and conduct.	Review report was finalised in June 2005. The report included a number of recommendations to remove regulatory restrictions on private hospitals and day procedure centres, including: <ul style="list-style-type: none"> removing the licence distinction between private hospitals and day procedures centres, and removal of the restriction on private hospital bed capacity. 	The Government accepted the recommendations of the review, and introduced the necessary legislative amendments to Parliament.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Professional Standards Act 1994	AG	Provides for the limitation of liability of members of occupational associations in certain circumstances and to facilitate the improvement of the standards of services provided by those members.	<p>Review complete in 2002. The review incorporated the statutory review required under section 55 of the Act to determine whether the policy objectives of the Act remain valid. The review concluded that the Act was operating well and that no legislative change is required based on NCP review criteria. Some minor non-NCP amendments were suggested as a result of the statutory review. Finalisation of the review was postponed to consider the impact of tort law reform and national developments on professional standards.</p> <p>Through the Standing Committee of Attorneys General (SCAG), NSW encouraged other jurisdictions to adopt a national approach to professional standards legislation.</p>	The Professional Standards Amendment Act 2004 implemented the national framework.
Property, Stock and Business Agents Act 1941	FT	Licensing (real estate, stock and station, business and managing agents), registration, entry requirements (qualifications, sufficient experience, fit and proper person), the reservation of practice, disciplinary processes and business conduct (auctions, trust accounts).	Review completed. Review recommendations included competency standards as a component of entry requirements, compulsory professional indemnity insurance, annual licence renewal, and a single licence regime to replace the current multi-licensing system.	The Government accepted the majority of the report recommendations, in principle, but decided not to adopt the review's proposal to adopt a single licensing system which it considered could decrease the competency of agents and erode consumer protection. A new Property, Stock and Business Agents Act 2002 gave effect to the Government's decision.
Psychologists Act 1989	H	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review completed in December 1999. Review recommended the retention of registration, but the removal of restrictions on advertising and premises. A number of recommendations provide clarity and accountability.	Act repealed and replaced by the Psychologists Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Finance and Audit Act 1983 (1) Public Authorities (Financial Arrangements) Regulations 1997 (2)	Tr	Potential restrictions examined were: <ul style="list-style-type: none"> retention of a requirement that all authorities conduct all their borrowing activities through the Treasury Corporation the process of appointing funds managers, and the arrangements whereby the Auditor-General has the discretion to decide to what extent there should be private sector involvement in the auditing of agency financial accounts. 	Review completed in 2000, as part of a consultation program concerning a proposal to merge five Acts into a new single statute. The review of the restrictions revealed that there were net public benefits supporting their retention.	No legislative amendments with respect to the three potential competitive restrictions examined.
Public Health Act 1991	H	Regulates the funeral industry, skin penetration, microbial control and other matters.	Final report completed in June 2003. The review recommended repeal of section 52.	Section 52 repealed via the Health Legislation Further Amendment Act 2004.
Public Lotteries Act 1996	GR	Amends and consolidates the law relating to the conduct of public lotteries. Repeals the Soccer Football Pools Act 1975, the Lotto Act 1979 and the NSW Lotteries Act 1990 and regulations made under those Acts.	Act not listed for NCP review as part of the Government's 1996 legislation review schedule. Statutory review incorporating an assessment of NCP issues completed in December 2002. The review considered that there would be a net public cost in repealing the exclusive licence provisions before their expiry date. To reduce the period might undermine the licensee's financial viability. Also, lifting the restrictions in the absence of a national market would pose a significant competitive disadvantage to NSW and result in a transfer of lottery gaming activity and revenue to other	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>
Public Notaries Act 1985	AG	Provides for appointment, enrolment and disciplinary procedures for Public Notaries.	Review completed.	Act repealed and replaced by the Public Notaries Act 1997.
Public Sector Management (Goods and Services) Regulation 1995	C	Establishes the State Contracts Control Board, which arranges for the supply of goods and services and disposal of goods for the Public Service. The restriction on competition is that certain government agencies are prevented from independently negotiating contracts for the supply of goods or services other than through the Board.	Review completed in 2000. RIS released for public consultation in April 2000. The review found that the benefits to the State from centralised procurement outweigh any costs associated with restrictions on choices available to government agencies. It therefore recommended that the regulation be re-made with existing coverage and application.	Regulation re-made in 2000 as recommended by the review.
Public Trustee Act 1913	AG	Constitutes a Public Trustee and prescribes the powers and duties of the Public Trustee.	Review completed.	The NSW Parliament has twice rejected amending legislation. NSW did not consider that there are viable alternative means to implement the review's recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing Administration Act 1998	GR	Regulates racing and betting activities in NSW. The Act bans proprietary racing; bans racing for betting other than thoroughbred, greyhound and harness racing; bans advertising the availability of bookmaker or totalizator services from another jurisdiction; sets a minimum for phone bets; bans provision of betting services other than for the NSW TAB and provision of information on alternative sources by way of internet, subscription TV or other on-line communications.	<p>Review completed in August 2001. Omnibus review in conjunction with the Bookmakers Taxation Act 1917, the Greyhound Racing Control Board Act 1985, the Harness Racing Act 1977 and the Thoroughbred Racing Board Act 1996.</p> <p>Review recommended that existing legislative restrictions on the conduct of racing and betting be retained on the public interest grounds of harm minimisation, and ensuring probity, with the exception of a relaxation in arrangements regarding corporate bookmakers.</p> <p>A further review in 2004 of restrictions on advertising by interstate bookmakers found these were necessary to fund the racing industry, ensure the integrity of totalizator betting and protect consumers.</p>	The Government accepted the review recommendations on 3 December 2001. It removed the minimum telephone bet from 1 July 2004.
Radiation Control Act 1990 Radiation Control Regulation 1993	Env	Makes provision for the regulation and control of the sale, use, keeping and disposal of radioactive substances and radiation apparatus.	Initially dealt with under the Licence Reduction Program. The legislation has also been considered in the context of the national NCP review of radiation control legislation.	In March 2002, the Government approved amendments to the Act to implement the recommendations of the national NCP review. The Radiation Control (Amendment) Act 2002 commenced in August 2002. The Radiation Control Regulation was re-made in 2003.

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Rail Safety Act 1993	TS	Potential for restraint on competition in pursuit of safe construction, operation and maintenance of railways.	Glenbrook Inquiry completed in April 2001. First report of Waterfall Inquiry completed in January 2004.	In the wake of the Waterfall rail accident in January 2003, the Government instigated two major reforms to enhance rail safety, reliability and efficiency: <ul style="list-style-type: none"> the Independent Transport Safety and Reliability Regulator commenced operations on 1 January 2004. This separates rail safety regulation and enforcement from provider of rail services and is independent of Government control, and the track maintenance and infrastructure responsibilities of the Rail Infrastructure Corporation and the train service provision of the State Rail Authority were combined under a new state owned corporation, the NSW Rail Corporation (RailCorp). It commenced operations on 1 January 2004.
Recreation Vehicles Act 1983	Env	Regulates the off-road use of motor vehicles.	Review not required.	Vehicle registrations can no longer be made under this Act, as the relevant Regulation expired in 1999. Management of recreational vehicles on existing NCP-compliant powers located within road transport legislation.
Registered Clubs Act 1976	GR	Makes provisions with respect to the registration of clubs and their rules and management.	See the Liquor Act 1982 – Part 1 of 2.	See Liquor Act 1982 – Part 1 of 2.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Residential Tenancies Act 1987 (1) Landlord and Tenant (Rental Bonds) Act 1977 (2)	FT	(1) Relates to the rights and obligations of landlords and tenants under residential tenancy agreements; makes provision with respect to excessive rent increases and rents; confers functions onto the Residential Tenancies Tribunal of NSW with respect to landlords and tenants. (2) Constitutes a Rental Bond Board; confers and imposes certain powers, authorities, duties and functions on the Board; requires lessors of residential premises to deposit rental bonds with the Board; provides for the paying out of rental bonds and enabled the investment of rental bonds and the investment and expenditure of rental bonds.	Final review completed in June 2000. Review found that the current legislative framework for the regulation of residential tenancies produced the greatest net public benefit for the community. Accordingly, no legislative amendments were proposed. The review noted there were two areas where further assessment should occur to determine whether there are better, more flexible and therefore less restrictive options to deal with certain matters. These were: <ul style="list-style-type: none"> the provisions exempting some landlords from provisions of the Act, and the provisions imposing standard terms in residential tenancy agreements. These two areas are being considered as part of a strategic review of residential tenancy policy. This review will be subject to a public consultation process.	The report of the review of the Residential Tenancies Act considered and endorsed by the Government in June 2003.
Restraints of Trade Act 1976	AG	Provides for Supreme Court action based on applications against activities, which create restraints of trade. Act strengthens public interest test found in the common law.	Review completed.	The Restraints of Trade Act retained with amendment to indicate that it is subject to the TPA and the Competition Policy Reform (NSW) Act 1995.
Retail Leases Act 1994	SB	Makes provision with respect to the leasing of certain retail shops and the rights and obligations of lessors and lessees of those shops.	NCP review completed. Review recommended that the Act be retained on net public benefit grounds and minor amendments be made to streamline administrative requirements.	The Government endorsed the review recommendations. The Retail Leases Amendment Act received assent on 3 November 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Retirement Villages Act 1989	FT	Relates to the termination of occupation rights of residents in retirement villages and confers jurisdiction over certain matters relating to retirement villages, on the Residential Tenancies Tribunal.	Review completed in December 1998. Review recommended measures to address industry practices identified as unfair and inequitable.	Act replaced by the Retirement Villages Act 1999 which is consistent with the review's recommendations.
Rice Marketing Board (established under the Marketing of Primary Products Act 1983)	Ag	Confers a monopoly over the domestic and export marketing of rice grown in NSW on the Rice Marketing Board. The Rice Marketing Board, under an exclusive licensing arrangement, delegates its marketing functions to the Ricegrowers' Co-operative Limited.	<p>First review completed in December 1995. It showed that while the current regulated regime generated a net public cost in domestic markets, this was outweighed by the net public benefit in the regulation of exported product.</p> <p>Review recommended removing the Rice Marketing Board's monopoly over domestic marketing, but retaining the export monopoly. It proposed this be achieved by repealing the State-based arrangements whereby the entire NSW crop 'vests' with the Rice Marketing Board and establishing an export monopoly under Australian Government jurisdiction. This did not take place.</p> <p>A further review in April 2005 recommended the Government retain both the export and domestic monopolies because it could see no feasible alternative to vesting.</p>	<p>NSW delayed reform pending the Australian Government's decision in relation to proposed national rice export legislation. The Australian Government advised NSW on 8 December 2003 that it would not create a national rice export desk.</p> <p>In November 2005, the NSW Parliament passed amendments to reform rice marketing by creating an authorised buyer scheme for domestic trade in rice. The export single desk protected via sanctions for any authorised buyer found to have breached the conditions of their licence by exporting rice.</p>
Roads Act 1993	R	Makes provision with respect to the roads of NSW. Regulates the carrying out of certain activities on public roads.	Review completed in August 2001. Review concluded that the Act is consistent with NCP principles.	The Government endorsed the review's recommendations in February 2003. No review action in line with review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rural Assistance Act 1989	Ag	Constitutes the NSW Rural Assistance Authority. The Review Group considered the Protection Orders provision to be a potentially significant competition restriction.	Review completed in February 1999. Review recommended: <ul style="list-style-type: none"> public benefit provisions should be included in the Act to apply to existing and new programs programs to include objectives that clearly target defined market failure(s), and provisions relating to the Protection Orders be repealed. 	Minor amendments to the Act, including the repeal of Protection Orders, via the Rural Assistance Amendment Act 2000 as recommended by the NCP review.
Rural Lands Protection Act 1989	Ag	Establishes Rural Lands Protection Districts and associated boards that levy and collect rates, provide animal health services and control of noxious weeds and animals.	Review not required.	Act repealed and replaced by the Rural Lands Protection Act 1998, which commenced in September 2001.
Rural Lands Protection Act 1998	Ag	Establishes Rural Lands Protection Districts and associated boards that levy and collect rates, provide animal health services and control of noxious weeds and animals.	NCP review finalised in September 2004. Review concluded that there were no restrictions on competition.	The Government endorsed the review findings. NCP-related reform not required.

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Rural Workers Accommodation Act 1969	IR	Provides for the accommodation of rural workers and constitutes the Rural Workers Accommodation Advisory Council. Creates certificate of compliance for accommodation.	<p>A number of concurrent review processes have been undertaken that impact upon rural worker accommodation issues. Firstly, a RIS was prepared for the Occupational Health and Safety Regulation 2001, which contains workplace accommodation and amenities provisions. Secondly, Health and Safety at Work - Shearing Guide 2002 - was developed and distributed in the rural industry. The Guide covers accommodation and amenity issues for shearers, which are the major group of workers covered by the Rural Workers Accommodation Act. Finally, a (draft) Code of Practice for Rural Workers Accommodation has been prepared and was issued for public consultation in 2001-2002.</p> <p>The review of the Act recommended that it be retained on net public benefit grounds, but recommended the abolition of prescriptive standards on accommodation and obsolete provisions in the Act.</p>	<p>The Government endorsed the NCP review and released the report in 2004.</p> <p>Rural Workers Accommodation Amendment Act 2005 assented to on 15 June 2005.</p>
Security (Protection) Industry Act 1985	Po	Restrictions on licensing (providers of security or protection for persons or property) and regulation.	Review completed.	Act repealed and replaced by the Security Industry Act 1997.
Seeds Act 1982	Ag	Imposes labelling requirements on seed parcel sales. Sets standards and conditions which limit participation in seed varietal verification schemes.	Review undertaken as part of a national process.	Act repealed by the Noxious Weeds Amendment Act 2005.

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Shops and Industries Act 1962 – Part 4	IR	Part 4 restricts trading hours. General Stores (those that are not classified as "scheduled" or "small" shops) are not permitted to open on Sundays or public holidays. The legislation allows for exemptions which are determined by the Department of Industrial Relations.	Review completed.	Trading hours in NSW largely deregulated. There are no restrictions on Monday-to-Saturday trading hours. Part 4 restricts, in principle, the ability of general shops to trade on Sundays and public holidays. However, exemptions to this restriction are granted to achieve, in practice, an unrestricted trading hours environment. Exemptions are readily obtained resulting in substantial deregulation.
Shops and Industries Act 1962 – Part 6	IR	Restrictions on licensing for hairdressers, entry requirements (training and exams or otherwise qualified), reservation of practice (act as a hairdresser for fee, gain or reward), and disciplinary provisions.	Review completed. Issues paper released in June 2000. Further discussions and negotiations with a range of stakeholders have taken place, and the final report was prepared.	The Hairdressers Act 2003 reflected the conclusions of the review.
Small Business Loans Guarantee Act 1977	SB	Authorises the execution of guarantees for the repayment of loans made to certain small businesses.	Review, in conjunction with the State Development and Industries Assistance Act 1966, completed.	Act repealed on 27 November 2003 in line with review recommendations.
Soccer Football Pools Act 1975	GR	Regulates the conduct of soccer football pools in NSW.	Review not required. Refer to the Public Lotteries Act 1996.	No NCP related reform required.
Standard Time Act 1987	AG	Relates to standard time and daylight saving in NSW.	Review not required. Act deleted from the NSW legislation review schedule. Act does not contain any anti-competitive issues.	No NCP related reform required.

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State Development and Industries Assistance Act 1966	SD	Constitutes the Minister administering the Act as a corporation sole and confers certain powers on that sole relating to the establishment, expansion and development of certain industries and to the acquisition of land.	NCP review completed. Review found that the Act contained no anti-competitive provisions and any anti-competitive outcomes potentially created through administration of the Act were avoided by the application of a rigorous assessment framework. Consequently, no NCP amendments were recommended.	The Government endorsed the review findings in 2003.No NCP-related reform required.
Stock (Artificial Breeding) Act 1985	Ag	Restricts who may carry out or supervise an artificial breeding procedure. Requires licensing of artificial breeding premises. Imposes mandatory standards on licensed premises.	Review, in conjunction with the Veterinary Surgeons Act 1986, completed in December 1998, Review recommended that the Act be repealed.	Legislation to repeal the Act received assent on 15 June 2004.
Stock (Chemical Residues) Act 1975	Ag	Imposes restrictions on chemically affected stock (for example on sale, movement and destruction).	Review with other agvet legislation completed in 1999. It recommended retaining all existing restrictions that relate to detecting and controlling chemical-affected stock and controlling affected stock fodder and land.	No NCP related reform required.
Stock Diseases Act 1982	Ag	Restricting or prohibiting imports of stock or other items from a disease affected area. Declaration of quarantine areas. Testing and treatment of stock. Closing of roads and building of fences and gates. Declaring quarantine lines and setting conditions for crossing such lines. Ordering destruction of stock.	Review completed July 2002 as part of a generic review of all plant and animal disease legislation. Review recommended the retention of the Acts based on net public benefit grounds.	No NCP related reform required.

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Stock Foods Act 1940	Ag	Sets composition (eg. limits on foreign ingredients) and labelling standards for manufactured stock food products.	Review with other agvet legislation completed in 1999. It recommended retaining content labelling and foreign ingredient content limits.	No NCP related reform required.
Stock Medicines Act 1989	Ag	Prohibits unregistered chemicals from being held or used on food-producing stock unless prescribed by a veterinary surgeon. Requires minimum qualifications and experience for analysts. Restricts advertising.	Review as part of a generic review of chemical residue legislation completed in 1999.	The Stock Medicines Amendment Act 2004, which repeals advertising restrictions, and implements certain operational improvements to the Act, assented to on 30 November 2004. The amendments to commence when the relevant Australian Government legislation is amended to include controls over prescription-only stock medicines in accordance with the national Galbally Review of drugs, poisons and controlled substances.
Strata Schemes Management Act 1996	FT	Provides for the management of strata schemes and the resolution of disputes in connection with strata schemes.	Review completed in March 2002. Review concluded that: <ul style="list-style-type: none"> the benefits of the act outweigh the costs, and without legislation, strata schemes would be far less effective, maintenance of strata scheme buildings would deteriorate, and financial resources of owners' corporations would be less adequate. 	The Government endorsed the review's recommendations in July 2002. The first round of NCP-related reforms contained in the Strata Schemes Management Amendment Act 2002 (commenced 10 February 2003). A further set of NCP-related reforms contained in the Strata Schemes Management Amendment Act 2004.
Strata Titles (Leasehold Development) Act 1986	C	Provides for the registration of strata plans.	Review not required.	Strata management provisions of the Act replaced by Strata Schemes Management Act 1996, which provides for the management of strata schemes and the resolution of disputes in connection with strata schemes.

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Strata Titles Act 1973	FT	Provides for the management of strata schemes and the resolution of disputes in connection with strata schemes.	Review not required.	Act repealed and replaced by the Strata Schemes Management Act 1996, which provides for the management of strata schemes and the resolution of disputes in connection with strata schemes.
Superannuation Administration Act 1996	Tr	Provides for trustees for State public sector superannuation schemes and the provision of investment and administration services for such schemes.	Review not required.	Superannuation Administration Authority Corporations Act 1999 provided for fixed superannuation contracts to be put in place for three to five years, following which competitive tendering will apply. No residual anti-competitive provisions will remain following the expiry of these transitional contracts.
Surveyors Act 1929	C	Restrictions on licensing, registration, entry requirements (qualification, exam, two years experience, aged at least 21 years, good fame and character), the reservation of title and practice, disciplinary provisions and business conduct (regulating the making of surveys and advertising).	Review completed in August 2001. Review made 11 NCP-related recommendations, including the retention of a system of registration of surveyors, as justified by a net public benefit. The review also recommended the objectives of the Act be rewritten and consideration be given to deregulating restrictions on the naming and ownership of surveying firms and advertising. Review found a net public benefit from maintaining this system to ensure the integrity of the State cadastre.	The Surveyors Act 2002 repealed the 1929 Act and removed the restrictions on the naming and ownership of surveying companies and on advertising. The Act retained the system of registration of surveyors, as recommended by the review.
Swine Compensation Act 1928	Ag	Provides for the establishment of a Swine Compensation Fund and for payment of compensation to owners of pigs and carcasses of pigs destroyed as suffering from disease.	Act concurrently reviewed as part of the NCP Agricultural Health Review. Review recommended the retention of the Acts on net public benefit grounds.	No NCP related reform required.

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Sydney Market Authority Act 1968	Ag	Constitutes the Sydney Market Authority and to define its powers, authorities, duties and functions and to vest certain property in the Authority.	Review not required.	Act repealed.
Sydney Turf Club Act 1943	GR	Constitutes and incorporates the Sydney Turf Club and declares its objects, functions and powers and provides for associated matters.	Review, in conjunction with the Australian Jockey Club Act 1873, completed in 1999. Arrangements found to be in the public interest.	Act retained without reform.
Theatres and Public Halls Act 1908	AG	Provides for the licensing and regulation of theatres and public halls and of places used for public entertainment or public meetings, and the licensing and regulation of the holding of public entertainment and public meetings in temporary structures.	Review not required.	Act repealed.
Therapeutic Goods and Cosmetics Act 1972	H	Regulates the manufacture, distribution and advertising of certain therapeutic goods and imposes standards in relation to certain therapeutic goods and cosmetics.	Review completed.	Act repealed. Provisions relating to cosmetics not re-enacted. Licences for wholesalers of therapeutic goods eliminated. Remaining provisions incorporated into Poisons Act 1966 and Therapeutic Goods Act 1972.

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Thoroughbred Racing Board Act 1996	GR	Establishes the controlling body for thoroughbred racing. Authorises the controlling body to make rules of racing and betting (including provision for the licensing of racing participants). The controlling body may make rules in relation to the operation of bookmakers. Bookmakers may only operate at events and at a location and time for which it is lawful to do so.	See Racing Administration Act 1998 – omnibus review of racing and betting legislation.	
Tobacco Advertising Prohibition Act 1991	H	Prohibits the advertising of tobacco and tobacco products, trademarks, brand names and logos.	Review completed.	Act repealed. Advertising restrictions minimised and incorporated into the Public Health Act 1991.
Tobacco Leaf Stabilisation Act 1976	Ag	Makes provisions with respect to the stabilisation of the tobacco leaf industry.	Review completed.	Act repealed.
Totalizator (Off-Course Betting) Act 1964	GR	Makes provision with respect to off-course betting by means of the totalizator system; provides for the conduct of sweepstakes in respect of certain events; establishes a Totalizator Agency Board and defines its powers, authorities, duties and functions.	Review not required.	Act repealed and replaced by the Totalizator Act 1997, privatising the TAB.
Totalizator Act 1916	GR	Amends and consolidates the law as it relates to the conduct of totalizators and the regulation of totalizator betting.	Review not required.	Act repealed and replaced by the Totalizator Act 1997, privatising the TAB.

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Totalizator Act 1997	GR	Privatises the TAB. Makes provision for an exclusive licence for the NSW TAB to conduct totalizator betting both on and off course. Establishes the rules and codes of conduct for totalizator betting. Grants an exclusive licence to the NSW TAB for linked jackpots on gaming machines in NSW and also for the NSW TAB to provide a centralised monitoring system for gaming machines in NSW clubs and hotels. Later amendments grant NSW TAB an exclusive investment licence to provide gaming machines to hotels and clubs.	Review completed by the CIE. Review concluded that there is a net public benefit from some of the TAB's exclusive licensing arrangements (not all licences reviewed).	No NCP related reform required.
Tow Truck Act 1989	TS	Provides for a licensing and certification scheme for tow truck drivers and operators, regulates other matters and constitutes the Tow Truck Industry Council.	Review not required.	Act repealed and replaced by the Tow Truck Industry Act 1998. The Tow Truck Industry Act 1998 gave effect to a series of fundamental regulatory reforms in the tow truck industry.
Tow Truck Industry Act 1998	TS	Restrictions on licensing, job allocation scheme and pricing controls.	A statutory review of the Act, which considered the competition impacts of the Act, completed in March 2004. It found that the restrictions on competition (the licensing requirements) are in the public interest.	In 2005, NSW amended tow truck regulations so that interstate operators can tow damaged vehicles from NSW.

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Trade Measurement Act 1989	FT	Relates to trade measurement in NSW as part of the scheme for uniform trade measurement legislation throughout Australia.	<p>National review by inter-jurisdictional committee with Queensland as the lead agency. The initial stage of the review (carried out by an independent consultant) reported in August 2001 and broadly considered that restrictions on the method of sale (relating to meat, beer and spirits, and pre packaged goods) appear to have little if any adverse impact on competition but provide benefits to consumers. Restrictions on the sale of non-prepacked meat were examined through a separate public benefit process.</p> <p>In May 2004, the MCCA endorsed the recommendations of the final report and agreed to its public release. The consultation process gave rise to a new issue namely, whether the definition of meat should expressly include seafood and poultry. Consumer Affairs Victoria is reviewing this issue.</p>	Following the finalisation of the review of the definition of meat, states and territories are expected to make uniform legislative changes.
Trade Measurements Administration Act 1989		Relates to trade measurement in NSW as part of the scheme for uniform trade measurement legislation throughout Australia.	National review completed. Review recommended that existing legislative provisions be retained; however, further work is anticipated to examine the effects of two matters raised during the course of the review; the definition of meat, and the unit pricing of pre-packaged goods sold on non-rigid containers. Review report will be finalised when it is approved by the MCCA.	Review and reform contingent upon the outcome of the national NCP review. A draft public benefit test report has been released for consultation. The final report to be presented to the MCCA for endorsement. The NCP review will be finalised once this report is publicly released.
Traffic Act 1909	R	Provides for the regulation of vehicles and of vehicular and pedestrian traffic.	Review completed.	Act repealed.

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Travel Agents Act 1986	FT	Licensing, compulsory consumer compensation fund and business restrictions.	<p>National-level NCP review of travel agents legislation completed.</p> <p>The Government finalised its response to the review outcomes, with the Standing Committee of Officials of Consumer Affairs tasked with overseeing the implementation of the reforms.</p> <p>Review recommended the retention of the positive licensing framework for travel agents, but made recommendations in relation to the development of uniform qualification requirements, and the current licence exemption threshold.</p>	<p>The NSW Government accepted these recommendations On 8 April 2005, the Travel Agents Amendment (Qualifications) Regulation 2005 commenced, amending the Travel Agents Regulation 2001 to implement the MCCA-endorsed uniform qualification requirements in New South Wales.</p> <p>The licence exemption threshold was raised to \$50,000, in accordance with the review recommendations, by a Ministerial Order made under Section 5 of the Travel Agents Act, effective 8 April 2005.</p>
Trustee Companies Act 1964	AG	Restrictions, liabilities, privileges and powers of trustee companies.	<p>National review underway. The SCAG released issues paper and draft Bill in June 2001. SCAG was ready to endorse the NCP review's report at its meeting in March 2002. However, Australian Government officers asked for more time to consider the licensing and supervisory arrangements before the report is released.</p> <p>Finalisation of the review has awaited advice from the Australian Government as to whether it would provide for the regulation of trustee companies on a national basis via Australian Prudential Regulation Authority (APRA) services being provided to the states and territories. In March 2005, the Australian Government advised that APRA would not be involved.</p>	<p>Following the Australian Government confirmation that the Australian Prudential Regulation Authority will not undertake the prudential regulation of trustee companies, states and territories are moving to finalise the reform of the legislation based on the draft model, including seeking external advice on the form that prudential standards could take. NSW is the leading jurisdiction in this process.</p>
Unhealthy Building Act 1990	Env	Provides for the declaration of certain land as unhealthy building land and for the effect of such a declaration.	Review completed. Dealt with under the Licence Reduction Program.	Act repealed.

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Unlawful Gambling Act 1998	GR		Review not required.	
Valuers Registration Act 1975	FT	For real estate valuers: restrictions on licensing, registration, entry requirements (education, supervised training, good character), disciplinary provisions and the reservation of practice. It also confers functions on the Property Services Council.	<p>Departmental review completed in 2000. Review recommended a 'negative licensing' scheme to replace the current system. The scheme would involve core legislation with entry requirements (qualifications, practice requirements and good character). Continuing professional development and professional indemnity insurance would not be a compulsory pre-condition to carry on business as a valuer.</p> <p>The consultation process found that introducing a negative licensing scheme would not offset these risks. As a result, the Government decided in May 2002 to retain positive licensing as the regulatory option providing the greatest net public benefit. The Government also approved reforms to improve the efficiency of the existing scheme and to reduce the regulatory burden on valuers.</p>	Act repealed by the Valuers Act 2003.
Veterinary Surgeons Act 1986	Ag	Restrictions on licensing of veterinary surgeons and hospitals, reservation of title, advertising restrictions and controls on business names.	Review, in conjunction with the Stock (Artificial Breeding) Act 1985, completed in 1998 by a panel of officials, veterinarians, consumers and animal welfare interests. Review recommended reforms included loosening restrictions on entry to the profession and ownership of veterinary hospitals, and opening up less serious animal treatment procedures to non-vets.	<p>The Veterinary Practice Act 2003, which gives effect to the reforms, received assent in December 2003.</p> <p>The Act retains an ownership restriction in that any form of business arrangement may own a veterinary practice so long as the majority ownership is held by one or more veterinary surgeons.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Waste Disposal Act 1970	Env	Provides for the constitution of a corporation to be called the 'Metropolitan Waste Disposal Authority'; confers and imposes on the corporation responsibilities, powers, authorities, duties and functions with respect to the transport, collection, reception, treatment, storage and disposal of waste within the Metropolitan Waste Disposal Region.	Review not required.	Act repealed and replaced by the Waste Minimisation and Management Act 1995 and subsequently by the Waste Avoidance and Resource Recovery Act 2001.
Waste Minimisation and Management Act 1995	Env	<p>Act relates to the management, regulation and reduction of waste. Potential restrictions on competition include:</p> <ul style="list-style-type: none"> • the powers of regional waste boards to direct councils' charging policies • requirements for industry waste reduction plans • licensees that are not public authorities cannot hold licences for facilities that receive putrescible waste, unless a separate supervisory licence is granted to a public authority • environmental protection licensing, and • the waste levy. 	Review completed in 2001. Review recommended legislative amendments to replace regional waste boards with a single State agency; and a package of measures to improve the performance of the waste levy as an economic incentive for finding alternatives to waste disposal.	In June 2001, the Government agreed to modify the NSW waste policy settings in line with the outcomes of the NCP review (and statutory review). Waste Avoidance and Resource Recovery Act 2001 subsequently enacted.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wheat Marketing Act 1989	Ag	Imports Commonwealth Act into state jurisdiction.	Review not required.	Act repealed.
White Phosphorous Matches Prohibition Act 1915	IR	Prohibits the use of white phosphorus in the manufacture of matches and prohibits the sale of matches made with white phosphorous.	Review not required.	Act repealed.
Wool, Hides and Skins Dealers Act 1935	Po	Restrictions on the buying and selling of wool, hides and skins.	The issues paper in 1998 recommended repeal of the Act. The Pastoral and Agricultural Crime Working Party recommended retention of the Act and its licensing regime as a deterrent to rural crime. The working party recommended retaining the licensing regime as the most effective means of tracking and investigating trade, but modifying it based on the pawnbroker licensing provisions. The final 2002 NCP review supported this view.	Repealed by the Wool, Hide and Skin Dealers Act 2004, amending the arrangements in accordance with the recommendations of the 2002 NCP Review and the recommendations of the Pastoral and Agricultural Crime Working Party.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workers Compensation Act 1987	IR	Mandatory insurance, monopoly insurer, and centralised premium.	The Grellman review completed in 1998. Review recommended removing the monopoly insurer in favour of competitive underwriting. The Government legislated for private underwriting to commence in October 1999, but subsequently deferred implementation of the legislation until an unspecified date. In 2001, it repealed provisions that provided for competitive underwriting. The Government commissioned a further review by McKinsey & Co; this review report was released in September 2003. The McKinsey report's recommendations include the following: there should be no private underwriting of workers compensation insurance until the NSW scheme is fully funded and financially stable; and the Government should introduce greater contestability through tenders for each of the core functions of the scheme.	The Workers Compensation (Insurance Reform) Act assented to in November 2003. The Act gave effect to the McKinsey review recommendations, including opening up the scheme to enable businesses other than insurance companies to participate as scheme agents and replacing the open-ended licensing system with fixed-term contract arrangements.

4 Victoria

Agency nomenclature abbreviations

The following abbreviations are used in the 'Agency' column of the Victorian legislation review timetable. This nomenclature identifies the relevant agency at the time of the 2005 National Competition Policy (NCP) assessment.

DET	Department of Education and Training
DHS	Department of Human Services
DI	Department of Infrastructure
DJ	Department of Justice
DPI	Department of Primary Industries
DSE	Department of Sustainability and Environment
DVC	Department of Victorian Communities
T&F	Department of Treasury and Finance
P&C	Department of Premier and Cabinet

Legislation review schedule: Victoria

Updated to 5 December 2005

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Accident Compensation (WorkCover Insurance) Act 1993	T&F	Mandatory insurance, monopoly insurer, and centralised premium setting.	<p>Review completed in 1997-98. Review recommended retention of compulsory insurance and removal of the WorkCover Authority monopoly.</p> <p>A further review, by PricewaterhouseCoopers and Minter Ellison, completed in 2000. This review recommended retention of compulsory insurance, retention of the monopoly and charges remaining to be set by the Victorian WorkCover Authority. Review recommended third party review of proposed premiums. Review also recommended retention of occupational rehabilitation service provider licensing and increasing the ability to self insure.</p>	<p>The Government rejected the recommendation of the first review with respect to removal of monopoly insurer arrangements. Minor changes to restrictions were accepted. Restrictions remain on:</p> <ul style="list-style-type: none"> • public underwriting, premium setting and funds management • approval conditions for insurers and occupational rehabilitation providers, and • types of firms permitted to self-insure. <p>The Government provisionally accepted the PricewaterhouseCoopers recommendations. The Government believes that the Victorian WorkCover Authority has maximised the extent of market testing (outsourcing), and the Essential Services Commission reviews premiums and provides advice on premiums to the Minister.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Accident Compensation Act 1985	T&F	Mandatory insurance, monopoly insurer, and centralised premium setting.	<p>Review completed in 1997-98. Review recommended retention of compulsory insurance and removal of the monopoly.</p> <p>A further review, by PricewaterhouseCoopers and Minter Ellison, completed in 2000. This review recommended retention of compulsory insurance and retention of the monopoly provision of workers compensation insurance. The report recommended the consideration of market testing some functions and a third party review of premiums. The report also recommended retention of occupational rehabilitation service provider licensing and increasing the ability to self insure.</p>	<p>The Government rejected the first review's recommendation to remove the monopoly in underwriting of workers compensation insurance. Minor changes to restrictions were accepted. Restrictions remained on:</p> <ul style="list-style-type: none"> • public underwriting, premium setting and funds management • approval conditions for insurers and occupational rehabilitation providers, and • types of firms permitted to self-insure. <p>The Government accepted the recommendations of the second review. It is considering the scope for market testing (outsourcing), and reviews of premiums by the Essential Services Commission.</p>
Adoption Act 1984	DHS		Review completed in 1998. Recommended retention of restrictions in order to protect the interests of children and meet international obligations.	The Adoption (Amendment) Act 2000 dealt with bilateral issues.
Adult, Community and Further Education Act 1991 (Ministerial direction on fees and charges)	DET		The Tertiary Education and Training Review completed in 1997. Restrictions, relating to accreditation, registration of private providers and ministerial setting of fees, found to be in the public benefit.	Reforms to legislation passed in 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Adult, Community and Further Education Act 1991 (to establish Adult Community Further Education Board, Regional Councils and make provision with respect to Adult, Community and Further Education)	DET	Sets accreditation procedures for courses and registration requirements for community education providers. Allows minister to direct on fees and charges.	Review completed in 1997 as part of the Tertiary Education and Training Review. Recommended restrictions on fee setting and accreditation procedures be retained in the public interest and reform of the registration system.	The Government accepted the review recommendations. Reforms to legislation passed in 1997.
Agricultural Industry Development Act 1990 (including orders related to the Murray Valley winegrapes industry)	DPI	<p>Allows for establishment of industry development bodies which may:</p> <ul style="list-style-type: none"> • act as purchasing agents • provide resources to grower representative bodies, and • undertake research and development. <p>Also allows for establishment of negotiating committees which may recommend industry-wide prices and payment terms and conditions.</p>	<p>Review with New South Wales (NSW), completed by independent consultants KPMG in 1999. Review recommended:</p> <ul style="list-style-type: none"> • not renewing the Murray Valley winegrapes marketing order • removing powers of industry development bodies to provide resources to grower representative bodies and to act as purchasing agents • improving accountability of industry development bodies for application of funds raised from compulsory levies, and • removing provisions relating to price recommendation and payment terms and conditions functions of negotiating committees. 	Act amended by the Agricultural Industry Development (Amendment) Act 2000 as recommended.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agriculture and Veterinary Chemicals (Control of Use) Act 1992	DPI	Allows off-label use of chemicals subject to conditions which vary markedly between jurisdictions. Exempts veterinary surgeons from various controls. Licenses spray contractors.	National review of agricultural and veterinary (agvet) chemicals completed in 1999. Report released by the Standing Committee of Agriculture and Resources Management in March 1999. Review recommended in relation to control-of-use legislation: <ul style="list-style-type: none"> • developing a nationally consistent approach to off-label use • retaining the veterinary surgeon exemption, but not for agricultural chemicals • licensing of spraying businesses subject to maintenance of records, employing licensed persons and provision of necessary infrastructure • licensing of persons spraying for fee or reward subject to accreditation of competency and working only for a licensed business, and • exempting persons spraying on own land from licensing. 	Intergovernmental response decided in 2000. Ministers established a taskforce to develop a nationally consistent approach to 'control of use' regulation. In 2001 Victoria: <ul style="list-style-type: none"> • removed the veterinarian exemption for agricultural chemicals • amended its sprayer licensing regulation but retained mandatory insurance, and • recognised interstate licences.
Agriculture and Veterinary Chemicals (Victoria) Act 1994	DPI	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into state jurisdiction (see the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994).	National review of agvet chemicals completed in 1999. Review report released by the Standing Committee on Agriculture and Resources Management in March 1999. See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.
Alpine Resorts Act 1983	DSE			Act replaced by the Alpine Resorts (Management) Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Ambulance Services Act 1986	DHS		Review completed in November 1999. Review recommended that competition be introduced in the provision of emergency services in the Metropolitan area.	The Government rejected the recommendation to introduce competition into the provision of emergency ambulance services, due to concerns that it would be impossible to develop contractual arrangements to ensure access to appropriate levels and standards of service for all Victorians.
Architects Act 1991	DI	Restrictions on registration, entry requirements, reservation of title, disciplinary processes, and business restrictions (ownership provisions that at least two thirds of directors of the company must be registered architects).	<p>Review completed in February 1999. Review recommended retention of title restriction and registration requirements, and reduced business restrictions (including reducing ownership provisions to at least one director or partner is a registered architect).</p> <p>National review (except Victoria) conducted by the Productivity Commission (PC) completed in August 2000 and publicly released in November 2000. (Previously completed Victorian review put on hold). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act.</p> <p>A states and territories working group led by NSW developed a national response to the PC review. The working group recommended amendments to existing legislation to remove elements deemed to be anti-competitive and not in the public interest. All jurisdictions have accepted the approach of the working group.</p>	<p>Victoria introduced legislative amendments in the Architects (Amendment) Bill in early May 2004. The Bill included the following changes:</p> <ul style="list-style-type: none"> allow for two members of the Architects' Registration Board to have building experience and that neither consumer nor industry representatives may be architects remove the broad restriction on the terms 'architecture' and 'architectural', and reduce the number of partners or directors in a company practising architecture from the current two-thirds ownership or control. <p>Amending Bill enacted on 2 June 2004, and assented to on 8 June 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Associations Incorporation Act 1981	DJ		Review completed in 1998.	Minor restriction removed with the Associations Incorporation (Amendment) Act 1997.
Auction Sales Act 1958	DJ	Restrictions on licensing, entry requirements (resident in State, character), the reservation of practice (auctioneers of goods, including livestock), and business conduct (suitable premises, no music, no disorderly conduct, maintenance of register for cattle and sheep skins, no collusion).	Review by Victoria University completed in November 1999. Review recommended licensing be discontinued, but that a minimal registration scheme be introduced for livestock auctioneers, in the interests of livestock disease control.	The Government accepted the recommendation to discontinue licensing, but rejected the registration proposal as unnecessary. Act repealed by Auction Sales (Repeal) Act 2001, with effect from 1 January 2003.
Audit Act 1994 – Parts 1, 2 and 6 (Part 7 is repealed) (the Act is otherwise administered by the Minister for Finance)	P&C		Review completed in 1997.	Act repealed and replaced by the Audit Act 1997.
Australian Grand Prix Act 1994			Review completed. Act assessed as not restricting competition.	
Barley Marketing Act 1993	DPI	Vests ownership of all barley grown in Victoria solely in the Australian Barley Board.	NCP review by the Centre for International Economics (CIE) completed in 1998 jointly with South Australia, recommending that Victoria: <ul style="list-style-type: none"> remove the domestic barley marketing monopoly retain the export barley marketing monopoly for only the 'shortest possible transition period', and restructure the Australian Barley Board as a private grower-owned company. 	Act amended in 1999 to remove monopoly on domestic barley from 1 July 1999 and export barley from 1 July 2001. The Board transferred into grower ownership on 1 July 1999. It has no regulatory powers. The Act sunsetted on 1 July 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Benefit Associations Act 1958	DJ		Act removed from the legislation review program (LRP) at the end of 1999 as the legislation did not contain restrictions on competition.	Act superseded by newer regulatory schemes. Act subsequently repealed on 30 May 2001.
Biological Control Act 1986	DPI	Makes provision for the biological control of pests in Victoria. Complementary to Commonwealth 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 LRP as the Council of Australian Governments' (COAG) Committee on Regulatory Reform (CRR) determined that the legislation has no anti-competitive impacts.	
Border Railways Act 1922	DI		Review completed. No provisions considered restrictive.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Borrowing and Investment Powers Act 1987	T&F	Restriction on government business enterprises (GBEs) and regulated authorities, excluding them from dealing directly with financial markets for borrowings. Only the Treasury Corporation of Victoria may transact in these markets.	<p>Inhouse review completed in July 1997. Departmental steering committee endorsed the final report. Review recommended that;</p> <ul style="list-style-type: none"> • the Government reviews internal prudential requirements for selected GBEs and statutory bodies, with the aim of making them a subset of global corporate planning approvals and monitoring, and • selected GBEs and regulated authorities no longer be required to use the Treasury Corporation of Victoria to access debt markets. 	<p>The Government accepted the first recommendation, and undertook to monitor administrative arrangements applying to GBEs and regulated authorities to ensure all borrowing and investment approvals are consistent with corporate planning approvals and monitoring, and where possible this administrative process is streamlined.</p> <p>The Government rejected the second recommendation, considering that if the restriction was removed significant additional costs would be imposed on Victorian taxpayers. The savings to taxpayers considered to arise as a result of Treasury Corporation of Victoria being the State's single interface to financial markets are:</p> <ul style="list-style-type: none"> • Treasury Corporation of Victoria is able to derive economies of scale in issuing securities, thereby lowering the State's debt costs • GBEs and other statutory authorities no longer need to each have a fully resourced treasury dealing operation, and • moral hazard arising from GBEs and other statutory bodies entering into inappropriate financial market transactions is reduced.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bourke Street Mall Act 1982	DI		Review not required.	Act repealed.
Broiler Chicken Industry Act 1978	DPI	Prohibits supply of chickens unless under an agreement consistent with terms determined by the Industry Negotiation Committee.	Independent review by KPMG completed in 1999. Review recommended that producers seek Australian Competition and Consumer Commission authorisation for collective bargaining, and that the Government repeal the Act.	The Government accepted the recommendations in principle, disbanding the industry committee, but retaining the legislation to cover remaining contract terms. The Trade Practices Act 1974 (TPA) prevents operation of potentially anti-competitive provisions of the Act.
Building (Plumbing) Act 1998	DI	Restrictions on licensing and registration for refrigeration mechanics.	New legislation assessed under Victoria's legislation gatekeeping arrangements. Public interest justification: previously the work of refrigeration mechanics did not have the usual 10 year warranty arising from the issue of compliance certifications under Part 12A. There were no standards applying to such installations. This was anomalous as some licensed plumbers perform this work in conjunction with plumbing work which is regulated under Part 12A, while refrigeration mechanics who carry out refrigeration work alone were not regulated. The public was not given the usual protection afforded in Part 12A and it was difficult for some consumers to identify which service providers are covered.	New legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Act 1993	DI	Restrictions on licensing (engineers, quantity surveyors, building surveyors, building practitioners, plumbers, drainers, gasfitters), the reservation of title and practice (plumbing, mechanical services, residential and domestic fire sprinklers, roofing (stormwater), sanitary, water supply, draining, gasfitting), registration requirements, permit requirements, and business conduct (insurance).	<p>Review completed in 1999. Recommendations included:</p> <ul style="list-style-type: none"> • integrating Act with Architects Act • making companies and partnerships subject to registration requirements • retaining Minister's power to issue compulsory insurance orders • increasing the use of audits of building surveyors to ensure standards are maintained • repealing exemptions to public sector employees, public authorities and the Crown retain those that exempt certain high security Crown buildings from requirement to lodge permit documents with relevant council, and • basing the building permit levy on a formula that is cost-reflective and includes incentives for cost-effective administration of legislation. <p>The Government considered the review in conjunction with its assessment of the Architects Act 1991, partly to consider opportunities to integrate Victoria's building and architects legislation.</p>	<p>In considering its response to the review of architects legislation, Victoria focused on the Victorian review but also accounted for the Inter-Governmental Working Party's response to the PC inquiry into Architects Acts and the government and industry working group initiated by the Australian Procurement and Construction Ministerial Council. Legislative amendments in the Architects (Amendment) Act 2004.</p> <p>The Government issued a discussion paper in September 2003 on the NCP review recommendations for increased regulation of the industry.</p>
Building Control (Plumbers Gasfitters and Drainers) Act 1981 No. 9720	DI			Act repealed and replaced by the Building Act 1993.
Building Societies Act 1986	DJ			Act repealed. Jurisdiction has passed to the Commonwealth under financial sector reforms.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Franchise (Tobacco) Act 1974	T&F			Act contains provisions which relate to the administration of the Business Franchises (Petroleum Products) Act and are required for the ongoing administration of the Act. Although parts of Act repealed, some outstanding litigation in relation to tobacco matters required retention of the Act.
Business Investigations Act 1958	DJ			Act repealed.
Business Names Act 1962	DJ	Scoping study has shown that the legislation does not restrict competition.	Review not required.	
Caravan Parks and Moveable Dwellings Act 1988	DHS		Review completed in 1997. Retention of overall restrictions justified as being in the public benefit.	Act repealed and replaced by the Residential Tenancies Act 1997.
Casino (Management Agreement) Act 1993	T&F	Licences and exclusive licence.	Deleted from the LRP due to lack of scope for amendment without varying contractual arrangements with the existing casino operator and requiring payment of compensation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Casino Control Act 1991	T&F	Market conduct and operations.		<p>New restrictions introduced by the Gambling Legislation (Miscellaneous Amendments) Act 2000, which changed the Casino Control Act to allow increased accountability of the gaming industry. It allows for full reporting and enhanced probity checks, allows the Victorian Casino and Gaming Authority to conduct open hearings and gives the community the right to know details of applications.</p> <p>The Gambling Legislation (Responsible Gambling) Act 2000 changed the Casino Control Act to provide for players of gaming machines to be given information relevant to gaming on those machines.</p>
Casino Control Act 1991 – Part 5A	T&F	Restricts sports betting to the casino.	Public review by the CIE completed in 1998.	Restriction retained on the basis that it is in line with the decision not to expand the sports betting licensing regime on the grounds of problem gambling and regulatory efficiency.
Casino Control Act 1991 (excluding sections 128H to 128L which are administered by the Minister for Major Projects, excepting section 128K(2), which is administered by the Minister for Finance)	T&F		Deleted from the LRP due to lack of scope for amendment without varying contractual arrangements with the existing casino operator and requiring payment of compensation.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cemeteries Act 1958	DHS		<p>Review completed in December 2000. Review made 19 recommendations, including:</p> <ul style="list-style-type: none"> retaining the restriction that prevents funeral directors and others in the death care industry operating cemeteries and crematoria retaining cemeteries and those crematoria that have memorial sites for interred ashes in the public sector transferring restrictions on the location of crematoria to planning legislation retaining requirements for burial permits, and repealing the limit on fees that can be charged by cemeteries but requiring cemeteries and crematoria to report their fees to the DHS. 	<p>The Government accepted the majority of the review recommendations. The Government rejected the recommendation to remove restrictions on fees. Instead, it proposed to reform fee regulation (greater emphasis on disclosure of terms, conditions and fees, whilst retaining some residual control over fees by requiring cemeteries and crematoria to justify and seek approval for fee increases greater than the consumer price index and through a power to investigate and overturn excessive fees). The Government considered that fee regulation is in the public interest due to the presence of cemeteries and crematoria on Crown land and hence the Government's interest in the efficient use of that land. In addition, fee regulation protects community access to burial sites.</p> <p>Some legislative changes introduced in 2003 – the Cemeteries and Crematoria Act 2003 passed in October 2003 came into force on 1 July 2005. Recent amendments to the 2003 Act will give the Secretary of DHS the power to exempt certain classes of trust fees from the Departmental approval processes.</p>
Chattel Securities Act 1987 – Part 3 (Registrable Goods)	DI	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Children's Services Act 1996	DHS	Restriction on licensing of children's services (a service providing care or education for five or more children under six years of age).	Act assessed under Victoria's gatekeeper arrangements for new legislation. Victoria considered that there is a clear public benefit in licensing children's services, which safeguards the care and protection of preschool children. It also considers that the provisions stimulate, rather than limit, competition.	
Chinese Medicine Registration Act 2000	DHS	Restrictions on entry, registration, title, disciplinary provisions, advertising and insurance.	Review completed in 2000. Victoria led Australian Health Ministers Advisory Council (AHMAC) investigation of the need for registration. Decision made to register.	New licensing legislation passed May 2000. The Health Practitioner Acts (Further Amendment) Act 2002 included changes to the advertising guideline provisions to require ministerial approval of advertising guidelines.
Chiropodists Act 1968	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, and business licensing.	Review completed in 1997.	Legislation replaced by the Podiatrists Registration Act 1997 in line with recommendations. Most restrictions on commercial practice and reservation of practice removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.
Chiropractors and Osteopaths Act 1978	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in 1996.	Act repealed and replaced by the Chiropractors Registration Act 1996 and the Osteopaths Registration Act 1996. Most restrictions on commercial practice and reservation of practice restrictions removed. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained in the new Acts.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropractors Registration Act 1996	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions, and advertising.		Act replaced the Chiropractors and Osteopaths Act 1978 in line with recommendations. Most restrictions on commercial practice and reservation of practice removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained in the new Act.
City of Greater Geelong 1993 (excluding Part 5)	DI		Review not required.	Act (excluding Part 5) repealed.
City of Melbourne Act 1993	DI		Review not required.	Act repealed.
Civil Aviation (Carriers' Liability) Act 1961	DI	Act assessed as not restricting competition.	Review not required.	
Club Keno Act 1993	T&F	Sets out provisions for allowing the playing of Club Keno and the rules for participants.	Review completed in 1997. Reforms recommended in conjunction with broader review of electronic gaming scheduled to occur by 2006.	The Government to consider the review recommendations as part of its review of Victoria's electronic gaming industry.
Conservation Forests and Lands Act 1987	DSE	Act assessed as not restricting competition.	Review not required.	
Construction Industry Long Service Leave Act 1983 (to transfer to the Industry Science and Technology portfolio from 1 January 1999)	T&F			Act repealed and replaced by the Construction Industry Long Service Leave Act 1997.
Consumer Credit (Finance Brokers) Act 1998	DJ	Restriction on licensing.	Review completed in 1998. Review concluded that some restrictions, relating to licensing and fee structures, are justified as being in the public benefit.	Act replaced the Finance Brokers Act 1969.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit (Victoria) Act 1995	DJ	Regulates the provision of consumer credit.	National review completed. Review recommended maintaining the current provisions of the consumer 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. Review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs (MCCA) endorsed the final report in 2002 and referred it to the Uniform Consumer Credit Code Management Committee (UCCCMC) which is facilitating the resolution of some issues.	The UCCCMC to implement some of the review recommendations. Queensland began drafting revised legislation in 2004; this legislation will form a template for other jurisdictions. In addition, NSW began drafting code provisions relating to pre-contractual disclosure. It is anticipated these amendments will be incorporated in the template legislation
Control of Weapons Act 1990	DJ		Review not required. Deleted from the LRP: public safety considerations.	
Co-operation Act 1981	DJ			Act replaced by the Co-operatives Act 1996.
Co-operatives Act 1996	DJ			Act repealed and replaced the Co-operation Act 1981.
Corrections Act 1986	DJ	There are no competition restrictions in the legislation which creates a framework for the multi-provider (ie. public and private sector) corrections system in Victoria.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Council of Law Reporting in Victoria Act 1967	DJ	Single series of authorised law reports.	<p>Review completed on 20 October 2000, in consultation with the High Court and Federal Court of Australia; all Victorian Courts; Supreme Court library; Council of Law Reporting; all Victorian universities; publishers of law books; electronic law services; legal professional bodies and associations; and Legal Aid.</p> <p>Review concluded the restriction: ensures continuation of a single series in a small market not large enough to sustain more than one publisher; ensures that the costs of law reports are kept as low as possible; ensures that only relevant and important cases are reported and reduces the likelihood of confusion that would be caused by a multiplicity of law reports; and there is no alternative means of achieving the objectives of the Act.</p> <p>Review recommended no legislative changes.</p>	The Government accepted the review recommendations.
Country Fire Authority Act 1958	DJ		Review not required.	Function divested.
Credit (Administration) Act 1984	DJ	Scoping study showed that the legislation does not restrict competition.	Review not required.	
Crown Lands (Reserves) Act 1978 and related Acts (eg Kew and Heidelberg Lands Act 1933, Melbourne Cricket Ground Act 1933, Royal Botanic Gardens Act 1991, Shrine of Remembrance Act 1978, Zoological Parks and Gardens Act 1967)	DSE	Leases and licensing may result in anti-competitive outcomes.	NCP review of Victoria's Crown land management legislation and the response completed. Further review to update the Act and remove redundant and outdated provisions planned.	Legislative amendments expected in 2005-06.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cultural and Recreational Lands Act 1963	DI	Act assessed as not restricting competition.	Review not required.	
Dairy Industry Act 1992	DPI	Vests milk in Victorian Dairy Industry Authority. Sets farmgate price for market milk and pools market milk returns. Licenses farmers, processors, distributors and carriers.	Review by an independent consultant completed in 1999. Review recommended the removal of all restrictions except those that safeguard public health. It further recommended third party auditing of dairy food safety subject to acceptance of importing countries.	<p>In December 1999, the Government conducted a plebiscite of all Victorian dairy producers on whether to reform the state's market milk arrangements. Victorian producers overwhelmingly supported reform in conjunction with the Commonwealth's proposed industry adjustment package.</p> <p>In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Victoria passed the Dairy Act 2000, deregulating the industry from 1 July 2000.</p> <p>The Dairy Act 2000 also established Dairy Food Safety Victoria to regulate dairy food safety.</p>
Dangerous Goods Act 1985 Regulations 2000 (Explosive), (Storage and Handling) and (Major Hazards)	T&F	Licences required to manufacture, store, transport, use, import and otherwise handle explosives.	Review completed in 1999.	<p>New legislation. The regulations require a licence to manufacture, store, sell, transport, drive and import explosives or to use them for blasting at mine sites and quarries. A licence is also required to discharge fireworks or to be a pyrotechnician. Shipping berths are to be approved for the transfer and handling of explosives. Major hazard facilities are required to be registered and licensed. The restrictions are primarily aimed at safety.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Defence Reserves Re-employment Act 1995	DJ	Scoping study showed that the legislation does not restrict competition.	Review not required.	
Dental Practice Act 1999	DHS	Restrictions on entry, registration, title, practice and advertising, and disciplinary provisions.	New legislation enacted following review of the Dental Technicians Act 1972 and the Dentists Act 1972.	The Health Practitioner Acts (Amendment) Act 2000 added professional indemnity insurance requirement and an ability for the dental board to issue guidelines on advertising. The Health Practitioner Acts (Further Amendments) Act 2002 amended the advertising guideline provisions of the Dental Practice Act to require ministerial approval of advertising guidelines.
Dental Technicians Act 1972 Dentists Act 1972	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising and ownership.	Review completed in July 1998. Review recommended retention of restrictions on use of title, types of work, and a requirement for fair and accurate advertising. Recommendations also included the removal of ownership restrictions, removal of the restriction on 'disparaging remarks' in advertising, and allowing dental therapists to work in the private sector. The Victorian Law Reform Commission recommended compulsory professional indemnity insurance in 1999.	Both Acts replaced by the Dental Practice Act 1999.
Discharged Servicemen's Preference Act 1943	DJ	Scoping study showed that the legislation does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Domestic (Feral and Nuisance) Animals Act 1994	DPI	Registration of domestic animal suppliers. Code of practice for domestic animal suppliers. Prohibition on the supply of animals from other than premises. Exemptions and concessions for specific associations.	<p>Review by independent consultants KPMG completed in November 1998. Review recommended:</p> <ul style="list-style-type: none"> • retaining registrations and code of practice for domestic animal suppliers • retaining prohibition on supply of animal from other than premises • narrowing exemption to breeders with no more than 2-3 animals • allowing all recognised animal associations access to exemptions and concessions • removing "for profit" distinction between domestic animal suppliers • repealing provisions relating to obedience training establishments • regularly reviewing the code of practice • retaining provisions relating to boarding kennels and catteries until self-regulation is shown to be effective, and • improving consistency of enforcement by local councils. 	The Government accepted most recommendations and the Act amended in 2000.
Dried Fruits Act 1958	DPI		Review not required as the industry decided to wind up the Dried Fruits Board. See the Dried Fruit Act 1939 (NSW).	Act repealed by the Dried Fruits (Repeal) Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Drugs, Poisons and Controlled Substances Act 1981	DHS	Restrictions on licensing, storage, distribution and dispensing.	<p>Part of the Galbally Review of Drugs, Poisons and Controlled Substances. Review issued a final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to Australian Health Ministers Conference in early 2001. The AHMAC working party recommended to COAG in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12 month period from COAG's endorsement of the recommendation.</p>	<p>Since the release of the Report of the Galbally review, the Australian and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products, accountable to both the New Zealand and Australian governments. These arrangements were to commence on 1 July 2005, but were deferred for 12 months to allow for consultation. Negotiations were postponed in 2007.</p> <p>States and territories to amend their drugs, poisons and controlled substances legislation, where necessary, to appropriately reference relevant parts of the Australian Government's legislation relating to the trans-Tasman agency.</p> <p>Victoria implemented all recommendations from the review that it could without national cooperation and/or prior action by the Australian Government. It amended the Act to automatically adopt the Standard for the Uniform Scheduling of Drugs and Poisons schedules by reference, repealed the requirement for manufacturers and wholesalers to obtain licences to handle schedule 5 and 6 poisons, and implemented changes to allow the Code of Good Wholesaling Practice to be adopted when finalised.</p>

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

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Safety Act 1998	T&F	Licensing for electrical workers and persons contracting with customers to carry out electrical wiring work. Office of Chief Electrical Inspector may introduce provisions enabling identification of specific areas of work for specialist licensing, and may set minimum standards for all electrical equipment for hire.	Act assessed against NCP principles at introduction. Assessment found the restrictions justified in the public interest on public safety and consumer protection grounds. The Act addresses consumers' inability to detect hazardous products and assess the competency of tradespeople.	Act replaced the Electric Light and Power Act 1958. Restrictive provisions retained.
Employment Agents Act 1983	SRD		Review not required.	Act not brought into operation and repealed by the Training and Further Education Acts (Amendment) Act 2000.
Energy Consumption Levy Act 1982	T&F			Act repealed and replaced by section 19 of the Gas Industry (Amendment) Act 1997.
Environment Effects Act 1978	DI	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Environment Protection Act 1970</p>	<p>DSE</p>	<p>The requirement for works approval restricts the undertaking of works subject to the conditions set by Environmental Protection Agency (EPA).</p> <p>Licensing of premises where operations pose a potentially significant risk to the environment.</p> <p>The requirement for financial assurance imposes a cost on companies due to the cost of funds.</p> <p>The requirement for a permit is a restriction on competition as it restricts who can transport waste.</p> <p>Some provisions of the Act, such as those that prohibit placing advertising leaflets on motor vehicles, may also be seen to be placing competitive restrictions on smaller operators who cannot afford major electronic advertising campaigns.</p>	<p>Review completed in August 2000. Review concluded that the Act substantially complies with competition principles. Review recommendations included:</p> <ul style="list-style-type: none"> • That the requirement for Works Approval be retained as the competition restriction is outweighed by the benefits of certainty to industry and the community. • The Act should be amended to include provision for the appointment of auditors and set out general criteria for such an appointment consistent with competition policy principles. More specific criteria should continue to be published in the guidelines. • The impact of new regulations on the overall regulatory burden should be assessed, where appropriate, under EPA's Protocol for the Development of Regulations and the Preparation of Regulatory impact statements (RIS). • The Act should be amended to include the Litter Act to make the Litter Act a more forceful piece of legislation. The new provisions should be subject to a competition policy test and allow EPA to employ economic measures to limit litter in Victoria. 	<p>The Government accepted most recommendations. Implementation of many recommendations undertaken via amendments to the Act and associated regulations in 2000. The remainder of accepted recommendations implemented through the EPA's ongoing policy and program activities.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Estate Agents Act 1980	DJ	Restrictions on licensing (real estate agents not their representatives who are negatively licensed), registration, entry requirements (agents: licensed in past five years or qualifications and experience, over 18, fit and proper person (not insolvent, not convicted of prescribed offence or disqualified under Act); agent's representative: similar but no experience and lower level training), the reservation of practice (includes auctions of real estate or property), disciplinary processes, business conduct (ownership, name of business and address in advertising, agents' representatives only one employer, no commission sharing, professional conduct, trust accounts, Estate Agents Guarantee Fund (funded from interest on trust accounts) to pay for administration and defalcation), and business licensing.	Review completed in 2000. Review recommended: <ul style="list-style-type: none"> retaining full licensing for residential property sales, but making experience and education requirements less restrictive applying a less restrictive form of licensing to agents selling commercial property and business and managing property, and retaining regulation to protect against defalcation. 	The Government introduced the Estate Agents and Sale of Lands Act (Amendment) Bill in spring 2002. The Bill lapsed when Parliament was prorogued for the state election, but was reintroduced in April 2003 and passed. The amended Act implements the majority of the review recommendations except the recommendation to apply a less restrictive licensing approach to agents who are not involved in residential real estate sales.
Extractive Industries Development Act 1995	DPI	Searching for quarry stone prohibited without a permit. Quarrying prohibited without a work authority from the Minister.	Review completed and released in October 2001. It made several recommendations including removal of the work authority.	Amendments passed in 2003. The Government retained the work authority as it considered that there were no administrative benefits from its removal which would also reduce certainty for industry participants.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1999	DJ	Requirements imposed on 'Off-Business Premises Sales' in Part 4 entail some restriction on competition.	Act assessed against NCP principles at introduction. Assessment recommended retention of restrictions on the grounds that they are the least restrictive means of achieving the Act's objectives, and so are in the public interest.	Restrictive provisions retained.
Finance Brokers Act 1969	DJ	Restrictions on licensing.	Review completed and retention of some restrictions, relating to licensing and fee structures, justified as being in the public benefit.	Act repealed and replaced by the Consumer Credit (Finance Brokers) Act 1998.
Financial Institutions (Victoria) Act 1992	DJ			Act repealed by the Financial Sector Reform (Victoria) Act 1999. Jurisdiction has passed to the Commonwealth under financial sector reforms.
Firearms Act 1958	DJ			Act repealed and replaced by the Firearms Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fisheries Act 1968 Fisheries Act 1995	DPI	Licensing of commercial and recreational fishers. Input controls on boat size, gear and fishing methods. Output controls such as total allowable catches, individual transferable quota, bag and size limits.	<p>Review by independent economic advisers ACIL Consulting completed in 1999. It recommended that the Government:</p> <ul style="list-style-type: none"> • review alternatives to non-transferable fishing licences • grant access licences for longer than one year • introduce full recovery of fishery management costs and consider introducing royalties or rent taxes • move from input controls to output controls (quota) in the rock lobster fishery, and • remove minimum and maximum quota holding restrictions in the abalone fishery. 	<p>The Government accepted and implemented most recommendations.</p> <p>Non-transferable licences are being phased out as fishery management plans are reviewed, and guidelines have been developed for the competitive allocation of new licences. In April 2004, the Government began to phase in the full recovery of fishery management costs from users due to be completed in 2006. In 2005, the Government placed a Bill before Parliament to remove abalone quota holding and transfer restrictions.</p> <p>In relation to the rock lobster fishery, the Government introduced a quota management system in 2001. However, it decided to retain caps on the number of pots and pots per boat.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Flora and Fauna Guarantee Act 1988	DSE		<p>Review by KPMG completed in February 1999. Consultation involved issues paper and call for submissions, and targeted interviews. Review recommended no changes to:</p> <ul style="list-style-type: none"> • the listing process for species • the provisions outlining management processes • the provisions detailing Interim Conservation Orders • the current permit provisions for native flora collection. However, there are effects on competition created by the division of the permit system by land ownership (public or private) and the pricing of these permits. Charging for permits should reflect full costs, including opportunity costs of alternative land uses. Decision guidelines for the issuing of permits should facilitate transparency and reflect awareness of competition issues, and • the processes used in the operation of the Act. Consideration should be given to taking a broader legislative approach to environmental regulation <p>Review found that the regulations created under the Act do not restrict competition. Review also recommended that decision guidelines should be developed for the issuing of permits on public and private land in order to facilitate transparency and reflect awareness of competition issues.</p>	<p>The DSE to continue development of a new instrument for funded management agreements.</p> <p>The Government finalising a management program for the commercial harvesting of tree fern; a further management program for flowers and foliage to be prepared.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Food Act 1984	DHS	Provides for various food safety offences. Imposes standards on food products. Requires registration of food premises and vehicles and operation of food safety programs. Requires approval of food safety auditors.	National review completed in 2000 (see the NSW Food Act 1989).	All states and territories agreed in November 2000 to adopt core provisions of the model Food Bill by November 2001. Act amended accordingly by the Food (Amendment) Act 2001.
Forest agreement Acts (primarily for softwoods) including: Victree Forests Agreement; Australian Newsprint Mill Limited; Bowater-Scott Agreement; Laminex Industries Agreement; Pulpwood Agreement; and Wood Pulp Agreement.	DSE	Acts import into statute long term agreements between the Government and wood processors to supply softwood timber.	Acts are not listed for review as they cannot be amended without renegotiating the agreements and paying compensation.	Following the sale of the Victorian Plantations Corporation, the Victree Forests Agreement and Bowater-Scott Agreement Acts repealed. The other Acts remain and the associated agreements are performed by the new owner of the plantations.
Forest agreement Acts relating to hardwoods, eg Forests (Masonite Agreement) Act 1956	DSE		Forest Agreements Acts are legislated agreements between Government and producers of paper and other wood products. They are binding legal contracts (put into legislation) and consequently were not scheduled for NCP review. The Forests (Wood Pulp Agreement) Act 1996 relates to hardwood. This agreement between the Government and AMCOR does not expire until 2030.	

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Forests Act 1958	DSE	15 year non-transferable timber harvesting licences. Permits and leases for grazing and other uses of State forests. Administrative discretion over how licences and produce are allocated and priced. Logs harvested to equal sustainable yield.	Reviewed by independent economic advisers completed in 1998. Review recommended: <ul style="list-style-type: none"> allowing purchaser/provider structure for management of State forests removing requirement for minimum level of logging developing market-based processes for log allocation and pricing, and separating policy, regulatory and commercial forestry functions of the department. 	In February 2002, Victoria released a major policy statement. New commercial entity VicForests commenced 1 August 2004 to develop competitive and transparent sales system for Victoria's publicly owned timber.
Friendly Societies (Victoria) Act 1996	DJ			Act replaced the Friendly Societies Act 1986 and repealed by the Financial Sector Reform (Victoria) Act 1999.
Friendly Societies Act 1986	DJ			Act repealed and replaced by the Friendly Societies (Victoria) Act 1996.
Fuel Emergency Act 1977		Act assessed as not restricting competition.	Review completed.	
Fuel Prices Regulation Act 1981	DJ	Scoping study showed that the legislation does not restrict competition.	Review not required.	
Fundraising Appeals Act 1984	DJ			Act repealed and replaced.
Funerals (Pre-Paid Money) Act 1993	DJ	Scoping study showed that the legislation does not restrict competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gambling Legislation (Miscellaneous Amendments) Act 2000		Caps, regional caps, advertising restrictions and conduct.	Gatekeeper provisions apply.	New legislation accepted. Amendment Acts introduced initiatives to encourage responsible gambling and key restrictions such as regional caps and advertising controls in all gambling-related legislation in Victoria.
Gambling Legislation (Responsible Gambling) Act 2000		Caps, regional caps, advertising restrictions and conduct.	Gatekeeper provisions apply.	New legislation accepted. Amendment Acts introduced initiatives to encourage responsible gambling and key restrictions such as regional caps and advertising controls in all gambling-related legislation in Victoria.
Gaming and Betting Act 1994 – Part 1 of 2 (as it relates to gaming machines)	T&F	Provides for the licensing of a gaming machine operator in conjunction with a wagering licence. The Act also provides for the racing industry to be a major beneficiary of the licence and future licences.	See Gaming Machine Control Act 1991, Part 1.	See the Gaming Machine Control Act 1991 Part 1.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming and Betting Act 1994 – Part 2 of 2 (as it relates to racing and betting)	T&F	Allows for the issuing of a wagering and gaming licence to Totalizator Agency Board Corporation (TABCORP) Holdings Ltd providing that the company has entered into an unincorporated joint venture with the racing industry. Establishes the Victorian Casino and Gaming Authority as the regulator of the gaming and wagering licence. Generally regulates the operation of totalizator and fixed odds betting by TABCORP. Prescribes the taxation regime for totalizator and fixed odds betting by TABCORP.	Review of racing and betting legislation in Victoria completed in November 1998. Review included the Racing Act 1958, Gaming and Betting Act 1994, the Lotteries Gaming and Betting Act and the Casino Control Act 1991 (as it relates to betting). Review concluded that the need for adequate totalizator pools justified the single licence arrangements. It also identified a public benefit in the arrangements for funding the Victorian racing industry.	The Government did not accept the review recommendations for an expansion of the sports betting licences, arguing that there was a public benefit in restricting the number of licences and the venues where such betting could be conducted (this was for reasons of monitoring and supervision).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming Machine Control Act 1991 – Part 1 of 2	DJ	Generally regulates the gaming machine industry in which the racing industry and TABCORP are participants.	<p>Review completed in November 2000. Review recommendations included:</p> <ul style="list-style-type: none"> • the current licences should end as soon as practicable • the on-going support of the racing industry be renegotiated to accommodate the licence restructure • the requirement that monitoring and control be a requirement of the operator's licence be removed • the minimum 20 per cent allocation of gaming machines to non-metropolitan Victoria be removed • the club/hotel 50:50 split be retained • a package of reforms of the club sector, and • restrictions on matters such as machine numbers per venue, 24-hour gaming, licensing, ministerial discretion and probity be retained. 	The Government accepted most of the review recommendations. It noted in principle support for changes to the licence structure and consequential changes to the support for the racing industry.

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming No 2 Act 1997	T&F	Restrictions on minor gambling such as bingo.		<p>New restrictions introduced in the Gaming No 2 (Community Benefit) Act 2000, which revised the Gaming No 2 Act by guaranteeing a portion of bingo revenues returns to charity and community groups. It also allows community organisations to use trade promotions so that they can broaden their revenue raising opportunities.</p> <p>The amendments also ban the offer of cash or cash redeemable prizes in amusement centres, so as to reduce the inducements to gamble in areas children frequent.</p>
Gaming No. 2 (Community Benefit) Act 2000		Restrictions on operations and conduct.	Gatekeeper provisions apply.	Act revised the Gaming No. 2 Act 1997. New legislation protects minors and reduces the market power of bingo venues, to enhance charitable and community organisations' fundraising abilities.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Industry Act 1994 and Amendment Acts	T&F	<p>Act provided for:</p> <ul style="list-style-type: none"> • licensing regime administered by Office of Regulator-General • market and system operation rules for Victorian gas market • cross-ownership restrictions to prevent re-aggregation of Victorian gas industry, and • prohibitions on significant producers (the Bass Strait producers) engaging in anti-competitive conduct. 	<p>Full retail contestability amendments to facilitate orderly introduction of full retail contestability via:</p> <ul style="list-style-type: none"> • a safety net for domestic customers, including interim reserve price regulation power to be reviewed in August 2004, and • a requirement for retailers to enter community service agreements. 	<p>Act replaced by the Gas Industry Act 2001 and the Gas Industry (Residual Provisions) Act 1994 on 1 September 2001. New Acts designed to further facilitate orderly introduction of full retail contestability. New Acts to be as consistent as possible with reforms in the electricity industry.</p> <p>The Gas Industry Act 2001 and the Gas Industry (Residual Provisions) Act 1994 introduced on 1 September 2001. These amendments consistent with NCP principles and are essentially similar to those operating in the electricity context. The 'safety net' provisions to be reviewed before their scheduled expiry on 31 August 2004.</p> <p>Provisions introduced to enable the deferral of full retail contestability. Further amendments also made in 2001, primarily designed to facilitate the orderly introduction of full retail contestability. full retail contestability commenced October 2002.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Safety Act 1997 and Regulations	DI			<p>New restrictive regulations introduced in relation to Gas Appeals Board, gas installations, gas quality and safety case. They aim to ensure safety. Uniform gas quality specifications aim to ensure gas in distribution pipelines is safe for end use.</p> <p>Efforts made to minimise compliance costs by restricting the scope of restrictions to minimum functional requirements and avoiding prescription of style or format.</p> <p>No further reforms planned.</p>
Health Act 1958 (Part V, Division 2AA) Health (Radiation Safety) Regulations 1994	DHS		National review completed in December 2000.	
Health Services Act 1988	DHS		Review completed in March 2000. Review recommendations include removal of bed caps, consideration of clinical performance indicators and consumer access to health records.	Bed caps for private hospitals and day procedure centres removed July 2000. The Health Records Act 2001 provides for consumer access to health records.
Heritage Act 1995	DI	Monopolistic administrative powers granted to Executive Director of Heritage Victoria and heritage protection constraints on the real estate market.	Review by Freehill, Hollingdale and Page completed in April 1999. Consultation involved public notification, targeted consultation, and consideration of submissions by interested parties. Review concluded legislation procures net benefit to the community and no preferred alternative. Recommended some changes to administrative processes and develop and report key performance indicators to observe and encourage compliance with the practice notes.	The Government accepted all recommendations. The Heritage Council prepared draft practice notes, legislation has included changes to further improve legislative clarity and transparency, and from 2001, the Heritage Council has reported annually on its compliance with the practice notes.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hire Purchase (Amendment) Act 1997	DJ	Retains the principal Act's special consumer protection measures for new hire-purchase agreements for farm machinery for two years (while removing all other new hire-purchase agreements from coverage).	Victoria considered there is benefit in continuing to use the Act to address rural sector difficulties in relation to hire purchase to allow time to ensure that the unconscionable conduct provisions of the Commonwealth TPA would prove adequate to protect farmers.	
Hire Purchase (Amendment) Act 2000	DJ	Retains the principal Act's special consumer protection measures for new hire-purchase agreements for farm machinery for a further three years.	Victoria considered there is benefit in continuing to use the Act to address rural sector difficulties in relation to hire purchase to allow time to ensure that the unconscionable conduct provisions of the TPA would prove adequate to protect farmers.	
Housing Act 1983	DHS	Act assessed as not restricting competition.	Review not required. Victoria reassessed this Act finding that there are no restrictions on competition contained in this Act. Removed from LRP.	
Housing Act 1983 (Part VI)	DJ			Part VI of the Act (relating to rental housing co-operatives) repealed and replaced by the Co-operatives Act 1996. Co-operative Housing Societies Regulations 1995 were revoked on 1 February 2005 by regulation 4 of the Co-operative Housing Societies Regulations 2005.
Impounding of Livestock Act 1994	DPI	Act assessed as not restricting competition.	Review not required.	
Industrial and Provident Societies Act 1958	DTF			One society registered under the Act in liquidation. When liquidation completed, registration of the society will be cancelled and Act repealed. Act repealed on 26 October 2005.

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land (Goonawarra Golf Course) Act No. 6/1988	DI	Act assessed as not restricting competition.	Review not required.	
Land Act 1958	DSE	Leases and licensing.	NCP review of Victoria's Crown land management legislation and the response completed. Further review to update the Act and remove redundant and outdated provisions planned.	Legislative amendments expected in 2005-06.
Landlord and Tenant Act 1958	DJ	Scoping study showed that the legislation does not restrict competition.	Review not required.	
Legal Aid Act 1978 (as amended 1995)	DJ		NCP review completed in 1998. Review involved targeted consultation with key stakeholders.	7 of the 10 recommendations implemented. Public benefit arguments for the 3 non-implemented recommendations.
Legal Practice (Amendment) Act 1998	DJ	Statutory mutual fund monopoly on supply of compulsory professional indemnity insurance for solicitors.	Public interest case provided. The benefits of lower and more stable premiums outweigh the costs flowing from reduced incentives for product innovation and tailoring to different solicitors' needs (and those of their clientele). In addition the objectives of comprehensive cover for consumers of legal services and access to the services of sole and small firm practices, cannot be met without restricting competition.	<p>In 2004, a review was completed of the compliance with the NCP of the retention of the Legal Practitioners Liability Committee as the statutory professional indemnity insurance provider to legal practitioners.</p> <p>The review recommended that the Legal Practitioners Liability Committee be maintained as the monopoly provider of professional indemnity insurance for solicitors, and recommended that a similar monopoly arrangement be established for barristers.</p> <p>New legislation – the <i>Legal Profession Act 2004</i> came into effect on 12 December 2005.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practice Act 1996	DJ	Licensing, registration, entry requirements, reservation of title and practice, disciplinary processes, business conduct (including professional indemnity insurance monopoly).	Act introduced following a 1996 review. Two reviews of professional indemnity insurance arrangements subsequently conducted. Outcomes differed on whether the monopoly should be retained. A further review of Victoria's conveyancing industry completed during 2005.	See comments above and new legislation - <i>Legal Profession Act 2004</i> , which came into effect on 12 December 2005. Review and subsequent reform of conveyancing practice restrictions. lead to new legislation: <i>Conveyancers Act 2006</i> .
Liquor Control Act 1987	DJ	Contained a needs test, percentage cap on the number of licences held by an entity (8 per cent rule), and multiple licence categories.	Review completed in 1998. Review recommended significant reform including abolition of needs criteria, simplification of licensing arrangements and removal of the 8 per cent rule.	Some restrictions (relating to sale of liquor, trading hours, licensing etc) retained as in the public interest based on review recommendations. Retained 8 per cent rule contrary to review recommendation. Amendments to Act, and repeal of Regulations, implemented through Liquor Control Reform Act 1998. The 8 per cent rule subsequently removed following further review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Litter Act 1987	DSE	<p>The requirement for works approval restricts the undertaking of works subject to the conditions set by EPA.</p> <p>Licensing of premises where operations pose a potentially significant risk to the environment.</p> <p>The requirement for financial assurance imposes a cost on companies due to the cost of funds.</p> <p>The requirement for a permit restricts who can transport waste.</p> <p>Some provisions of the Act, such as those that prohibit placing advertising leaflets on motor vehicles, may also be seen to be placing competitive restrictions on smaller operators who cannot afford major electronic advertising campaigns.</p>	<p>See the Environment Protection Act 1970.</p> <p>Reviewed, in conjunction with the Environment Protection Act 1970, August 2000. Review recommended the Environment Act should be amended to include the Litter Act to make the Litter Act a more forceful piece of legislation. The new provisions should be subject to a competition policy test and allow EPA to employ economic measures to limit litter in Victoria.</p>	<p>See the Environment Protection Act 1970.</p>
Livestock Disease Control Act 1994	DPI		<p>Review by independent consultants, PricewaterhouseCoopers, completed in January 2002. Reviewed jointly with the Stock (Seller Liability and Declarations) Act 1993. Review recommended that the Government retain existing disease control measures and various associated licensing provisions.</p>	
Local Government Act 1989	DI	Act assessed as not restricting competition.	Review not required.	

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marine Act 1988 (and Notices made under Section 15)	DI	Provides for pilotage, licensing of pilots and harbour masters, and vessel registration.	<p>Review completed in 1998. Review made several recommendations aimed at ensuring the Act meets its objectives as effectively as possible, including:</p> <ul style="list-style-type: none"> • retaining but amending licensing of ship pilots • consideration of legislation aimed at increasing competition for ship pilotage services • establishing performance based standards for ship crewing • management of local ports for local authorities, and • no change to provisions for recreational vessel. 	<p>The Government incorporated some review recommendations in the Marine Act. These include: rules, standards and determinations issued by the Marine Board have been reviewed and amended to ensure they are consistent with NCP principles; licensing standards for Harbour Masters in commercial ports reviewed and amended as have the licensing standard for pilots. Monopoly provision of pilotage services sunsetted but legislation amended to ensure competition does not adversely affect safety standard. Registration of vessels retained as fees contribute to safety and provision of facilities. Survey services can be undertaken by the private sector.</p>
Meat Industry Act 1993	DPI	Licenses processing facilities and vehicles. Requires certain meat processing facilities to operate quality assurance programs. Requires inspectors to hold minimum qualifications. Requires auditors to hold minimum experience and qualifications.	<p>Review completed by consultant in March 2001. It recommended:</p> <ul style="list-style-type: none"> • retaining licensing of processing facilities and vehicles • retaining minimum qualifications for inspectors, and minimum experience and qualifications for auditors • improved accountability of the Meat Industry Authority, and • prohibiting discriminatory exercise of Ministerial powers. 	<p>The Government accepted all but the recommendation to circumscribe the Minister's power to direct the Meat Industry Authority. Instead, the Government agreed to the disclosure of such directions. Act amended accordingly in 2001.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Practice Act 1994	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in March 2001. Further Discussion Paper covering Medical Practice Act and Nursing Act Issues (corporate ownership, performance assessment, nursing practice, nurse prescribing rights, appeals) released August 2001.	<p>The Health Practitioner Acts (Amendments) Act 2000 amended advertising provisions, including the ability of the board to impose additional restrictions.</p> <p>Health Practitioner Acts (Further Amendments) Act 2002:</p> <ul style="list-style-type: none"> created a negative licensing scheme for the purpose of regulating corporate owners of medical practice who direct or incite medical practitioners to engage in unprofessional conduct established powers for the Medical Practitioners Board to manage poorly performing medical practitioners, and amended the advertising guideline provisions, to require Ministerial approval of advertising guidelines. <p>Medical Practice Act 1994 repealed by the Health Professions Registration Act 2005, effective 1 July 2007.</p>
Melbourne Market Authority Act 1977	DPI		Review not required as the only restrictions were those identified in the competitive neutrality review of the Authority.	
Mental Health Act 1986	DHS		Review completed in 1998. Review recommended removing funding and registration provisions, and retaining electro convulsive therapy licensing and regulation provisions.	Review recommendations implemented through amending legislation in 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Metropolitan Fire Brigades Act 1958	DJ		Review not required.	Function divested.
Mineral Resources Development Act 1990	DSE	Licensees must be 'fit and proper' and intend to do work. Licence conditions including employment levels. Maximum term of licences and restrictions on renewal. Work prohibited without approved work plan. Certification of mine managers.	Review by independent consultant completed in 1997. Review recommended removal of subjective licence criteria, employment conditions and mine manager certification. Government accepted most recommendations at least in part.	Act amended in 2000. Guidelines on interpretation of licence criteria.
Mines Act 1958	DPI		Review not required. Occupational health and safety provisions to be reviewed in consultation with the WorkCover Authority with a view to consolidating them with occupational health and safety legislation.	Act largely repealed. The few remaining provisions relate to occupational health and safety.
Ministerial Direction No.1, Tendering Provisions	DI		Review completed and retention of restrictions justified as being in the public benefit.	

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Murray Valley Citrus Marketing Act 1989	DPI	Joint NSW-Victorian scheme that establishes the Murray Valley Citrus Marketing Board. The Board provides information services to growers and the Act allows it to be engaged in the marketing and processing of citrus fruit.	<p>Joint review with NSW by independent consultants, the CIE, completed in July 1999. It recommended:</p> <ul style="list-style-type: none"> removing powers of the Murray Valley Citrus Marketing Board to be engaged in marketing or processing of citrus fruit improving accountability of the Board to growers introducing user charging for services with private benefits, and repealing the Act and reconstituting the Board under the Agricultural Industry Development Act. 	The Government accepted all recommendations. Act repealed on 1 July by section 20 of the Agricultural Industry Development (Further Amendment) Act 2002.
Museums Act 1983	P&C		Independent review of alleged anti-competitive provisions in the Act conducted in 1997. In August 1998, Arts Victoria, having considered the review report found that there was no restriction on competition in the Act.	No legislative reform required.
National Parks Act 1975	DSE	Restricts commercial activities in national parks.	Review by independent consultants, the Allen Consulting Group, completed. Review also considered Part IV of the Water Industry Act 1994. NCP review report and Government response released.	Legislative amendments to the Act in 2005 to remove an anti-competitive provision relating to grazing in the Alpine National Park.
National Rail Corporation (Victoria) Act 1991	DI	Gives effect to an agreement between some states and the Commonwealth relating to the conduct of the National Rail Corporation Ltd.	Scoping study concluded legislation did not restrict competition and the legislation removed from the review timetable.	

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Nurses Act 1993	DHS	Restrictions on entry, registration, title and disciplinary provisions.	Review completed in 2000. Discussion paper released in October 1998, but final report not released. Separate Nurse Practitioner Report released June 2000.	<p>Amending legislation passed November 2000, also amended Drugs, Poisons and Controlled Substances Act.</p> <p>New legislation includes nurse practitioner and prescribing provisions, a requirement for professional indemnity insurance, disciplinary changes, and introduces advertising restrictions.</p> <p>The Health Practitioner Acts (Further Amendments) Act 2002 included changes to the advertising guideline provisions to require Ministerial approval of advertising guidelines, and established a form of negative licensing to allow regulation of those nurses' agents who pressure nurses to engage in unprofessional conduct and thus place the health and safety of the public at risk.</p>
Optometrists Registration Act 1958	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in 1996. Review justified retention of restrictions relating to the use of title and fair and accurate advertising in the net public benefit.	Act repealed and replaced by the Optometrists Registration Act 1996. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Optometrists Registration Act 1996	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	New legislation assessed under clause 5(5).	Act repealed and replaced the Optometrists Registration Act 1958. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.
Order - authorises the Alpine Resorts Commission to act as a gas undertaking solely within the Mount Buller Alpine Resort	DSE	Order made under Gas and Fuel Corporation Act which is administered by the T&F.		Amendments made by an order under the Gas Industry Act make this order redundant.
Osteopaths Registration Act 1996	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.		Act replaced the Chiropractors and Osteopaths Act 1978 in line with recommendations. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained in the new Acts.
Parliamentary Salaries and Superannuation Act 1968	P&C	Act assessed as not restricting competition.	Review not required.	
Partnership Act 1958	DJ	Scoping study showed that the Act does not restrict competition.	Review not required.	
Pathology Services Accreditation Act 1984	DHS	Licensing.	Review by an independent panel chaired by Mr Don Nardella MP completed. The matters considered by the review panel were not limited to restrictions on competition, reflecting that boundaries between competition and other regulatory issues are often indistinct. Discussion paper released in 2001. Final report and the government response released in 2003.	Act repealed by the Health (Further Amendment) Act (Vic) 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum (Submerged Lands) Act 1982	DPI	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by Australian and New Zealand Minerals and Energy Council Ministers. Final report made public in March 2001. Review's main conclusion was that the Petroleum (Submerged Lands) legislation is essentially pro-competitive and, to the extent that there are restrictions on competition (for example in relation to safety, the environment, resource management or other issues), these are appropriate given the net benefits to the community. Final report made public on 27 March 2001, following consideration by COAG's CRR.	Act mirrored Australian Government legislation. Act amended following change to Australian Government legislation. Relevant Victorian legislation: Petroleum (Submerged Lands) (Amendment) Act 2001 and Petroleum (Submerged Lands) (Amendment) Act 2004.
Petroleum Act 1958	DPI	Provides for Crown ownership of petroleum resources and a permit system for exploration and production.	Review completed. Review recommended changes to remove obstacles to the exploration and production of petroleum and to improve administrative efficiency.	Act repealed and replaced by the Petroleum Act 1998. New Act retains Crown ownership of petroleum resources and permits lease system, and removes obstacles to exploration, production, and administrative efficiency.
Petroleum Retail Selling Sites Act 1981	DJ	Scoping study has shown that the legislation does not restrict competition.	Review not required.	Act repealed.

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Pharmacists Act 1974	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, business, ownership and licensing.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. 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>In anticipation of the COAG response to the national review, a Victorian review of the Pharmacists Act commenced in August 2001, for the purpose of implementing those national review recommendations endorsed by COAG, assessing outstanding restrictions on competition not considered by the national review, updating the Act to establish consistency with other Victorian health practitioner registration Acts, and examining additional issues raised by key stakeholders. A discussion paper was released for consultation in August 2002.</p>	<p>COAG established a Senior Officials' Working Group to advise on the Wilkinson Review's recommendations. The working group's response was released in August 2002. It 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). The Minister for Health has considered the recommendations arising from responses to the Victorian discussion paper.</p> <p>Some reforms implemented by Victoria in the Pharmacy Practice Act 2004 which received assent on 16 November 2004.</p>
Physiotherapists Act 1978	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in 1997.	Act repealed and replaced by the Physiotherapists Registration Act 1998. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Registration Act 1998	DHS	Restrictions on entry, registration, title, disciplinary provisions and advertising.		Act repealed and replaced the Physiotherapists Act 1978. Most restrictions on commercial practice and reservation of practice restrictions removed from the Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.
Pipelines Act 1967	DPI	Regulates construction and operation of pipelines.	<p>Review completed. Review recommendations included:</p> <ul style="list-style-type: none"> • introduction of a nationally consistent regulatory regime • formalised time limits for Government assessment of pipeline projects • some relaxation of restrictions on tradability of pipelines, permits, and licences • introduction of appeals to the Victorian Civil and Administrative Tribunal against regulatory alteration of permits or licences • removal of open access provisions • development of safety guidelines by the T&F, and • changes to compensation provisions to extend possible liability. 	To be repealed and replaced by the Pipelines Act 2005 (assented to on 20 September 2005 to come into effect on 1 April 2007).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Planning and Environment Act 1987	DI	Controls the uses to which land may be put. Sets procedures for the issue of planning permits and approval.	Review by Deacons Lawyers completed in 2001. Review found that Victoria's planning legislation achieved its objective in an effective and efficient manner, and that the competition restrictions identified were in the public interest. The review recommendations aimed to improve the manner in which the Act is administered, to enhance planning effectiveness and efficiency.	Majority of the recommendations being implemented by way of amendments to planning schemes and administrative arrangements; only minor legislative amendments required
Planning Authorities Repeal Act 1994 No. 118/1994	DI		Review not required.	Act repealed and replaced by Part 3(8) of the Planning and Environment Act.
Plant Health and Plant Products Act 1995	DPI		Review by independent consultants, PricewaterhouseCoopers, completed in March 2002. It recommended that the Government retain existing disease control powers but consider repeal of s38.	S38 repealed in 2002.
Podiatrists Registration Act 1997	DHS	Restrictions on entry, registration, title, disciplinary provisions and advertising.	Legislation replaced the Chiropodists Act 1968, in line with the recommendations of the review of the Chiropodists Act. Most restrictions on commercial practice and reservation of practice restrictions removed from the new Act. Reserved title and investigation of advertising provisions (to ensure fair and accurate) retained.	
Police Regulation Act 1958	DJ	Act assessed as not restricting competition.	Review not required.	

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Port Services Act 1995	DI	Provides port arrangements (relating to structures, objectives, functions and powers), channels access, charges, regulation and governance.	Independent review of port reform (chaired by Prof Bill Russell) completed in 2001. One of the review's key recommendations was to reintegrate the land and water management of commercial trading ports to enable them to better compete with interstate ports.	The Port Services (Port of Melbourne Reform) Act 2003 established a new integrated corporation to manage the port of Melbourne from 1 July 2003. The Port Services (Port Management Reform) Act 2003 addressed remaining issues arising from the review, including arrangements for the establishment of commercial and local ports, port safety, security and environmental obligations, governance arrangements for the port of Hastings, the management of channels serving the port of Geelong and the holding and licensing of channels generally.
Prevention of Cruelty to Animals Act 1986	DPI	Requires presence of registered veterinarian at rodeos. Sets various minimum housing and transport standards for certain animal farming activities.	Review completed. Review recommended replacing industry accreditation of rodeo stock suppliers with a code of practice. Most other restrictions retained on animal welfare grounds.	Regulations amended Prevention of Cruelty to Animals (Rodeo) Regulations 2005.

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Private Agents Act 1966	DJ	Security guards, crowd controllers, security firms, inquiry agents (private detectives), commercial agents (debt collectors), and commercial sub-agents. Licensing, registration, entry requirements (all good character, others vary), the reservation of practice, disciplinary processes and business conduct (no misleading or deceptive conduct, financial sureties for commercial agents).	Review by Freehills Regulatory Group of regulated activities completed in October 1999. Review recommended: retaining occupational licensing; reviewing exemptions of certain groups, and making efforts to develop a national regulatory model for the industry; for commercial agents, removing licensing requirements and replacing them with a 'light-handed' registration requirement (with greater use of general trade practices/fair trading legislation to deal with problem operators); reforming the financial surety scheme; and considering establishing an appropriate compensation fund or minimum insurance requirement. Another broader review completed.	In 2004, the <i>Private Agents Act 1966</i> was amended to remove the regulation of the private security industry from its ambit. The regulation of the private security industry now occurs under the <i>Private Security Act 2004</i> , which was passed in 2004 and was designed to ensure consistency with national competition policy principles. The coverage of the <i>Private Agents Act 1966</i> is now limited to debt collectors.
Professional Boxing and Martial Arts Act 1985	DVC	Registration (professional contestants, promoters, trainers, match-makers, referees and judges) and business conduct.	Departmental review completed in August 1999. Consultation involved release of discussion paper, receipt of submissions and further targeted consultation. Review recommendations were to: streamline contestant registration system so the Act refers to competition in a professional contest (rather than a boxing or martial arts contest); examine scope for replacing detailed rules and conditions with less prescriptive national or international standards; amend the provision that exempts the Victorian Amateur Boxing Association from Act's requirements so other suitable qualified amateur boxing association can be exempted.	The Government accepted all recommendations except to examine scope for replacing detailed rules and conditions. The Government rejected this because the industry is fragmented with various rules. Amending legislation passed in 2001 (name of legislation changed to Professional Boxing and Combat Sports Act).
Project Development and Construction Management Act 1994 No. 101/199	DI	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Property Law Act 1958	DJ	Legislation contains a small number of minor restrictions that are necessary to the achievement of the objectives of the legislation. The restrictions are mainly in the form of compliance costs which are contained in the subordinate legislation made under the Act and subject to RIS requirements.	Act removed from the review schedule in 2001.	
Prostitution Control Act 1994	DJ		Review not required. No scope for change due to overriding social policy objectives.	
Psychologists Act 1978		Restrictions on entry, registration, title, practice, disciplinary provisions, advertising and business.	Review completed in 1998. Review recommended removing most commercial practice restrictions and the reservation of practice, but retaining reserved title and the investigation of advertising (to ensure it is fair and accurate).	Act repealed and replaced by the Psychologists Registration Act 2000. The new Act amended in 2002 to require Ministerial endorsement of any advertising restrictions proposed by the board.
Psychologists Registration Act 1987	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising and business.	Review completed in 1998, with most restrictions on commercial practice and reservation of practice restrictions recommended for removal from the Act.	Act replaced by the Psychologists Registration Act 2000. Act reserved title and investigation of advertising provisions (to ensure fair and accurate) retained. Advertising provisions include the ability of the board to impose additional restrictions.
Psychologists Registration Act 2000	DHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Replaced Psychologists Registration Act 1987.	
Public Authorities Marks Act 1958	DI		Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Lotteries Act 2000	T&F	Exclusive licence.	Review completed in 1997.	Repealed the Tattersall Consultations Act 1958. New Act allows for multiple suppliers. Victoria extended the exclusive Tattersalls licence until 2007.
Public Safety Preservation Act 1958	P&C	Act assessed as not restricting competition.	Review not required.	
Public Transport Competition Act 1995	DI	Provisions relating to large commercial passenger vehicles - buses. The main purpose of this Act is to improve the operation of road-based public transport by providing for the accreditation of operators and implementing a system of service contracts for certain types of transport service.	<p>NCP review completed late in 1999. Review was carried out by an independent Review Panel in accordance with the 'semi-public' model contained in the Guidelines for the Review of Legislative Restrictions, and the review process included a call for public submissions and a direct approach to key industry representatives seeking comments on a Discussion Paper published by the Panel.</p> <p>Review made key recommendations relating to:</p> <ul style="list-style-type: none"> • the objectives of the legislation • quality regulation (Bus Operators Accreditation and Transport Management Course) • economic regulation (Licensing and Bus Contracts), and • occupational licensing (Driver Certificate/Authority). 	The Minister for Transport wrote to the Treasurer in January 2000, advising that the Minister accepted the review's recommendations, with one exception. That exception was that the Minister did not think it was necessary for the legislation to unequivocally state that bus contracts be competitively tendered. The existing legislation already provided for competitive tendering of bus services, and the Minister was of the opinion that in some circumstances competitive tendering may not be practicable or appropriate. In September 2000 the Treasurer wrote back to the Minister for Transport approving the Government response to the review. All recommendations implemented.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing Act 1958, including Rules of the Harness Racing Board and Rules of the Greyhound Racing Control Board	DJ	Regulates the conduct of race meetings and governs the licensing of racecourses and racing clubs. (Only the three established codes – thoroughbred racing, harness racing and greyhound racing are granted 'as right' to conduct race meetings). Regulates the races in which jockeys can participate. Other restrictions on alternative codes establishing themselves. Proprietary racing is prohibited. Controlling bodies can make rules for the licensing of bookmakers.	Review of racing and betting legislation in Victoria, by the CIE, completed in November 1998. Review included the Racing Act 1958, the Gaming and Betting Act 1994, the Lotteries Gaming and Betting Act 1966 and the Casino Control Act 1991 (as it relates to betting).	The Government accepted most of the review recommendations, including measures to allow other codes of racing, maintenance of the prohibition on proprietary racing until proponents can provide detailed, costed recommendations for their regulation and abolition of the minimum telephone bets for bookmakers (staged reduction). In addition, subject to consultations and proposals from bookmakers, the Government accepted the recommendations on 24 hour bookmaking and internet betting by bookmakers. Victoria to abolish the restrictions on advertising subject to a uniform national approach.
Railways (Standardisation Agreement) Act 1958	DI	Potential to restrain competition through application of standards.	Review not required.	Act repealed.
Registration of Births, Deaths and Marriages Act 1959	DJ			Act repealed and replaced by the Births, Deaths and Marriages Registration Act 1996.
Residential Tenancies Act 1980	DHS		Review completed in 1997 and retention of overall restrictions justified as being in the public benefit.	Act repealed and replaced by the Residential Tenancies Act 1997.
Retirement Villages Act 1986	DHS	Scoping study showed that the legislation does not restrict competition.	Review not required.	

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rules of the Council of Legal Education 1993 201/1993	DJ		NCP review and RIS completed during 1999-2000.	Rules replaced in 1999 by the Legal Practice (Admission) Rules, which came into operation on 1 January 2000. The requirements of the Subordinate Legislation Act 1994, including the preparation of a RIS, were met. The Office of Regulation Review certified the appropriateness of the RIS prior to the adoption of the rules.
Second-hand Dealers and Pawnbrokers Act 1989	DJ	Licensing (pawnbrokers, second-hand dealers for not exempt goods), registration, entry requirements (not convicted disqualifying offence in past five years, not insolvent), the reservation of practice, disciplinary processes and business conduct (pawnbrokers: prescribed records, auction of unredeemed goods over \$40; second-hand dealers: prescribed records, hold goods for prescribed period, requirement that seller provide identification, interest rates, cooperation with police).	Departmental review completed in 1996. Review recommended: replacing 'fit and proper' with 'no serious offences'; removing obligation to retain metals for seven days after acquisition (with some exceptions); removing requirement for dealers to conduct certain transactions at registered business premises or a market (instead requiring dealers to register any place habitually used); and removing interest rate restrictions.	The Government accepted all review recommendations. Amendments made by the Law and Justice Legislation Amendment Act 1997.
Shop Trading Act 1987 Capital City (Shop Trading) Act 1992		Contained restrictions on opening hours based on shop type or employee numbers.	Review completed in 1996.	Acts repealed and replaced by the Shop Trading Reform Act 1996.
Snowy Mountains Hydro-Electric Agreements Act 1958	T&F		Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
South Australian and Victorian Border Railways Act 1930	DI		Review not required.	Act repealed.
State Electricity Commission Act 1958	DI	Scoping study showed that the legislation does not restrict competition.		
State Superannuation Act 1988	T&F	Limits on choice of funds.	Review completed in 1999.	Government employees have had a choice of superannuation fund since 1994 - they can use VicSuper or a private superannuation fund.
State Trustees (State Owned Company) Act 1994	T&F		Review completed in 1998.	Minor restriction addressed in incidental amendments made by the State Trustees (Amendment) Act 1998. Removal of many exclusive rights and legislative preference towards State trustees. Retention of reciprocal arrangements between public trustees in other jurisdictions, in keeping with private company practices to do same.
Stock (Seller Liability and Declarations) Act 1993	DPI		Review by independent consultants, PricewaterhouseCoopers, completed in January 2002. Reviewed jointly with the Livestock Disease Control Act 1994. . Review recommended that the Government retain existing disease control measures and various associated licensing provisions, but limit the Secretary's power in relation to declarations (maximum term for suspensions and introduce appeal process).	
Subdivision Act 1988 No. 53/1988	DI	Act assessed as not restricting competition.	Review not required.	
Superannuation (Public Sector) Act 1992	P&C	Limits on choice of funds. Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Surveyors Act 1978	DSE	Licensing, registration, entry requirements (education, experience, integrity criteria), the reservation of title and practice, disciplinary processes and business conduct (ownership restrictions, fees).	Review completed in 1997. Review recommendations included: retaining restrictions on entry; making integrity criteria specific; reducing some commercial restrictions, such as the requirement for surveyors or related professions to form a majority of members/directors of a firm engaging in cadastral survey work and removing the power of the regulatory body to set fees for surveying services; and reducing barriers to the interstate mobility of surveyors.	<p>The Government substantially accepted the recommendations of the review, introducing the Land Surveying Bill 2001 in May 2001 to effect the recommendations. The Bill lapsed in November 2002 following the calling of an election and the proroguing of Parliament. The Government advised that the Land Surveying Bill 2001 and suggested amendments formed the basis of the Surveying Act 2004.</p> <p>The Government advised that the Surveyors Board implemented the recommendation that surveyors be allowed to gain practical training through course work as an alternative to training under a supervising surveyor. In relation to the recommendations to reduce barriers to the interstate mobility of surveyors, the Surveyors Board is investigating costless interstate licensing through the Reciprocal Surveyors Boards of Australia & New Zealand.</p>
Tattersall Consultations Act 1958	T&F	Licence for conducting Tattslotto, Super 66, Instant Lotteries and so on.	Review completed in 1998. Review recommended that the legislative monopoly to Tattersall's should be removed at the end of current licence; the Government should reserve the right to issue one or more licence; and the tax should be converted from turnover to player loss basis.	Repealed by the Public Lotteries Act 2000. New Act allows for multiple suppliers. Victoria extended the exclusive Tattersalls licence until 2007.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tertiary Education Act 1993	DET	Requires accreditation, registration of private providers and Ministerial setting of fees.	Review, as part of the Tertiary Education and Training Review completed in 1997. Review recommended restrictions on fee setting and accreditation procedures be retained in the public interest and reform of the registration system.	The Government accepted review recommendations. Reforms to legislation were passed in 1997.
Therapeutic Goods (Victoria) Act 1994	DHS	Licensing, scheduling and labelling of goods.	In-house review completed in June 1999.	Act amended by the Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Act 2004 to give effect to the outcomes of the national review of that Act. The Australian and New Zealand governments agreed that the new Trans-Tasman Therapeutic Products Agency will become operational on 1 July 2006. Negotiations were postponed in 2007.
Tobacco Act 1987	DHS	Various restrictions on the sale and advertising of tobacco products.	Review by officials completed in February 2000. It recommended retaining all restrictions as they are necessary to meet the objectives of the Act.	Act retained without reform.
Trade Measurement (Administration) Act 1995	DJ			

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Measurement Act 1995	DJ		<p>National review by inter-jurisdictional committee with Queensland as the lead agency. The initial stage of the review (carried out by an independent consultant) reported in August 2001 and broadly considered that restrictions on the method of sale (relating to meat, beer and spirits, and pre packaged goods) appear to have little if any adverse impact on competition but provide benefits to consumers. Restrictions on the sale of non-prepacked meat were examined through a separate public benefit test.</p> <p>In May 2004, the MCCA endorsed the recommendations of the final report and agreed to its public release. The consultation process gave rise to a new issue namely, whether the definition of meat should expressly include seafood and poultry. Consumer Affairs Victoria reviewing this issue.</p>	<p>A review of possible changes to the definition of 'meat' within trade measurement legislation occurred in 2004 and 2005. Following this review, the Standing Committee of Officials of Consumer Affairs determined that changes to the definition could occur within the existing legislative framework, rather than requiring legislative amendment.</p>
Transfer of Land Act 1958	DSE	<p>The legislation contains a small number of minor restrictions that are necessary to the achievement of the objectives of the legislation and the restrictions are mainly in the form of compliance costs which are contained in the subordinate legislation made under the Act and subject to RIS requirements.</p>		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Accident Act 1986	T&F	Mandatory insurance, monopoly insurer, centralised premium setting.	First review completed in 1998. Review recommended retention of compulsory insurance and removal of the monopoly. Second review, by PricewaterhouseCoopers and Minter Ellison, completed in 2000. This review recommended retention of compulsory insurance, and retention of the monopoly and charges set by government. Review recommended the consideration of market testing some functions and introducing third party review of the Transport Accident Commission's proposed premiums.	The Government rejected the recommendation of the 1998 report regarding removal of the monopoly and accepted the recommendations of the 2000 report. The Government considered the scope for market testing has been maximised and the Essential Services Commission reviewed the Transport Accident Commission's proposed premium for 2003-04 and 2004-05.
Transport Act 1983 Part 01 of 13 – Traffic Regulation, Registration and Licensing – Part 6: Division 1 (General Provisions)	DI	Legislation assessed as not restricting competition.	Review not required. (A review was originally scheduled for December 1998, but delayed to accommodate the transport reform process.)	
Transport Act 1983 Part 02 of 13 – Commercial Passenger Vehicles – Part 6: Division 5	DI	Restriction on taxi and hire car licence numbers.	Review completed in October 2000. Review recommended: <ul style="list-style-type: none"> removal of entry restrictions for taxis and hire cars buy-back of existing licences, to be funded by annual fees on operators continuing fare regulation pending development of a competitive market, and improvement in the quality of fare regulation via transfer of responsibility to an independent economic regulator. 	The Government announced reforms in May 2002, including annual issue of 100 new 'peak period' licences for 12 years, additional licences in years 7-12 via conversion of peak licences to full licences and a reduction in restrictions on hire car numbers, subject to an entry fee of \$60 000.
Transport Act 1983 Part 03 of 13 – Private Omnibuses – Part 6: Division 6	DI			Act repealed by the Transport Acts (Amendment) Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Act 1983 Part 04 of 13 – Hire and Drive Omnibuses – Part 6: Division 7	DI			Act repealed by the Transport Acts (Amendment) Act 1997.
Transport Act 1983 Part 05 of 13 – Tow Trucks – Part 6: Division 8	DI	Restrictions on conduct and operations of tow trucks, licensing.	<p>Review completed in 1999 and report available for public consultation. Review recommended removal of entry restrictions for the heavy vehicle towing market, the development of an industry code of practice, a more pro-active role by insurers in educating their customers, retention of the allocation system and the introduction of a franchise scheme for the Melbourne Metropolitan area.</p> <p>The Government commissioned a public interest test in 2004 that argued that the need restrictions support the Accident Allocation Scheme in policing behaviour at accident schemes and ensuring that tow truck operators provide a full range of services in the regions.</p>	The Government rejected several recommendations of the first review, arguing that need restrictions on licences and location are necessary to prevent distress to accident victims, facilitate the allocation system and ensure regions are adequately serviced.
Transport Act 1983 Part 06 of 13 – Commercial Goods Vehicles – Part 6: Division 9	DI			Act repealed by the Transport Acts (Amendment) Act 1997.
Transport Act 1983 Part 07 of 13 – Powers of the Corporations – Part 3	DI	Legislation assessed as not restricting competition.	Review not required. (A review was originally scheduled for December 1998, but delayed to accommodate the transport reform process.)	
Transport Act 1983 Part 08 of 13 – Financial – Part 4	DI	Legislation assessed as not restricting competition.	Review not required. (A review was originally scheduled for December 1998, but delayed to accommodate the transport reform process.)	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Act 1983 Part 09 of 13 – Further Particular Powers of the Roads Corporation – Schedule 4	DI	Legislation assessed as not restricting competition.	Review not required. (A review was originally scheduled for December 1998, but delayed to accommodate the transport reform process.)	
Transport Act 1983 Part 10 of 13 – Provisions with Respect to Roads – Schedule 6	DI	Legislation assessed as not restricting competition.	Review not required. (A review was originally scheduled for December 1998, but delayed to accommodate the transport reform process.)	
Transport Act 1983 Part 11 of 13 – Covenants to be Included in Deed of Assignment – Schedule 7	DI		Review, in conjunction with Transport Act 1983 Part 02 of 12 – Commercial Passenger Vehicles – Part 6: Division 5, completed in December 2000. Report publicly available.	See the Transport Act 1983 part 02 of 13 - Commercial Passenger Vehicles - Part 6: Division 5.
Transport Act 1983 Part 12 of 13 – Classes, Kinds or Descriptions of Goods – Schedule 8	DI			Repealed by the Transport Acts (Amendment) Act 1998.
Transport Act 1983 Part 13 of 13 – Part 6: Division 10 (Passenger Ferry Services)	DI	Provides for ferry operation.	Review completed.	Act repealed in 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1986	DJ	Licensing, compulsory consumer compensation fund, business restrictions.	<p>Part of national review of travel agent legislation, coordinated by Western Australia. Final review report by the 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 maintenance of 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. Review also recommended increasing the turnover threshold for licence exemption to \$50 000 and extending the operation of the Act to the Crown.</p> <p>A report was submitted to the MCCA in 2000 and subsequently released for stakeholder comment. In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but to 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.</p>	<p>In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but consider establishing a risk-based premium structure. It recommended that each participating jurisdiction review and amend its entry qualifications to ensure uniformity.</p> <p>A review of compensation arrangements by the Travel Compensation Fund found that risk based premiums would not be feasible because historical data do not disclose any clear predictors of risk. Victoria introduced new qualification requirements in the Travel Agents (Amendment) Regulations 2004. The Estate Agents and Travel Agents Acts (Amendment) Act 2004 removed the Crown's exemption from the need to be licensed as a travel agent when carrying on the business of a travel agent.</p>
Trustee Act 1958	DJ	Scoping study concluded that the legislation does not restrict competition.		All provisions that were considered redundant following the scoping study have been repealed by the Trustee (Amendment) Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Companies Act 1984	DJ	Regulates trustee companies.	<p>National review. The Standing Committee of Attorneys-General (SCAG) released an issues paper and draft Bill in June 2001. SCAG was ready to endorse the NCP review's report at its meeting in March 2002. However, Australian Government officers asked for more time to consider the licensing and supervisory arrangements before the report is released.</p> <p>Finalisation of the review dependent on advice from the Australian Government as to whether it would provide for the regulation of trustee companies on a national basis via the Australian Prudential Regulation Authority (APRA) services being provided to the states and territories. In March 2005, the Australian Government advised that APRA would not be involved.</p>	Following the Australian Government confirmation that the APRA will not undertake the prudential regulation of trustee companies, states and territories are moving to finalise the reform of the legislation based on the draft model, including seeking external advice on the form that prudential standards could take. NSW is the leading jurisdiction in this process.
Urban Land Authority Act 1979 No. 9320	DI		Review not required.	Act replaced by the Urban Land Corporation Act 1997.
Veterinary Practice Act 1997 (replaced the Veterinary Surgeons Act 1958)	DPI	Licensing of veterinary surgeons, reservation of practices, reservation of title, and advertising restrictions.	Act followed a pre-NCP review of earlier legislation. Victoria considered remaining restrictions are in the public interest.	New legislation. Act repealed and replaced the Veterinary Surgeons Act 1958 which removed restrictions on the advertising and the ownership of veterinary practices, and narrowed reservations on professional practice.
Veterinary Surgeons Act 1958	DPI	Established the Veterinary Practitioners Board of Victoria, professional registration, disciplinary procedures, reservation of professional practice, and restrictions on advertising and practice ownership.	Review not required.	Act repealed and replaced by the Veterinary Practice Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Victorian Plantations Corporation Act 1993	DPI	Establishes the Victorian Plantations Corporation, the state-owned operator of softwood plantations.	Review not required (listed on original review schedule).	Act largely repealed in December 1998 following the sale of the corporation's plantation assets. Remaining provisions relate to the Crown's residual interests in the land, licences and legislated supply agreements.
Victorian Prison Industries Commission Act 1983	DJ			Act repealed and replaced by the Corrections (Amendment) Act 1996.
Vital State Industries (Works and Services) Act 1992	P&C	Act assessed as not restricting competition.	Review not required.	
Vital State Projects Act 1976 (excluding Sections 5 to 16 – these provisions are administered by the Attorney General)	P&C	Act assessed as not restricting competition.	Review not required.	
Vocation Education and Training Act 1990	DET	Provides for registration of training providers, accreditation of training courses, sets guidelines for provision of services to overseas students, allows Minister to set fees and charges.	Review as part of the Tertiary Education and Training Review completed in 1997. Review recommended restrictions on fee setting and accreditation procedures be retained in the public interest and reform of the registration system.	The Government accepted review recommendations. Reforms to legislation were passed by Parliament in 1997.
Wheat Marketing Act 1989	DPI	Imports Commonwealth Act into state jurisdiction.	Legislation is redundant.	Act repealed on 23 October 2002 by section 32(2) of the Agriculture Legislation (Amendments and Repeals) Act 2002.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wildlife Act 1975	DSE	Provides for licensing and permit arrangements for various activities related to wildlife (such as kangaroo harvesting, dolphin tourism and duck shooting).	Review by independent consultants, KPMG, completed in September 1998. It found few significant restrictions on competition but recommended: auctioning of dolphin interaction permits once maximum sustainable access to this resource is reached; and that fees for waterfowl hunting licences should reflect the opportunity cost of wetlands.	Act amended by the Wildlife (Amendment) Act 2002. Further amendments being considered.
Workers' Compensation Act 1958 (Division 8 of Part 1)	T&F	Act assessed as not restricting competition. Compensation payments are no longer awarded under this Act.	Review not required.	

5 Queensland

Agency nomenclature abbreviations

The following abbreviations are used in the 'Agency' column of the Queensland legislation review timetable. This nomenclature identifies the relevant agency at the time of the 2005 National Competition Policy (NCP) assessment.

DC	Department of Communities
DCS	Department of Corrective Services
DE&A	Department of Education and the Arts
DES	Department of Emergency Services
DET	Department Employment and Training
DH	Department of Housing
DIR	Department of Industrial Relations
DJAG	Department of Justice and Attorney-General
DLGPS&R	Department of Local Government, Planning, Sport and Recreation
DMR	Department of Main Roads
DNRM&E	Department of Natural Resources, Mines and Energy
DP&C	Department of Premier and Cabinet
DPI&F	Department of Primary Industries and Fisheries
DPW	Department of Public Works
DSD&I	Department of State Development and Innovation
DTFT&WID	Department of Tourism, Fair Trading and Wine Industry Development
EPA	Environmental Protection Agency
H	Queensland Health
T	Queensland Transport
TR	Queensland Treasury

Legislation review schedule: Queensland

Updated to 5 December 2005

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agricultural and Veterinary Chemicals (Queensland) Act 1994	DPI&F	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 of agricultural and veterinary (agvet) chemicals completed in 1999. See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	See the Australian Government Agricultural and Veterinary Chemicals Code Act 1994.
Agricultural Chemicals Distribution Control Act 1966 and Regulations 1970	DPI&F	Licenses chemical spray contractors.	National review of agvet chemicals completed in 1999. Review report released by the Standing Committee on Agriculture and Resources Management (SCARM) in March 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). Outcome of national review included in more general state review of legislation.	Amendments became operative from 14 December 2003.
Ambulance Service Act 1991	DES	Restricts use of the words 'Ambulance Service' and 'Ambulance', 'collections of money' and 'first aid training'.	NCP review completed.	Amendments to implement review recommendations supported by the Government included in the Community Ambulance Cover Act 2003 which introduced the Community Ambulance Cover scheme. The Community Ambulance Cover changed the way community ambulance services are delivered and funded in Queensland.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1985 and Regulation	DPW	Restrictions on registration, entry requirements reservation of title, disciplinary processes, business restrictions and business licensing.	<p>National review (except Victoria) conducted by the Productivity Commission (PC) completed in August 2000 and publicly released in November 2000. PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act.</p> <p>A states and territories working group led by New South Wales (NSW) developed a national response to the PC review. The working group recommended amendments to existing legislation to remove elements deemed to be anti-competitive and not in the public interest. All jurisdictions have accepted the approach of the working group.</p>	Queensland implemented the national working group's recommendations in the Architects Act 2002, which commenced on 1 January 2003. Now no substantive restrictions on the practice of architecture. Only registered architects use the title 'architect' or 'registered architect', although no longer any general restriction on the use of derivatives.
Art Unions and Public Amusements Act 1992	TR			Act repealed and replaced by the Charitable and Non-profit Gaming Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Auctioneers and Agents Act 1971 and Regulation 1986	DTFT& WID	Licensing (real estate agents, motor vehicle dealers, commercial agents, auctioneers and pastoral house corporations), entry requirements, the reservation of practice, disciplinary processes, business conduct (maximum fees).	Review completed in 2000. Targeted Public model, undertaken by PricewaterhouseCoopers. Public consultation involved circulation of issues paper, and submissions, consultations. Review recommendations included: <ul style="list-style-type: none"> • reducing some requirements for licensing • expanding licensing requirements to some property developers • introducing a time limit for exclusive real estate agent arrangements, and • removing maximum commissions subject to monitoring and transitional arrangements including a public education campaign. 	The Government repealed the Auctioneers and Agents Act 1971 and replaced it with the Property Agents and Motor Dealers Act 2000. Replacement Act incorporated most review recommendations. <p>Amendments to Property Agents and Motor Dealers Regulation 2001 to give effect to de-regulation of motor dealing and auctioneering commissions and buyers' premiums.</p> <p>Two separate reviews of real estate commissions were conducted in 2002 and 2004-2005. Neither review was able to confirm that a deregulated commission regime would be beneficial for consumers. As a result, the Government considered it in the best interests of consumers to maintain a regulated maximum commission cap on residential property transactions.</p>
Beach Protection Act 1968 Coastal Management Control Districts Regulation 1984	EPA	Legislation provides for the regulation and provision of advice in respect to activities affecting the coast, and functions to minimise the damage to property from erosion and encroachment of tidal water.	Reduced NCP review of some elements completed in November 1998. Review supported retention of provisions, which do not materially restrict competition and are in the public interest. Review report made available to the public. No issues raised in response.	Provisions subjected to NCP review retained without reform. The Beach Protection Act and the Canals Act repealed on 20 October 2003.
Building Act 1975 Standard Building Regulation 1993 Building Regulation 1991	DLGPS &R	Sets building regulations and specifies building approval procedures and accreditation of building certifiers.	Review, in conjunction with the Sewerage and Water Supply Act 1949, completed in 2003. Review undertaken by independent consultants under the supervision of an interdepartmental committee.	The Government accepted all but one of the review recommendations (relating to the ability of local governments to recover auditing costs where a private certifier approves development). The Plumbing and Drainage Act 2002 implemented the recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Names Act 1962 and Regulation 1986	DTFT& WID	The requirement that a person cannot carry on business in Queensland under a business name unless it is registered under this Act could restrict interstate or overseas participants. Other provisions may be seen as restrictions on business conduct although legislation applies a common set of requirements.	Review completed in March 2002. The Government accepted the recommendations of the review which found the identified restrictions to be in the public interest, although it did recommend a number of minor amendments to streamline the operation of the Act.	Amendments to streamline the operation of the Act proposed in NCP review enacted in the Tourism, Racing and Fair Trading (National Competition Policy) Amendment Act 2002.
Casino Agreement Acts – Jupiters Casino Agreement Act 1983 Breakwater Island Casino Agreement Act 1984 Brisbane Casino Agreement Act 1992 Cairns Casino Agreement Act 1993.	TR	Restrictions on licences, conduct and operations. These 'Agreement Acts' are effectively contractual arrangements between the State and the respective licensees.	Acts not originally listed for review. Due to the confidential and contractual nature of the agreements, an internal review was conducted.	Provisions retained without reform.
Casino Control Act 1982 and Regulation 1984	TR	Legislation provides for the granting of casino licences by the Government subject to prescribed probity, structural, financial and other qualifications and prescribes subsequent restrictions on the conduct of licensees and casino operations. Under the Act, the conduct of gaming, which would otherwise be illegal, is made lawful within a licensed casino.	Review of the Queensland gambling legislation completed in December 2003. Review recommended that the current restrictions on competition be retained as they are in the public interest.	The Government endorsed the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Charitable and Non-profit Gaming Act 1999	TR	Current legislation provides for a range of licence, permit and approval requirements in regard to the conduct of art unions and games such as bingo. Public amusements, which were also regulated under the Art Unions and Public Amusements Regulation 1992, were deregulated in June 1997.	Review of the Queensland gambling legislation completed in December 2003. Review recommended that the current restrictions on competition be retained as they are in the public interest.	The Government endorsed the review recommendations. Act replaced the Art Unions and Public Amusements Act 1992. Act retained without reform.
Chemical Usage (Agricultural and Veterinary) Control Act 1988 and Regulation 1989	DPI&F	Allows off-label use of chemicals subject to conditions which vary markedly between jurisdictions. Exempts veterinary surgeons from various controls.	National review completed in 1999. Review report released by the SCARM in March 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria). Results of national review were included in a more general state review of legislation.	Act amended in 2003 to give effect to the review recommendations.
Chicken Meat Industry Committee Act 1976	DPI&F	Prohibits supply of chickens unless under an agreement approved by the Industry Committee.	Review completed in 1997. Review recommended the Industry Committee convene groups of producers to negotiate with processors, but not intervene in negotiations on initial growing fees. It also recommended that individual growers be able to negotiate directly with a processor.	Amending legislation, including authorisation under the Trade Practices Act 1974 (TPA) of collective bargaining by growers with each processor, passed in September 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Child Care Act 1991 Child Care (Child Care Centres) Regulation 1991 Child Care (Family Day Care) Regulation 1991	DC	Licensing of childcare services (eg kindergartens and limited hours care centres) and family day care centres; qualifications of child care personnel; building and physical environment standards; minimum staffing levels; maximum capacity; food and safety standards for child care facilities; and required content for child care programs. Operation of child care facilities is prohibited in certain locations (such as premises adjacent to a place where flammable materials or dangerous chemicals are manufactured or stored).	Major review of Queensland's child care legislation and its NCP implications began in 1999 and was completed in May 2002. Review examined the impact of licensing fees and the costs of meeting licensing requirements. These costs arise from the requirements to employ qualified staff and meet building and facility standards. The review also examined the impact of regulating different service types within the child care sector that have not been previously regulated. The Government endorsed the review in June 2002. The review recommended the adoption of the regulatory tiering framework proposed for the regulation of child care in Queensland.	Both the Child Care Act 2002 (which repealed the Child Care Act 1991) and the Child Care Regulation 2003 (which repealed the Child Care (Child Care Centres) Regulation 1991 and the Child Care (Family Day Care) Regulation 1991) commenced on 1 September 2003.
Chiropractors and Osteopaths Act 1979	H	Restrictions on entry, registration, title, practice, advertising and business ownership.	Review of Queensland health professions completed in 1999. NCP review of core practice restrictions completed in 2001. Review recommendations included retaining title protection and entry restrictions, but removing other anti-competitive restrictions that it found not to be needed.	Health Legislation Amendment Act 2003 implemented core practice reforms.
Chiropractors Registration Act 2001	H	Restrictions on entry, title and practice.	Review of core practice reservations completed in January 2001. Public benefit test report released for public consultation in August 2001.	Health Legislation Amendment Act 2003 implemented core practice reforms.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
City of Brisbane Market Act 1960 and Regulation (formerly By-laws) 1982	DPI&F	Legislation provides for the establishment and operation of the central wholesale fruit and vegetable market, and provides for the exclusive operation of such a market within the Brisbane metropolitan area by the Brisbane Market Authority.	Full public review completed in May 1998. Joint review covering ownership, competitive neutrality and legislation review.	The Government removed the Brisbane Market Authority's statutory monopoly status as a wholesale market in the Brisbane area, effective from 31 August 1999. The sale of the Brisbane Market Corporation was finalised in 2002.
Coal Industry (Control) Act 1948 and Orders	DNRM &E	Compulsory acquisition of coal; price regulation; approval required for opening, closing and abandonment of coal mines; regulation of port coal mining operations.		Act repealed.
Coal Mining Act 1925	DNRM &E	Regulates the operation of coal mines, particularly health and safety issues.	Review not required.	Act repealed and replaced by the Coal Mining Safety and Health Act 1999 and Regulations which were subject to a gatekeeper review.
Coastal Protection and Management Act 1995	EPA	Legislation provides for the conservation, rehabilitation and management of the coast. This can impact on coastal commercial development through coastal plans and the declaration of control districts that can restrict or prohibit certain developments or mandate certain requirements.	NCP review completed in November 1998. Review supported retention of provisions which do not materially restrict competition and are in the public interest. Review report made available to the public.	Provisions subjected to NCP review retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Competition Policy Reform (Queensland) Public Passenger Service Authorisations Regulation 2000	T	The regulation excludes various passenger transport arrangements (such as those governing Airtrain) from the provisions of the TPA.	Public benefit test supports exclusion of integrated ticketing in southeast Queensland from the TPA. The Australian Competition and Consumer Commission advised as required under NCP agreements.	Initial authorisation made in the Competition Policy Reform (Queensland) Public Passenger Service Authorisations Regulation 2000. The TPA restricts the effect of an authorisation made by regulation to two years. Accordingly this regulation expired on 20 July 2002. Subsequent to the making of the regulation, the Transport Operations (Passenger Transport) Act 1994 was amended in 2000 to provide the same authorisations. These provisions are contained in the Act's chapter 12, part 2, "Authorisations for Competition Legislation".
Consumer Credit (Queensland) Act 1994 Consumer Credit Regulation 1995 Consumer Credit Code	DTFT& WID	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. 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 Consumer Credit Code Management Committee (UCCCMC) to facilitate resolution of certain issues.	The UCCCMC is working on implementation of the review's recommendations. Queensland has drafted revised legislation which will form a template for other jurisdictions. In addition, NSW has completed drafting code provisions relating to pre-contractual disclosure which will be incorporated in the template legislation.
Contaminated Land Act 1991 and Regulation	EPA	Legislation categorises land according to the risk of contamination and restricts certain land uses on certain sites.	Targeted public review completed in August 2000.	Act repealed and relevant provisions transferred to the Environmental Protection Act 1994 in 1997 without any increase in restrictions on competition.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Co-operative and Other Societies Act 1967 Primary Producers Co-operative Associations Act 1923	DTFT& WID	Limits formation, registration and operation of co-operative societies. Pricing provisions only relate to prescribing maximum dividends payable on members' shares.	Joint jurisdictional review completed in April 1997. A formal review was not undertaken in Queensland.	Replaced by the Co-operatives Act 1997. The new Act is the outcome of a national scheme of regulation based on a joint-jurisdictional review undertaken by Victoria in 1997.
Corrective Services Act 1988 Corrective Services (Administration) Act 1988	DCS	Legislation arguably gives the Queensland Corrective Services Commission monopoly powers in respect to the provision of prisons and community correction centres. However, the legislation authorises the Queensland Corrective Services Commission to engage other parties to conduct any part of its operations (which underpins contract management arrangements for a number of correctional facilities).	Review not required.	Act reformed without review by the Corrective Services Act 2000 which gives the department responsibility for corrective services in Queensland. Where the Government opts for service delivery by private contractor, there will be a competitive tendering process. The legislation is not likely to restrict competition and, as a result, a formal review was not undertaken.
Credit (Rural Finance) Act 1996	DTFT& WID	Restrictions on the enforcement of mortgages over essential farm equipment	Review completed. Review report released in March 2002. It concluded that the provisions related to default notices were minor restrictions and in the public interest.	Act retained without reform. Certain protections for farmers transferred from the Hire Purchase Act 1959 by the Tourism, Racing And Fair Trading (National Competition Policy) Amendment Act 2002.
Credit Act 1987 Credit Regulations 1988	DTFT& WID	Credit Act established to regulate the provision of personal loans up to \$40 000. It was replaced by the Consumer Credit Code in November 1999. Now regulates only residual loans established prior to November 1996 of less than \$40 000.	Review undertaken at the same time as the national review of the Consumer Credit Code but under a separate process.	Act unable to be repealed until litigation in a small number of residual cases is finalised.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cremation Act 1913	H	Prohibition on cremation at places other than established crematoria.	Review not required.	Act reformed without review. Certain restrictions removed in December 1993 (eg repeal of licensing and establishment provisions for crematoria). Remaining restrictive provisions repealed without review in late 1998.
Dairy Industry Act 1993 and Regulation and Standards Dairy Industry (Market Milk Prices) Order 1995	DPI&F	Vests milk in Queensland Dairy Industry Authority. Sets farmgate price for market milk. Limits production of market milk via quotas. Licenses farmers and processors.	Review by a joint government-industry panel completed in 1998. Review recommended: <ul style="list-style-type: none"> retention of farmgate price regulation for five years to December 2003, but reviewed again before 1 January 2001, and extension of quota arrangements from South into Central and North Queensland for five years. 	The Government initially accepted the recommendations. In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Queensland passed the Dairy Industry (Implementation of National Adjustment Arrangements) Amendment Act 2000 deregulating the industry from 1 July 2000. Licensing and inspection provisions replaced from 1 July 2002 by the Dairy Food Safety Scheme under the Food Production (Safety) Act 2000. The Act however was not immediately proclaimed into force and its commencement was deferred to 26 October 2002 by the Food Production (Safety) Postponement Regulation 2001. The Queensland Dairy Authority was dissolved on 28 March 2003. No other dairy industry legislative restrictions remain.
Dangerous Goods Safety Management Act 2001	T	Safety obligations.		The Government enacted legislation consistent with the national standard for the handling and storage of dangerous goods.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Act 1971	H	Restrictions on entry, title, practice and advertising.	Review of health practitioner Acts completed in 1999 considering NCP issues. Recommendations included retaining title protection and entry restrictions, but removing other anti-competitive restrictions.	Dental Practitioners Registration Act 2001 implemented reforms.
Dental Practitioners Registration Act 2001	H	Restrictions on entry, title, practice and advertising.	New legislation, which retained practice restrictions subject to a separate review. Review of the restrictions on the practice of dentistry completed in 2000, and released for public consultation in June 2001. Review recommended relaxing a number of restrictions.	Amendments to the Act implementing the final policy approach to practice restrictions were made under the Health Legislation Amendment Act 2003 passed in October 2003. The amendments commenced on 1 July 2004.
Dental Technicians and Dental Prosthetists Act 1991	H	Restrictions on entry, registration, title, practice, advertising and business ownership.	Review of health practitioner Acts completed in 1999. Brief summary appears in Queensland's 2001 NCP annual report. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anti-competitive restrictions.	Dental Practitioners Registration Act 2001 implemented reforms.
Dental Technicians and Dental Prosthetists Registration Act 2001	H	Restrictions on entry, title and practice.	New legislation, which retained practice restrictions subject to a further review. Review on the restrictions on the practice of dentistry was completed in 2000, and released for public consultation in June 2001. The review recommended relaxing a number of restrictions.	Health Legislation Amendment Act 2003 implemented reforms.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Education (Capital Assistance) Act 1993Re	DE&A	Limits the provision of certain funding assistance to schools affiliated with two nominated Capital Assistance Authorities. It also includes limitations regarding the type of financial institutions that can receive deposits/investment of Capital Assistance Authorities capital assistance funds.	Formal review not undertaken.	The restriction related to affiliation resolved through amendment to legislation which requires schools to be listed (but not affiliated) with a group. The remaining issue of the type of financial institution that can receive deposits/investments was subjected to further analysis and was determined not to be restrictive. Legislation has been amended accordingly.
Education (General Provisions) Act 1989 and Regulation	DE&A	Covers a range of matters including: approval of school curricula; restrictions on the commercial use of State educational facilities; and specifying the powers and proceedings of Parents and Citizens Associations (including comparatively minor restrictions such as regulating the items permitted to be sold in a school canteen or tuckshop).	<p>Review completed. Review recommended:</p> <ul style="list-style-type: none"> changing the provision dealing with entry into the market for supplying education in overseas curriculum. The recommended changes included the preparation of guidelines for the criteria on which to base the approval of the Governor in Council, and retaining the power of the Director-General to prohibit the sale of an item or class of items in State school tuckshops. <p>New legislation passed to regulate the accreditation of non-State schools, the Education (Accreditation of Non-State Schools) Act 2001. This Act was reviewed under Queensland's gatekeeping arrangements.</p>	<p>The Government accepted the review recommendations, which were given effect by legislative amendments included in the Education (Miscellaneous Amendments) Act 2002.</p> <p>New legislation to regulate the accreditation of non-State schools, the Education (Accreditation of Non-State Schools) Act 2001. This Act was reviewed under Queensland's gatekeeping arrangements.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Education (Overseas Students) Act 1996	DE&A	Provides for the registration of education service providers in respect to training courses for overseas students and for the registration of education and training courses for overseas students. Gives effect to a decision of the Australian Education Council in regard to the marketing of Australian education and training courses.	Reduced NCP review completed in January 2000. Final report submitted to Treasury in April 2000.	The Treasurer endorsed the review recommendations in June 2000. Existing regulatory regime retained in the public interest.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Education (Teacher Registration) Act 1988 and Regulation 1989</p> <p>Board of Teacher Registration By-laws 1989</p>	DE&A	Licensing, registration (primary and secondary school teaching staff, including private schools), entry requirements (qualifications, experience, good character), reservation of practice and disciplinary processes.	<p>Departmental review completed in May 2000. Review recommended existing legislation be retained (including qualification requirements, registration fees and processes in the election of registered teachers to positions on the Board of Teacher Registration). The Government endorsed review recommendations in October 2000.</p> <p>A comprehensive review of the Board of Teacher Registration commenced during 2004.</p> <p>A Report on Review of the Powers and Functions of the Board of Teacher Registration produced October 2004.</p> <p>Public benefit test (PBT) Final Report in February 2005, outcomes included:</p> <ul style="list-style-type: none"> • Restrictions on competition in policy are necessary and benefits exceed costs. • Statutory scheme to screen from teaching unqualified, inexperienced and unsuitable persons warranted. • Statutory system advantages include efficiency, consistency, transparency and public confidence. <p>Reasonable registration and criminal history checking fees not a barrier to entry.</p>	Act (including teacher registration requirements) retained without reform.
Egg Industry (Restructuring) Act 1993	DPI&F	<p>Licenses producers.</p> <p>Limits production via quotas.</p> <p>Vests ownership of eggs in egg industry board.</p>	Review not required.	Act sunsetted on 31 December 1998 and subsequently repealed, thereby removing all anti-competitive legislative provisions. Industry completely deregulated.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Act 1994 and Regulation (non safety)	DNRM &E	Legislation contains extensive provisions relating to the conduct of the industry including the issuing of authorities for generation, transmission, supply and retail entities; powers (including 'reserve Ministerial powers') about electricity pricing and restrictions on the trading activities of transmission and generation authorities and supply entities. Regulation provides for the licensing of electrical workers (such as electricians) and electrical contractors.	Review of non-safety provisions completed in April 2002. Review made nine recommendations. Review of safety aspects of the Act completed in January 2002 (see Electrical Safety Act and Regulations 2002).	The Government accepted all recommendations with legislative amendments to be implemented in regard to six of the recommendations, departmental reviews for a further two and ongoing implementation of existing processes in regard to the remaining recommendation. Legislative amendments to give effect to recommendations relating to non-safety provisions in the Electricity and Other Legislation Amendment Act 2003.
Electricity Safety Act and Regulations 2002	DIR	Legislation contains provisions for licensing (electrical workers, electrical contractors), registration, entry requirements (qualifications and experience, also financial requirements for electrical contractor), disciplinary processes, and business conduct. Also technical requirements for electrical equipment and installations, and work processes.	The legislation implemented the recommendations of a NCP PBT of the safety and licensing provisions of the Electricity Act and Regulations 1994 (January 2002). The PBT largely found the provisions appropriate and in the community interest.	Timeframes for the introduction of Act did not allow sufficient time for the consideration and resolution of three remaining PBT recommendations, which were referred to an Industry Working Group. As a result of the Industry Working Group's recommendations regulatory amendments were made (commenced 28 February 2003) to reduce ownership restrictions and broaden the options for a business seeking to meet the business and technical skills requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Environmental Protection Act 1994 and Interim Regulation 1995, Regulation 1998 and Interim Waste Regulation 1996	EPA	Legislation is designed to protect Queensland's environment while allowing for ecologically sustainable development. Licensing and approval requirements (which could be issued subject to compliance conditions, for example, prescribing allowable levels of discharge for certain substances) apply for certain specified environmentally relevant business activities.	Targeted public review completed in August 2000. Review incorporated Environmental Protection Policies and Regulations passed under gatekeeping arrangements in 1997-98, as well as contaminated land provisions which were subsumed within this Act. Report endorsed by the Treasurer.	Provisions subjected to NCP review retained without reform.
Explosives Act 1952 and Regulation 1955	DNRM &E	Legislation provides for the issue of licences for various activities in the importation and exportation, manufacture, carriage, storage, sale and use of explosives. Certain explosives that are considered dangerous to the public are prohibited.	Review not required. The National Competition Council (NCC) supported removal of legislation from review timetable on the basis that the provisions are in the public interest and are not for the purpose of restricting competition.	Act and Regulation replaced by the Explosives Act 1999 and Explosives Regulation 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading Act 1989 Fair Trading Regulation 1989	DTFT& WID	Legislation intended to provide for a statutory minimum standard of conduct engaged in by persons offering goods and services, in the interests of consumer protection. Similar legislation exists in the other jurisdictions. State and territory fair trading legislation in part mirrors Part IV of the TPA and, in this sense, forms part of a national uniform scheme.	Targeted public review completed in August 2002. Review found that a number of the Act's restrictive provisions were in the public interest and recommended their retention. These provisions included: <ul style="list-style-type: none"> the prohibition on the conduct of mock auctions the prohibition on the use of obscene material in relation to unsolicited goods the regulation of door-to-door trading requirements relating to information and safety standards the empowerment of the Minister to restrict or prohibit the sale of unsafe goods, and specific standards for folding laundry trolleys, leather goods, shoes, furniture, fibre content and projectile toys. 	The Government accepted the recommendations of the review, implementing the required minor amendments via the Fair Trading and Another Act Amendment Act 2002 in December 2002. The amendments involved: <ul style="list-style-type: none"> increasing the threshold at which the door-to-door provisions apply to contracts from \$A50 to \$A75 (with the amount to be subject to a regular review), and reducing coverage of contracts for emergency repairs that satisfy the requirements of a door-to-door contract and are not regulated by the Domestic Building Contracts Act 2000.
Farm Produce Marketing Act 1964 and Regulation 1984	DPI&F	Legislation regulates commercial arrangements for the sale of fruit and vegetables between producers and wholesalers (agents and merchants), provides for the licensing of agents and merchants and business conduct requirements. Conditions to qualify for licences (eg posting of fidelity bonds) and restrictions on the business practices of licence holders (eg regulation of maximum rates of commission) would be the principal areas for review.	Review completed in June 1999. It found that the Act was largely ineffective as most transactions occur outside its scope and therefore that there is no public benefit in retaining the legislation.	Act expired on 31 December 1999 and was subsequently repealed, thereby removing all anti-competitive legislative provisions. Industry completely deregulated.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Financial Intermediaries Act 1996	TR	Prudentially-based supervisory system with respect to cooperative housing societies, terminating building societies and other similar entities.	<p>Act not subjected to detailed scrutiny for restrictions as it had been expected that the supervision of all such institutions would be transferred to Australian Prudential Regulatory Authority (APRA). However, some of the societies do not meet the requirements for transfer.</p> <p>A closer examination of the legislation indicates it comprises normal prudential supervision arrangements. Any restrictions on competition that may exist are small and decreasing.</p>	Act likely to be repealed but is being retained pending a long term policy solution for the administration of co-operative housing societies.
Fire and Rescue Services Act 1990 (formerly known as the Fire Services Act 1990)	DES	Various restrictions on potential competition in the fire services market. For example, by conferring extensive powers relating to the protection of persons and property from fire on 'authorised fire officers' of metropolitan and rural fire brigades which are not available to private operators and which could expose them to claims relating to property damage in the course of fighting a fire.	Reduced NCP review completed in August 2000. Restrictions were identified in relation to the powers of officers which are not available to other providers under the legislation and the imposition of compulsory fire levies. Final report recommending retention of status quo was endorsed by the Treasurer in September 2000. The report was made available to the public in July 2001.	Provisions subjected to NCP review retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fisheries Act 1994 and Regulation 1995	DPI&F	Licensing of fishers and crew. Input controls on boat and gear. Output controls such as total allowable catches, individual transferable quotas, bag and size limits.	<p>Review completed in June 2001. Review recommending that the Government:</p> <ul style="list-style-type: none"> include environmentally sustainable development principles in Act's objectives simplify commercial licensing allow temporary transfers of licences and quota implement full management cost recovery embed NCP principles in ongoing process of fisheries management use measures other than 'two-for-one' boat replacement to reduce fishing effort in East Coast trawl fishery, and remove various pot and quota holding and transfer restrictions in the spanner crab fishery. 	<p>In 2001 effort management in the East Coast trawl fishery was reformed. In 2002, temporary quota transfers were allowed, further reviews of licensing and cost recovery were initiated. Other issues being considered are:</p> <ul style="list-style-type: none"> introduction of a single fishery access licence to replace the existing variety of vessel and occupational licences increasing the recovery of fishery management costs from fishers, and removing the requirement for prior approval of quota transfers in the Spanner Crab fishery. <p>Act and Regulation amended to give effect to NCP review recommendations. A new fees and charges regime introduced in 2004 in light of the recommendations.</p>
Food Act 1981 Food Hygiene Regulation 1989 Food Standards Regulation 1994	H	Imposes various food safety offences. Sets standards for food products. Requires registration of food premises (under associated regulations).	<p>National review completed in 2000. See the NSW Food Act 1989.</p> <p>Review of licensing and registration regime under Food Hygiene Regulation 1989 completed in 2004. Review recommended licensing of food businesses and that higher risk food businesses implement food safety programs.</p>	<p>All Australian governments agreed in November 2000 to adopt core provisions of the model food bill by November 2001.</p> <p>Queensland amended the Act accordingly in 2001.</p> <p>Food Act 2006 implemented reforms.</p>

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Forestry Act 1959 and Forestry Regulation 1987	DPI&F	Licensing of timber collection and of taking of other resources. Administrative discretion over how licences and produce are allocated and priced. Logs harvested not to exceed sustainable yield. Levy to fund timber research.	Reviewed by officials completed in 1999. Review recommended: <ul style="list-style-type: none"> retaining the native forest sawlog allocation system as, while pro-competitive reform would bring economic gains, it avoided imposing significant social costs on several rural communities, and retaining the timber research levy. A subsequent review of agricultural levies recommended removal of the timber research levy.	Act amended in November 1998 to extend exemption from the Trade Practices Act for the native forest sawlog allocation system until 2009. Timber research levy removed in 2000.
Fruit Marketing Organisation Act 1923	DPI&F	Contains statutory marketing provisions for fruit and vegetables.		Act sunsetted on 21 January 2000 and later repealed. No legislative restrictions remain. Previously compulsory levy-funded producer body has been converted into non-statutory voluntary funded body.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Funeral Benefit Business Act 1982 Funeral Benefit Business Regulation 1989	DTFT& WID	Regulates schemes providing for the prepayment of funeral expenses. Potential restrictions include scheme registration, business conduct requirements, record keeping, regular actuarial valuations, advertising controls, benefit limits and approval for the sale or deregistration of schemes.	Targeted public review completed in October 2000. Review recommended against changing the rights and responsibilities of parties under existing contracts. For any new contracts entered into, or new business conducted, however, the review recommendations include: <ul style="list-style-type: none"> • the introduction of a cooling-off period for all new contracts • the provision of a short 'client care' statement in plain English on parties' rights and responsibilities when entering into the contract • the provision of choice for consumers to deposit pre-payment monies with either a funeral director or an authorised investment manager • the removal of the restriction that only companies may operate funeral benefit businesses • the extension of the Act to apply to any person who sells a funeral benefit to a consumer in Queensland • the removal of the cap on the value of funeral benefits, and • the removal of the requirement that the public officer/company secretary reside, or the registered office be located, in Queensland. 	The Government responded to the review in April 2003, and accepted all recommendations. The Second-hand Dealers and Pawnbrokers Act 2003 incorporated amendments to the Funeral Benefit Business Act 1982 that gave effect to the review recommendations.

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Gaming Machine Act 1991 and Regulation	TR	Possession and playing of gaming machines, which would otherwise be illegal, is made lawful at a licensed site. Cap on the market share of a Licensed Monitoring Operator (LMO).	Omnibus public benefit test review released in December 2003. Review recommended the continuation of a statewide cap on hotel gaming machines, differential caps for clubs and hotels, and the retention of the requirement that a LMO hold no more than 40 per cent of the market.	The Government endorsed the recommendations and retained the Act without reform. In late 2004, the Government removed the 40 per cent cap applying to LMOs.
Gas Act 1965 and Regulations 1989	DNRM &E	Provisions of the Act relating to granting gas franchises (effectively an exclusive right to lay pipes in an area and thus to supply gas to that area) and requirements for Government approval for large gas contracts establish a virtual statutory monopoly situation. Legislation also enables quantitative restrictions to be placed on the supply of gas in certain (emergency) situations while the Gas Tribunal has the power to recommend price restrictions. The Regulations licence persons engaged in gas installation and servicing. on public safety grounds.	Review completed and incorporated in the Gas Supply Act 2003, which commenced in July 2003. Review completed of those parts of Gas Act and Petroleum Act not the subject of the national review of petroleum (submerged lands) Acts.	New legislation implemented the franchising and licensing principles outlined in the Natural Gas Pipeline Access Agreement.
Gas Suppliers (Shareholdings) Act 1972	DNRM &E	Prohibition relates to a statutory limitation on the level of ownership of shares in a nominated gas supplier (i.e. to prevent a corporate takeover) and hence restricts the ownership of a gas utility.		Act repealed in October 2000.

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Grain Industry (Restructuring) Act 1993	DPI&F	Vests ownership of: <ul style="list-style-type: none"> all barley grown in Queensland all sorghum grown in Central Queensland, and in reserve under s10(3) all wheat grown in Queensland in Grainco. 	NCP review by government/industry panel completed in 1997. Review recommended that Queensland remove the domestic monopoly and extend the export monopoly to at least mid-2002. The Government undertook an internal review of the export monopoly again in 2001.	The Government accepted the recommendations and, via the Primary Industries Legislation Amendment Act 1999, exempted from vesting grain sold for consumption in the domestic market (section 20 of the principal Act) and extended the export monopoly to sunset on 30 June 2002. Act repealed. No legislative restrictions remain. Industry completed deregulated.
Grammar Schools Act 1975	DE&A	Imposes an approval mechanism for the establishment of a grammar school and provides for various intervention measures (such as the capacity to withhold or grant assistance funds) and controls/limitations on activities of grammar schools (eg borrowing and investment practices). These may restrict the ability of such schools to compete in the overall market for secondary education.	Review completed in September 1997. Second review completed in June 2002. This recommended removing the minimum financial requirement for the establishment of a grammar school. A third, and wider, review of the Act, to consider the impact of other legislation for the accreditation of non-State schools and the financial administration of grammar schools, was completed in March 2003.	Legislation amended in accordance with review recommendations by the Grammar Schools and Other Legislation Amendment Act 2003.
Harbours (Reclamation of Land) Regulation 1979 Marine Land (Dredging) By-Laws under the Harbours Act 1955 (sections 91-93)	EPA	Legislative provisions set out certain external approval requirements for activities in tidal waters (such as land reclamation and harbour works).	The regulation was to be removed by 30 December 2000 but was extended until end 2002.	Regulations extended pending incorporation of approvals provisions in the Integrated Development Approval System and coastal legislation. Coastal Protection and Other Legislation Amendment Act 2001 passed 5 December 2001. Act repealed remaining provisions of Harbour Act 1955, under which Harbour (Reclamation of Land) Regulation 1979 was made.

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Hawkers Act 1984 and Regulation 1994	DTFT&WID	Licensing, entry requirements (age, no mental disease, fit and proper person), business conduct (no business between 6 pm and 7 am). Act does not apply to certain businesses (for example, charity or sale by maker of goods).	Reduced NCP review completed.	Regulations repealed by the Tourism and Fair Trading (Miscellaneous Provisions) Act 2002.
Health Act 1937 – Health (Drugs and Poisons) Regulation 1996	H	Licensing, storage, handling and dispensing of goods.	<p>Part of the Galbally Review of Drugs, Poisons and Controlled Substances. Review issued a final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to Australian Health Ministers Conference (AHMC) in early 2001. The Australian Health Ministers' Advisory Council (AHMAC) working party recommended to Council of Australian Government (COAG) in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12 month period from COAG's endorsement of the recommendation.</p>	<p>Galbally recommendations endorsed by AHMAC working Party were implemented in 2004 by amendments to Health (Drugs & Poisons) Regulation 1996, except for enactment of legislation to adopt the Therapeutic Goods Act 1989 (Cwth) by reference. This was deferred in expectation of the establishment of a joint Trans-Tasman scheme for the regulation of therapeutic products.</p> <p>As negotiations to establish the Scheme were postponed indefinitely in 2007, the adoption of the Therapeutic Good Act 1989 is proposed for inclusion in new Queensland drugs and poisons legislation expected to be introduced in 2010.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1937 – Health (Nursing Homes) Regulation 1982	H	Negative licensing of residential care facilities.	Departmental review completed in 1997. Queensland Health examined the Australian Government's Aged Care Act 1997 to determine its impact on the Regulation. Policy proposals were subsequently developed to allow the Regulation to lapse on 1 July 1998, to repeal Part 3 Division 5 of the Health Act 1937, and to replace it with a negative licensing framework in respect of residential care facilities.	Restrictive provisions dealing with nursing homes expired on 1 July 1998.
Health Act 1937 – Health (Private Hospitals) Regulation 1978 and Health Act 1937 Part 3 Division 4	H	Licensing and monitoring of private hospitals, building standards.	Review completed in February 1999. Review recommended retention of a licensing regime for private hospitals and day facilities performing higher risk procedures and rejected the formal adoption of planning controls.	The Private Health Facilities Act 1999, which replaced the legislation scheduled for review, commenced in late 2000.
Health Act 1937 – Health Regulation 1996 Part 16 (Therapeutic Goods and Other Drugs)	H	Restricts the advertising, including publication and labelling, of therapeutic goods and drugs (including cigarettes).	No formal NCP review undertaken. Trans-Tasman Treaty signed in December 2003 for establishment of a Joint Scheme to Regulate Therapeutic Goods (including a Trans-Tasman therapeutic goods agency).	The enactment of legislation to adopt the Therapeutic Goods Act 1989 (Cwth) was deferred in 2004 in expectation of the establishment of a joint Trans-Tasman scheme for the regulation of therapeutic products.
Health Act 1937 – Health Regulation 1996 Parts 10 (Pest Control Operators) and 12 (Poisons (Fumigation)) under Health Act 1937 Part 4 Division 7	H	Provides for the licensing of both fumigators and pest control operators. Similar regulations exist in the other States.	Targeted public review completed in October 1999. Review examined licensing of fumigators and pest control operators. Report on the framework for scoping and conducting the review completed late in 1999. The review recommended that licensing be retained but licensing criteria include new training requirements based on National Competency Standards to minimise the health risks to the public from pesticides and fumigants.	Pest management provisions of Health Act replaced by Pest Management Act 2001 which was passed in December 2001. A Regulatory Impact Statement for proposals for subordinate legislation released for public comment in November 2002. The Act and subordinate legislation commenced in September 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health Act 1937 – Health Regulation 1996 Parts 5 (Hairdressers) and 15 (Skin Penetration)	H	Licensing, codes of practice.	Review completed in December 1999. Review recommended negative licensing for medium/low risk activities and licensed premises for high risk activities.	Reforms implemented by the Public Health (Infection Control for Personal Appearance Services) Act 2003 which require higher risk businesses (eg. body piercing and tattooing) to be licensed but not lower risk businesses such as hairdressing.
Health Act 1937 – Health Regulation 1996, Part 6 (Hyperbaric Chamber Therapy)	H	Restricts possession and use of a compression chamber.	Review completed in March 2001. Final report recommended the repeal of restrictive provisions of the Act.	Restrictive provisions of the legislation repealed in June 2001.
Health Services Act 1991 – Health Services Regulation 1992 (Public Hospitals Fees and Charges)	H		Review not required.	Reformed without review. Anti-competitive provisions repealed in 1997.
Health Services Regulation 1992	H	Limits the ability of a Health Authority to provide private ancillary services (e.g. physiotherapy, speech pathology, etc) to circumstances where there is no private practitioner.	Review not required.	Reformed without review. Anti-competitive provisions repealed in 1997.
Higher Education (General Provisions) Act 1993	DE&A	Provides for accreditation and monitoring procedures to address standards and modes of delivery in regard to higher education (tertiary) degree courses.	Review completed. Review was expanded in recognition of the accreditation provisions being nationally uniform.	The Treasurer endorsed the review recommendations in August 2001. Existing regulatory regime retained in the public interest. A further review in 2003 concluded that the Act did not impose any significant restriction on competition in the sector beyond what was seen as necessary and reasonable by the 2000 Public Benefit Test Report.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hire Purchase Act 1959	DTFT&WID	Legislation provides for the rights and responsibilities of owners and hirers under hire purchase (HP) agreements and conduct requirements in regard to HP agreements. One type of transaction is prohibited (i.e. entering into an agreement for the bailment of goods, which includes an option to purchase them, so as to constitute a HP agreement).	Review completed. Final report recommended repeal of the Act.	Final report endorsed by Treasurer in December 2001. The Government subsequently amended the Credit (Rural Finance) Act to transfer certain protections for farmers. Legislative amendments to limit the Hire Purchase Act to existing contracts and insert a sunset clause became effective in January 2003.
Industrial Development Act 1963	DSD&I	Only identified restriction relates to acquisition and use of land for industrial purposes only (i.e. in industrial estates) thereby precluding other uses (but only in a defined area).	Review not required.	Act reformed without review. Definition in the Act amended in 1998 to remove the restriction that limited the Act to development for industrial purposes.
Indy Car Grand Prix Act 1990 and Regulations	DLGPS &R	The Act provides for a nominated promoter as the sole participant in the business activity of promoting the Indy Grand Prix with certain other exclusive rights attached (i.e. sale of film and television rights, sale of goods with the Grand Prix insignia and sale of other goods in a declared area during a declared period (i.e. the race days)).	Reduced NCP review completed in October 1998. Short-form justification, that included Regulatory impact statement process, supported retention of all legislative provisions under review. Legislation gives effect to conditions for staging the race, including sole promoter role, that are contained in agreements with international owner of the rights to stage the race worldwide. All services and products associated with the Gold Coast event (eg catering) are competitively tendered.	Provisions subjected to review retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Integrated Planning Act 1997	DLGPS &R	Establishes a planning framework (not considered to restrict competition).	Review completed in October 1997. The legislation scheduled for review was the Local Government (Planning and Environment) Act 1990. NCP-related issues were examined during the preparation and introduction of the Integrated Planning Act 1997 (IPA) which replaced this Act. The examination of the proposed Integrated Planning Act established that it does not restrict competition and that it merely sets up a planning framework.	Act retained without reform.
Interactive Gambling (Player Protection) Act 1998	TR	Control of interactive gaming and licensing of providers.	Part of the omnibus review of gambling in Queensland completed in 2003. Review found the restrictions to be in the public interest.	Act retained without reform. The Act was overtaken by the Commonwealth Act, banning some forms of Internet gambling.
Invasion of Privacy Act 1971 Invasion of Privacy Regulation 1986	DJAG	Legislation requires the licensing of credit reporting agents and prohibits the advertising and exhibiting of listening devices that has the intention of promoting their sale and use. Other jurisdictions may have legislation dealing with some aspects of credit reporting eg advertising of listening devices.	Reduced NCP review completed in February 2002. The Invasion of Privacy Act regulates credit reporting agents, entry to dwellings and the use and supply of listening devices. Restrictions relate to the operation of credit reporting agents and include licensing, payment of fees, a suitable person test, and business conduct standards for information collection, storage and disclosure. Final framework for scoping and conducting the review Report recommending repeal of the credit reporting provisions endorsed by Cabinet in February 2002.	Reforms implemented in April 2002 by Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002.
Keno Act 1996	TR	Permits the holder of a keno licence to have the right to conduct the game of keno on a state-wide basis through approved outlets for a defined period (the playing of keno would otherwise be illegal under the gaming laws).	Review of the Queensland gambling legislation completed in December 2003. Review recommended that the current restrictions on competition be retained as they are in the public interest. The Government endorsed that recommendation.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Act 1994	DNRM &E	Legislation provides for the administration and management of non-freehold lands and the legal creation of freehold land.	<p>Targeted public review completed in May 1999. Review examined two restrictions:</p> <ul style="list-style-type: none"> prohibiting corporations from holding perpetual leases for grazing or agricultural purposes, and limiting the number of living units that non-freehold land owners may aggregate. <p>Further consultation with targeted groups in 2001.</p> <p>Another round of consultation was completed by 2005 but the Government was still to make a decision on whether and how to proceed.</p>	Act retained without reform.
Land Sale Act 1984 and Regulation 1989	DTFT& WID	<p>Legislation relates to the process of sale of land via a registrable instrument of transfer and rights and responsibilities of vendors and purchasers. Queensland is currently the only state that prohibits the sale of unregistered land before survey plans are approved under the seal of the relevant local authority.</p> <p>Restrictions include requirements for local government development approval, payments to be held in trust accounts, deposit limits, exemptions for small subdivisions, lot descriptions and information disclosure requirements.</p>	Act regulates the sale of lots in land development schemes. Final PBT report endorsed by the Treasurer in November 2001. No reform recommended.	Act retained without reform.

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Legal Practitioners Act 1995	DJAG	Licensing, registration, entry requirements, reservation of practice (including conveyancing), disciplinary processes, business conduct (including the process for determining maximum prices). (Also see Queensland Law Society Act 1952.)	Queensland completed a general review of legal practitioner regulation, and announced proposed reforms in December 2000. Subsequently, it commenced an NCP review in the fourth quarter of 2001, releasing an Issues Paper in November 2001. The review has been completed, but the report has not been released publicly. A further review report was completed in 2003.	Queensland introduced the Legal Profession Act 2003, repealing the Legal Practitioners Act 1995, which implemented some review recommendations including: facilitating the incorporation of legal practices and removal of separate admission requirements for solicitors and barristers. The Legal Profession Act 2004 updated and replaced the 2003 Act, to improve consistency with the current national model laws. The 2004 Act also included regulatory matters relating to multidisciplinary practices. Additional reforms to be included in a subsequent Legal Profession Bill, with any further changes to ensure consistency with the national model laws.
Liquid Fuel Supply Act 1984	DNRM &E	Act regulates the distribution of liquid fuels (petrol, diesel and liquid petroleum gas) in times of shortage/emergency but, to date, has never been activated. Similar legislation exists in the other states. At present the Queensland legislation does not have any practical impact on commercial business activities.	Review not required. NCC supported removal of Act from the legislation review program on the grounds that the legislation is in place to serve the public interest in terms of controlling liquid fuel usage in times of shortage or emergencies. Provisions have never been used.	Restrictions retained in the public interest.

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Liquor Act 1992 and Regulation	DTFT& WID	Defines licence categories, contains a proof of need test, restricts the sale of packaged liquor to the public to holders of general (hotel) licences, requires hotel bottle shops to be detached, restricts the number of bottle shops a hotel can establish and the distance from the hotel and sets maximum size limits on bottle shops.	Review completed in February 2000. Review recommended retention of major restrictions relating to the public needs test and general licence (hotel) requirement for sales of packaged liquor to the public and changes to the regulations governing bottle shop distance from main outlet (extended from 5km to 10km) and to maximum bottle shop size (100 sq. m. to 150 sq. m.).	The Government accepted significant review recommendations with modifications: public needs test changed to a public benefit test. General licence requirement for sales of packaged liquor retained although volume restrictions on sales by clubs to members lifted and licensed restaurants may sell small quantities to diners for consumption off premises.
Loan Fund Companies Act 1982	DTFT& WID	Conduct and licensing. No loan fund companies operate under the Act.	Reduced NCP review completed in February 2002. The Act provides for the licensing and the regulation of business conduct of 'loan fund companies' (LFC) which seek to apply pyramid selling principles to the provision of home loans. There are no existing LFCs. The Act effectively prohibits the formation of new LFCs, but at least one scheme with similar characteristics is currently under examination. Cabinet endorsed the PBT report in February 2002 recommending repeal of the Act and the incorporation of the outright prohibition on LFCs in the Fair Trading Act.	Act repealed and prohibition on LFC incorporated into Fair Trading Act 1989 in April 2002 by Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002.
Local Government (Harbour Town Zoning) Act 1990	DLGPS &R	Legislation specific to one location but could be seen to confer a competitive advantage on the owners of the site through the possible application of the Act to bypass normal approval processes.	Review not required.	Act expired on 7 December 2000.
Local Government (Planning and Environment) Act 1990	DLGPS &R		See Integrated Planning Act 1997.	

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Local Government Act 1993 City of Brisbane Act 1924 Local Government Finance Standard 1994	DLGPS &R	The legislation establishes the framework for the constitution, planning and operation of local government (i.e. essentially it is enabling legislation). Two provisions in the Act appeared to be anti-competitive, namely the exclusive right for a local government to operate a river ferry service and a prohibition on a local government operating its own superannuation scheme outside of a statutory scheme for all local governments.	Major review of provisions restricting the operation of certain types of ferries to local governments undertaken by an independent consultant. Review recommended retaining restrictions. Another minor review undertaken on other aspects of the legislation and recommended retaining restrictions in relation to superannuation provisions and the Esk, Gatton, Laidley Water Supply Board in their current form. In relation to the Caloundra-Maroochy Water Board, the review report recommended the Board's jurisdiction be extended to enable it to sell its spare yield to non-urban water customers in its area and to non-urban bulk water customers in adjoining local government areas.	Review considered by the Government in July 2002. No amendments required to primary legislation. The necessary amendments to Local Government (Areas) Regulation 1995 made in October 2002.
Local Government Local Laws (formerly By-laws) made under the Local Government Act 1993	DLGPS &R	Establishes a program for review of local government laws.	Departmental review completed in 1997.	The Local Government Amendment Act 1997 applies NCP legislation review principles to local government. Individual local governments reviewed their own anti-competitive local laws and local law policies with oversight by the responsible department.
Lotteries Act 1994	TR	Exclusive licence to operate a lottery.	Review completed. Certain outstanding competition policy matters were identified and a draft report prepared. This exercise was deferred subject to the outcome of the PC inquiry into gambling in Australia, which released its report December 1999.	Act repealed and replaced by the Lotteries Act 1997. The statutory monopoly of the Golden Casket Corporation was replaced with a limited duration exclusive licence. This was to enable the Golden Casket Corporation time to mature in a commercial environment following its corporatisation.

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Lotteries Act 1997 and Regulation	TR	Replaced Lotteries Act 1994. Assigns a limited duration exclusive licence on the Golden Casket Corporation to offer lottery products.	Review of Queensland gambling legislation completed in December 2003. Review recommended that the current restrictions on competition be retained as they are in the public interest.	The Government endorsed that recommendation. Act retained without reform.
Meat Industry Act 1993	DPI&F	Imposes various food safety offences. Requires meat safety officers to hold minimum qualifications. Requires accreditation of processing facilities. Allows for the making of standards.	Review completed in 1999. Review recommended development of new food safety standards, especially for high-risk foods.	Act repealed. Food Safety arrangements now covered by Food Production (Safety) Act 2000. No other meat industry legislative restrictions remain.
Medical Act 1939	H	Restrictions on entry, registration, title, practice, advertising, business and disciplinary provisions.	Review of health professions completed in 1999. Recommendations included retaining title protection and entry restrictions, but removing other unnecessary anti-competitive restrictions.	Reforms implemented by the Medical Practitioners Registration Act 2001.
Medical Practitioners Registration Act 2001	H	Restrictions on entry and title.	Replacement legislation, implemented May 2001, following review of health professions.	No reform required.
Medical Radiation Technologists Act 2001	H	Restrictions on entry and title.	Review recommended registering radiation therapists, medical imaging technologists/radiographers and nuclear imaging technologists.	The new Medical Radiation Technologists Act 2001 passed in May 2001. The Act implemented the review recommendations.
Mental Health Act 1974	H	Conferral on the Public Trust Office of sole responsibility for the management of estates of specified patients.	Review not required.	Act reformed without review. The anti-competitive provisions repealed as an amendment under the Guardianship and Administration Act 2000. The Mental Health Act 2000 replaced the Mental Health Act 1974.
Mental Health Act 2000	H			Act replaced the Mental Health Act 1974.

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Mercantile Act 1867	DTFT& WID	Restricts the duration of partnerships and prohibits partnerships in banking and insurance businesses.	Review not required.	Act reformed without review. Provisions previously identified as restrictions on competition repealed or contained within the Partnership (Limited Liability) Act which was also reviewed under NCP.
Mineral Resources Act 1989	DNRM &E	Various permits, licences and leases.	NCP review not required. Act not considered unnecessarily restrictive. An extensive general review of the Act was commenced on 29 October 2004.	
Mobile Homes Act 1989 and Regulation 1994	DTFT& WID	Contains particular requirements relating to agreements between owners and occupiers of mobile home sites. Regulations provide for maximum fees for services in regard to sale of a mobile home.	Departmental review completed in March 2003. The legislation covers agreements between mobile home park owners and owners and occupiers of mobile homes. As part of an extensive general policy review of the mobile homes legislation, the Government decided to repeal the existing Mobile Homes Act and replace it with a new Act. NCP-related issues identified in the proposed new Act relatively minor and addressed as part of the preparation of the new legislation. Draft PBT formed part of consultation package.	Mobile Homes Act and Regulation repealed with the commencement of the Manufactured Homes (Residential Parks) Act 2003. Review of the Manufactured Homes (Residential Parks) Bill undertaken as part of 'gatekeeping' arrangements.
Motor Accident Insurance Act 1994	TR	Mandatory insurance, licensing of insurers, file within bands set by the regulator.	Full public review completed in November 1999. Review recommended retaining fundamental Compulsory Third Party scheme aspects, including mandatory insurance requirement, licensing of insurers, community rating and Nominal Defendant. Also recommended removing specific entry barriers (in terms of minimum market share and re-entry requirements) and premium setting by Government to be replaced by its setting a premium range within which private insurers can determine their own premiums subject to approval by Government.	New legislation (the Motor Accident Insurance Amendment Act 2000) enacted in line with review recommendations. Majority of the changes commenced in October 2000.

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Motor Vehicle Driving Instruction School Act 1969	T			Act repealed and replaced with a driving instructor accreditation scheme under the Transport Operations (Road Use Management) Act 1995.
Nature Conservation Act 1992 and Regulation 1994, and specific flora and fauna Conservation Plans	EPA	Legislation contains extensive provisions for the conservation of wildlife (flora and fauna) related to ecological sustainability. Licensing and permit arrangements apply for a range of commercial and recreational activities involving wildlife (including, for example, licensing of pet shops selling commercial birds, nurseries selling certain restricted plants, the harvesting of macropods and protected plants and permits for commercial activities involving wildlife, such as filming, etc). Prior to any NCP review commencing, further consideration is required to identify whether there are any restrictions in the various species' Conservation Plans in place that go beyond what is required for legitimate natural resource management purposes.	Reduced NCP review completed in July 1999. Review supported retention of provisions which are considered to be for natural resource management purposes. Targeted consultation and review report made public January 1999.	Provisions subjected to NCP review retained without reform.

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Nursing Act 1992	H	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review commenced in October 1999. Discussion paper released in November 2001. The final public benefit test report released in August 2003. It recommended retention of refined title and practice restrictions with some modifications.	The Health Legislation Amendment Act 2005 implemented the outcomes of the review of the Nursing Act. The amendments include: <ul style="list-style-type: none"> retaining a statutory restriction on nursing practice but provide exemptions for non-nursing staff under the supervision of a nurse and other health professionals providing services within their professional training, and retaining a statutory restriction on caring for a woman in childbirth but provide exemptions to ensure a woman in childbirth has access to other appropriate professional health care.
Occupational Therapists Act 1979	H	Restrictions on entry and title.	Queensland completed its health professions review in 1999. Review recommendations included retaining title protection and entry restrictions, but removing other unnecessary anti-competitive restrictions.	The Occupational Therapists Registration Act 2001 implemented review recommendations including restriction of title.
Occupational Therapists Registration Act 2001	H	Restrictions on entry and title.	New legislation considered by the gatekeeper process, following omnibus review of health practitioner registration Acts.	Act replaced the Occupational Therapists Act 1979. Occupational Therapists Registration Act 2001 retained title protection.

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Optometrists Act 1974	H	Restrictions on business ownership, entry, title, practice, and advertising.	Omnibus review of health practitioner registration legislation completed in 1999. Review recommendations included retaining title protection and entry restrictions, but removing other unnecessary anti-competitive restrictions. A second review, limited to examination of ownership and related restrictions completed in 1999, recommending removal of ownership restrictions.	Optometrists Registration Act 2001 implemented reforms including removal of ownership restrictions but retained practice restrictions pending outcome of core Practices Review.
Optometrists Registration Act 2001	H	Restrictions on entry, title, practice, business and advertising.	New legislation considered by the gatekeeper process. Core practice restrictions reviewed. Public benefit test report released for public consultation in August 2001.	Queensland's Health Legislation Amendment Act 2003 implemented core practice reforms, including in relation to optometry practices.
Osteopaths Registration Act 2001	H	Restrictions on entry and title.	Queensland completed its health professions review in 1999. Recommendations including retaining title protection and entry restrictions, but removing other unnecessary anti-competitive restrictions. Review of core practice restrictions completed in 2001.	Act and Chiropractors Registration Act 2001 replaced the Chiropractors and Osteopaths Act 1979 following the health professions review. Osteopaths Registration Act 2001 does not contain practice restrictions. The Health Legislation Amendment Act 2003 restricts the practice of thrust manipulation of the spine.
Partnership (Limited Liability) Act 1988	DTFT& WID	Restrictions include registration, information disclosure requirements and a prohibition on limited partners participating in the management of the firm.	Reduced NCP review, in conjunction with the Partnership Act 1891, completed in October 2001. Final report recommended retaining the restrictions but with minor changes to clarify the definition of taking part in the management of the firm.	Reforms implemented in April 2002 by Tourism, Racing and Fair Trading (Miscellaneous Provisions) Act 2002.

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Partnership Act 1891	DTFT& WID	Restrictions on the activities of partners by providing that they must account to the firm for private profits from transactions concerning the firm and not compete directly with the firm.	Reduced NCP review, in conjunction with the Partnership (Limited Liability) Act 1988 completed in October 2001. Final report recommends no changes to the Partnership Act.	Cabinet endorsed the PBT report in October 2001. Act retained without reform.
Pawnbrokers Act 1984	DTFT& WID	Licensing, entry (aged at least 18 years old, no mental incapacity, fit and proper person, not a collector, no conviction of fraud or dishonesty offence in past five years), practice reservation, disciplinary processes and business conduct.	Review in conjunction with the Second-hand Dealers and Collectors Act 1984 completed in June 2002. Review recommended introducing a single licence type to apply to dealers and a multisite licence to replace the requirement for a separate licence for each site. It also recommended reforming the 'fit and proper' test and streamlining business conduct restrictions.	The Government accepted the review recommendations but delayed implementation to allow time to simplify the legislation by consolidating this Act and the Second-hand Dealers and Collectors Act 1984. Consolidating legislation, the Second-hand Dealers and Pawnbrokers Act 2003 enacted.
Petroleum (Submerged Lands) Act 1982	DNRM &E	Regulates exploration for, and development of, undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000 and endorsed by Australia New Zealand Minerals and Energy Council Ministers. Review's main conclusion was that the Petroleum (Submerged Lands) legislation is essentially pro-competitive and, to the extent that there are restrictions on competition (for example in relation to safety, the environment, resource management or other issues), these are appropriate given the net benefits to the community. Final report made public on 27 March 2001, following consideration by COAG's Committee on Regulatory Reform.	Amendments made by the Australian Government are to be reflected in state and territory legislation. Act to be further amended after reform of the Commonwealth legislation finalised.
Petroleum Act 1923	DNRM &E		Extensive consultation on the Petroleum and Gas (Production and Safety) Bill during 2003.	The Petroleum and Gas (Production and Safety) Act 2004 passed. For practical reasons, some elements of the Petroleum Act 1923 remain in force.

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Pharmacists Registration Act 2001	H	Restrictions on entry, registration, title, practice, business ownership and advertising.	<p>Ownership restrictions preserved from the Pharmacy Act 1976 were examined by the National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. The review did not examine other Queensland restrictions because these had been addressed in the health practitioner review process. 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 party 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> <p>The working party also recommended practice restrictions be retained on an interim basis and revisited at the same time as other retained legislation.</p> <p>Practice restrictions were examined in the core practices review which recommended the removal of the restrictions.</p>	<p>Implementation of the core practices review recommendation to be considered in the context of the ownership reforms and the reforms relating to drugs and poisons.</p> <p>The Health Legislation amendment Act 2005 retained revised ownership restrictions and removed practice restriction.</p>

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Pharmacy Act 1976	H	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising and business ownership.	Considered as part of the health practitioner review process in Queensland. Review recommended retaining title and entry restrictions but removing unnecessary anti-competitive restrictions. It also recommended that practice and ownership restrictions be preserved pending separate review.	Queensland passed the Pharmacists Registration Act 2001 to replace the Pharmacy Act 1976. The 2001 Act implemented the Queensland health practitioner review recommendations.
Physiotherapists Act 1964	H	Restrictions on entry, title, practice and advertising.	Review of health professions undertaken in 1999. NCP review of core practice restrictions completed in 2001. Recommendations included retaining title protection and entry restrictions, but removing unnecessary anti-competitive restrictions. Review also recommended thrust manipulation of the spine be restricted to physiotherapists, chiropractors, osteopaths and medical practitioners.	Physiotherapists Registration Act 2001 implemented review reforms, but retained core practice restrictions pending outcome of core practices review.
Physiotherapists Registration Act 2001	H	Restrictions on entry, title and practice.	New legislation. NCP review of core practice restrictions completed in 2001.	Act replaced the Physiotherapists Act 1964. Health Legislation Amendment Act 2003 implemented core practice reforms.
Podiatrists Act 1969	H	Restrictions on entry, title, practice and advertising.	Queensland completed its health professions review in 1999. Recommendations included retaining title protection and entry restrictions, but removing unnecessary anti-competitive restrictions.	Podiatrists Registration Act 2001 implemented review reforms, but retained core practice restrictions pending outcome of core practices review.
Podiatrists Registration Act 2001	H	Restrictions on entry, title and practice.	NCP review of core practice restrictions completed in 2001.	Act replaced the Podiatrists Act 1969 following health professions review. Health Legislation Amendment Act 2003 implemented core practice reforms.

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Primary Producers Co-operative Associations Act 1923	DTFT&WID		Review not required.	The Cooperatives Act 1997 now provides for a national scheme of regulation.
Primary Producers Organisation and Marketing Act 1926	DPI&F	Allows for the constitution, powers, and functions of statutory commodity marketing boards and statutory producer representative bodies. Provisions relating to the latter are not considered to restrict competition.	Review not required.	Act repealed by the Primary Industry Bodies Reform Act 1999 as of 21 January 2000. No legislative restrictions remain. All industries whose marketing arrangements were previously covered by Act now completely deregulated, and all previously compulsory levy-funded producer bodies have been converted into non-statutory voluntary funded bodies.
Private Employment Agencies Act 1983 and Regulation 1989	DIR	Licensing, entry requirements (resident in Queensland, fit and proper person, suitable premises), the reservation of practice, business conduct (no charge to jobseekers except performers and models, maintenance of records, no misleading advertising).	Departmental review completed. Review report canvassed repeal of the Act over a two year period, implementation of a simplified licensing regime until the Act expires, and the incorporation of fee-charging restrictions into the Industrial Relations Act 1999.	Amending legislation passed 2002, in line with review recommendations. Section 31 of the Private Employment Agents Act 1983 (the Act) required the Employment Agents Advisory Committee to formulate a draft code of conduct to regulate agents after the expiry of the Act (on 26 April 2005) in relation to the following matters: <ul style="list-style-type: none"> • the type of work arrangements and commercial operations covered by the code; • standards of competence and training for private employment agents; • disciplining private employment agents who contravene the code; and • the records that private

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				<p>employment agents must keep.</p> <p>A PBT minor review of the future regulation of employment agents under National Competition Policy (NCP) principles was conducted during 2004. The Review recommended that industry regulation by a statutory Code of Conduct with licensing abolished would deliver the greatest net benefit to the community for the regulation of agents after the expiry of the Act. In particular, Employment Agents Advisory Committee stakeholders desired that the Code of Conduct be established under a Regulation with the support of new legislation, thus making compliance with the Code mandatory and enforceable in the courts.</p> <p>On 27 April 2005 the Private Employment Agents Act 2005 and the Private Employment Agents (Code of Conduct) Regulation 2005 commenced instituting the review recommendations.</p>
Private Health Facilities Act 1999	H	Licensing.	NCP review completed in 1999. Review recommended retention of a licensing regime for private hospitals and day facilities (performing higher risk procedures) in the interests of patient wellbeing.	Act replaced the Health Act 1937 – Health (Private Hospitals) Regulation 1978 and Health Act 1937 Part 3 Division 4. The Act is consistent with the review recommendations.

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Professional Engineers Act 1988 and Regulation 1992	DPW	Licensing, registration (for professional engineers - in various divisions of the profession, i.e. civil, mechanical, metallurgical, etc, professional engineering companies and professional engineering units within a company), entry restrictions (qualifications and 5 years experience), reservation of title and of practice, disciplinary processes, commercial restrictions, business licensing.	Reviewed by an independent consultant, conducted under the auspices of a steering committee of department officers, a consumer representative and a professional engineer. Review recommended the continued regulation of the profession but removing anti-competitive legislative elements that could not be justified on public interest grounds. The review identified co-regulation as the preferred approach to the continued regulation of professional engineers - that is, joint administration by the engineering profession and a statutory governing body. Under the proposed approach, the profession would take responsibility for assessing applicants for registration and the Government would administer the legislation, including accrediting professional bodies and taking disciplinary action where misconduct is identified. The existing business licensing of units and associated professional indemnity insurance requirements would remain.	The Government accepted the review in its entirety. Because the legislative amendments required to meet the recommendations were extensive, the Government incorporated the amendments in the Professional Engineers Act 2002, which repealed the 1988 Act.
Profiteering Prevention Act 1948	DTFT& WID	Quality/technical standards, pricing restrictions, business conduct, measures that confer a benefit.	Reduced NCP review completed. Review recommended repeal of the legislation because the Act lacked contemporary relevance (and the last order under the Act was issued in 1967).	Act repealed by the Tourism, Racing and Fair Trading (National Competition Policy) Amendment Act 2002.

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Property Agents and Motor Dealers Act 2000	DTFT& WID	Licensing (real estate agents, managers, salespersons), entry requirements, reservation of practice, disciplinary processes and business conduct.	On the recommendation of the Auctioneers and Agents Act 1971 Review Committee, the Government retained regulation of residential real property commissions, while it conducted an education and community information campaign to remove or diminish the existing culture of agents refusing to negotiate fees. Review of commissions in response to the original Review Committee's recommendations.	Act replaced the Auctioneers and Agents Act 1971. Amendments to Property Agents and Motor Dealers Regulation 2001 to give effect to deregulation of motor dealing and auctioneering commissions and buyers' premiums approved by the Governor-in-Council on 20 November 2003.
Psychologists Act 1977	H	Restrictions on entry, title and advertising.	Review as part of Queensland's health professions review process. Review recommended retaining title protection and entry restrictions by removing other unnecessary anti-competitive restrictions.	Act repealed and replaced by the Psychologists Registration Act 2001 which implemented the review recommendations.
Psychologists Registration Act 2001	H	Restrictions on entry and title.	New legislation, assessed through gatekeeper process following omnibus review of health practitioner Acts.	No reform required.
Queensland Building Services Authority Act 1991 and Regulations 1992 and Policy 1995	DH	Licensing, registration, entry requirements (qualifications and experience, fit and proper, financial requirements), the reservation of practice, disciplinary processes and business conduct (ownership; advertising and sign at building site - whereby workers must state whether licensed, name licensed under and identifying numbers; written contract; compulsory insurance administered by the Queensland Building Services Authority; warranty).	Review commenced in October 2001 with targeted stakeholder consultation in October - December 2001. Findings delivered in December 2001. Review report released August 2002.	Amended by the Residential Tenancies and Other Legislation Amendment Act 2003. The relevant amendments gave effect to the recommendations of the NCP review relating to reinforcing the independence of the statutory insurance fund and enabling prudential requirements to be prescribed by regulation.

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Queensland Heritage Act 1992 and Regulation	EPA	Legislation provides for the conservation of Queensland's cultural heritage. Currently, Heritage Council approval is required before any development is allowed on heritage-registered properties.	Reduced NCP review completed in December 1998. Review justified retention of provisions on public interest grounds. Review report was made available to the public.	Provisions subjected to NCP review retained without reform.
Queensland Law Society Act 1952 and Rules 1987 Queensland Law Society (Indemnity) Rule 1987 Continuing Legal Education Rule	DJAG	Annual practising certificates can only be issued by the Queensland Law Society, business conduct (various educational programs and practice courses, indemnity insurance - with law society master policy or an insurer approved by law society).	Being reviewed as part of a broad review of legal profession in Queensland. See Legal Practitioners Act.	The Act and the operation of the rules under it were substantially amended as a consequence of the reforms in the <i>Legal Profession Act 2004</i> .

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Betting Act 1980 and Regulations as they relate to racing and the conduct of bookmakers	TR	Statutory monopoly provisions in Queensland legislation relate to the establishment of the Totalizator Agency Board (TAB) to control totalizator betting and control bodies for horse racing (Queensland Principal Club), harness racing (Harness Racing Board) and greyhound racing (Greyhound Authority). Registration requirements apply for race, harness racing and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as the recording of bets and the conduct of betting, drug sampling and analysis, advertising and the standard of facilities at race clubs are also prescribed. A price control provision relates to maximum bets at greyhound meetings. An outright prohibition exists in respect of betting and bookmaking outside of the coverage of the Act.	Review of provisions of the Act relating to bookmakers, conduct of race meetings and other related restrictions concerning the operation of race events completed in 2000. Review recommended that regulations that maintain and enhance probity, integrity and public confidence in the industry (eg licensing) be retained, and the prohibitions on entry of new codes of racing, conduct of proprietary racing and racing bookmakers' advertising be removed.	New legislation (the Racing Act 2002) enacted the review recommendations, including removing the majority of nonprobity-based restrictions on bookmakers (particularly those relating to advertising, minimum phone betting, betting type and recording of betting) and removing prohibition on the entry of new codes of racing and on the conduct of proprietary racing.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Betting Act 1980 and Regulations as they relate to the Totalizator Agency Board (TAB)	TR	Statutory monopoly provisions in Queensland legislation relate to the establishment of the Queensland TAB to control totalizator betting and control bodies for horse racing (Queensland Principal Club), harness racing (Harness Racing Board) and greyhound racing (Greyhound Authority). Registration requirements apply for race, harness racing and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as the recording of bets and the conduct of betting, drug sampling and analysis, advertising and the standard of facilities at race clubs are also prescribed. A price control provision relates to maximum bets at greyhound meetings. An outright prohibition exists in respect of betting and bookmaking outside of the coverage of the Act.	Racing Industry Taskforce examined statutory monopoly of Queensland TAB,	New legislation (the Wagering Act 1998) replaced the statutory monopoly applying to the Queensland TAB with an exclusive licence of limited duration.
Racing Venues Development Act 1982	DH	The Act prescribes terms that apply to leases granted by trustees of racing venues and is not considered to impose any significant restrictions on competition.	The Act applies only to Parkland Gold Coast. The Act does not contain any provisions that restrict competition. In particular, it was determined that the provisions that specify the terms of a lease by trustees of a racing venue are not anti-competitive.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Radiation Safety Act 1999	H		National review completed under gatekeeping arrangements, finding restrictions justified in the public interest.	
Residential Tenancies Act 1994 and Regulation 1995	DH	The Residential Tenancies Authority is the sole body authorised to manage rental bonds.	PBT completed in March 1998 and supported retention of authority's statutory monopoly over administration of rental bonds.	Cabinet agreed to the recommendations. Current arrangements preserved in legislation.
Retail Shop Leases Act 1994 and Regulation	DSD&I	Provides protection to lessees of premises in retail shopping centres, as defined. Some services operated in such premises may not have the same protection if situated outside of a retail shopping centre.	Departmental review completed in November 1999. The statutory review undertaken in 1998-99 included consideration of NCP-related issues. The review recommended retention of existing restrictions to ensure that fair and equitable lease arrangements exist for small lease holders in shopping centres. The review also justified amendments requiring prospective lessees to obtain a pre-lease certificate relating to the nature of, and consequences of entering, a lease agreement.	Act amended, including amendments to provide for the introduction of pre-lease certificates as recommended by the NCP review. The Retail Shop Leases Amendment Act 2000 commenced on 1 July 2000. Sections dealing with unconscionable conduct commenced on 24 June 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Retirement Villages Act 1988 and Regulation 1989	DTFT& WID	Provides the registration procedure for retirement village schemes with applicants required to meet prescribed requirements. Provision for exemption from some requirements for religious or charitable organisations that may confer a competitive benefit. The Act also provides for a statutory charge and encumbrances over village land for the benefit of residents but which may impede business conduct. Price controls relate to service charges payable by residents. Other potential restrictions on business conduct also exist.	Reduced NCP review completed in July 1999. Draft Bill released for public comment and anti-competitive provisions subject to a Public Benefit Test prior to introduction.	Retirement Villages Act 1999 retained some restrictions on competition. These included: retention of entry requirements for village operators; business conduct requirements more stringent but provide greater clarity for operators and residents; and statutory charge requirements less stringent than current legislation.
Sale of Goods Act 1896 Sale of Goods (Vienna Convention) Act 1986	DTFT& WID	Legislation contains certain stipulations relating to the sale or purchase of goods that affect rights and remedies of buyers and sellers.	Short form report completed indicating legislation does not contain anti-competitive provisions.	Act retained without reform.
Sawmills Licensing Act 1936 Sawmills Licensing Regulation 1965	DPI&F	Licensing of sawmills at absolute discretion of the state's forestry business. Licences specify maximum productive capacity of mills.	Review completed in 2000.	Act repealed (without replacement legislation) from 1 January 2005 by the Primary Industries and Fisheries Legislation Amendment Act 2004. No legislative restrictions remain. Industry deregulated.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sea Carriage of Goods (Queensland) Act 1930	T	Requires that, before a voyage, the shipping carrier must exercise due diligence to: make the ship seaworthy; properly crew, equip, and supply the ship; and make holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for reception, carriage and preservation of goods.		Act repealed by the Transport Legislation Amendment Act 2000.
Second-hand Dealers and Collectors Act 1984 and Regulation 1994	DTFT& WID	Licensing (second-hand dealers for not exempt goods), registration, entry requirements (aged over 18 years, not mentally incapacitated, fit and proper person, not convicted of fraud or dishonesty offence in past five years), the reservation of practice, disciplinary processes and business conduct (prescribed records, holding goods for prescribed period, requirement that seller provide identification, cooperation with police).	Combined minor departmental review of pawnbrokers and second-hand dealers legislation underway. Review made one recommendation specific to second-hand dealers: to repeal provisions requiring collectors to be licensed.	The Government accepted the review recommendations but delayed implementation to allow time to simplify the legislation by consolidating the two Acts. The consolidating legislation (the Second-hand Dealers and Pawnbrokers Act 2003) enacted.

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Security Providers Act 1992 and Regulation 1995	DTFT& WID	Licensing (security officers, private investigators, crowd controllers where services are for reward (not in-house security officers)), entry requirements, the reservation of practice.	Departmental review completed, and final PBT report released in August 2002. PBT recommended retaining occupational licensing for security providers. In addition, it recommended that the Office of Fair Trading assess whether the current disqualifying offences remain current; investigate the impacts of requiring disclosure of criminal offences irrespective of whether a conviction was recorded; give further consideration to adopting national competency-based training standards; inquire into the costs and benefits of removing insurance agents' exemption from the licensing requirement; consider amending the definition of crowd controller, consider expanding the licensing requirements to cover alarm installers, lock smiths, security consultants, security trainers, CCTV monitoring staff and 'cash-in-transit' officers.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>South Bank Corporation 1989, and Regulation and By-laws 1992</p> <p>South Bank Corporation Amendment Regulation 1992</p>	DP&C	<p>The primary purpose of the legislation is the development and provision of public parkland and facilities within the declared South Bank area. Various provisions in the Act modify or exclude the operation of certain other statutes (eg the South Bank Corporation is exempt from local government rates). Other provisions could be used to grant special privileges to lessees in the declared area (eg the exclusive right to deal in particular products). Arguably, the legislation could confer commercial advantages on businesses located within the South Bank compared to competitors outside the declared area.</p>	<p>Departmental review completed in February 2000. Review considered several provisions, including a public benefit assessment of the exemption provided in the legislation from the application of the Residential Tenancies Act 1994 and the Retail Shop Leases Act 1994. Review report formally signed off by the Premier and provided to the Treasurer for endorsement in January 2000.</p> <p>Review Committee recommended that the provisions exempting the South Bank Corporation from stamp duty on land transfers within the Corporation area, interim exemption from the Integrated Planning Act 1997; exemption from the Dividing Fences Act 1953; and giving the Act priority over other legislation if there is a conflict, were in the public interest and should be retained. Review Committee recommended that it be made clear the exemption under section 39D of the Act relating to consumer/tenant protection legislation such as the Residential Tenancies Act 1994 and the Retail Shop Leases Act 1994 apply only to the perpetual leases between the Corporation and the perpetual lessees.</p>	<p>Legislative amendments to clarify the scope of the exemption under section 39D and various unrelated issues were proclaimed on 27 June 2003.</p> <p>To ensure that businesses within the Corporation precinct are not advantaged or disadvantaged compared to their competitors outside the precinct, these Acts continue to apply to normal commercial leases between the perpetual lessees as landlords and their commercial and residential tenants.</p>
Speech Pathologists Act 1979	H	Restrictions on entry, title and advertising.	Part of Queensland health professions review process, which recommended retaining title protection and entry restrictions, but removing other unnecessary anti-competitive restrictions. Draft Bill considered under Queensland's gatekeeper process.	The Speech Pathologists Registration Act 2001, which replaced the 1979 Act, retained title protection.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>State Housing Act 1945 and Regulation 1986</p> <p>State Housing (Freeholding of Land) Act 1957</p> <p>Interest Rate Orders under these Acts</p>	DH	<p>Legislation contains various provisions that confer advantages or privileges on the Queensland Housing Commission that are not available to other housing providers (eg Commission land is not rateable, securities executed under the Acts are not subject to stamp duty etc). Pricing Orders relate to maximum interest rates on advances and purchase prices under contracts entered into in terms of various schemes under the Housing Act and for purchase price of certain land under the Housing (Freeholding of Land) Act.</p>	<p>Public review completed in November 2001. (PBT Plan approved by Treasury in December 1999). Review was considered in conjunction with a wider review of the Act and review findings endorsed in December 2001.</p> <p>Review concluded that the exemption from payment of rates by Queensland Housing Commission should be removed where persons purchase an interest in residential property under instalment contracts and where the Commission remains owner.</p>	<p>Amending legislation implementing recommendation commenced on 1 July 2002. New Housing Act 2003 commenced on 1 January 2004, and retained similar provisions concerning exemption from rates by Department (replacing the Commission) and payment of rates by persons with instalment contracts.</p>
<p>State Transport (People-movers) Act 1989</p>	T	<p>Provides for licensing and agreements for the installation of people movers and also contains provisions which can override local government planning schemes.</p>	<p>Queensland Transport undertook a PBT in early 2003 that found that the two people mover licences in place do not restrict competition for the carriage of people because alternative means of transport are available.</p>	<p>Act retained to preserve the legal rights of the two existing licensees. Amendments introduced by the Transport Operations (Road Use Management) and Another Act Amendment Act 2003. These ensure ecological compliance and do not entail any restrictions on competition. The amendments commenced on 22 October 2003.</p>
<p>State Transport Act 1960 and Regulation 1987</p>	T	<p>Restrictions in regard to the carriage of goods by road.</p>	<p>Review completed in 1998.</p>	<p>Act repealed by the Transport Operations (Road Use Management) Act. Any future legislative control of restricted goods will be via regulation and subject to PBT requirements.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sugar Industry Act 1991 Sugar Industry Regulation 1991 Sugar Industry (Assignment Grant) Guideline 1995	DPI&F	Vests ownership in the Queensland Sugar Corporation of all sugar produced in the State. Local boards control cane production areas and allocation of cane to mills.	A joint Australian Government, Queensland Government and industry review (the Sugar Industry Review Working Party) of this Act and the Sugar Milling Rationalisation Act 1991, completed in 1996. It recommended: <ul style="list-style-type: none"> • retaining the domestic and export monopolies subject to export parity pricing of domestic sales • permitting growers to negotiate individually with mills once collective agreements expire, and • removal of the Australian Government's sugar tariff. 	The Australian Government removed the tariff on sugar imports from mid-1997. The Queensland Government set the price of domestic raw sugar sales by the Queensland Sugar Corporation on the basis of export parity pricing. Act repealed and replaced by the Sugar Industry Act 1999, which brought in a range of other reforms including: <ul style="list-style-type: none"> • some which allow more scope for growers to negotiate individually with mills, and • structural reforms of the corporation and bulk sugar terminals. Sugar Industry Act extensively amended in 2003, 2004 and 2005 to progressively remove all legislative restrictions on cane production, grower-miller supply relationships, sugar milling and sugar marketing (both domestic and export) Industry now completely deregulated in regard to both production and marketing Remaining legislative provisions relate to cane transport (mill tramway access arrangements) and Trade Practices Authorisations for collective grower-miller supply negotiations (which do not restrict production or marketing)

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Sugar Milling Rationalisation Act 1991	DPI&F	Act is intended to provide a framework for rationalisation of milling operations but may in fact give rise to unintended restrictions on development of new mills.	Review, in conjunction with the Sugar Industry Act 1991, completed in November 1996.	Act repealed and replaced by the Sugar Industry Act 1999. No legislative restrictions remain in regard to cane production, sugar milling or sugar marketing.
Superannuation (Government and Other Employees) Act 1988 Superannuation (State Public Sector) Act 1990 State Service Superannuation Act 1972 Parliamentary Contributory Superannuation Act 1970 Police Superannuation Acts 1968 and 1974	TR	Limits on choice of funds. All Queensland public servants must be members of QSuper. QSuper can use multiple managers, but to date has chosen to use only the one manager - the Queensland Investment Corporation, which outsources some of its funds management.	Following a review in 2000, a second review completed in 2003 argued that current arrangements are superior to alternatives in maximising benefits for public sector members.	The Superannuation (Government and Other Employees) Act 1988, State Service Superannuation Act 1972 and the Police Superannuation Acts 1968 and 1974 were repealed in 1997 and the provisions rolled into the Superannuation (State Public Sector) Deed 1990 made under the Act. Provisions remained the same. In 2005, the scheme established under the Parliamentary Contributory Superannuation Act 1970, was not part of QSuper. As a defined benefit scheme, its members were not eligible for choice of fund under Commonwealth rules.
Surveyors Act 1977 and Regulations 1992	DNRM &E	Licensing, registration, entry requirements (education, experience, good fame and character), the reservation of title and practice, disciplinary processes and business conduct (including business name approval, fee setting, professional indemnity insurance, ownership restrictions).	Review completed in November 1997. Recommendations included retaining registration, removing business name approval and fee setting by the Surveyors Board of Queensland, and removing requirement that directors of bodies corporate have qualifications. The Government accepted these recommendations. An exposure draft of a Bill released in August 2002. Written responses were received from surveying industry groups and individual surveyors. Draft Bill modified to address issues raised during the consultation process.	The Surveyors Act 2003 continued the regulation of surveyors on competency rather than qualifications, and made other reforms based on the outcomes of the review and consultation. Regulations to give effect to the amendments introduced in mid-2004 with the Act commencing at that time.

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Therapeutic Goods Act 1989		<p>Scheduling restrictions on the labelling, packaging and advertising of listed substances, and to whom a product may be sold and under what conditions.</p> <p>Licensing restrictions on the handling, storage and reporting requirements of controlled substances for wholesalers and retailers.</p>	<p>Part of the Galbally Review of Drugs, Poisons and Controlled Substances. Review issued a final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to AHMC in early 2001. The AHMAC working party recommended to COAG in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12 month period from COAG's endorsement of the recommendation.</p>	Galbally recommendations endorsed by AHMAC working Party were implemented in 2004 by amendments to Health (Drugs & Poisons) Regulation 1996, except for enactment of legislation to adopt the Therapeutic Goods Act 1989 (Cwth) by reference. This was deferred in expectation of the establishment of a joint Trans-Tasman scheme for the regulation of therapeutic products.
Tobacco Products (Licensing) Act 1988	TR	Legislation provides for the licensing of tobacco wholesalers and retailers and requires premises used for these purposes to be specified by licensees. It also requires the keeping of sales records (i.e. for the purposes of calculating the quantum of fees payable by a licensee).	Review not required as the High Court decision (Ha & Lim v NSW) removes anti-competitive effect of the Act. Only transitional provisions remain which have no NCP implications.	
Tow Truck Act 1973 and Regulation 1988	T		Reduced NCP review completed in 1999 found a public benefit justification for consumer protection and industry regulation provisions in the Act.	Legislative amendments in 1999 strengthened consumer protection provisions and retain industry regulatory provisions.

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Trade Measurement (Administration) Act 1990	DTFT& WID		Review completed. Restrictions found to be in the public interest.	Final report endorsed by the Treasurer in February 2002. Act retained without reform.
Trade Measurement Act 1990	DTFT& WID		<p>National review by inter-jurisdictional committee with Queensland as the lead agency. The initial stage of the review (carried out by an independent consultant) reported in August 2001 and broadly considered that restrictions on the method of sale (relating to meat, beer and spirits, and pre packaged goods) appear to have little if any adverse impact on competition but provide benefits to consumers. Restrictions on the sale of non-prepacked meat were examined through a separate public benefit test.</p> <p>In May 2004, the Ministerial Council on Consumer Affairs (MCCA) endorsed the recommendations of the final report and agreed to its public release. The consultation process gave rise to a new issue namely, whether the definition of meat should expressly include seafood and poultry. Consumer Affairs Victoria is reviewing this issue.</p>	Following the finalisation of the review of the definition of meat, states and territories are expected to make uniform legislative changes.

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Trading (Allowable Hours) Act 1990 and Regulation 1994	DIR	Restrictions on Monday-to-Saturday trading hours for 'nonexempt' shops (that is, shops not predominantly selling nominated goods and services). Sunday trading by nonexempt shops prohibited outside major city areas and some tourist areas. Exempt shops and independent shops (shops engaging 20 or less persons at one location or less than 60 or less statewide) have unrestricted trading. Hardware shops may trade within prescribed hours on Sundays.	<p>The NCC confirmed that a review was not required in view of the processes followed by the Queensland Industrial Relations Commission (QIRC) in determining trading hours applications (s.26 of the Act). The NCC requested that the Queensland Government make submissions to the QIRC in appropriate trading hours hearings to advise them of the NCP principles. These submissions were made in a number of hearings in the period 2001-02.</p> <p>The QIRC can extend hours having regard to a list of factors prescribed in section 26 of the Act (locality, needs of small, medium or large business, tourism and population, the public interest, alleviation of traffic congestion, any other matters).</p>	<p>The Government made submissions to the Queensland Industrial Relations Commission to alert it to the public interest factors in the Competition Principles Agreement and the Government's support for them in relation to trading hours.</p> <p>The Government introduced amendments to the Act providing uniform Sunday trading hours for nonexempt stores in the south east Queensland area from 1 August 2002. In addition, the Queensland Industrial Relations Commission process can determine further applications for extended hours.</p>
Transport Infrastructure (Rail) Regulations 1996 under the Transport Infrastructure Act 1994	T	Legislation not initially scheduled for review. Includes rail safety regulations that could restrict competition.	Queensland Transport's review report completed in March 2003 following consultation with the rail industry and relevant government agencies. Report accounted for the recommendations of the NSW inquiry into the Glenbrook rail accident. The report concluded that net benefits for the community arise from the safety accreditation that applies to railway managers and operators.	Amendments to the Act's safety provisions introduced in the Transport Infrastructure and Another Amendment Act 2003.
Transport Infrastructure Act 1994 – Transport Infrastructure (Ports) Regulation 1994	T	Sections 176 and 177 of the Act (renumbered s291 and 292 in December 2005) provide for the Government to restrict port activities outside prescribed port limits, which are defined in the regulation.	Review completed. Review reported that the provisions were written to give the Government the potential to prevent the development of a new port if it existing ports had excess capacity and it had concerns about the environment impacts of the new port. The review found that several other Queensland statutes would probably enable the Government to achieve these objectives. No legislative amendments were proposed.	Legislation retained without reform.

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Transport Infrastructure Act 1994 – Transport Infrastructure (Ports) Regulations 1994	T	Harbour towage restrictions.	PBT report finalised. Review concludes allowing individual ports flexibility and discretion for exclusive towage licensing if local conditions warrant.	The Government accepted all recommendations. Amending legislation passed in November 2002.
Transport Infrastructure Act 1994 Transport Infrastructure (State Controlled Roads) Regulation 1994 Transport Infrastructure (Railways) Regulation 1994	DMR	Restrictions (actual and potential) on competition include: the continuation of Queensland Rail's monopoly on haulage of export coal (i.e. effectively a statutory monopoly for 5 years before access provisions apply consistent with provisions of Part IIIA of the TPA), the accreditation requirement for the management and/or operation of a railway (with automatic interim accreditation provided for Queensland Rail and other existing rail operators/managers), the requirement for tug operators in certain ports to obtain approval from the relevant Port Authority and a power for the Queensland Government to impose restrictions on the development of port infrastructures outside of designated existing Queensland ports.	Review not required. Queensland's examination of the relevant sections of the legislation and associated departmental policies did not identify any legislative restrictions requiring review, but did identify three issues requiring further consideration. These issues are limitations on services able to be provided at access points to limited-access roads, road-side advertising and delivery of Main Roads work by local government. These matters fall outside of the NCP legislation review requirements. Nevertheless, Main Roads reviewed its policies internally, in consultation with Queensland Treasury. In addition, the Department conducted a review of the operational aspects of the advertising policy, which included a TPA assessment.	Main Roads reviewed and amended the Services Centres Policy, which included consideration of various TPA issues. Regarding the delivery of Main Roads' work by local government, the department, together with the Local Government Association of Queensland, has developed an arrangement called the Main Roads and Local Government Road Management and Investment Alliance. The Alliance involves a shift by Main Roads and local government to joint management of the district/local road network for the benefit of road users, more efficient use of resources, and joint management of employment issues.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Transport Operations (Marine Safety) Act 1994 and Regulation 1995	T	Legislation provides for a regime of marine safety that is consistent with the Uniform Shipping Laws Code and which, as a general rule, only applies to matters outside the reach of the Commonwealth Navigation Act (notably pilotage in Queensland waters which is compulsory in a declared pilotage area). The only identified restriction on competition beyond the uniform standards relates to the holding of licences for piloting a ship.	Review completed in May 1999. Review recommended some pro-competitive legislative changes to take effect at the end of a three year transition period for transfer of responsibility for pilotage services from the Department of Transport to port authorities. Recommendations included retaining licensing of marine pilots by the Government (for safety and environmental reasons), each port authority to determine service delivery arrangements for its ports (including "in-house" provision and competitive tendering) and removal of price controls (with prices determined by each port authority subject to Queensland Competition Authority oversight arrangements).	Legislative amendments, giving each port authority the power to determine service delivery arrangements and pilotage fees within its port, took effect on 1 July 2001. Further amendments in October 2002 provided for the Government to resume the role of providing pilotage services for all Queensland ports except Brisbane, to ensure continuity of service and training. The Queensland Competition Authority and the Australian Competition and Consumer Commission were consulted on the transition.
Transport Operations (Passenger Transport) Act 1994 and Regulation	T	Licensing arrangements for taxis, limousine services, inland air services, scheduled urban bus services and school transport. Market entry restrictions apply in respect of various public passenger services, for example giving exclusive rights to operators to provide a specific kind of public passenger service in a specific area. Quantitative restrictions (number of licences) apply in respect of taxi service areas. Regulation also provides for price control over taxi fares (i.e. maximum fares) and other service requirements.	Review by a steering committee comprising senior officers from Queensland Transport, Queensland Treasury and Department of Premier and Cabinet completed and report published September 2000. Review concluded that service contracts and the existing system of market entry restrictions for taxis, buses and air services are largely justified, but there are some areas where improvements could be made. Review recommended that market entry restrictions be retained for those areas of the limousine industry that compete directly with the taxi industry, but that the remainder of the limousine industry be deregulated.	Reforms to regulation of the taxi and limousine sector approved in August 2003. The Government approved that high luxury limousines and specialty, veteran and classic vehicles can operate without a licence. Also 130 new taxi licences released in the 27 month period from August 2003.

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Travel Agents Act 1988	DTFT& WID	Licensing and compulsory consumer compensation fund.	<p>Part of national review of travel agent legislation, coordinated by Western Australia. Final review report by Centre for International Economics released in 2000. Public consultation involved release of issues paper, background paper, consultation and receiving submissions. Review recommended removal of entry qualifications for travel agents and maintenance of 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 the best option. Review also recommended increasing the turnover threshold for licence exemption to \$50 000 and extending the operation of the Act to the Crown.</p> <p>Report submitted to the MCCA in 2000 and subsequently released for stakeholder comment. In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but to 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.</p>	<p>Act amended to lift the licence exemption threshold to \$50 000, introduce revised qualification requirements for licensed travel agents and exempt travel agents from multiple jurisdiction licensing when they advertise across borders but do not have offices in those other jurisdictions. Removal of the licensing exemption for Crown-owned business entities anticipated by the end of 2005.</p> <p>In practice, there is no longer any Crown-owned travel business to which the licence exemption applies. The Government has licensed its travel businesses, Sunlover and the Queensland Travel Centres, to a private sector operator which does not have access to the exemption.</p>

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Trustee Companies Act 1968	DJAG	Restricts the provision of certain services in relation to deceased estates and the maintenance of minors and other legally incapable persons, to certain statutory trustee companies (i.e. those cited in a schedule to the Act) and also prescribes a maximum commission chargeable against the estate.	National review. Standing Committee of Attorneys-General (SCAG) released issues paper and draft Bill in June 2001. SCAG was ready to endorse the NCP review report in March 2002. However, Australian Government officers asked for more time to consider the licensing and supervisory arrangements before the report is released. Finalisation of the review depended on advice from the Australian Government as to whether it would provide for the regulation of trustee companies on a national basis via the APRA services being provided to the states and territories. In March 2005, the Australian Government advised that APRA would not be involved.	Following the Australian Government confirmation that APRA will not undertake the prudential regulation of trustee companies, states and territories are moving to finalise the reform of the legislation based on the draft model, including seeking external advice on the form that prudential standards could take. NSW is the lead jurisdiction in this process.
University of Southern Queensland Act 1989 University of Southern Queensland (Investment) Statute 1993 and similar legislation regarding Central Queensland University, Queensland University of Technology, James Cook University of Northern Queensland, University of Queensland, Griffith University, and Sunshine Coast University College	DE&A	Legislation provides for the constitution, powers and operations of each university. Legislation contains certain restrictions on the University's activities, notably in respect of application of revenue (regardless of source) to specific university purposes, external approval requirements (i.e. from Government) for borrowing and variation of terms of trusts and gifts, and limitation of investment activities. These could be construed as restricting the university from taking commercial advantage of opportunities for investment or other revenue raising business incidental to university functions.	Departmental review completed. Separate and similar Acts modelled on James Cook University of North Queensland Act 1997 passed under gatekeeping arrangements in 1997-98 for each university. All of the Acts were rewritten and were enacted in 1998 to commence on various dates fixed by proclamation.	Treasurer endorsed the review recommendations in August 2001. Queensland's existing regulatory regime retained in the public interest.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Valuers Registration Act 1992 and Regulation	DNRM &E	Licensing, registration, entry requirements (education, five years practical experience and exam or certificate of competence, good name and character, fit and proper), the reservation of title and practice, disciplinary processes, business conduct (including advertising). The Act provides for the registration of valuers and for a Code of Professional Conduct.	Departmental review completed in October 1999. Review found deregulation in medium to long term is likely to deliver net public benefit, but in short term is a risk to infrequent users of valuers. Review recommended retaining registration (with further review in three years) and removing other geographic and price control restrictions.	Queensland completed the implementation of changes to the Act and Regulations by 1 May 2002. The amending legislation provided for: <ul style="list-style-type: none"> • broadening the membership of the Valuers Registration Board to include two business and community representatives in addition to three registered valuers • the introducing of competency-based renewal for the registration of valuers and the listing of specialist retail valuers in addition to the existing requirements for first-time registration (suitable academic or demonstrated adequate experience for registration as a valuer, or demonstrated experience for listing as a specialist retail valuer), and • removing the anti-competitive restriction on trading that the board might have placed on a specialist retail valuer.
Veterinary Surgeons Act 1936 and Regulation 1991, and various Orders in Council	DPI&F	Registration of veterinary surgeons, reservation of practice, advertising restrictions, ownership restrictions, and controls on business names.	Review completed in 1999. Review recommended: <ul style="list-style-type: none"> • retaining registration, practice reservation and approval of premises, and • removing of restrictions on ownership, advertising and business names. 	Act amended consistent with review recommendations in October 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Vocational Education, Training and Employment Act 1991 and Regulation	DET	Creates a statutory monopoly of the State Training Council in regard to the administration of apprenticeship and traineeship schemes and to the Accreditation Council in regard to certain courses and training programs.	<p>Minor review carried out on the then proposed new Bills (Vocational Education and Training Bill and TAFE Institutes Bill) to replace this Act with a view to undertaking full review after 18 months. These Bills not introduced.</p> <p>Reduced NCP review of the proposed new Training and Employment Act 2000 which replaced the legislation referred to above completed in April 2000. Review concluded that the restrictions in the new Act were minimal and justifiable.</p> <p>In 2001, a review of the Training and Employment Act 2000 was undertaken and the legislation was renamed the Vocational Education and Training Act 2000. The review identified operational abnormalities that required minor legislative change.</p>	The Training and Employment Act operated from June 2000. Providers are required to be registered only when they wish to deliver nationally recognised training. The Act also delivered increased flexibility and ensured specific requirements can be properly negotiated between employers, apprentices and registered training bodies.
Wagering Act 1998	TR	TAB licence.	<p>The Racing Industry Taskforce examined statutory monopoly of Queensland TAB and this was addressed in developing the Wagering Act.</p> <p>Review of the Queensland gambling legislation was completed in December 2003. Review recommended that the current restrictions on competition be retained because they are in the public interest. The Government endorsed that recommendation.</p>	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wine Industry Act 1994 and Regulation 1995	DTFT& WID	The Act contains licensing provisions for wine producers and other restrictions on such things as blending.	<p>Departmental review completed in July 1999. Review recommended:</p> <ul style="list-style-type: none"> the single 'producer' licence be replaced with two-tier licensing system that provides for licensing of both 'producers' and 'merchants', and removal of restrictions on blending as the Commonwealth sets standards in this area. 	The Wine Industry Amendment Act 2001 implemented the review recommendations.
WorkCover (Queensland) Act 1996 and Regulation 1997 (replacing the Workers' Compensation Act 1990 and Regulation 1992)	DIR	Mandatory insurance, monopoly insurer, centralised premium setting.	<p>NCP review completed in December 2000. Main findings of the review were:</p> <ul style="list-style-type: none"> that WorkCover remain publicly underwritten Q-COMP and WorkCover become separate entities self-insurance criteria be maintained for another three years cost-capping for private hospital, medical and rehabilitation costs be maintained, and Q-COMP review the conditions that can be imposed on the use of allied health professional and rehabilitation service providers including the matter of mandatory referral by a medical practitioner. <p>Report of the NCP review of certain aspects of the Workers' Compensation and Rehabilitation Act 2003 completed in August 2005. The review sought to cover outstanding recommendations from the 2000 NCP Review, particularly in relation to:</p> <ul style="list-style-type: none"> Exclusive claims management by 	<p>The Government endorsed the review findings in May 2001. The Government legislated the Workers' Compensation and Rehabilitation Act 2003, replacing the WorkCover (Queensland) Act 1996 and Regulation 1997 to establish Q-COMP as a separate entity from 1 July 2003.</p> <p>The matters of the outsourcing of claims management by WorkCover and the review of the criteria for self-insurance licensing were identified in the NCP review process as matters for further consideration. The Government at that time deferred these reviews for three years in order that the impact of the successive changes then only recently introduced to the scheme could be assessed. The review of these competition elements of the Queensland workers' compensation scheme to occur in 2004-05.</p> <p>Amendments to the <i>Workers' Compensation and Rehabilitation Act 2003</i> were passed and assented to on 2 November 2005 which gave effect to the recommendations of</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
			<p>WorkCover Queensland</p> <ul style="list-style-type: none"> • The self-insurance licensing criteria • The use of allied health professionals; and workplace rehabilitation requirements. <p>The report recommended the relaxation of some aspects of the self-insurance licensing criteria and workplace rehabilitation requirements to allow self insurers and employers greater flexibility in organising their workers' compensation and rehabilitation arrangements to suit their business needs.</p> <p>No changes to the use of allied health professionals were recommended.</p>	the 2005 Report.
Workplace Health and Safety Act 1995 and Regulation 1997	DIR	Licensing/registration, business conduct.	The only part of this legislation identified as anti-competitive in the endorsed PBT Plan is Part 3 – Prescribed Occupations. The review examined the requirements for a person to hold a certificate or be a trainee in order to perform a prescribed occupation. There are three categories of prescribed occupations – certificates under the National Certification standard, Certificates under the National Certification Guidelines and Prescribed occupations unique to Queensland. Final review report forwarded to Queensland Treasury for consideration.	Review found that the regulatory requirements for certificates issued under the National Certification Standard are justified and that no further reform should be pursued. Regulatory requirements in relation to certificates for demolition and asbestos removal have been reformed - no further reform considered necessary.

6 Western Australia

Agency nomenclature abbreviations

The following abbreviations are used in the 'Agency' column of the Western Australian (WA) legislation review timetable. This nomenclature identifies the relevant agency at the time of the 2005 National Competition Policy (NCP) assessment.

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
DH	Department of Health
DT	Department of Training
DET	Department of Education and Training
DOIR	Department of Industry and Resources
DRGL	Department of Racing, Gaming and Liquor
EP	Department of Environmental Protection
EPRA	East Perth Redevelopment Authority
ES	Department of Education Services
F	Department of Fisheries
FESA	Fire and Emergency Services Authority
FPC	Forest Products Commission
GESB	Government Employee Superannuation Board
HW	Department of Housing and Works

GC	Gold Corporation
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
P	Police Service
P&C	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 schedule: Western Australia

Updated to 5 December 2005

<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 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 recommendations of the review. Act retained without reform.
Aboriginal Communities Act 1979 and By-laws	IA	Section 7(1) empowers a community to which the act applies to make by-laws relating to the community lands of that community for or with respect to: <ul style="list-style-type: none"> • the prohibition or regulation of the admission of persons, vehicles and animals to the community lands or a part of the community lands, and • the prohibition, restriction or regulation of the possession, use or supply of alcoholic liquor or deleterious substances. 	Review completed in 1997. Review concluded that effects on the general economy are not significant. Non-legislative alternatives were considered, but it is considered that the provision of powers to Aboriginal communities to regulate access to community lands is necessary and that no less restrictive means are available to fulfil the purpose of the Act and maintain the level of public benefit. Recommended retaining the powers of the communities to regulate access and the availability of deleterious substances on the grounds of public health and cultural preservation.	The Government endorsed the recommendations of the review. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Aboriginal Heritage Act and Regulations 1974	IA	Access to Aboriginal lands containing protected sites is restricted.	Review completed in 1997. 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.	The Government endorsed the recommendations of the review. Act retained without reform.
Administration Act 1903 and Regulations	J	The Act treats natural persons differently from other classes of administrators of intestate estates as regards a requirement to obtain surety.	Review completed in 1997. The restrictions have no costs, but provide benefits by placing natural person administrators on a level playing field with other classes of administrators. It does so because other administrators are already subject to similar safeguards to protect deceased estates, by other means. Recommended retaining the restriction as it was found to be in the public interest. Review also recommended: broadening the range of financial institutions covered by a provision that grants them protection to pay funds from a deceased estate, up to a maximum amount, for funeral or other authorised purposes prior to administration of the estate; and making this maximum amount consistent with corresponding provisions of the Financial Institutions Code (WA).	Amendments made under the Acts Amendment and Repeal (Financial Sector Reform) Act 1999 removed the restrictions that were to be addressed through the recommendations of the NCP review of this Act.
Aerial Spraying Control Act 1966	A	Licenses aerial spray contractors.	National review of agricultural and veterinary (agvet) chemicals completed in 1999. Review report released by the Standing Committee on Agriculture and Resources Management (SCARM) in March 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	Act to be replaced (by the proposed Biosecurity and Agricultural Management (Repeal and Consequential Provisions) Bill). Green Bill for public comment tabled 29 November 2005.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 review schedule but reviewed as part of the national review of agvet chemicals. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	Act to be replaced (by the proposed Biosecurity and Agricultural Management (Repeal and Consequential Provisions) Bill). Green Bill for public comment tabled 29 November 2005.
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 repealed. The Government to replace the Act with Regulations (by the proposed Biosecurity and Agricultural Management (Repeal and Consequential Provisions) Bill). Green Bill for public comment tabled 29 November 2005.
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, but subsequently repealed.
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. It 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. 	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	National review of agvet chemicals completed in 1999. Review report released by the SCARM in March 1999. See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	Act imports Commonwealth legislation, so any changes must first be made at the national level.
Albany Port Authority Act 1926 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by 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.
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.	Review completed in 1998. Review concluded that the restrictions arising from the legislation are either in the public interest due to current or potential future benefits, or have no current or potential future impact.	The Government endorsed the review recommendations. Act retained without reform.
Animal Resources Authority Act 1981	DH		Review by officials completed. Review found the Act contains no restrictions on competition.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1921 and Regulations	HW	Registration, entry requirements, reservation of title, disciplinary processes, business conduct (including require Architects Board approval for advertising), business licensing.	<p>National review (except Victoria) by the Productivity Commission (PC) completed in August 2000 and publicly released November 2000. (Previous state review commenced but not completed.) PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act.</p> <p>A states and territories working group led by New South Wales (NSW) developed a national response to the PC review. The working group recommended amendments to existing legislation to remove elements deemed to be anti-competitive and not in the public interest. All jurisdictions have accepted the approach of the working group.</p> <p>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. 	The state review and its recommendations were endorsed by Cabinet on 17 December 2001. The Architects Act 2004 implemented the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 while 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>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>See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).</p>	<p>Act to be replaced (by the proposed Biosecurity and Agricultural Management (Repeal and Consequential Provisions) Bill). Green Bill for public comment tabled 29 November 2005.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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, business conduct (maintenance of records in relation to livestock and vendor accounts).	NCP review completed in 2001. Review recommended that: the licensing system be retained until a full legislative review of the Act is completed; 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. A general review of the Act recommended retention of existing licensing requirements in the public interest.	The Government endorsed the review recommendations. Act retained without reform.
Australian Soccer Pools Bloc: Rules for Subscriber Participation	RGL	Licensing.		Act repealed and replaced by the Lotteries Commission (Soccer Pools) Rules 1996.
Beekeepers Act 1963	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. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	Act to be repealed (by the proposed Biosecurity and Agricultural Management (Repeal and Consequential Provisions) Bill). Green Bill for public comment tabled 29 November 2005.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Betting Control Act 1954 and Regulations	RGL	Licensing.	<p>Review in conjunction with the Totalizator Agency Board Betting Act 1960, completed in 1998.</p> <p>Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> relaxing restrictions on the operation of totalisators other than by the Totalizator 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 Totalizator Agency Board (TAB). <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 review recommendations. The Act provided for the establishment of corporate licensing structures and the removal of the requirement that bookmakers field only during race meetings. The Act also amended the Totalizator 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>Minimum telephone and internet bet limits with bookmakers removed with effect from 1 July 2004.</p>
Biological Control Act 1986	A	Makes provision for the biological control of pests in Western Australia. Complementary to Commonwealth legislation. Act requires a transparent public inquiry process and review to determine the net public benefit of a biological control release.	Deleted from review schedule as the Council of Australian Governments' (COAG) Committee on Regulatory Reform (CRR) determined that the legislation has no anti-competitive impacts.	Reform not required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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.	Act 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.	Act repealed by the Acts Amendment and Repeal (Competition Policy) Act 2003.
British Imperial Oil Company (Private) Act 1925	DOIR	Licensing.		Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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.	<p>Review, in conjunction with review of the Home Building Contracts Act 1991, completed in 2002. Review recommendations included reducing restrictions on owner builders, expanding the scope of conditional licences, and expanding the coverage of the Act to the whole state.</p> <p>In May 2002, the Government endorsed the review recommendations that the following restrictions on competition in the Act be amended:</p> <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. 	Act amended to incorporate the review recommendations by the Building Legislation Amendment Act 2000 which commenced 1 August 2001.
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.	Review by the Department of Agriculture completed in 2002. Review recommended repeal of all restrictions on competition except the requirement that CBHL accept all grain tendered to it. It also recommended retention of the requirement that CBHL allow use of 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.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Bunbury Port Authority Act 1909 and Regulations	PI	Restrictions on market entry and conduct.	Review not required.	Act repealed and replaced by generic Port Authorities Act 1999.
Bush Fires Act 1954 and Regulations	FESA	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. Requirement on local governments to provide firefighting equipment and insure voluntary firefighters.	Review completed in 1997. Review concluded that restrictions were clearly in the public interest and recommended their retention. Review also recommended that Government businesses be subject to the same fire control requirements as other businesses.	Some amendments incorporated into the Acts Amendment and Repeal (Competition Policy) Act 2003. Regulations prescribing certain government agencies for the purposes of fire control requirements were progressed following proclamation.
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.	Act retained without reform.
Camballin Farms (AIL Holdings Pty Ltd) Agreement Act 1985	PI	Differential treatment	Review not required.	Act repealed by the Statutes (Repeals and Minor Amendments) Act 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Caravan Parks and Camping Grounds Act 1995	LGRD	Licensing.	The Caravan Parks and Camping Grounds Advisory Committee, a committee comprising government and industry representatives, considered restrictions in both the Act and associated regulations. Review found that regulation 49, which prohibits the issue of a licence for a transit park or a nature based park if there is a licensed caravan park or camping ground within 50 kilometres, should be removed. Committee also recommended a further review.	The Government endorsed the review finding to remove regulation 49. Another review of section 3(1) underway.
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 was repealed on 28 June 2000.

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Casino Control Act 1984	DRGL	Restrictions on licensing, market conduct and operations.	Review completed in 1998.	Exclusive licence expired and not renewed. Other barriers to entry that are not in the public interest removed.
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. It recommended: <ul style="list-style-type: none"> retaining the restrictions, and amending the Act to ensure that compensation is only paid for animals destroyed as a result of a control program which is of a "sufficiently public good nature". 	Act to be repealed (by the proposed Biosecurity and Agricultural Management (Repeal and Consequential Provisions) Bill). Green Bill for public comment tabled 29 November 2005.
Censorship Act 1996	J	Restrictions on the publication and possession of a range of media.	Review not required. Act removed from review timetable.	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. Act removed from review timetable.	Act repealed.
Charitable Collections Act 1946 and Regulations	J	Licensing.	Review not required.	Act amended by the Statutes (Repeal and Minor Amendments) Act 2003. The Act will be repealed upon drafting and enactment of the Public Collections Bill.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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, recommending that the Government: <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. It also recommended that the collective bargaining arrangements be reviewed again after five years.	Act amended in line with the review recommendations via the Acts Amendment and Repeal (Competition Policy) Act 2003. Act to expire 31 December 2010 (Gazette, 19 December 2003).
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. Review 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 underway). A core practices discussion paper was released in March 2003.	The Chiropractors Act 2005 (part of Western Australia's template health legislation) enacted. The Act retained core practice restrictions.
City of Perth Parking Facilities Act 1956 and Regulations	PI	Licensing.	Review not required.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Coal Industry Superannuation Act 1989	CSB	Restrictions on competition and mandatory contributions.	<p>Review completed. Review found that clause 22, providing Government assistance for the Coal Industry Superannuation Fund, should be removed as it restricts competition by conferring a competitive advantage on the fund.</p> <p>Review also considered clauses 14 and 15, setting out mandatory contributions to the Fund from members and employers. Review concluded that these restrictions were in the public interest due to economies of scale and reduced administration costs, and should be retained.</p>	The Government endorsed the review in February 2003. Amendments contained in the Coal Industry Superannuation Amendment Bill 2005, which received its second reading in the Legislative Council in May 2005 after passing the Legislative Assembly. The Bill removes unjustified restrictions on competition.
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 comments of Anglo-Persian Oil Company Limited (Private) Act 1919.	Act retained without reform.
Community Services Act 1972 Community Services (Child Care) Regulations 1988	CD	Restrictions on licensing, standards and operating procedures.	NCP review completed in June 2002. Review recommended retaining the restrictions in the public interest, and expanding the 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.	Cabinet endorsed the review recommendations on 10 February 2003. Legislation repealed by the Children and Community Services Act 2004. The new Act, among other things, made provision for the licensing of child care services.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 workers.</p>	<p>Review, by an independent economic adviser, completed in 1999. Review 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 review recommendations.</p> <p>Separately, in 2000, Act amended by the Conservation and Land Management Amendment Act 2000 and the Forest Products Act 2000.</p> <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. Review of this amending legislation found all identified restrictions to be in the public interest.</p>	<p>Rating exemptions removed via the Acts Amendment and Repeal (Competition Policy) Act 2003.</p> <p>Regulations 73(2) and 73(3) repealed from the Forest Management Regulations 1993 under the Forest Management Amendment Regulations 2003.</p>
Consumer Affairs Act 1971	CEP		<p>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 duplication.</p>	<p>The review was endorsed by Cabinet on 4 August 2003.</p> <p>The Act currently is the subject of a general legislative review concurrent with review of the Fair Trading Act.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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. 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 Consumer Credit Code Management Committee (UCCCMC).	The UCCCMC is working on implementation of the review's recommendations. Amendments are being progressed by the UCCCMC under a template legislation model to ensure national consistency. Queensland drafted revised legislation which is a template for other jurisdictions. In addition, NSW drafted code provisions relating to pre-contractual disclosure for incorporation in the template legislation. Amendments in the Consumer Credit (Western Australia) Amendment Act 2003.
Cooperative and Provident Societies Act 1903	CEP	Licensing.	Act recommended for repeal.	Act to be repealed upon enactment of the proposed Co-operatives Bill. The Co-operatives Bill had an AO4 priority for introduction into Parliament in the Autumn Session 2004. It is now expected to be introduced sometime in 2005. This Bill is subject to national consideration in respect to an agreement for template legislation.
Country Slaughterhouse Regulations 1969	DH		Review by officials completed.	Regulations repealed by Regulation 28 of the Health (Meat Hygiene) Regulations 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Credit (Administration) Act 1984 and Regulations	CEP	Restrictions on licensing and disciplinary provisions.	<p>NCP review completed. Review recommended that the Act be amended to:</p> <ul style="list-style-type: none"> 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, with a provision prohibiting a registered person from having a business in a partnership with a person who has been prohibited from having such a business under the proposed negative licensing provisions. <p>The Review also recommended that many of the powers of the Tribunal and Commission be removed, but that the disciplinary provisions are retained on public interest grounds.</p>	Cabinet endorsed the review report on 4 August 2003. Western Australia to draft legislation to enact these reforms but will not finalise its legislative response until it has also assessed the impact of the rapid growth of unlicensed credit providers in the state.
Credit Act 1984 and Regulations	CEP	Differential treatment.	Review completed in 2000. Review recommended repeal subject to further consideration on impact on contracts entered into prior to 1 November 1996.	Amendments incorporated into the Acts Amendment and Repeal (Competition Policy) Act 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. No legislative change required.
Curtin University of Technology Act 1996	ES	Competitive neutrality and 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 contained in the Acts Amendment and Repeal (Competition Policy) Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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.	<p>Review by Agriculture WA officials, assisted by an industry working party, completed in 1998. Review recommended:</p> <ul style="list-style-type: none"> the retention of farm-gate pricing for market milk the continued vesting of all milk in the Dairy Industry Authority, and the continuation of the licensing powers of the Authority. <p>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.</p>	In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Western Australia 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 generic Port Authorities Act 1998.
Dampier to Bunbury Pipeline Regulations 1998	OE			Regulations repealed on 1 January 2000.
Debt Collectors Licensing Act 1964 and Regulations	CEP	Licensing, entry requirements (age, good name and character, fit and proper person), the reservation of practice and business conduct (trust accounts, fidelity bonds).	<p>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.</p>	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>
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 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 (core practices discussion paper released March 2003).	Western Australia to introduce template health legislation to replace the current legislation. The Dental Bill 2005 was introduced into the Legislative Assembly in November 2005. The Bill merges the Dental Act 1939 and the Dental Prosthetists Act 1985 into a single Act to provide for one registration board for the governance of all dental practitioners.
Dental Amendment Act 1996	DH	Licensing.	Review completed. Issues paper released October 1998. Key Directions paper released June 2001. See Dental Act 1939.	Act 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. See Dental Act 1939.	Amendments incorporated into the Dental Bill 2005. See Dental Act 1939.
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 that the Act be repealed.	Act repealed on 15 December 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
East Perth Redevelopment Act 1991 and Regulations	EPRA	Redevelopment control of the area, the compulsory taking of land, subdivision approval from Minister rather than the State Planning Commission, Treasurer's guarantee of loans, and Ministerial controls.	Review completed in 1997. Review found effects of the restrictions on competition were relatively minor. Review concluded that there are no acceptable alternatives to the restrictions relating to the powers of the Authority that would achieve the Act's objectives. Powers necessary to overcome environmental problems and achieve the desired redevelopment of the area. At this stage of the Authority's activities, it would not be feasible to modify the regulatory framework. Restrictions relating to the internal running of the Authority stem from the Authority's status as a government agency and therefore cannot be removed. Review recommended retaining restrictions.	The Government endorsed the review recommendations. Act retained without reform.
Eastern Goldfields Transport Board Act 1984 and Regulations	PI	Restrictions that gave the Board advantages arising from public ownership included: <ul style="list-style-type: none"> • 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. 	Review completed in 1997. Review concluded the Board needs to retain the power to borrow to continue to perform its role as a provider of public bus services in Kalgoorlie/Boulder. It recommended repealing restrictions on nominating the Board as an agent of the Crown and exempting the Board from paying local rates. Review recommended retaining the Board's current power to regulate patrons' behaviour through by-laws and regulations. Non-legislative alternatives were considered and rejected. 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.	Amendments to Act incorporated into the Acts Amendment and Repeal (Competition Policy) Act 2003 proclaimed on 20 April 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Edith Cowan University Act 1984	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 review recommendations. Amendments progressed via the Acts Amendment and Repeal (Competition Policy) Act 2003.
Education Service Providers (Full Fee Overseas Students) Registration Act 1992	ES	Licensing of providers of education to overseas students.	Review completed. Review concluded that the legislative requirements dealing with the registration of education service providers are in the public interest and should be retained. Minor issues identified by the review included: <ul style="list-style-type: none"> • differential treatment arising from exemptions provided to some private schools under the regulations • the policies and guidelines that underpin the Act be reviewed in accordance with changes to the Australian Government's Education Services for Overseas Students Act 2000 and the Migration Act 1958, and • the uniformity of audit conditions with other statutory providers such as universities and TAFE colleges. 	Legislative change not required.
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; uniform pricing.	Initial review completed in 1998. Review recommendations superseded by wider reform of the electricity industry.	Repealed by the Electricity Legislation Amendment Act 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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, disciplinary processes.	<p>Review completed in 2000. Review involved public consultation. Review concluded that licensing of electricians, and restrictions on electrical engineers and 'do-it-yourself' electrical work, are in the public interest, but that further examination of some provisions is warranted.</p> <p>In April 2004, Government requested the Minister for Consumer and Employment Protection to conduct a review of restrictions on electrical engineers and "do it yourself" electrical work.</p>	The Government to amend regulations to, among other things, allow electrical engineers to undertake work previously reserved to electricians.
Electricity Corporation Act 1994	OE	Exclusive franchise of Western Power; barrier to entry to generate electricity; vertical integration; competitive neutrality restrictions.	Initial review completed. Further review was conducted as part of wider electricity sector reform.	<p>The Government endorsed the recommendations of the Electricity Reform Task Force</p> <p>Some minor restrictions related to competitive neutrality were removed by the Statutes (Repeals and Minor Amendments) Act 1998.</p> <p>Generator entry restrictions were removed by the establishment of the electricity market, licensing regime and access code under the Electricity Industry Act 2004 and Electricity Legislation Amendment Act 2004.</p> <p>Retail contestability restrictions to be gradually removed.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Employment Agents Act 1976 and Regulations	CEP	Licensing, entry requirements (fit and proper person), the reservation of practice, business conduct (scale of fees, maintenance of records, no misleading advertising).	<p>Review completed. Review recommended:</p> <ul style="list-style-type: none"> replacing the requirement for employment agents to be licensed with a negative licensing scheme relaxing the requirement to provide employees with a 'Notice of Employment' where provision of such notice is impractical, subject to the consent of the employee removing the need to seek approval of a scale of fees chargeable to employers, and allowing fees to be negotiated between employment agents and employers but precluding agents from demanding or receiving any fee that is unjust, where there is no prior agreement. <p>Review also recommended retaining the prohibition against the charging of fees to employees, and the requirements relating to the provision of statements of account to employees.</p>	The Government endorsed the review recommendations in October 2003.
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.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Energy Operators (Powers) Act 1995 (formerly known as Energy Corporations (Powers) Act 1979	OE	Provided monopoly rights over sale of liquid petroleum gas 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 liquid petroleum gas, and retention of land use powers of energy corporations. Land use powers necessary to facilitate energy supply.	Restrictions on liquid petroleum gas 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.	Reviewed completed in 2001. Review found that the higher standards are justified on environmental grounds.	No reform required.
Environmental Protection Act 1986	EP	<ul style="list-style-type: none"> • The ability to require an environmental impact assessment • Licensing of occupiers of prescribed premises; exempting certain firms from Environmental Protection Agency licensing • The requirement for firms to comply with the environmental standards, 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.	Repealed by the Statutes (Repeals and Minor Amendments) Act 2003.
Esperance Port Authority Act 1968 and Regulations	PI	Restrictions on market entry and conduct.		Act repealed and replaced by generic Port Authorities Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Exotic Diseases of Animals Act 1993	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. Review considered more flexible approaches to controlling activities involving dangerous goods and found that these alternatives can also achieve the required safety and community protection objectives. The Government endorsed the recommendations of the review.	<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 Dangerous Goods Safety Act 2004 repealed the Explosives and Dangerous Goods Act and the Dangerous Goods (Transport) Act.</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 in 2003. 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>Review 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>	The Act currently is the subject of a general legislative review concurrent with review of the Consumer Affairs Act.
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 recommendations of the review in 1997.</p> <p>Act to be repealed (by the proposed Biosecurity and Agricultural Management (Repeal and Consequential Provisions) Bill). Green Bill for public comment tabled 29 November 2005.</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. 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. Review recommended repealing the Act and introducing a 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.	Implementation deferred pending the decision of the Temby Royal Commission into the Finance Broking Industry. The report of the Royal Commission tabled 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. Western Australia retained the Act in amended form (amended by the Finance Brokers Control Amendment Act 2004).
Firearms Act 1973 and Regulations	P	Registration (firearm repairers).	Review not required. Act removed from the legislation review timetable in view of a national approach to firearms policy.	No further action required under the NCP.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fish Resources Management Act 1994	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, 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 WA Government remove limits on the number of domestic processing licences (but not export processing licences) and provide licence holders the right to establish at multiple locations.</p>	<p>Since the second review, the Department of Fisheries implemented a Competition Policy Assessment and Compliance Report system to ensure all new or amending legislation, Regulations and Ordinances are assessed within the NCP framework. The department is also working towards all fishery licences and related entitlements being transferable by December 2005.</p> <p>In the rock lobster fishery, the department decided to retain input-based management until at least December 2006 pending review of the efficiency gains of moving to output-based management. It removed the 150 pot minimum holding restriction.</p> <p>In relation to rock lobster processing, the department established a new domestic processing licence (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 completed. Review recommended no change to the Act. No NCP implications identified.	No reform required.
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.	No reform required.

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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.

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Gaming Commission Act 1987 and Regulations	RGL	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 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; retaining a licensing system for organisations conducting bingo, which should be conducted for community benefit rather than for private gain retaining licensing requirements and associated operation restrictions for minor lotteries, which should continue to be available to only charitable and community based organisations allowing for licensing professional fundraisers, and removing the definition of 'foreign lottery' from the legislation; and related amendments. 	<p>Negotiations were undertaken with Burswood on the possibility of reaching agreement on relaxing these restrictions. Reaching a negotiated position that is acceptable to the State is highly problematic. This matter is therefore finalised without reform.</p> <p>The Government has rejected the NCP Review recommendation to provide for the licensing of further lotteries suppliers by State agreement on the basis that to do so would:</p> <ul style="list-style-type: none"> expand gambling opportunities in the community; and jeopardise the distribution of money to hospitals, the arts, and sport and community groups from Lotterywest, the current licence holder. <p>Progress was made towards amending the Act to licence professional fundraisers. However, during the initial drafting it became apparent that similar provisions were being prepared for inclusion in the Public Collections Bill, which is currently being drafted.</p>
Gas Corporation Act 1994	OE	Creates Gas Corporation to run certain publicly owned gas assets.		Act repealed in December 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 that further examination of some provisions is warranted. In April 2004, Government requested the Minister for Consumer and Employment Protection to review the manufacturing standards for gas appliances. The 2004 review of these provisions found they do not restrict competition.	Reform not required.
Gas Transmission Regulations 1994	OE	Access provisions.		Regulations repealed. Access and related matters 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.	Review recommendations were implemented through the Acts Amendment and Repeal (Competition Policy) Act 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)	PI	Access, market power and competitive neutrality.	Review completed in 1998.	The Government Railways (Access) Act 1998 and the Rail Safety Act 1998 removed various advantages and disadvantages conferred on Westrail (the Western Australian Government Railways 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.	<p>Departmental review completed in 2002. Review recommended retaining the export monopoly in respect of barley, canola and lupins subject to:</p> <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. <p>A further review in 2005 concluded that the benefits of the Act and licensing by the Grain Licensing Authority exceeded the costs compared to pre reform arrangements.</p>	The Grain Marketing Act 2002 provided for the deregulation of grain marketing upon similar moves by the Commonwealth and, in the interim, the issue of an export licence to CBHL/ Grain Pool of Western Australia and the establishment of a Grain Licensing Authority to licence bulk exports by others except where this would have a significant impact on market power-related price premiums. The Grain Licensing Authority began issuing licences for prescribed grains barley, lupins and canola in September 2003.
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 that 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. Act retained without reform.
Health (Adoption of Food Standards Code) Regulations 1992	DH	As per the Food Standards Code (Commonwealth).	Subject to the COAG Food Regulation Agreement 2000.	Repealed and replaced by the Health (Australia New Zealand Food Standards Code Adoption) Regulations 2001.
Health (Asbestos) Regulations 1992	DH	Licensing.	Part of the review of the Health Act 1911.	
Health (Cloth Materials) Regulations 1973	DH	Licensing.	Part of the review of the Health Act 1911.	
Health (Construction Work) Regulations 1973	DH	Licensing.	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>
Health (Drugs and Allied Substances) Regulations 1961	DH	Licensing.	<p>Part of the Galbally Review of Drugs, Poisons and Controlled Substances. Review issued a final report in January 2001. Review concluded that there are sound public benefit reasons for comprehensive legislative controls regulating drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to Australian Health Ministers Conference (AHMC) in early 2001. The Australian Health Ministers' Advisory Council (AHMAC) working party recommended to COAG in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12 month period from COAG's endorsement of the recommendation.</p>	<p>Since the release of the Report of the Galbally review, the Australian and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products, accountable to both the New Zealand and Australian governments. These arrangements were to commence on 1 July 2005, but have been deferred for 12 months to allow for consultation.</p> <p>States and territories will amend their drugs, poisons and controlled substances legislation, where necessary, to appropriately reference relevant parts of the Australian Government's legislation relating to the trans-Tasman agency.</p> <p>Western Australia has implemented some recommendations.</p> <p>It is intended to introduce the <i>Poisons Amendment Bill 2005</i> in the Spring Session of Parliament 2005. The Bill will complete Western Australia's implementation of the reforms arising from the Galbally review.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health (Food Hygiene) Regulations 1993	DH	Licenses food processors. Requires premises to be registered. Sets standards for safe food practices.	Review completed.	The National Food Standards Code (including the food safety standards contained in chapter 3 of the code) was adopted in Western Australia by the Health (ANZ Food Standards Code Adoption) Regulations 2001. Western Australia intends to enact a new Food Act, which will replace the relevant part of its Health Act. Western Australia intends to repeal all of its food hygiene Regulations. Cabinet has approved drafting of the Food Bill and the drafting priority was recently increased.
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. Western Australia intends to enact a new Food Act, which will replace the relevant part of its Health Act.
Health (Meat Inspection and Branding) Regulations 1950	DH		Review completed.	Regulations repealed.
Health (Pesticides) Regulations 1956	DH	Licensing.	Part of the review of the Health Act 1911.	
Health (Pet Meat) Regulations 1990	DH		Part of the review of the Health Act 1911.	
Health (Public Buildings) Regulations 1992	DH	Licensing.	Part of the review of the Health Act 1911.	
Health (School Dental Therapists) Regulations 1974	DH	Licensing.	Part of the review of the Health Act 1911.	
Health Act (Swimming Pools) Regulations 1964	DH	Licensing.	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>
Health Act 1911	DH	Licensing.	Review underway.	Western Australia to amend the Health Act 1911, including with a new Food Act to adopt the Food Standards Code.
Health Laboratory Services (Fees) Regulations	DH	Licensing.	Review completed.	Act repealed.
Health Services (Conciliation and Review) Act 1995	DH		Act removed from the legislation review timetable.	
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. Act amended via the Acts Amendment and Repeal (Competition Policy) Act 2003, effective from 1 May 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 review of the Builders Registration Act 1939, completed in 2002. Review recommended amending 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, and • consumers may terminate contract when they are at fault: will be amended to allow termination only if both parties agree. 	The Government endorsed the review recommendations in May 2002. Amendments implemented by the Building Legislation Amendment Act 2000.
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 Hospitals) Regulations 1987	DH	Licensing.	Review completed.	Hospital Regulations were dealt with in the Hospitals and Health Services Amendment Act 2002. This addressed an uncertainty by clarifying that agencies established under the Hospitals Act may be created to carry out a power, as well as a duty or function.
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. A further review, to commence in 2005-06, to consider these regulations.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hospitals (Service Charges) Regulations 1984	DH	Licensing.	The NCP review of the Hospitals and Health Services Act 1927 included these regulations. A further review of the Hospitals and Health Services Act 1927, to commence in 2005-06, to consider these regulations.	
Hospitals and Health Services Act 1927	DH	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). Fees charged for private patients treated in public hospitals are determined by the Governor.	NCP review completed in May 2001. It was noted that the review largely met the Competition Principles Agreement requirements and that the proposed repeal and replacement of the legislation would fully meet WA's obligations under the agreement. Another review of the Act will commence in 2005-06.	The Expenditure Review Committee and Cabinet endorsed the review recommendations in December 2001.
Hospitals and Health Services Amendment Act 1996	DH	Licensing.	The provisions of this Act incorporated into the Hospitals and Health Services Act 1927. An NCP review of the latter Act completed in May 2001 and endorsed by the Expenditure Review Committee and Cabinet in December 2001.	No further action is required.
Human Reproductive Technology Act 1991 – and Directions made pursuant to the Act (published in the Government Gazette on 3 October 1997)	DH	Licensing.	Review completed. Review found that the Act contained no restrictions that had any effect on competition so as to warrant assessment.	Act retained without reform.
Human Reproductive Technology Amendment Act 1996	DH	Licensing.	Review completed and recommended no change.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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.
Industrial Relations Act 1979	CEP	<p>Qualification requirements of office bearers of the WA Industrial Relations Commission.</p> <p>Restricted access for individuals and public servants to the WA Industrial Relations Commission.</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>	Departmental review completed. Review recommended that the restrictions on access to the WA Industrial Relations Commission and the composition of the WA Industrial Relations Commission be retained, and that restrictions on individuals entering into employment contracts were also in the public interest and be retained.	The Government endorsed the review recommendations in July 2003. Act retained without reform.
Industrial Training Act 1975 and Regulations	DET	Licensing.	Legislation removed from review schedule.	Regulations repealed and replaced by the Vocational Education and Training Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Infectious Diseases (Inspection of Persons) Regulations	DH	Licensing.	Review completed.	Regulations repealed.
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. It concluded that the restrictions provide net public benefit primarily because they improve accountability and oversight controls that are consistent with the approach to other public sector bodies, and legislation other than this Act gives the Insurance Commission exclusive functions so that it has no competitors. The review recommended retaining the restrictions as they provide a net public benefit and are necessary to achieve the objectives of the Act.	Act retained without reform.
Jetties Act 1926 and Regulations	PI	Licensing and competitive neutrality.	Review by the Allen Consulting Group completed in 2005. Review found that the competition restrictions were minor and in the public interest.	Maritime Bill 1999 and Maritime and Transport Legislation Amendment and Repeal Bill 1999 were tabled and if enacted, would have had effect of repealing the Jetties Act 1926.

<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 not finalised pending the findings of the Gunning Inquiry and the Temby Royal Commission into the finance broking industry. 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>Review recommendations examined in light of the Gunning Inquiry. (The 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 • the power to set maximum remuneration received by valuers. 	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Law 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 10 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 1999. Review identified one restriction on competition which was the requirement for written consent from the Attorney General for the publishing of the judicial decision of the state courts (section 3 and 6 of the Act). It was initially proposed that this restriction be dealt with by administrative changes, but a conditional waiver of the kind proposed is not permitted under section 6 of the Act.</p> <p>The objectives of the NCP review recommendation achieved by other administrative means, in that each of the major publishers now has unrestricted electronic access to the judicial decisions of state courts under agreements with the Legal Practice Board in relation to its unrecorded judgements subscription service. In turn, each of these publishers has obtained the consent of the Attorney General under section 6 of the Act to publish the judgements both online and on CD-ROM.</p>	<p>Although the administrative changes foreshadowed in the NCP review were not achievable, other administrative arrangements have addressed the issue. Consequently, no amendments to the Act required.</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, 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 four restrictions is in the public interest and should be retained.	The Government endorsed the review recommendation that the restrictions in the Act (as it will be amended) should be retained.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practitioners Act 1893	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).	<p>Review completed in 2002. Review recommended:</p> <ul style="list-style-type: none"> • reserving some areas of legal work • allowing practitioners who have made suitable alternative arrangements to opt out of the professional indemnity insurance scheme, and • removing restrictions on incorporated practices and multidisciplinary practices. 	<p>Repealed by the Legal Practice Act 2003 which:</p> <ul style="list-style-type: none"> • clarified the standards required of, and regulation of, legal practitioners • modernised the structure and function of the Legal Practice Board, the complaints committee and disciplinary tribunal • enabled the creation of incorporated legal practices and multidisciplinary partnerships, and • introduced national practising certificates into WA. <p>Further reforms may be introduced following the outcome of the national model laws project (model provisions as a basis for consistent laws for the regulation of Australia's legal profession).</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).	<p>Review, in conjunction with review of Strata Titles Act 1985, completed in November 1998. Recommendations included re-composing the board, clarifying entry standards, and retaining restrictions on professional indemnity insurance. The Government endorsed the review recommendations.</p>	<p>Amendments to the Act progressed via the Acts Amendment and Repeal (Competition Policy) Act 2003.</p>

<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.	Reviewed by the Allen Consulting Group in 2005. Review found that the competition restrictions were minor and in the public interest.	Maritime Bill 1999 and Maritime and Transport Legislation Amendment and Repeal Bill 1999 tabled and if enacted would have had effect of repealing Lights (Navigation Protection) Act 1938.
Liquor Licensing Act 1988 and Regulations	RGL	<p>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).</p> <p>Also, differential hours for hotels and liquor stores with the latter prohibited from opening on Sundays.</p>	<p>Draft review completed in March 2001. Recommended that the public needs test should be replaced by a public interest test. This public interest criteria should include reference to the likely effect on competition in the liquor market but not on individual competitors to enable identification of important but otherwise undisclosed public interest matters, i.e. outlet density and propensity for harm and ill health.</p> <p>Review also recommended that trading hours for liquor stores and hotels be similar including on Sundays.</p> <p>A second review reported in 2005 and recommended replacing the public needs test with a public interest test and allowing liquor stores to trade on Sundays.</p>	The Government is considering the recommendations of the second review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government (Miscellaneous Provisions) Act 1960 Building Regulations 1989	LGRD		Review completed in mid 2002.	<p>New building legislation is being drafted to replace Part 8 and Part 15 of the Act and the regulations. The new legislation will adopt the Building Code of Australia as the primary building standard, introduce competition into the building certification process, and provide a registration system for appropriately qualified building surveyors.</p> <p>In the meantime, the Department intends to amend the Act and regulations to introduce the national accreditation framework for building surveyors and allow contestable certification services for building approvals. The Local Government (Miscellaneous Provisions) Amendment Bill 2005 contains proposals which were included in the Local Government (Miscellaneous Provisions) Amendment Bill 2003, plus some improvements and some other reforms identified as part of the transfer of appeals to the SAT.</p>
Local Government Act 1995	LGRD	Differential treatment and single industry superannuation scheme for employees.	<p>Review completed. Review concluded that requirement for local governments to participate in a single industry superannuation scheme is inappropriate.</p> <p>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.</p>	Act amended in March 2005 so that regulations applying to superannuation can apply to more than one scheme. Other superannuation schemes are now available to local government employees.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Local Government Draft Model By-Laws	LGRD		Legislation removed from review schedule.	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 advised that it will reassess its current policy of not applying competitive neutrality to the Lotteries Commission if another seller is licensed.
Marine and Harbours Act 1981 and Regulations	PI	Tax and land acquisition advantages available to government businesses in potential breach of competitive neutrality principles.	Reviewed by Allen Consulting Group completed in 2005. Review found that a provision in the Marine Harbours Act providing tax and land acquisition advantages to government businesses was not in the public interest.	Maritime Bill 1999 and Maritime and Transport Legislation Amendment and Repeal Bill 1999 tabled and if enacted would have had effect of repealing Marine and Harbours Act 1982.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marketing of Eggs Act 1945	A	Licences producers. Limits production via quotas. Vests ownership of eggs in the Egg Marketing Board.	Departmental reviewed completed. Report not released.	In August 2003, the Government endorsed the removal of competitive restrictions on the supply and marketing of eggs. Under the Marketing of Eggs (Amendment) Act 2004, the Act and Regulations expire by 31 December 2005.
Marketing of Meat Act 1946 and Regulations	A		Review not required.	Act repealed in mid-1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marketing of Potatoes Act 1946 and Regulations	A	Prohibits sale for domestic consumption of potatoes to persons other than the WA Potato Marketing Corporation (PMC) unless under certain exemptions. Producers must hold growing area licenses allocated by the corporation.	Departmental reviewed completed. Review recommended the Government maintain the current regulated supply system noting a 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. Proposed changes to the legislation and to PMC operations to remove the major costs of the legislation as identified by the review: <ul style="list-style-type: none"> • implement competitive neutrality for the PMC's export activities; • improve the efficiency of the PMC's operations; • introduce a more market oriented system of potato quality standards; and • remove incentives for high-yielding varieties and overproduction by specifying production entitlement in tonnage rather than area. Amendments to the Act are being developed. The Corporation no longer competes in the export market and its marketing promotion functions have been taken over by the Potato Producers' Committee under the Agricultural Produce Commission Act 1988.
Meat Transport Regulations 1969	DH		Review completed.	Regulations were repealed by Regulation 28 of the Health (Meat Hygiene) Regulations 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Act 1894	DH	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	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 and approved drafting of a Medical Practitioners Bill, which will repeal and replace the Medical 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 completed. Review concluded that restrictions are in the public interest and should be retained.	The Government endorsed the review recommendations. Reform not required.
Mental Health (Transitional) Regulations 1997	DH		Review completed. Review concluded that restrictions contained in the replacement legislation were in the public interest.	The Government endorsed the review recommendations. Reform not required.
Mental Health (Treatment Fees) Regulations 1992	DH	Licensing.	Review completed.	Regulations repealed.
Mental Health Act 1962	DH	Licensing and differential treatment.	Review completed. 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. Reform not required.
Mental Health Regulations 1997	DH	Licensing.	Review completed. Review concluded restrictions are in the public interest.	The Government endorsed the review recommendations. Reform not required.
Metropolitan (Perth) Passenger Transport Trust Act 1957 and Regulations	PI		The Trust is to be abolished and replaced by the new Western Australian transit authority.	Act and Regulations repealed on 1 July 2003 by the Public Transport Authority Act 2003.
Metropolitan Region Town Planning Scheme Act 1959	PI	Controls on land use, via town planning schemes.	Consolidation of the planning legislation reactivated with the release of a position paper in April 2002. The Government received submissions on the position paper.	The Planning and Development Act 2005 and the Planning and Development (Consequential and Transitional Provisions) Act 2005 were assented to on 12 December 2005.
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.	Review by Department of Minerals and Energy completed. Review recommended retention of all restrictions.	The Government endorsed the review recommendations in December 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>
Morley Shopping Centre Redevelopment Agreement Act 1992	DOIR	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.
Motor Vehicle (Third Party Insurance) Act 1943	IC	Mandatory insurance, monopoly insurer, 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 withdrawn in 2001 No further action since. No intention to alter the monopoly arrangements while the compulsory third party scheme is financially sound.
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. Act amended by the Motor Vehicle Dealers Amendment Act 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).	Review completed. Review determined that the key restrictions on competition are in the public interest. Review also 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 review recommendations. The Road Traffic Amendment Bill 2005 was introduced to Parliament in June 2005.
Murdoch University Act 1973	ES	Competitive neutrality, market power.	Review by officials completed in 1998. Review recommending that investment provisions be consistent between universities.	The Government endorsed review recommendations. Amendments contained in the Acts Amendment and Repeal (Competition Policy) Act 2003.
Mutual Recognition (Western Australia) Act 1995	P&C		National review completed in 1998. Review conducted by a working group of the COAG's CRR, comprising representatives from the Commonwealth, NSW, Queensland (Chair) and Western Australia. The report, which covers both the NCP and Mutual Recognition Agreement (MRA) aspects of the review, is available on the internet at www.pmc.gov.au . Review found that the scheme is generally working well to minimise the impediments to freedom of trade in goods and services and to establish a truly national market in goods and services in Australia. The review data indicated that the MRA has increased competition and consumer choice, and reduced business costs. In relation to the NCP review, it was recommended that all	Jurisdictions generally supported the review recommendations. In relation to the NCP aspect of the review, Queensland and Victoria had concerns about some recommendations. Recommendations of the review and the concerns expressed by Queensland and Victoria taken up in the 2003 review of the MRA. The PC reviewed the Trans-Tasman Mutual Recognition Agreement (TTMRA) and its internal equivalent, the MRA. Review, released in October 2003, concluded that the MRA and TTMRA have been effective overall in assisting the integration of the state, territory and New Zealand economies and promoting competitiveness. There are

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
			existing (potentially anti-competitive) exceptions to the MRA be retained.	<p>a number of special exemptions from the TTMRA that relate primarily to public safety: therapeutic goods, hazardous substances, industrial chemicals and dangerous goods, consumer product safety standards, road vehicle standards, gas appliances standards, electromagnetic compatibility and radiocommunications standards. The PC recommended that many of the exemptions should remain, because mutual recognition would erode justified regulatory differences.</p> <p>In May 2005, COAG and the New Zealand Prime Minister noted 29 of the PC's findings and requested further work on the remaining 45 by a Cross-jurisdictions Review Forum. The Forum completed its report. WA awaits endorsement of the report prior to implementing any required legislative amendments in line with national arrangements.</p>
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 repealed in the Statutes (Repeals and Minor Amendments) Act 2003.

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Northern Developments Pty Ltd Agreement Act 1957	PI	Differential treatment.	Review not required.	Legislation repealed in the Statutes (Repeals and Minor Amendments) Act 2003.
Northern Developments Pty Ltd Agreement Act 1969	PI	Differential treatment.	Review not required.	Legislation repealed in the Statutes (Repeals and Minor Amendments) Act 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 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 underway). A core practices discussion paper released in March 2003.	Nurses and Midwives Bill 2005 will replace the Nurses Act. This process is part of the state's template health practitioner legislation reforms.
Occupational Therapists Registration Act 1980	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.	The Occupational Therapists Act 2005 (part of Western Australia's template health legislation) enacted. The Act retains core practice restrictions.
Offensive Trades (Fees) Regulations 1976	DH	Licensing.	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. Review recommended a separate review of the Optical Dispensers Act, which was chaired by Professor Bryant Stokes and provided to the Government in April 2003. In April 2004 Government endorsed the review recommendations, to repeal the Act.	The Optical Dispensers Repeal Bill 2005 was introduced into Parliament in May 2005. It repeals the Act and regulations. .
Optometrists Act 1940	DH	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	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.	The Optometrists Act 2005 (part of Western Australia's template health legislation) enacted. The Act retains core practice restrictions.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Osteopaths Act 1997	DH	Restrictions on entry, registration, title and disciplinary provisions.	<p>Review of health practitioner legislation completed. Issues paper released October 1998, and Key Directions paper released June 2001.</p> <p>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.</p>	The Osteopaths Act 2005 (part of Western Australia's template health legislation) enacted. The Act retains core practice restrictions.
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. 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>However, a second review argued for continued (albeit changed) registration requirements. The Government endorsed the review recommendations on 30 October 2003.</p>	The Government anticipates making some changes to the registration requirements as recommended by the second review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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.	No reform required.
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); 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 Western Australia Police Service completed in 1999. Consultation undertaken when developing legislation. Review recommended: <ul style="list-style-type: none"> 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 review recommendations. Review recommendations will be implemented by the Pawnbrokers and Second-hand Dealers Amendment Bill 2005.

<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 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. A new hatchery quota will be developed over the next 1-2 years, noting the current policy expires in December 2005. The latter is in place until at least December 2005 pending a further review.</p> <p>A new Pearling Act being developed, incorporating many recommendations from the NCP Review of the Pearling Act and related legislation.</p>
Perth Market Act 1926 and Regulations	A	Licensing and differential treatment.	Review completed in 2002. Consultation involved public advertisement and calling for submissions in June 2000. Review recommended removing the wholesale market monopoly and removing restrictive trading conditions.	The Government endorsed the review recommendations in May 2002. Amended by the Amendment and Repeal (Competition Policy) Act 2003.
Perth Parking Management Act 1999	PI	Licensing and differential treatment.	<p>Reviewed as new legislation.</p> <p>New Act removed discriminatory treatment of Perth City Council and private parking providers, licenses and limits parking places in Perth Central Business District. Public benefits in reduced Central Business District congestion and improved air quality. The Government approved on 18 May 1998.</p>	New legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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 Australia New Zealand Minerals and Energy Council Ministers. Review's main conclusion was that the Petroleum (Submerged Lands) legislation is essentially pro-competitive and, to the extent that there are restrictions on competition (for example in relation to safety, the environment, resource management or other issues), these are appropriate given the net benefits to the community. Final report made public on 27 March 2001, following consideration by COAG's CRR.	The Australian Government introduced the Offshore Petroleum Bill 2005. Western Australia awaiting the passage of this Bill 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 Act 1967	DOIR	Regulates onshore exploration for and development of petroleum reserves.	Review completed. Review recommended: <ul style="list-style-type: none"> implementing the findings of the national review of submerged lands Acts, and retaining potentially restrictive provisions in the Act on the grounds that they do not restrict competition and that they provide a net public benefit. 	The Government endorsed the review recommendations in February 2003. The Australian Government introduced the Offshore Petroleum Bill 2005. Western Australia awaiting the passage of this Bill before amending its own legislation.
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	Departmental review of this Act and the Petroleum Products Pricing Amendment Act 2000 completed in 2001. Restrictions found to be in the public interest.	Act retained without reform.
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 Petroleum (Submerged Lands) Act 1982 and Regulations review.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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	Departmental review of this Act and the Petroleum Legislation Amendment Act 2001 completed in 2001. Restrictions found to be in the public interest.	Act retained without reform.
Petroleum Products Subsidy Act 1965 and Regulations	DOIR	Market power.	Review not required as the Act does not require the Government to impose restrictions on competition. The Act is an administrative Act providing for the functioning in Western Australia of the Commonwealth's petroleum subsidy scheme, which is formulated by the Commonwealth Minister Relevant fuel products covered by the Act, and registered distributors eligible for the subsidy, are determined by the Commonwealth Minister. The NCP implications of subsidising some products and distributors, and not others, remains the responsibility of the Commonwealth.	Act retained without reform.

<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, discipline, advertising, business, ownership, licensing and residence.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. 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>	<p>The Government endorsed the majority of recommendations of the NCP review of pharmacy and approved the drafting of new legislation to replace the Pharmacy Act. The new legislation will effectively implement all but one of the recommendations of the Wilkinson Review as amended by the senior officials. Rather than remove the cap on the number of pharmacies that an individual pharmacist (or friendly society) may own or have an interest in, the Government intends to implement the Prime Minister's suggested amendment, relaxing the restriction to allow a pharmacist to have a pecuniary interest in four pharmacies (increased from two), with the same limit to apply to friendly societies. The Government intends to review the expansion in the cap from two to four in two years.</p> <p>In addition, the Government will amend section 36 of the Act to allow new friendly societies to enter the pharmacy market, and old friendly societies to change their premises without the approval of the Minister. Friendly societies will then be restricted equivalently with pharmacy-owned pharmacies, in accordance with the recommendations of the review.</p>

<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 October 1998, and Key Directions paper released June 2001. This paper sets out the policy framework that is the basis for 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 underway). A core practices discussion paper released in March 2003.	The Physiotherapists Act 2005 (part of Western Australia's template health legislation) enacted. The Act retains core practice restrictions.
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.	Departmental review 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. 	Act repealed by the Pig, Potato and Poultry Industries Compensation Legislation Repeal Act 2004.
Piggeries Regulations 1952	DH		Part of the review of the Health Act 1911.	
Planning legislation: Town Planning and Development Act 1928, Western Australian Planning Commission Act 1985, Metropolitan Region Town Planning Scheme Act 1959	PI	Controls land use via town planning schemes.	Review completed. The Town Planning and Development Act 1928, WA Planning Commission Act 1985 and the Metropolitan Region Town Planning Scheme Act 1959 consolidated into an Urban and Regional Planning Bill. Consideration of planning legislation reactivated with the release of a position paper in April 2002.	Planning and Development Act 2005 received assent on 12 December 2005.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plant Pests and Diseases (Eradication) Fund Act 1974 [previously the Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act 1974]	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 in accordance with a benefit cost methodology.	The existing Act will be repealed and replaced by the Grain and Seed crops (Pest control Funding) Bill, currently being drafted.
Podiatrists Registration Act 1984	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. This paper sets out the policy framework that is the basis for 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).	The Podiatrists Act 2005 (part of Western Australia's template health legislation) enacted, assented to 12 December 2005. The Act retains core practice restrictions.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poisons Act 1964 and Health Act 1911 (Part VIIA) (drugs and poisons)	DH	Licensing.	<p>Part of Galbally Review of Drugs, Poisons and Controlled Substances. Review issued final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to AHMC in early 2001. The AHMAC working party recommended to COAG in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12 month period from COAG's endorsement of the recommendation.</p>	<p>Since the release of the Report of the Galbally review, The Australia and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products, accountable to both the New Zealand and Australian governments. These arrangements were to commence on 1 July 2005, but were deferred for 12 months to allow for consultation.</p> <p>States and territories will amend their drugs, poisons and controlled substances legislation, where necessary, to appropriately reference relevant parts of the Australian Government's legislation relating to the trans-Tasman agency</p> <p>Western Australia amended its regulations to remove or alter some unnecessarily restrictive provisions and to implement the review recommendations on record keeping requirements.</p> <p>It is intended to introduce the Poisons Amendment Bill 2005 in the Spring Session of Parliament 2005. The Bill will complete Western Australia's implementation of the reforms arising from the Galbally review.</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 restriction gives 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, they should be removed. As there was no canteen operating, the report recommended 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 recommended that the canteen voluntarily comply with the Act.	The Government endorsed the review recommendations. Minor amendments to the Act required. Regulations repealed on 3 July 2001.
Port Authorities Act 1999	PI	Imposes accountability and ownership requirements, together with safety and public interest controls. Restrictions include exemptions from planning and building requirements; public sector management provisions; accountability provisions; requirements for Ministerial approval; consultation and borrowing limits provisions; pilotage provisions, and licensing provisions.	Review completed in 1997. Review concluded that the objectives of the legislation could not be achieved by means other than through the licensing restrictions.	New Act following review of ports instruments. Act repeals individual port Acts.
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 1999.
Port Kennedy Development Agreement Act 1992	PI	Competitive neutrality.	Review completed. Review recommended retention of the Act without change.	The Government endorsed the review recommendations in 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>
Ports (Model Pilotage) Regulations 1994	PI	Restrictions on market entry and conduct.		Act repealed and replaced by the generic Port Authorities Act 1999.
Ports Functions Act 1993	PI	Restrictions on market conduct.	Review not required.	Act repealed and replaced by the generic Port Authorities Act 1999.
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 endorsed the review recommendations. Act repealed by the Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Act 2004.
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. 	Act repealed by the Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Act 2004.
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 October 1998, and Key Directions paper released June 2001. This paper sets out the policy framework that is the basis for 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 underway). A core practices discussion paper released in March 2003.	The Psychologists Act 2005 (part of Western Australia's template health legislation) enacted. The Act retains core practice restrictions.

<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 Western Australian 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 road closure powers which may reduce the cost of works – a right not available to private firms, and exemptions from most local building regulations which may provide cost advantages over firms which have to comply with these regulations. 	<p>Review completed. 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 was not considered justified. Review recommended retaining the restrictions.</p>	<p>The Government endorsed the review recommendations. Act retained without reform.</p>
Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986	DH	No restrictions identified.	Review completed.	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>
Racing Restrictions Act 1917	DRGL	Licensing and differential treatment.	Review completed in 1998. Review recommended limiting the authority of the Western Australian Turf Club to thoroughbred racing and providing for licensing of other forms of horse racing where in the public interest. It recommended retaining the centralised control of horse racing and trotting with the industry bodies.	The Racing Restriction Acts 1917 and 1927 repealed and replaced by the Racing and Gambling Legislation Amendment and Repeal Act 2003 and three other Acts. The new legislation implemented a number of NCP reforms recommended by reviews of the Racing Restriction Acts and the Western Australian Greyhound Racing Authority Act 1981.
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.
Radiation Safety Act 1975 Radiation Safety (General) Regulations 1983-1999 Radiation Safety (Transport of Radioactive Substances) Regulations 1980-1999 Radiation Safety (Qualifications) Regulations 1980-1999	DH	Licensing.	National review completed. Review recommended that advertising restrictions be removed by regulation. National implementation plan is currently being developed.	Regulations amended in accordance with the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rates and Charges (Rebates and Deferments) Act 1992	TF	The restrictions identified refer to the differential treatment afforded pensioners and other eligible persons with respect to certain amounts payable by way of rates and charges. The legislation, in effect, discriminates in favour of pensioners and other eligible persons.	<p>Review completed in 1998. 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.	The Government endorsed the review recommendations in February 2003. Maximum fees removed in 1998. The amendments required to implement the remaining reforms 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 legislation review program in July 2003 as it was assessed as not containing restrictions on competition.	Reform not required.
Retail Trading Hours Act 1987 and Regulations	CEP	Monday to Saturday trading hours regulated. Sunday trading hours limited and Sunday trading prohibited outside tourism zones. No restrictions above the 26 th parallel.	An Industry Reference Group report completed in 1999. Further review conducted in 2003. Report not released. An Options Paper released in June 2003 examined the benefits and costs of different trading hours regimes. In 2005 a public referendum rejected weeknight and Sunday extensions to trading hours.	In June 2003, the Government announced limited changes to trading hours to commence in 2005 but the Bill was rejected by the Legislative Council. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
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. 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. Fifteen of the 47 review recommendations implemented via legislative change, and four were for the retention of the status quo. Western Australia is proposing to draft legislation to enact the remaining recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rottnest Island Authority Act 1987	RIA	<p>Restrictions on:</p> <ul style="list-style-type: none"> • Authority membership • 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>Restrictions retained in accordance with the review, including the restriction to appoint persons with prescribed knowledge and experience to the Authority.</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	Differential treatment of the Authority compared with similar private sector institutions (Sections 5, 11, 16 and 17). Differential treatment of customers based on location, occupation or type of business (Sections 18-26).	Review completed in 1998. It classified the restrictions as minor and in the public interest.	Changed name to Country Housing Act 1997.
Sandalwood Act 1929 and Regulations	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 amended the Act in accord with the review recommendations.
Secret Harbour Management Trust Act 1984	PI	Competitive neutrality.		Repealed by the Statutes (Repeal and Minor Amendments) Act 1997.
Securities Agents Act 1976 and Regulations	J	Licensing.		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 Western Australian Police Service completed. 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. The review concluded that the legislation is effective and provides the necessary controls to maintain and improve the industry.	The Government endorsed review recommendations in 2000. Act retained without reform.
Seeds Act 1981 and Regulations	A		Review completed.	Act will be superseded by proposed Biological and Agriculture Management (Repeal and Consequential Provisions) Bill.
Settlements Agents Act 1981 and Regulations	CEP	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), business licensing.	Review completed. Review recommended the requirement for settlement agents to be licensed 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 recommendations in May 2002. Western Australia does not intend to repeal the provisions for setting the maximum fees which may be charged by a licensed settlement agent. Instead Regulations amended to increase the maximum allowable fee charged for settlement services. Other amendments to the Act to be drafted together with amendments to the Real Estate and Business Agents Act 1978.
Shipping and Pilotage Act 1967 and Regulations	PI	Governs pilotage services (licensing, competitive neutrality issues).	Reviewed by the Allen Consulting Group completed in 2005. Review found that the competition restrictions were minor and in the public interest.	Act to be repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Small Business Development Corporation Act 1983	SBDC	Differential treatment of businesses.	Review completed. Review found the effects of the restrictions on competition to have no practical importance.	The Government endorsed the review recommendations. Act retained without reform.
Small Business Guarantees Act 1984 and Regulations	SBDC	Differential treatment.	Review not required.	Act 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	HW	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 1996.
State Superannuation Act 2000	GESB	Limits on choice of fund managers. The Government Employee Superannuation Board is the sole fund provider which government employees must use for employer contributions.	Review completed. 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. The Government does not intend to alter the sole provider role.
State Supply Commission Act 1991 and Regulations	HW	Differential treatment.	Review completed.	Amendments to this Act incorporated into the Acts Amendment and Repeal (Competition Policy) Act 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 superseded by the Magistrates Court Act 2004 which was subject to an NCP review. No NCP issues identified in this review.
Stock (Identification and Movement) Act 1970	A	Branding of human food and fibre producing animals. Documentation required when moving stock.	Review by officials completed. It found some scope for easing restrictions on horse owners.	Act will be superseded by proposed Biological and Agriculture Management (Repeal and Consequential Provisions) Bill.

<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.	Act retained without reform.
Strata Titles Act 1985 and Regulations	LI	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 review of Licensed Surveyors Act 1909, completed in 1998. Review concluded restrictions are in the public interest and should be retained.	The Government endorsed the review recommendation. Act retained without reform.
Street Collections (Regulation) Act 1940 and Regulations	CEP	Licensing.	Review not required.	The Act will be repealed by the anticipated Public Collections Bill.

<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. Review concluded that the restrictive elements of the legislation need to be retained to achieve the objectives of the Act. Review also found 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 achieve 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>Review recommended retaining the restrictions on the grounds of public interest.</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>
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.	The Government endorsed the review recommendations. Act to be subject to a further review chaired by the Solicitor-General.
Swan River Trust Act 1988 and Regulations	SRT	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. Recommended restrictions be retained.	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>
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>	Under the Taxi Amendment Act 2003 the Government released 48 new taxi plates for lease in January 2004. Further smaller plate releases will follow, including 40 new lease plates each year from 2005 to 2008.
Texas Company (Australasia) Limited (Private) Act 1928	HW	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. In addition, the review identified public benefits arising from 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>
Tobacco Control Act 1990	DH	Differential treatment, licensing.	<p>Review completed in 2002. Review found 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 in May 2002. Act retained without reform.
Totalizator 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 Totalizator Agency Board; and competitive neutrality of the Totalizator Agency Board.	<p>Review, in conjunction with the Betting Control Act 1954, completed in 1998.</p> <p>Of the 42 restrictions analysed in the review, the legislative provisions pertaining to 20 restrictions were recommended for repeal or amendment including:</p> <ul style="list-style-type: none"> relaxing restrictions on the operation of totalisators other than by the Totalizator 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 Totalizator 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>	The Government retained the prohibition on the licensing of additional off-course totalisators in the new Acts that restructure the racing industry.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Town Planning and Development Act 1928	PI	Controls on land use, via town planning schemes	Consolidation of the planning legislation reactivated with the release of a position paper in April 2002. A number of submissions on the position paper received.	The Planning and Development Act 2005 and the Planning and Development (Consequential and Transitional Provisions) Act 2005 assented to on 12 December 2005.
Transport Co-ordination Act 1966 and Regulations	PI	Restrictions relate to provisions for the Minister to borrow funds and make payment of subsidies to providers of transport services. Also included are a range of provisions, powers and requirements related to the licensing of vehicles used for commercial purposes and the regulation of transport services provided by these vehicles.	Review completed in 1999. Review recommended: 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.	The Government advised that new competitively tendered regional aviation services are due to be operational on 1 January 2006. Subsequent discussions confirmed that: <ul style="list-style-type: none"> • all tenderers were advised that an independent NCP review would be conducted before the end of the five-year tender period, and • the review would compare the costs and benefits of cross-subsidies, direct budget funded subsidies and no intervention.

<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.	<p>Part of national review of travel agent legislation, coordinated by Western Australia. Final review report by the Centre for International Economics 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 maintenance of 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. Review also recommended increasing the turnover threshold for licence exemption to \$50 000 and extending the operation of the Act to the Crown.</p> <p>Report submitted to the Ministerial Council on Consumer Affairs (MCCA) in 2000 and subsequently released for stakeholder comment. In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but to 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.</p>	<p>The Government endorsed the recommendations of the national review on 23 June 2003. Remaining element of the national review awaiting implementation (repeal of the licensing exemption currently awarded to the Crown) expected.</p> <p>The amendment is included in the Consumer Protection Legislation Amendment and Repeal Bill 2005, which has completed passage through the Legislative Assembly and is at second reading stage in the Legislative Council.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustees Companies Act 1987	J	Competitive neutrality and licensing.	<p>National review underway. Standing Committee of Attorneys-General (SCAG) released issues paper and draft Bill in June 2001. SCAG was ready to endorse the NCP review's report at its meeting in March 2002. However, Australian Government officers asked for more time to consider the licensing and supervisory arrangements before the report is released.</p> <p>Finalisation of the review has awaited advice from the Australian Government as to whether it would provide for the regulation of trustee companies on a national basis via Australian Prudential Regulation Authority (APRA) services being provided to the states and territories. In March 2005, the Australian Government advised that APRA would not be involved.</p>	Following the Australian Government confirmation that the APRA will not undertake the prudential regulation of trustee companies, states and territories are moving to finalise the reform of the legislation based on the draft model, including seeking external advice on the form that prudential standards could take. NSW is the leading jurisdiction in this process.
University Colleges Act 1926	ES	Competitive neutrality and market power.	Review, conducted 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.	Act retained without reform.
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.	The Government endorsed the review recommendations. Amendment to the Edith Cowan University Act by the Acts Amendment and Repeal (Competition Policy) Act 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, conducted by the Office of Higher Education, completed in 1998. Review recommended that investment provisions be consistent between universities.	The Government endorsed the review recommendations. Amendment to the Edith Cowan University Act by the Acts Amendment and Repeal (Competition Policy) Act 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.	The Government endorsed the review recommendations. Recommendations implemented by the Acts Amendment and Repeal (Competition Policy) Act 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.	National review of agvet chemicals completed in 1999. See the Agriculture and Veterinary Chemicals (Control of Use) Act 1992 (Victoria).	The Veterinary Preparations and the Animal Feeding Stuffs Act amended in 2004 to allow regulations to be made for the control of use of veterinary chemicals. That Act is now the Veterinary Chemical Control and Animal Feeding Stuffs Act 1976 and it will be superseded by the Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2005. Green Bill for public comment tabled 29 November 2005.

<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. 	Drafting of an amendment Bill 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 Plumbers Licensing Board to set licence conditions.	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>
Weights and Measures Act 1915 and Regulations	CEP		<p>Changes agreed at the national level.</p> <p>The Trade Measurement (Green) Bill 2004 and the Trade Measurement Administration (Green) Bill 2004 tabled for the purposes of public comment in the Legislative Assembly on 26 November 2004. The Green Bills were based substantially on uniform model legislation already in place in other States and Territories. The public consultation period for the green Bills closed on 31 March 2005. Submissions were incorporated into final white Bills prepared for passage through Parliament.</p>	<p>The Trade Measurement Bill 2005 and the Trade Measurement Administration Bill 2005 repeal the State's Weights and Measures Act 1915 and Regulations, and establish nationally uniform weights and measures in accordance with the recommendations of the national review. The Bills were second read in the Legislative Assembly following introduction on 24 May 2005.</p>
Western Australian Greyhound Racing Authority Act 1981	RGL	Differential treatment.	<p>Review completed. Review of the arbitrary limit on the number of meetings the Western Australian Greyhound Racing Association may conduct. Review 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. 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</p>	<p>The Government endorsed the review recommendations. New racing legislation was enacted on 26 June 2003. It removed provisions that limit the number of meetings that the Western Australian Greyhound Racing Authority may hold.</p>

<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. Act amended in July 2000 to achieve review recommendations.</p>
Western Australian Marine Act 1982	PI	Licensing.	<p>Review by the Allen Consulting Group completed in 2005. Review found that the competition restrictions were minor and in the public interest.</p>	<p>Maritime Bill 1999 and Maritime and Transport Legislation Amendment and Repeal Bill 1999 tabled and if enacted would have had effect of repealing Western Australian Marine Act 1982.</p>
Western Australian Meat Industry Authority Act 1976	A	<p>Controls on abattoir capacity, controls on branding, and regulations of saleyards, abattoirs and processing works.</p>	<p>Review by officials completed in 1998. Review recommended:</p> <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. 	<p>Amendments incorporated into the Acts Amendment and Repeal (Competition Policy) Act 2003.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Planning Commission Act 1985	PI	Controls on land use, via town planning schemes	Consolidation of the planning legislation reactivated with the release of a position paper in April 2002. A number of submissions on the position paper received.	The Planning and Development Act 2005 and the Planning and Development (Consequential and Transitional Provisions) Act 2005 aim to provide a clearer certain and workable planning system.
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.	Review completed. 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.	The Government endorsed the review recommendations. Act retained without reform.
Western Australian Reproductive Technology Council (Nominating Bodies) Regulations 1992 and Directions	DH		Review completed in February 2000.	Licensing, complaints, and disciplinary matters are now subject to the State Administrative Tribunal established on 1 January 2005. The regulations are included in schedule 2 of the Statute Law Revision Bill 2005 and will be repealed. The Bill remains in the legislative Council following introduction in March 2005.
Western Australian Treasury Corporation (Amendment) Bill 1997	TF	Act provides an exemption to the Corporation from State Government duties, imposts or taxes. The amendment Bill weakened this restriction by removing the Corporation's outright exemption, but allows the Treasury to grant an exemption where it is considered to be in the public interest.	Review completed. Review found that the potential effects of the Treasurer using his discretion to exempt the Corporation from certain taxes, duties or imposts were minor. The Treasurer is only likely to grant an exemption if the securities issued by the Corporation are at an unfair competitive disadvantage to securities issued by the Commonwealth and other government borrowers. Recommended retaining the restriction.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Western Australian Treasury Corporation Act 1986	TF	Act provides an exemption to the Corporation from State Government 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 Commonwealth and other government borrowers. Recommended retaining the restriction.	Act retained without reform.
Wheat Marketing Act 1989	A	Imports Commonwealth Act into State jurisdiction.	Review not required.	Act no longer operating and was repealed in the Acts Amendment and Repeal (Competition Policy) Act 2003.
Wild Cattle Nuisance Act 1871	A	Regulates the destruction of wild cattle.	Review by officials completed. It recommended repealing the Act as it is redundant.	Repealed by the Statutes Repeals and Minor Amendments Act 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 Western Australia, or moving those animals out of the Western Australia, 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.	Act retained without reform in accordance with review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workers' Compensation and Rehabilitation Act 1981	WCRC	Mandatory insurance, licensed insurers and centralised premium setting.	Review completed in early 2002.	WorkCover progressed minor legislative change.

7 South Australia

Agency nomenclature abbreviations

The following abbreviations are used in the 'Agency' column of the South Australian (SA) legislation review timetable. This nomenclature identifies the relevant agency at the time of the 2005 National Competition Policy (NCP) assessment.

AIS	Department of Administrative and Information Services (Office for Government Enterprises)
BMT	Department of Business, Manufacturing and Trade
FC	Department for Families and Communities
EH	Department of Environment and Heritage
ECS	Department of Education and Children's Services
FEEST	Department of Further Education, Employment, Science and Technology
H	Department of Health
J	Justice (Attorney-General) Department
PLG	Department of Planning and Local Government
P&C	Department of Premier and Cabinet
PIR	Department of Primary Industries and Resources
T&F	Department of Treasury and Finance
TEI	Department of Transport, Energy and Infrastructure
TUP	Department of Transport and Urban Planning*
WLBC	Department of Water, Land and Biodiversity Conservation

*This department was disbanded in 2004 and its responsibilities devolved to the Department of Planning and Local Government and the Department of Transport, Energy and Infrastructure.

Legislation review schedule: South Australia

Updated to 23 October 2009

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Advances to Settlers Act 1930	T&F	Restricts market conduct.	Review not required as Act to be repealed.	Repealed by the Statutes Amendment and Repeal (National Competition Policy) Act 2003.
Agricultural and Veterinary Chemicals (South Australia) Act 1994	PIR	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction. See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	National review of agricultural and veterinary chemicals completed in 1999. Review report released by the Standing Committee on Agriculture and Resources Management in March 1999. See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994. Act is mirror legislation to put in place national harmonised system. Currently under Council of Australian Governments (COAG) review.	Reform of state and territory legislation that automatically adopts the national code not completed.
Agricultural Chemicals Act 1955	PIR	Requires chemicals to be sold with registered label. Requires chemicals to be used as per label or Ministerial directions.	Act to be replaced by new legislation. Review of legislative proposal found all proposed restrictions to be in the public interest.	The Agricultural and Veterinary Products (Control of Use) Act 2002 passed.
Agricultural Holdings Act 1891 (The)	PIR	Restricts market conduct.	Review completed in 1999. Review recommended repeal.	Act repealed in April 2000.
Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986	WLBC	Barrier to market entry and restricts market conduct.	Review, in conjunction with the Soil Conservation and Land Care Act 1989, completed in 1997. Review recommended retention of all existing restrictions.	Act repealed as part of creation of the Natural Resources Management Act 2004.
Apiaries Act 1931	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed in September 1998.	Act repealed by Schedule 2 of the Livestock Act 1997 and replaced by regulations under the Livestock Act 1997 and the Primary Industries Funding Schemes Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1939	PLG	Restrictions on registration, entry requirements, reservation of title, disciplinary processes, business conduct (including advertising - accuracy), business licensing and advertising.	<p>National review by the Productivity Commission (PC) completed in August 2000 and publicly released in November 2000. (Previous state review completed, with results to be reconsidered following PC review outcomes). PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act.</p> <p>A states and territories working group led by New South Wales (NSW) developed a national response to the PC review which received broad acceptance from all jurisdictions.</p>	<p>Legislation being prepared to amend the Act.</p> <p><u>Post 2005:</u> Architectural Practice Act 2009 introduced into Parliament on 16 April 2009 – yet to come into operation.</p>
Authorised Betting Operations Act 2000	T&F	Exclusive licences, operations, barrier to entry, licensing and market conduct.	<p>Omnibus review completed. Review found that removal of the Totalizator Agency Board (TAB) exclusive licence would involve significant compensation costs. In regard to other betting, the review recommended: allowing the major betting operations licensee to conduct fixed odds betting on races; allowing bookmakers be a body corporate; removing minimum telephone bet limits for bookmakers; and clarifying the criteria for issuing bookmakers' permits.</p>	<p>The phase out period of for the removal of minimum telephone bets completed on 1 July 2004. Amendments that allow fixed odds betting by the TAB, bookmakers to be a body corporate and clarifying criteria for issuing permits to bookmakers passed in May 2004.</p> <p><u>Post 2005:</u> Act amended to allow the operation of interstate betting operations in South Australia. Amendments commenced 1 March 2009.</p> <p>Tentatively scheduled for review 2014-15.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Barley Marketing Act 1993	PIR	Vests ownership of all barley and oats grown in SA in the Australian Barley Board.	<p>NCP review by the Centre for International Economics (CIE) completed in 1998 jointly with Victoria. Review recommended that SA:</p> <ul style="list-style-type: none"> • remove the domestic barley marketing monopoly • remove the oats marketing monopoly • retain the export barley marketing monopoly for only the 'shortest possible transition period', and • restructure the Australian Barley Board as a private grower-owned company. <p>Second review in 2003 by Professor David Round et al recommended 'controlled deregulation' in which the single desk is exposed to competitive challenge through reform – along the lines of Western Australia's Grain Marketing Act – whereby Australian Barley Board Grain Ltd would retain a principal barley export licence and, a year after the passage of reform legislation, an independent authority would license barley exports by other marketers that the authority determines do not threaten the price premiums that Australian Barley Board Grain Ltd achieves as a result of its market power.</p>	<p>Act amended in 1999 to remove monopoly on domestic barley and oats from 1 July 1999, and export barley from 1 July 2001. The Board transferred into grower ownership on 1 July 1999. It has no regulatory powers. In 2000, the Government moved to amend the Act to remove the export monopoly sunset (thus continuing the export monopoly).</p> <p>In June 2004, a Bill to partially deregulate barley exporting lapsed.</p> <p><u>Post 2005:</u></p> <p>Act repealed by the Barley Exporting Act 2007. New Act declares barley exporting as a regulated industry for the purposes of the Essential Services Commission Act 2002, and establishes a barley export licensing arrangement administered by the Essential Services Commission of South Australia, a Barley Exporting Advisory Committee and a panel of expert witnesses for District Court for any disputes.</p> <p>ss23 of the 2007 Act requires the Minister to cause a review of the Act to be undertaken within the 2 years of its commencement and the Act to expire on its third anniversary of its commencement (30 June 2010). The Report on the Act Review is due in November 2009 for tabling in both houses of parliament in early December.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Benefit Associations Act 1958	T&F	Restricts market conduct.	Desktop review completed in December 1999. Review found that the Act provided a net public benefit but recommended investigation of whether other existing legislation could be amended to encompass the consumer protection role provided by the Act (probably the Fair Trading Act).	Investigation undertaken. Matter considered by Cabinet. Draft amendments to the Pre-paid Funerals Code of Practice prepared. There are two "funeral benefit businesses" operating under the Act with distinctly different operations. Problems were encountered when consulting with the two businesses in meeting the need for an effective code of practice and the expectations of both businesses and funeral directors offering Pre-paid funeral contracts.
Branding of Pigs Act 1964	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed in June 2000.	Act repealed by Schedule 2 clause 1(c) Livestock Act 1997 (proclaimed in 2003) and replaced by new regulations under that Act.
Brands Act 1933	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed in September 1998.	Act repealed by Schedule 2 clause 1(c) Livestock Act 1997 (proclaimed in 2003) and replaced by regulations under that Act.
Building and Construction Industry Training Fund and Levy Collection Act 1990 and Regulations	FEEST	Differential treatment in regard to the imposition of the training levy depending on industry sector and construction work threshold.	Review completed. Review involved intra and inter agency consultation. Review recommended restrictions be retained.	Act retained without reform.

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Building Work Contractors Act 1995	J	Licensing (building work contractors), registration (building work supervisors), entry requirements (for contractors: qualifications, experience, sufficient business knowledge and experience and financial resources, fit and proper, not bankrupt within last ten years; for supervisor: qualifications and experience), the reservation of practice, disciplinary processes, business conduct (written contracts, product or service standards, statutory warranty).	Review completed. The panel's supplementary issues paper released in October 2001 for public and industry comment. Review recommended that the Government retain the licensing and registration provisions. The part of the review dealing with the financial resources requirements for contractors and mandatory building indemnity insurance was omitted from the final report released by the Government. This area was referred back to the review panel for reconsideration in light of the collapse of HIH, one of only two providers of building indemnity insurance in SA. The finalisation of the Supplementary Review of the financial resources and building indemnity insurance requirements was deferred pending completion of the national reform process. SA will subject any increase in the financial requirements to its gatekeeper processes.	The Government retained the licensing and registration requirements, as recommended by the review. <u>Post 2005:</u> Act to be reviewed as part of the National Licensing Project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.
Bulk Handling of Grain Act 1955	PIR	SA Co-operative Bulk Handling Limited granted sole right to receive and deliver grain subject to obligation to charge uniform prices and to receive all grain tendered.	Review completed in 1998. Review recommended repeal.	Act repealed in 1998.
Business Names Act 1996	J	Registration of business names.	Desktop review completed in 1998. No reform recommended.	Act retained without reform. <u>Post 2005:</u> Act to be repealed as part of the Registering Business Names project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.

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Carriers Act 1891 (The)	J	Restricts market conduct.	Review completed in 1999. Review involved public consultation.	Act repealed in 1999.
Casino Act 1997	T&F	Exclusive licence and controls on operations of licence holder.	Omnibus review of SA's gambling legislation completed. Review found that removal of exclusivity would involve significant compensation costs.	The Government accepted the review findings and undertook to review the case for exclusivity toward the end of the exclusivity period. <u>Post 2005:</u> The Act retains the exclusivity in s7. Act tentatively scheduled for review 2014-15.
Cattle Compensation Act 1939	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed in September 1998.	Act repealed by Schedule 2 of the Livestock Act 1997 and replaced by regulations under the Livestock Act 1997 and the Primary Industries Funding Schemes Act 1998.
Children's Protection Act 1993	FC	Restricts market conduct – requires mandatory notification.	Review completed in 1999. No competition restrictions identified.	NCP reform not required.
Children's Services Act 1985 and Regulations	ECS	Barrier to market entry and restricts market conduct.	Review, in conjunction with the Education Act, completed in 2000. Review recommended that barriers to market entry and market conduct be retained.	The Government endorsed the review recommendation. NCP reform not required. <u>Post 2005:</u> This and the Education Act are currently the subject of a general legislative review process. The latest discussion paper talks about the possibility of creating a single Act to cover both education sectors.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropodists Act 1950	HS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, ownership and business licensing.	Review completed in January 1999, recommending removing ownership and advertising restrictions and limiting reserved practice.	Review recommendations implemented by the Podiatry Practice Act 2005 which was proclaimed on 19 January 2006. <u>Post 2005:</u> Act to be repealed upon commencement of the Health Practitioner Regulation National Law on 1 July 2010.
Chiropractors Act 1991	HS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, insurance, business licensing and ownership.	Review completed in 1999. Review recommended removing ownership restrictions and amending practice reservation and advertising codes.	Review recommendations implemented by the Chiropractic and Osteopathy Act 2005 which was proclaimed on 4 May 2006. <u>Post 2005:</u> Act to be repealed upon commencement of the Health Practitioner Regulation National Law on 1 July 2010.
Citrus Industry Act 1991	PIR	Act establishes Citrus Industry Board and Citrus Industry Fund Purpose and responsibilities. Restricts market conduct.	NCP review completed in 2001. Review recommended that an association representative of the citrus industry in SA be nominated under the Primary Industry Funding Schemes Act 1998 as an administrator of a fund established under the Act to undertake those functions performed by the Citrus Board of South Australia which provide industry benefit. The Act would then be repealed. Act reviewed again in 2005.	Community consultation in early 2004 in which industry requested that total deregulation not occur immediately, and that some form of citrus industry legislation be retained. Subsequently the Citrus Industry Act 2005 and Regulations enacted. This Act removed the Citrus Board's marketing elements while retaining its citrus industry development and food safety functions.

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Coast Protection Act 1972	EH	Restricts market conduct.	Review completed in December 1999. Review involved public consultation. No NCP reform recommended.	Act retained without reform. <u>Post 2005:</u> Ten-year competition review planned for 2010 in conjunction with a current policy review ahead of potential reforms to the Act scheduled for 2011/2012.
Collections for Charitable Purposes Act 1939	T&F	Restricts market conduct by requiring collectors to be licensed.	Desktop review completed in November 1999. Review found that the Act provided a net public benefit and thus no reforms recommended.	Act retained without reform.
Commercial Vehicles (Hours of Driving) Act 1973	FEEST		Reviews completed in 1997 and 2004.	Act repealed.
Construction Industry Training Fund Act 1993	TUP	Restricts market conduct.	Two reviews completed; one in 1997 and the other in 2004. Review involved intra and inter agency consultation. Review recommended restrictions be retained.	Act retained without reform.
Consumer Credit (South Australia) Act 1995	J	Barrier to market entry and restricts market conduct.	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. 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 Consumer Credit Code Management Committee (UCCCMC) which is facilitating the resolution of some issues.	Act to be repealed as part of the Consumer Credit project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy. The UCCCMC working on implementation of the review recommendations. Queensland began drafting revised legislation in 2004 that will form a template for other jurisdictions. NSW drafting code provisions relating to pre-contractual disclosure that will be incorporated in the template legislation.
Controlled Substances Act 1984	H	Controls on labelling, packaging, advertising and sales of listed substances.	Part of the Galbally Review of Drugs, Poisons and Controlled Substances. Review issued a final report in January 2001. Review concluded that there are sound	Since the release of the Report of the Galbally review, the Australian and New Zealand governments have agreed to establish a joint agency

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
			<p>reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and non-legislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to the Australian Health Ministers Conference in early 2001. The Australian Health Ministers Advisory Council (AHMAC) working party recommended to the COAG in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12-month period from COAG's endorsement of the recommendation.</p>	<p>for the regulation of therapeutic products, accountable to both the New Zealand and Australian governments. These arrangements were to commence on 1 July 2005, but were deferred for 12 months to allow for consultation.</p> <p>States and territories to amend their drugs, poisons and controlled substances legislation, where necessary, to appropriately reference relevant parts of the Australian Government's legislation relating to the trans-Tasman agency.</p> <p>Amendments to the Controlled Substances Act still awaiting agreement at the national level.</p> <p>Uniform scheduling of poisons still under discussion by senior officers reporting to the AHMAC working party.</p> <p>Some amendments to reference parts of the Commonwealth legislation have been progressed through amendments to regulations; an amendment to the Act was not necessary.</p> <p>SA intends to implement the review recommendations following their endorsement by COAG. The removal of manufacturer and wholesaler licensing for S5 and S6 poisons is to be progressed by amending the Regulations.</p>

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Conveyancers Act 1994	J	Licensing, registration, entry requirements (qualifications, no convictions for offences of dishonesty), the reservation of practice, disciplinary processes, business conduct (professional indemnity insurance, trust accounts, ownership) and business licensing.	Review completed in 1999. Review involved public consultation. Review recommendations included: changing entry requirements in relation to fitness and propriety; removing ownership restrictions (but introducing requirement that a director of an incorporated company must not unduly influence a registered conveyancer); and removing the requirement that the sole object of a conveyancing company is carrying on business as a conveyancer.	Act amended by the Conveyancers (Corporate Structures) Amendment Act 2004. <u>Post 2005:</u> To be reviewed as part of the Electronic Conveyancing project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.
Cooper Basin (Ratification) Act 1975	PIR	Ratifies the contract for the supply of gas by Cooper Basin producers to Australian Gas Light Company.	Review completed in 1996. Review found substantial public benefits in continuing previously granted concessions and exemptions on grounds of sovereign risk.	Amendments introduced to Parliament in 2003 and commenced in December 2003.
Cremation Act 1891	J	Barrier to market entry and restricts market conduct.	Review completed in 1999.	Act repealed by the Cremation Act 2000, which abolished licences and removed need for Health Commission approval prior to Development Act approval and funeral directors possible monopoly.
Criminal Law Consolidation Act 1935 Section 82A	J	Requires pregnancy terminations to be performed in prescribed hospitals.	Review not required. Cabinet approved removal from program.	
Crown Lands Act 1929	EH	Restricts market conduct.	Review completed in December 1999. Review involved public consultation. Restrictions on competition trivial and no NCP reforms recommended.	Removal of barriers to more cost efficient processes and repeal of superfluous provisions approved. Cabinet approved the redrafting of the Act. Act amended in 2003. <u>Post 2005:</u> Act to be repealed by Schedule 1 clause 6(a) of the Crown Land Management Act 2009 (as yet uncommenced).

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Dairy Industry Act 1992	PIR	Vests milk in Dairy Authority of SA. Sets farm gate price for market milk and pools market milk returns. Licenses farmers, processors and vendors.	Review of price-setting restrictions by officials completed in 1999. Review recommended removal of these. Food safety provisions remain under review by officials who have developed a discussion paper for new primary industry 'food safety' legislation that would incorporate provisions for the dairy industry.	In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, SA passed the Dairy Industry (Deregulation of Prices) Amendment Act 2000 on 1 June 2000, deregulating the industry from 1 July 2000. Reform of food safety-related licensing provisions. Act repealed when Primary Produce (Food Safety Schemes) Act 2004 created.
Dairy Industry Assistance Act (Special Provisions) Act 1978	PIR		Review completed in 1999. Review recommended repeal of the Act.	Act repealed in 2000.
Dangerous Substances Act 1979	AIS	General duty of care in keeping, handling, conveying, using or disposing of dangerous substances; licences to keep and convey dangerous substances.	Review, in conjunction with the Explosives Act 1936 and the White Phosphorus Matches Prohibition Act 1915, completed in 1999. It found that the benefits of restrictions outweigh the costs. No reforms recommended.	Act is consistent with national standards for transportation of dangerous goods. SA to introduce legislation that will widen the application of national standards under the Act to include the storage and handling of dangerous goods and the transport of explosives.
Deer Keepers Act 1987	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed.	Act repealed by Schedule 2 clause 1(e) of the Livestock Act 1997 and replaced by regulations under that Act and the Primary Industries Funding Schemes Act.

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Dentists Act 1984	H	Restrictions on entry, registration, title, practice, disciplinary provisions, ownership, advertising and business conduct.	Review completed in February 1999. Review recommendations included changing the disciplinary process, introducing paraprofessional registration and removing some areas of reserved practice. The review also recommended the removal of ownership restrictions.	Act repealed and replaced by the Dental Practice Act 2001, which commenced in June 2003. New Act retained limits on ownership and related restrictions, contrary to review recommendations. <u>Post 2005:</u> Act amended in 2006 to remove ownership restrictions. Act to be repealed upon commencement of the Health Practitioner Regulation National Law on 1 July 2010.
Development Act 1993	PLG	Controls the uses to which land may be put. Sets procedures for the issue of planning permits and approval.	Review completed in July 1999. Review recommendations included: requiring Crown developments to be subject to building rules and fire safety requirements consistent with those for private buildings; allowing private certification of private development; and removing the obligation for planning authorities to obtain independent advice for non-complying developments.	Majority of recommendations implemented. Public interest justification provided where recommendations not accepted. <u>Post 2005:</u> Further review in 2008 resulted in a three-year program, the Planning Reform initiatives include a multi-pronged approach to achieve faster assessments and approvals for the full range of residential home building matters, from minor improvements through to major extensions and even new dwellings.
Discharged Soldiers Settlement Act 1934	EH	Restricts market conduct.	Review, involving public consultation, completed in December 1999. Review recommended repeal of legislation.	<u>Post 2005:</u> Act to be repealed by Schedule 1 clause 6(b) of the Crown Land Management Act 2009 (as yet uncommenced).

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Dried Fruits Act 1993	PIR	Restricts market conduct.	Review completed. Review recommended repeal of Act and establishment of a voluntary industry development fund under Primary Industries Funding Schemes Act.	Act repealed in November 2003.
Education Act 1972 and Regulations	ECS	Barrier to market entry and restricts market conduct. Provides for registration of non-government schools and for registration of non-government schools wishing to enrol overseas students. Teacher licensing, registration, entry requirements (qualification, experience, fit and proper person), reservation of practice and disciplinary processes.	Review, in conjunction with the Children's Services Act 1985, completed in July 2000. Review involved public consultation. Review recommended that the current barriers to market entry and market conduct be retained.	The Government endorsed the review recommendation. Legislation retained without reform. <u>Post 2005:</u> These two Acts are currently the subject of a general legislative review process. The latest discussion paper talks about the possibility of creating a single Act to cover both education sectors.
Electrical Products Act 1988	TEI	Restricts market conduct.	Review completed.	Electrical Products Act 2000 operative on 1 October 2001. National review subject to Regulatory Impact Statement presently underway. Anticipate review of Act in 2010 /11 in accordance with the results of the national review.
Electricity Act 1996	T&F	Restricts market entry and market conduct.	Review completed in September 2000. Review involved public consultation. No reform recommended as Act facilitates regulation of electricity supply in SA in conjunction with other national electricity market reforms.	Act retained without reform. <u>Post 2005:</u> Under the Ministerial Council for Energy -National Energy Customer Framework a state based assessment will be undertaken in 2010.

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Electricity Corporation Act 1994	T&F	Restricts market entry and market conduct.	Review completed in September 2000. Review involved public consultation. No reforms recommended as Act facilitates establishment of state owned corporations in SA in conjunction with other national electricity market reforms.	Act retained without reform.
Emergency Powers Act 1941	P&C	Barrier to market entry and restricts market conduct in wartime.	Desktop review completed in December 1998. Review recommended repeal of the Act.	Act repealed by the Statutes Amendment and Repeal (National Competition Policy) Act 2003.
Employment Agents Registration Act 1993	AIS	Licensing, entry requirements (fit and proper, manager with sufficient knowledge and experience to manage business), the reservation of practice and business conduct (maintenance of records, no misleading advertising).	Review completed in October 2000. Review recommended the removal of the requirement to hold a licence, that controls be placed on fee charging arrangements and that a mandatory industry specific code of conduct be developed.	Matter under consideration.
Enfield General Cemetery Act 1944	TUP	Restricts market conduct. Exemption from section 586 of Local Government Act.	Review completed in July 1999. Review involved public consultation. Recommended certain sections of the Act were to be amended to remove the competitive advantage or disadvantage.	Review recommendations implemented through the Adelaide Cemeteries Authority Act 2001, operative on 1 January 2002.
Environment Protection Act 1993	EH	Barrier to market entry and restricts market conduct.	Review completed in 1999. Review involved public consultation. No NCP reform recommended.	Act retained without reform.
Explosives Act 1936	J	Barrier to market entry and restricts market conduct.	Desktop review completed in December 1999. Act centres on safety and does not provide primary economic control of the industry. No reforms recommended.	Act retained without reform.

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Fair Trading Act 1987		Regulation of the supply, advertising and distribution of goods and services	<p>NCP review completed in 2002. Review recommended retaining all provisions of the Act for their net public benefit, but highlighted some trivial restrictions on competition for consideration in a forthcoming general review of the Act:</p> <ul style="list-style-type: none"> • increasing the door-to-door sales threshold from \$A50 to \$A100 • reviewing the need to retain fair reporting provisions when sufficient time has elapsed, to ascertain the adequacy of the Commonwealth Privacy Act • considering the repeal of the s. 40 requirements on the clarity of the price information on ticketed prices, and • repealing or increasing the level of certainty in, third party trading scheme provisions. 	<p>Act retained without reform.</p> <p><u>Post 2005:</u></p> <p>To be reviewed as part of the Australian Consumer Law project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.</p>

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Family and Community Services Act 1972	FC	Barrier to market entry and restricts market conduct of foster care agencies.	Review completed in 1999. It recommended removal of provisions preventing the for-profit sector entering into grant allowance agreements for the provision of long-term care.	The Government considered the recommendation is not in the public interest and should be rejected because the not-for-profit sector subsidises the cost of these services considerably and therefore it is very unlikely that for-profit agencies would enter this market; there are no reliable and consistent benchmarks against which a for-profit agency could be held accountable; and there is a considerable risk that a for-profit agency would need to cut services in order for it to be financially viable. The Government believed that there is a strong community benefit argument for maintaining the provision, and that it is in the public interest that the Minister has the discretionary power to have a preferred provider sector. The Government proposed no change.
Financial Institutions (Application of Laws) Act 1992	J		Review not required. Act to be repealed.	Act repealed by the Financial Sector Reform (South Australia) Act 1999. (National reform to transfer responsibility to Commonwealth).
Firearms Act 1977	J	Restriction of ownership of and dealing in firearms.	Desktop review completed in July 1999. No reform recommended.	Act retained without reform. COAG agreement to reforms in 2003. <u>Post 2005:</u> Further amendments made in 2008.

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Fisheries (Gulf St Vincent Prawn Fishery Rationalisation) Act 1987	PIR	Imposes on remaining licence holders the cost of compensating those who surrendered their licences.	Review by officials completed in 1999. Act has achieved the objective of reducing licence numbers.	Settlement with remaining licensee finalised. Act will cease 30 November 2007. No longer restricting competition in practice.
Fisheries (Southern Zone Rock Lobster Fishery Rationalisation) Act 1987	PIR	Licensees may not transfer their licences. Imposes on remaining licence holders the cost of compensating those who surrendered their licences.	Review by officials completed. Act has achieved the objective of reducing licence numbers.	Act repealed in 2001
Fisheries Act 1982	PIR	Licensing of fishers and fish farmers. Registration of boats and fish processors. Input controls on gear and fishing methods. Output controls such as catch limits, size limits and prohibitions on taking certain species.	Review by officials completed in October 2002. It recommended the Government: <ul style="list-style-type: none"> remove the prohibition on any person from holding more than one fishery licence further review the prohibition in the marine scale fishery on persons other than vessel masters from holding fishery licences, and issues such as the case for stronger property rights, licence tenure, corporate and foreign ownership of commercial fishing licences, and permanent transfer of quota, and refer other restrictions in specific fisheries to the respective industry consultative committee. 	In November 2003 the Government removed the prohibitions on fishers holding more than one licence, and on corporate ownership. It has retained restrictions on persons other than vessel masters holding more than one licence in the Marine Scale, Lakes and Coorong fisheries and other restrictions specific to certain fisheries (eg rock lobster pot limits). Act to be replaced. <u>Post 2005:</u> New Act introduced – Fisheries Management Act 2007 – however significant restrictions remain under the Act and its various regulations. The October 2002 recommendation to remove the prohibition on any person from holding more than one fishery licence completed. Also Fisheries is presently working on other restrictions in specific fisheries through the respective industry consultative committees.

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Flinders University of South Australia Act 1966		No restrictions on competition.	Review not required.	Act retained without reform.
Food Act 1985	H	Specifies an offence to manufacture or sale food that does not meet prescribed standard.	National review completed in 2000. See the NSW Food Act 1989.	All states and territories agreed in November 2000 to adopt core provisions of the model Food Bill by November 2001. Food Act 2001 proclaimed on 1 December 2002.
Foot and Mouth Disease Eradication Fund Act 1958	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed June 1998.	Act repealed by the Livestock Act 1997 and replaced by new Part 5 of the Livestock Act.
Forestry Act 1950		Exclusive control and management of State forests by Forestry SA. Licensing of timber collection and taking of other resources. Administrative discretion over how licences and produce are allocated and priced	Review not required. Act not considered to restrict competition.	
Freedom of Information Act 1991	AIS	Government's ability to refuse access to information that relates to categories of exempt documents specified in Schedule 1 of the Freedom of Information Act, in particular documents affecting the economy of the State, documents affecting financial or property interests and documents affecting business affairs.	Desktop review completed in September 2000. Review found Act promotes competition by enabling access to official information on a regulated basis. No reform recommended.	Review report noted in Cabinet on 28 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>
Friendly Societies (South Australia) Act 1997	J	Restricts market conduct.	Review completed in 1997. Deleted from legislation review program.	Act repealed and replaced the Friendly Societies Act 1919, and subsequently repealed by the Financial Sector Reform (South Australia) Act 1999 (national reform to transfer responsibility to Commonwealth).
Friendly Societies Act 1919	J	Restricts market conduct.	Review completed.	Act repealed and replaced by the Friendly Societies (SA) Act 1997, subsequently repealed by the Financial Sector Reform (South Australia) Act 1999 (national reform to transfer responsibility to Commonwealth).
Fruit and Plant Protection Act 1992	PIR	Restricts market conduct.	Review completed. Recommends restrictions on competition should be retained on the basis of the net public benefit. Cabinet accepted the review panel's recommendation	Act retained without reform.
Fruit and Vegetables (Grading) Act 1934	PIR	Product standard restricts market conduct.	Review completed. Review recommended repeal of the Act.	Act repealed.

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Gaming Machines Act 1992	T&F	Gaming machines are restricted to licensed clubs, hotels and the Casino and there are controls on the number of machines allowed in licensed venues; granting of an exclusive monitoring licence to the Independent Gaming Corporation and an exclusive supply and service licence to the State Supply Board.	Part of an omnibus review of SA's gaming legislation completed in 2003. For gaming machines, the review recommended that: <ul style="list-style-type: none"> the restriction on gaming machine licences being issued to only hotels and clubs is justified on a harm minimisation basis the role of the State Supply Board as the single gaming machine supplier and service licensee should be removed and a more competitive market structure should be developed, and venues should be able to transfer the right to operate gaming machines (without breaching the venue cap). 	The Government accepted a number of the review recommendations. The Gaming Machines (Miscellaneous) Amendment Act 2004 addressed several issues. The Government retained the State Supply Board as a monopoly supplier of gaming machines on the basis that this allows regulatory standards to be met, but does not restrict venues in their dealings with gaming machine manufacturers. <u>Post 2005:</u> Draft amendments to the Gaming Machines Act to remove the State Procurement Board as the monopoly supplier of gaming machines to be considered by Parliament after Productivity Commission Review on gambling is finalised.
Garden Produce (Regulation of Delivery) Act 1967	PIR	Restricts market conduct.	Review completed. It recommended repeal of the Act.	Act repealed.
Gas Act 1997	TEI	Provides for separate licences to operate pipelines and to undertake gas retailing.	Review completed in 1999. Review found restrictions to be in the public interest.	Act retained without reform. <u>Post 2005:</u> Under the Ministerial Council for Energy -National Energy Customer Framework a state based assessment will be undertaken in 2010.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Government Financing Authority Act 1982	T&F	May restrict market conduct of government business enterprises.	Review completed in 1998. Review found that although technically there may be a restriction on 'market conduct' of Government Business Enterprises in being required to use South Australian Government Financing Authority's services, this is insignificant and there is no impact on private sector market conduct. Review found a net public benefit and no reforms recommended.	Act retained without reform.
Hairdressers Act 1988	J	Negative licensing, entry requirements (qualifications), reservation of practice (washing, cutting, colouring, setting, permanent waving or other treatment of a person's hair or the massaging or other treatment of a person's scalp for fee or reward).	Review completed in 1999. Review involved public consultation. Review recommended reducing the scope of work reserved for hairdressers and reviewing the Act in three years with view to its repeal. The Government endorsed review recommendations. A further review in 2005 found that remaining restrictions are in the public interest.	Act amended to implement the recommendations of the 1999 review in 2001.
Harbours and Navigation Act 1993	TUP	Governs harbour operations (market conduct).	Review completed in 1999. Review recommends no NCP reforms.	Intergovernmental agreement to develop nationally consistent legislation. The Government intends to make amendments progressively as national standards are agreed. Amendments to address NCP review recommendations were implemented in 2005. Matters governing commercial vessel regulation were left to the national process. It is anticipated that the Commonwealth will take over regulation under proposed COAG National Reform Agenda to improve business efficiency by 2013. The provisions will then be removed from the SA legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Heritage Act 1993	EH	Restricts market conduct.	Review completed in 1999. Review involved consultation with stakeholders. No NCP reform recommended.	Act retained without reform.
Highways Act 1926	TUP	Restricts market entry.	Review completed in 1998.	Relevant provisions of the Act repealed in 2000.
Housing Improvement Act 1940	FC	Barriers to entry and restricts market conduct.	Review completed in March 1999. Involved public consultation. Restrictions were assessed as trivial. One minor clarification to section 45 recommended.	Section 45 amendments did not proceed. Section 21 (1)(b) of the SA Housing Trust Act 1995 provides similar powers but opens up sales to any person. <u>Post 2005:</u> Full review of the Act currently underway.
Impounding Act 1920	PIR	Discretionary power for council to establish a pound.	Desktop review completed in December 2000. Review recommended repeal of Act and replacement with modern scheme.	Act does not contain any restrictions on competition.
Independent Gambling Authority Act 2001	T&F	Regulation of casino and gaming machines licensees.	Omnibus review of gambling legislation completed. Operations directly address harm minimisation probity issues. Provides public benefit without restricting competition	Reform not required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Industries Development Act 1941	BMT	Section 24, which contains provisions for making Regulations, may be in conflict with Trade Practices Act (TPA). There are no regulations currently under the Industries Development Act. Sections 14, 14a, 16a and 19a allow the Government to provide guarantees, loans, grants, land, equipment or the services of various professionals to businesses that SA seeks to attract to that State.	Review completed in July 2002. Review noted that there are currently no regulations under section 24 of the Act, and that a proposal to create any such regulations would need to be accompanied by a NCP review demonstrating a net public benefit. Review acknowledged that sections 14, 14a, 16a, 19 and 24 might enable decisions to be made that are anti-competitive or discriminatory.	The Government accepted recommendations. Reform not required.
Land Agents Act 1994	J	Licensing (agents, not sales representatives who are negatively licensed), registration, entry requirements (qualifications, no conviction for an offence of dishonesty, not an undischarged bankrupt or no suspension or disqualification from practising an occupation, trade or business), the reservation of practice, disciplinary processes, business conduct (provisions for maximum fees in regulations (but not used currently), indemnity fund, trust account) and business licensing.	Review, involving public consultation, completed. Review recommended that legal practitioner qualifications be sufficient for registration as a land agent (subject to legal practitioners demonstrating competence in appraisal) and adopting national competency standards for agents and sales representatives (when agreed by the Standing Committee of Attorneys-General (SCAG)).	Review recommendations implemented administratively. <u>Post 2005:</u> Subject to review as part of the National Licensing project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land and Business (Sale and Conveyancing) Act 1994	J	Business conduct of agents, conveyancers and vendors of property for sale of land or small business (information provision, cooling-off, subdivided land, relationship between agent and principal, preparation of conveyancing instruments, representations).	Review completed in 1999. Review involved public consultation and recommended no reform.	The Government endorsed review recommendation. Reform not required. <u>Post 2005:</u> Subject to review as part of the National Licensing project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.
Land Valuers Act 1994	J	Negative licensing, entry requirements (qualifications or membership of various professional associations), the reservation of practice and disciplinary processes.	Review completed in 1999. Review recommended that the requirement for valuers to hold prescribed qualifications be retained in the Act. Review concluded that the current qualification requirements are too onerous in relation to the postgraduate qualifications and that the Government should consider re-examining the current requirements and broadening the number and type of acceptable qualifications.	The Government endorsed review recommendations. Training reforms to be implemented administratively. <u>Post 2005:</u> Subject to review as part of the National Licensing project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.
Landlord And Tenant Act 1936	J	Restricts market conduct.	Review completed in 1999.	Relevant provisions repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practitioners Act 1981	J	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice and business conduct (including monopoly professional indemnity insurance).	Review completed in October 2000. It recommended considering opening up further areas of legal work to competition with non-lawyers, monitoring national developments in relation to business structures and retaining the professional indemnity insurance monopoly.	<p>The Legal Practitioners (Miscellaneous) Amendment Act 2003 implemented most NCP reforms. Reforms relating to multi-disciplinary practices and professional indemnity insurance which was part of the national model laws project was not passed by the SA Parliament.</p> <p><u>Post 2005:</u></p> <p>Subject to review as part of the reform of the legal profession regulation project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.</p>
Liquor Licensing Act 1985	J	Legislation contains a proof-of-need test requiring licence applicants to demonstrate that a consumer need exists for the grant of a licence; and a requirement that only hotels and retail liquor stores devoted to sale of liquor exclusively may sell liquor.	<p>Review completed in 1996. Review recommended:</p> <ul style="list-style-type: none"> • removal of several restrictions including a requirement that the licensing authorities take account of the impact of a new licensee on existing licence holders • retention of restrictions proof of need test and requirement that liquor can only be sold from stores devoted entirely to liquor sales, and • further review of liquor licensing arrangements in 3 or 4 years (when impacts of less regulated approaches in other jurisdictions are clear). 	Act repealed and replaced by the Liquor Licensing Act 1997. The new act removed several restrictions on the sale of liquor.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Licensing Act 1997	J	Proof of need test requiring applicants to demonstrate a consumer need exists for the grant of a licence. Only hotels and retail liquor stores devoted exclusively to the sale of liquor may sell liquor.	New legislation following SA's review of its Liquor Licensing Act 1985. Draft review recommendation April 2003 for removal of needs test. Draft review noted that the requirement for separate premises is interpreted similarly to other jurisdictions ie liquor sales must be from separate premises, but these may be under the same roof as say a supermarket.	New Act retained the concept of "proof of need" to contain the number of outlets and also retained the requirement that liquor can only be sold from stores devoted entirely to liquor sales.
Loans to Producers Act 1927	T&F	Restricts market conduct.	Review not required. Act to be repealed.	Act repealed by the Statutes Amendment and Repeal (National Competition Policy) Act 2003.
Local Government Act 1934	PLG	Restricts market conduct and product and service standards.	Review completed in 1999, except for the cemetery provisions for which, in turn, an NCP review was commenced in early 2000 that was subject to targeted consultation. NCP review of cemetery provisions completed in 2002. NCP review of Local Government Act 1999 (repealing most of Local Government Act 1934) completed.	The Local Government Act 1999 repealed most of the 1934 Act. Provisions remaining in the Local Government Act 1934 are either progressively being repealed, or being considered as part of other legislation reviews (with the intent of being transferred to or being integrated into appropriate functional legislation). Some provisions relating to cemeteries repealed by Statutes Amendment and Repeal (National Competition Policy) Act 2003. Remaining provisions regulating septic tank systems, country taxis, and boarding houses targeted for future repeal as other legislation is enacted.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Lottery and Gaming Act 1936	T&F	Barrier to market entry and restricts market conduct.	<p>Omnibus review completed in 2003. It recommended retaining the effective exclusivity of the Lotteries Commission's licence because exclusivity:</p> <ul style="list-style-type: none"> • ensures a wide distribution network that includes regional SA • provides for the highest probity standards • maximises the revenue available to the community, and • provides low lottery entry costs compared with those in the Australian Capital Territory (ACT) where there is competition between lottery suppliers. <p>See the State Lotteries Act 1966.</p>	The Government accepted review recommendation that revoking exclusive licences would not be in the public interest. Act retained without reform.
Manufacturing Industries Protection Act 1937	J	Exempts some industries from legal requirements applying to competitors.	Review completed March 1999. Review involved public consultation.	Act repealed in 1999.
Margarine Act 1939	PIR	Restricts market conduct.	Review completed. Review recommended repeal.	Act repealed.
Marginal Dairy Farms (Agreement) Act 1971	PIR	Restricts market conduct.	Review completed in 1999. Review recommended repeal of the Act.	Act repealed in April 2000.
Maritime Services (Access) Act 2000	AIS	Provides regime for third party access to channels, defined common user berths, berths adjacent to grain handling facilities and grain handling facilities (belts). Provides for the regulation of prices in respect to certain essential maritime services provided by the private port operator.	New legislation.	<p><u>Post 2005:</u></p> <p>Act reviewed in 2007 and amended in 2009 to implement undertakings under the Competition and Infrastructure Reform Agreement and improvements in effectiveness identified by the review.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Meat Hygiene Act 1994	PIR	Requires accreditation of meat processors. Requires meat inspectors and auditors to enter an agreement with the Minister.	Review completed in 2000. Review recommended extension to cover rabbit meat and retail within the scope of the Act.	Repealed by the Primary Produce (Food Safety Schemes) Act 2004 with effect from 1 July 2006.
Medical Practitioners Act 1983	HS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising and business conduct.	Review completed in 1999. Review recommended removing ownership restrictions, registering medical students, requiring declaration of commercial interests and requiring practitioners to have professional indemnity insurance.	The South Australian Medical Practice Act 2004 implemented key review recommendations relating to the medical profession, including the removal of ownership restrictions. Medical Practice Act 2004 proclaimed on 21 April 2005. <u>Post 2005:</u> Act to be repealed upon commencement of the Health Practitioner Regulation National Law on 1 July 2010.
Mines And Works Inspection Act 1920	PIR	Mine inspector may order the cessation of mining.	Review completed in December 2002. Review did not find restrictions require reform but did recommend repealing the health and safety provisions in the Mines and Works Inspection Act because occupational health and safety legislation now deals with these matters. It also recommended incorporating the remaining provisions of the Act in other appropriate legislation (such as the Mining Act).	Act amended in 2003.
Mining Act 1971	PIR	Mining prohibited without licence. Term of exploration licences – 5 years. Term of extraction (mining) licences - 21 years (renewable).	Review completed in December 2002. Review did not identify any restrictions on competition requiring reform in the Mines and Works Inspection Act and the Mining Act.	

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Motor Accident Commission Act 1992	T&F	No restrictions on competition – restrictions contained under Part 4 of the Motor Vehicles Act.	See Motor Vehicles Act 1959.	Reform not required.
Motor Vehicles Act 1959	TUP	Barrier to market entry and restricts market conduct. Mandatory insurance, monopoly insurer, centralised premium setting.	<p>Review into tow truck operators, motor driving instructors and compulsory third party (CTP) insurance completed. CTP insurance review completed in 1998, recommending removing the monopoly and controls on premiums. Second review completed in 1999, rebutting previous review's recommendations. Government issued both reviews for public consultation in early 2001.</p> <p>Review of Motor Driving Instructors completed. Review recommended minor amendments to the legislation to reflect the terminology used by the industry and these are not competition issues</p>	<p>Uniform national motor vehicle registration and driver licensing legislation implemented July 2001.</p> <p>The Government announced retention of mandatory insurance, the sole provision of insurance by the Motor Accident Commission and community rating. Minor legislative amendments with respect to CTP insurance were passed in October 2002.</p> <p>The Government developed regulations to implement the government response, discussed the regulations with towing industry associations. Following these discussions, the Government is investigating suggested modifications to the scheme, and this process is delaying the finalisation and implementation of the regulations.</p> <p><u>Post 2005:</u></p> <p>Review CTP and tow trucks proposed 2015 under new SA regulation review requirements subject to Ministerial/Cabinet approval.</p> <p>Review CTP and tow trucks proposed 2015 under new SA regulation review requirements subject to Ministerial/Cabinet approval.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
National Electricity (South Australia) Act 1996	T&F	Restricts market entry and market conduct.	Review completed in September 2000. No reforms recommended as sole object is to implement a national electricity market. Review process involved consultation with other jurisdictions.	
National Parks and Wildlife Act 1972	EH	Restricts market conduct.	Review completed in December 1999. Review recommended minor procedural reforms.	Reforms introduced via the National Parks and Wildlife (Miscellaneous) Amendment Act 2000. <u>Post 2005:</u> Ten-year competition review planned for 2011/12 in conjunction with proposed review and reform of legislation associated with private protected areas and/or nature conservation.
Native Vegetation Act 1991	EH	Restricts market conduct.	Review completed December 1999. Review involved public consultation. Reform recommended.	Reform implemented by the Native Vegetation (Miscellaneous) Amendment Act 2002.
Natural Gas (Interim Supply) Act 1985	PIR		Review completed in 1996. Review recommended repeal of certain parts of the legislation restricting the use and production of gas amongst other things. Balance of Act can be repealed by proclamation.	Key restrictions repealed in 1996. Act expired on 22 March 2007.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Natural Gas Pipelines Access Act 1995	PIR	Establishes access regime for access to natural gas pipelines in SA.	Review completed in 1997.	Act repealed by s50 of the Gas Pipelines Access (SA) Act 1997. For transitional purposes, the Act continued until access arrangements set under the National Gas Access Code. <u>Post 2005:</u> The National Gas (South Australia) Act 2008 replaced the Gas Pipelines Access (South Australia) Act 1997 and its framework is similar to the national electricity regulatory regime.
Noxious Insects Act 1934	PIR	Restricts market conduct.	Review completed in 2000. Review recommended no reform.	Reform not required.
Nurses Act 1984	H	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in 1998. Review made a number of recommendations that provide greater clarity and accountability and remove the power to restrict advertising.	Act repealed and replaced by the Nurses Act 1999.
Nurses Act 1999	H	Restrictions on entry, registration, title, practice and disciplinary provisions.	New legislation. See Nurses Act 1984.	New legislation passed in line with recommendations. <u>Post 2005:</u> Act repealed by the Nursing and Midwifery Practice Act 2008, which was proclaimed on 4 August 2009. The latter Act to be repealed upon commencement of the Health Practitioner Regulation National Law on 1 July 2010.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Occupational Therapists Act 1974	H	Restrictions on entry, registration, title and disciplinary provisions.	Review completed in 1999. Review recommended maintaining registration requirements.	Act repealed by the Occupational Therapy Practice Act 2005. The 2005 Act, proclaimed on 25 May 2006, implemented review recommendations and retained title/registration restrictions. <u>Post 2005:</u> Act to be repealed upon inclusion of occupational therapy under the Health Practitioner Regulation National Law on 1 July 2012.
Occupational Health Safety and Welfare Act 1986		Restricts market competition.	Legislative review completed in 2002 and an NCP review subsequently conducted. NCP review found that the benefits of the existing system outweigh the costs of the restriction on competition and should be retained. Review raised concerns relating to market entry for health and safety representatives (given of accreditation processes) and in relation to public access to Australian Standards.	The Occupational Health, Safety and Welfare (SafeWorkSA) Amendment Act 2005 passed. SafeWorkSA Authority to consider the issues raised by the reviews. <u>Post 2005:</u> Currently the subject of proposed national regulation/harmonisation of laws/ under COAG.
Opal Mining Act 1995	PIR	Mining for precious stones without authority prohibited. Corporations may not prospect or mine in the Major Working Area. Term of exploration permits – 1 year. Term of extraction permit – 3 months renewable for 12 months.	Review completed in December 2002.	SA proposed to remove the restriction preventing a corporation from pegging out any area within a major working area. <u>Post 2005:</u> Administrative Amendments – first round consultation by end of 2009.

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Optometrists Act 1920	H	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in April 1999. Review recommendations include extending coverage to include optical dispensers, removal of restriction on training providers and the introduction of a code of conduct.	<p>Bill to implement reforms to be introduced.</p> <p><u>Post 2005:</u></p> <p>Act repealed by the Optometry Practice Act 2007, which was proclaimed on 12 July 2007. Latter Act to be repealed upon commencement of the Health Practitioner Regulation National Law on 1 July 2010.</p>
Outback Areas Community Development Trust Act 1978	PLG	Restricts market conduct.	Review completed. Crown Solicitor's Office found no restrictions to competition.	<p>Act retained without reform.</p> <p><u>Post 2005:</u></p> <p>Act to be repealed by the Outback Communities Authority Bill 2009.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Passenger Transport Act 1994	TUP	Restrictions on taxi licence numbers (free entry to hire car market).	<p>Review completed in November 1999 and released November 2000. Review recommended:</p> <ul style="list-style-type: none"> retention of existing restrictions (the Act limits the number of new general taxi licences that the Passenger Transport Board can issue in a particular year to 50, although none has been issued), and reliance on competition from hire cars, with removal of some restrictions. 	<p>Act amended in 2003 to abolish the PTB and make the Minister for Transport responsible for the issue of taxi licences. The same principles continue to apply for the issue of taxi licences.</p> <p>Regulated "Country taxi accreditation" was introduced in 2009 without restrictions on numbers.</p> <p>There is capacity to enable the use of standby taxis and hire cars in the event of extraordinary demand for services (eg special events).</p> <p>Regular review in relation to the release of taxi licences based upon existing policy with consideration of a number of factors identifying increased market demand (eg increased population, public and industry demand, complaints information and service standards)</p> <p>Current policy commitment to release up to 15 general and 15 "accessible" licences for the period 2007-2011.</p> <p>Since 2007 there have been 30 general licence and 20 "accessible" licences released</p> <p>Formal legislative review on this matter in 2014 under new SA regulation review requirements, subject to Ministerial/ Cabinet approval.</p>

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Pastoral Land Management and Conservation Act 1989	WLBC	Restricts market conduct.	Review completed in December 1999. It identified no major issues but recommended that the Government review and develop a policy on access arrangements to pastoral lands. Public Access Strategy Scoping Study Report (Katnich Report) released in May 2002. Endorsed by the Pastoral Board.	Ten new Public Access Routes were opened on pastoral leases in July 2002. The Pastoralist Public Access Working Group developed protocols for members of the public to seek consent to access pastoral leases and provide guidelines to pastoralists on how deal with enquiries.
Petroleum (Submerged Lands) Act 1982	PIR	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed in 1999-2000. Endorsed by Australian and New Zealand Minerals and Energy Council Ministers. Review's main conclusion was that the Petroleum (Submerged Lands) legislation is essentially pro-competitive and, to the extent that there are restrictions on competition (for example in relation to safety, the environment, resource management or other issues), these are appropriate given the net benefits to the community. Final report made public on 27 March 2001, following consideration by COAG's Committee on Regulatory Reform.	Amendment of this Act awaiting amendments to Commonwealth Act. <u>Post 2005:</u> Act to be reviewed in 2010 to align with the new Offshore Petroleum Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum Act 1940	PIR	Regulates onshore exploration for and development of petroleum reserves. Barrier to market entry and restricts market conduct.	Reviewed completed in 1999.	<p><u>Post 2005:</u></p> <p>Act repealed and replaced by the Petroleum Act 2000 and regulations and then amended 1 Oct 2009 as the Petroleum & Geothermal Energy Act 2000. New and amended Act incorporated principles proposed by the Australian and New Zealand Minerals and Energy Council Petroleum sub-committee in regard to acreage management. The Government directed efforts at facilitating new explorers entering the Cooper Basin and to encourage the development of a voluntary access code for access to production facilities.</p> <p>Changes in 2000 and 2009 create entitlement for geothermal energy exploration, development and production, gas storage and the development and use of certain special facilities.</p>
Petroleum Products Regulation Act 1995	T&F	Barrier to market entry and restricts market conduct.	Review completed mid-2001. Review found the Act created a barrier to entry that protected industry participants without a net public benefit.	<p><u>Post 2005:</u></p> <p>Amended Act and Regulations came into operation on 1 July 2008.</p>

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Pharmacists Act 1991	H	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, business conduct, ownership and licensing.	<p>National review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. 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 non-pharmacy ownership of pharmacies by friendly societies and other non-pharmacists that currently own pharmacies).</p>	<p>The Government is considering the recommendations of the COAG senior officials' working party.</p> <p>Pharmacists Act 1991 to be replaced. The proposed reforms fall short of those required by COAG national review processes.</p> <p><u>Post 2005:</u></p> <p>Act repealed by the Pharmacy Practice Act 2007. This Act proclaimed on 8 November 2007. This latter Act to be repealed upon commencement of the Health Practitioner Regulation National Law on 1 July 2010.</p> <p>Ownership restrictions and regulation of pharmacy ownership will continue under separate State legislation as provided for by the Health Practitioner Regulation National Law.</p>
Phylloxera and Grape Industry Act 1995	PIR	Restricts market conduct.	Review completed in June 2000. Review recommended no reform.	NCP reform not required.

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Physiotherapists Act 1991	H	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising and ownership.	<p>Review completed in 1999. Review recommended:</p> <ul style="list-style-type: none"> • publication of code of conduct without advertising restrictions • amended definitions of areas of practice protected • removal of the requirement to register business names • removal of ownership restrictions • prohibition of undue influence • demonstration of continuing competence, and • removal of advertising, and unprofessional conduct provisions from the code of ethics prior to adoption of a code of conduct. 	<p><u>Post 2005:</u></p> <p>The Physiotherapy Practice Act 2005, proclaimed on 19 January 2006, implemented the review recommendations. Latter Act to be repealed upon commencement of the Health Practitioner Regulation National Law on 1 July 2010.</p>

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Plumbers, Gas Fitters and Electricians Act 1995	J	Licensing (contractors), registration (workers), entry requirements (for contractor: qualifications, experience, not undischarged bankrupt, fit and proper, sufficient business knowledge and experience and financial resources; for worker: qualifications and experience), the reservation of practice (for plumbing: water, sanitary or draining work or the installing or testing of backflow prevention devices), disciplinary processes.	<p>NCP review completed in February 2003. Review recommended retaining the existing licensing and registration regimes for plumbing, gas fitting and electrical contractors and workers. Review concluded that continued regulation is justified because the benefit from protecting of public health and safety, and against consumer loss, is perceived to exceed the costs of regulation. The review considered alternative forms of regulation, including reliance on the common law, general consumer protection legislation, the insurance market and negative licensing, but none was considered to be a satisfactory option.</p> <p>The review identified minor restrictions on competition and proposed amendments, but these are not required changes for Competition Principles Agreement (CPA) clause 5 compliance.</p>	<p>NCP reform not required.</p> <p>Subject to review as part of the National Licensing project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.</p>

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Poultry Meat Industry Act 1969	PIR	Prohibits processing of chickens unless from approved farms and under an agreement approved by the industry committee.	Review completed in 1994. Review recommended that producers seek Australian Competition and Consumer Commission authorisation for collective bargaining with each processor, and that the Government repeal the Act.	Act repealed in July 2003 by the Chicken Meat Industry Act 2002 (see separate reference). The new Act introduced two key new restrictions: <ul style="list-style-type: none"> • compulsory arbitration of disputes arising in negotiation of growing agreements, and • compulsory mediation and arbitration of disputes arising over failure by processor to offer grower a new growing agreement. Amendments in 2004 replaced compulsory arbitration of negotiating disputes with compulsory mediation, and restricted dispute resolution of 'exclusion' disputes to those growers party to a collective contract at the date of the Act's commencement.
Prevention of Cruelty to Animals Act 1985	EH	Requires licences for teaching and research involving animals.	Review completed in 1999. Review recommended minor procedural reforms.	Reforms introduced via the Prevention Of Cruelty To Animals (Miscellaneous) Amendment Act 1999.
Prices Act 1948	J	Restricts market conduct.	Review completed. Review recommended the removal of a number of restrictive provisions but the retention of price controls for infant foods, returns of unsold bread, towing, recovery, storage and quoting for repair of motor vehicles and the carriage of freight to Kangaroo Island.	Amendments to the Act in line with review recommendations enacted in 2000.

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Psychological Practices Act 1973	H	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in 1999. Review recommended removing advertising and practice restrictions.	Psychological Practices Bill still before Parliament. <u>Post 2005:</u> Act to be repealed upon commencement of the Health Practitioner Regulation National Law on 1 July 2010.
Public and Environmental Health Act 1987	H	Restricts market conduct.	NCP review completed in 2000. Review identified qualifications for authorised officers as an intermediate restriction, particularly as the qualifications approved administratively only includes one current SA course. The review concluded that the provisions relating to public health standards and communicable diseases, and the monitoring of these, were justified by the public benefits derived by the community.	The Minister endorsed the review. The Government has held discussions with educational bodies and professional organisations on alternative courses providing qualifications for authorised officers. The Government considers that no legislative reforms are required with respect to the provisions relating to public health standards and communicable diseases. <u>Post 2005:</u> South Australian Public Health Bill has been drafted and is currently subject to a public consultation process. Bill to be introduced into Parliament in 2009.

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Public Corporations Act 1993	T&F	Act technically "restricts" the market conduct of public corporations established under the Act in order to limit the Government's ownership risks. However, these restrictions do not limit market entry or conduct of private sector participants. The Act is the preferred model of corporatisation and is consistent with the objectives of NCP and competitive neutrality principles.	Review completed in 1998. Review found that there was a net public benefit and no reforms were recommended.	Act retained without reform.
Public Trustee Act 1995	J	Statutory powers and duties not applicable to private trustees.	Review completed in August 2000. Review involved public consultation. Desktop review conducted in 2003. Based on an assessment that the restrictions to competition created by the Act are minor, no amendments to the Act were recommended by the review. Report received Department for the Premier and Cabinet sign off, as satisfying NCP legislation review and reform requirements.	The August 2000 review completed earlier in the context of the previous Government's plans to corporatise the Public Trustee. Legislation had been introduced under the former Government, but lapsed. The Government does not propose to corporatise the Public Trustee. No restrictions of competition in the market, other than trivial restrictions, had been identified by the August 2000 review and therefore in the absence of an intention to corporatise, legislative amendments were not required.
Racing Act 1976	EH	Barrier to market entry and restrictions on market conduct.	Review completed in January 2000.	Act repealed and replaced by the Authorised Betting Operations Act 2000. This Act included in the omnibus review of gambling legislation.
Radiation Protection and Control Act 1982 Ionizing Radiation	EH	Creates barrier to market entry and restricts market conduct.	National review completed. Review made 19 recommendations including making provision for protection of the environment, make legislative coverage of	AHMAC accepted the recommendations and an implementation plan. SA will adopt the recommendations according to

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Regulations 2000 Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991</p>			<p>non-ionising radiation and allow certification of third party (non-government) inspectors for x ray machines testing. The Australian Radiation Protection and Nuclear Safety Agency consulted with jurisdictions on the recommendations.</p> <p>Desktop review of provisions unique to the SA legislation (particularly regarding uranium mining).</p>	<p>timetable in implementation plan.</p> <p>The Act already includes protection of the environment in its purpose and provides for making regulations to control sources of non-ionising radiation. Non-ionising radiation regulations have been made to control cosmetic tanning units and require operators to be licensed. The EPA has implemented a program for accreditation of testers and third party certification of X-ray machines ahead of proposed legislative changes.</p> <p>A national review of the regulatory efficiency of uranium mining has been undertaken by the Uranium Industry Framework (Commonwealth & state regulators, and industry representatives).</p> <p><u>Post 2005:</u></p> <p>There are proposals to review the legislation to enhance the current provisions for protection of the environment, and for controlling sources of non-ionising radiation.</p> <p>Other proposed changes include, formalising the accreditation of third party testers of x-ray machines, and adopting provisions of the National Directory for Radiation Protection that are not already accommodated in the SA legislation.</p> <p>The SA regulators are considering the recommendations of the report on the national review of the</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
				regulatory efficiency of uranium mining.
Road Traffic Act 1961	TUP	Barrier to market entry and restricts market conduct.	Desktop review.	Act amended to apply national road transport reforms.
Roxby Downs (Indenture Ratification) Act 1982	PIR	Authorises behaviour contrary to TPA.	Desktop review completed in May 2000. Review found no more than minor restrictions on competition and recommended no reform.	
Rural Industry Adjustment (Ratification of Agreement) Act 1990	PIR		Review completed in December 1998. Review recommended repeal of the Act.	Act repealed in 2000.
Rural Industry Adjustment and Development Act 1985	PIR		Review completed in June 2000. Review recommended no reform.	
Rural Industry Assistance Act 1985	PIR		Review completed in March 1999. Review recommended repeal of the Act.	Act repealed in 2000.
SA Ports (Disposal of Maritime Assets) Act 2001	AIS			<p>New legislation.</p> <p>This legislation allowed the sale of SA Government operated ports to Flinders Ports.</p> <p>It contains cross-ownership provisions to ensure the container terminal is managed or operated in the best interests of the State.</p> <p>It also provides for the establishment of a panel to establish and monitor performance objectives and performance criteria for the Port Adelaide container terminal. Non-performance in relation to 2 successive quarters may render the operator's rights to possession and control of the Port Adelaide container terminal being terminated.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sandalwood Act 1930	EH	<p>Caps the quantity of naturally-occurring sandalwood harvested from Crown and private land.</p> <p>Licensing the harvesting of sandalwood.</p> <p>Individual licences capped at 10 per cent of the total limit.</p>	Reviewed in 1999. Review recommended repeal of the Act.	Act repealed in 2001.
Santos Limited (Regulation of Shareholdings) Act 1989	PIR	Restricts any one shareholder from having more than a 15 per cent shareholding in Santos Limited.	In September 2000 the Government announced an independent review of the Act. Review found that the benefits of the restrictions outweighed the costs and the objectives of the legislation could be achieved only through restrictions on competition. The main reason is the importance to SA of gas supply from the Cooper Basin where Santos has a majority interest in the production of gas.	<p>On 11 July 2001, the Government announced that it had considered the findings of the independent review and resolved to make no change to the Act.</p> <p><u>Post 2005:</u></p> <p>Repealed as part of the creation of the Santos Limited (Deed of Undertaking) Act 2007.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Second-hand Dealers and Pawnbrokers Act 1996	J	Negative licensing (pawnbrokers, second-hand dealers for all goods except cars), registration (that is, notify police), entry requirements (not convicted dishonesty offence in past five years, not undisclosed bankrupt/insolvent), the reservation of practice, disciplinary processes and business conduct (pawnbrokers: prescribed records, selling of unredeemed goods; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification (unless sale by phone), cooperation with police).	Review completed in 1998. No reform recommended.	The Government endorsed review recommendation. No reform required. <u>Post 2005:</u> Currently under review. Bill in parliament.
Second-hand Vehicle Dealers Act 1995	J	Barrier to market entry and business conduct.	Review completed. Recommendation for audits; entitlement criteria for licensing distinction between summary and indictable offences for dishonesty.	Act amended by the Statutes Amendment (Consumer Affairs) Act 2001. <u>Post 2005:</u> Regulations currently under review.
Security and Investigation Agents Act 1995	J	Barrier to market entry (private inquiry agents, security providers) and market conduct.	Review completed in January 2003. Review supported retention of licensing and other minor changes that do not impact on competition.	Reform not required. Amendments made in 2005. <u>Post 2005:</u> Subject to review as part of the Private Security project being undertaken for COAG.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Seeds Act 1979	PIR	Restricts market conduct.	Review completed. Review recommended no reform.	Repealed with the Seeds Act Repeal Act 2002.
Shearers Accommodation Act 1975	J	Restricts market conduct.	Review completed in March 1999. Review involved public consultation.	Act repealed in 1999.
Shop Trading Hours Act 1977	AIS	<p>Significant restrictions, including: controls on the hours during which shops may open; variation in allowed opening hours based on the day of the week; and variation in permitted opening hours vary depending on shop location, size and products sold.</p> <p>Monday-to-Saturday trading hours are restricted. Sunday trading by large stores is prohibited in Adelaide outside the central business district, where hours are restricted.</p>	Review completed in 1998. Report not released by the Government.	<p>Limited changes took effect from June 1999. From October 2003, Sunday trading (between restricted hours) extended to suburban areas and larger stores may trade until 9 p.m. on weeknights.</p> <p><u>Post 2005:</u></p> <p>2006/07 review of the Act undertaken by Alan Moss LLB.</p>
Soil Conservation and Land Care Act 1989	PIR	Restricts market conduct.	Review, in conjunction with the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, completed. It recommended no NCP-related reforms.	NCP reform not required.
South Australian Film Corporation Act 1972	TUP	Restricts market conduct in granting sole and exclusive right to produce Government films.	Review completed in February 2000. Involved public consultation. No reform recommended.	NCP reform not required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
South Australian Health Commission Act 1976	HS	Barrier to market entry and restricts market conduct of private hospitals.	Review completed in 1999.	<p>Health and Community Services Complaints Act assented to 8 July 2004.</p> <p>Amendments to South Australian Health Commission Act relating to non-NCP and NCP issues being considered as part of the health reform process arising from the state's generational health review.</p> <p><u>Post 2005:</u></p> <p>Latter Act repealed by the Health Care Act 2008, which was proclaimed on 10 April 2008.</p> <p>The Health Care Act continues the current provisions in relation to private hospitals. A review of the private hospital licensing system in line with the NCP restrictions will commence in 2010.</p>
South Australian Housing Trust Act 1995	FC	Restricts market conduct.	Review completed in 1999. No reform recommended.	No reform required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
South Australian Motor Sport Act 1984 (formerly the Australian Formula One Grand Prix Act 1984)	P&C	The Board is not subject to the same laws as private sector competitors.	NCP review completed. Review found that the restrictions contained in the Act ranged from trivial to intermediate in impact. The provisions relate primarily to the provisions that provide the SA Motor Sport Board with access to facilities or other powers that are either not available to its competitors or are only available at a higher cost. The Act does not prevent competitors from staging events. The NCP review found that the costs of the restrictions include inconvenience to the public and some businesses resulting from lack of access to a part of Adelaide Parklands, noise and road closures. The review found that these effects are outweighed by significant tourism and economic benefits.	The Government considered the restrictions to be minor in the context of the national market for motor sports events. On the basis of the cost-benefit comparison, the Government does not intend to change the legislation.
South Australian Museum Act 1976	TUP	Restricts market conduct in relation to meteorites.	Desktop review completed in May 1997. No reform recommended.	Reform not required.
South Australian Ports Corporation Act 1994	T&F	Restricts market conduct and market entry.	Divestment of Ports Corporation occurred in November 2001. The South Australian Ports (Disposal of Maritime Assets) Act 2000 includes a provision to enable the Governor to repeal the SA Ports Corporation Act 1994.	Legislation for the lease/sale of the corporation enacted in December 2000 and the corporation sold in November 2001. Act repealed on 5 September 2002.
Southern State Superannuation Act 1994	T&F	Limits on choice of funds.	Desktop NCP review. Full NCP review not conducted. Restrictions considered by SA to be trivial. No reform recommended.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Starr-Bowkett Societies Act 1975	J		Identified at national level.	Payments through these societies now completed. Last Starr-Bowkett Society deregistered. Prohibition on Starr-Bowkett Societies to be relocated into Fair Trading Act. Restriction has little impact and justified on basis of net public benefit. Act repealed by the Statutes Amendment and Repeal (Starr-Bowkett Societies) Act 2003.
State Clothing Corporation Act 1977	AIS	Protects sheltered workshops.	Review completed.	Corporation sold in 1995-96. Act amended to repeal most of original Act including all reference to sheltered workshops.
State Lotteries Act 1966	AIS	Restricts market conduct.	Part of the omnibus review completed in 2003. It recommended retaining the effective exclusivity of the Lotteries Commission's licence because exclusivity: <ul style="list-style-type: none"> • ensures a wide distribution network that includes regional SA • provides for the highest probity standards • maximises the revenue available to the community, and • provides low lottery entry costs compared with those in the ACT where there is competition between lottery suppliers. 	The Government accepted that revoking exclusivity would not be in the public interest.
State Supply Act 1985	AIS	Provides for the State Supply Board to control or guide the acquisition of goods and services by the Government.	Review by the Departments of Administrative and Information Services and Premier and Cabinet completed in May 2001.	
Stock Act 1990	PIR	Barrier to market entry and restricts market conduct.	Review completed in 1996.	Act repealed by the Livestock Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stock Foods Act 1941	PIR	Requires stock foods to be sold with label or certificate specifying chemical analysis. Prohibits feeding seed grain to stock.	See the Agricultural Chemicals Act 1955.	Act repealed when the Agricultural and Veterinary Products (Control of Use) Act 2002 created. See the Agricultural Chemicals Act 1955.
Stock Medicines Act 1939	PIR	Requires stock medicines to be registered.	See the Agricultural Chemicals Act 1955.	Act repealed when the Agricultural and Veterinary Products (Control of Use) Act 2002 created. See the Agricultural Chemicals Act 1955.
Stony Point (Liquids Project) Ratification Act 1981	PIR	Authorises behaviour contrary to TPA.	Review completed in 2000. No reform recommended. The review concluded that given that many of the benefits to the producers constituted past or historic benefits, there was no significant continuing effect that would amount to a restriction on competition.	NCP reform not required.
Supported Residential Facilities Act 1992	FC	Barrier to market entry and restricts market conduct.	Review completed in 1998. No reform recommended.	NCP reform not required.
Survey Act 1992	AIS	Licensing, registration, entry requirements (education, experience, fit and proper), the reservation of title (and derivatives), the reservation of practice, disciplinary processes, business conduct (including ownership restrictions) and business licensing.	Review completed in 1999 and released in 2002. It recommended removing restrictions on companies and partnerships and adding new provisions to make it an offence for any person to exert undue influence over a licensed surveyor to provide a service in an inappropriate or unprofessional manner.	Recommended reforms enacted in 2003 commencing 1 April 2004.
Swine Compensation Act 1936	PIR	Barrier to market entry and restricts market conduct.	Desktop review completed. Review recommended repeal of Act.	Act repealed by Schedule 2 of the Livestock Act 1997 and replaced by regulations under that Act and the Primary Industries Funding Schemes Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tobacco Products Control Act 1986	HS	Restricts market conduct.		Act repealed and replaced by the Tobacco Products Regulation Act 1997, proclaimed on 5 June 1997, which was subject to a clause 5(5) review.
Tobacco Products Regulation Act 1997	HS		New legislation. Subject to CPA clause 5(5) analysis before introduction.	Act replaced the Tobacco Products Control Act 1986.
Trade Measurement Act 1993	J	Restricts market conduct.	<p>National review by inter-jurisdictional committee with Queensland as the lead jurisdiction. The initial stage of the review (carried out by an independent consultant) reported in August 2001 and broadly considered that restrictions on the method of sale (relating to meat, beer and spirits, and pre packaged goods) appear to have little if any adverse impact on competition but provide benefits to consumers. Restrictions on the sale of non-prepacked meat were examined through a separate public benefit test.</p> <p>In May 2004, the Ministerial Council on Consumer Affairs (MCCA) endorsed the recommendations of the final report and agreed to its public release. The consultation process gave rise to a new issue namely, whether the definition of meat should expressly include seafood and poultry. Consumer Affairs Victoria is reviewing this issue.</p>	<p>Following the finalisation of the review of the definition of meat, states and territories are expected to make uniform legislative changes.</p> <p><u>Post 2005:</u></p> <p>Subject to review as part of the Trade Measurement project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Measurement Administration Act 1993	J		Legislation not originally scheduled for review. However, desktop review undertaken that found the Act does not contain any restrictions on competition as it merely provides for the administration of the Trade Measurement Act 1993, which is part of the national scheme legislation.	NCP reform not required. <u>Post 2005:</u> Subject to review as part of the Trade Measurement project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.
Trade Standards Act 1979	J	Restricts market conduct.	Review completed. No reforms recommended.	Act retained without reform. <u>Post 2005:</u> Subject to review as part of the Trade Measurement project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1986	J	Licensing and compulsory consumer compensation fund.	<p>Part of national review of travel agent legislation, coordinated by Western Australia. Final review report by the 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 maintenance 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. Review also recommended increasing the turnover threshold for licence exemption to \$50 000 and extending the operation of the Act to the Crown.</p> <p>A report was submitted to the MCCA in 2000 and subsequently released for stakeholder comment. In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but to 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.</p>	<p>SA's Commissioner for Consumer Affairs implemented the agreed uniform qualification by minute dated 14 September 2004. (The commissioner was able to do this without legislative change because the qualification provisions of the Act state that the required qualifications are those prescribed by regulation or approved by the Commissioner.) SA approved the recommended increase in the exemption threshold level, and Regulations to implement this change came into operation on 1 June 2004. It was decided not to remove the Crown exemption for the South Australian Tourism Commission because the commission does not engage in competitive commercial activity.</p> <p><u>Post 2005:</u> Subject to Ministerial Council on Consumer Affairs national review</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Companies Act 1988	J	Regulates trustee companies.	<p>National review underway. SCAG released issues paper and draft Bill in June 2001. SCAG was ready to endorse the NCP review's report at its meeting in March 2002. However, Australian Government officers asked for more time to consider the licensing and supervisory arrangements before the report is released.</p> <p>Finalisation of the review has awaited advice from the Australian Government as to whether it would provide for the regulation of trustee companies on a national basis via the Australian Prudential Regulation Authority (APRA) services being provided to the states and territories. In March 2005, the Australian Government advised that APRA would not be involved.</p>	<p>Following the Australian Government confirmation that the APRA will not undertake the prudential regulation of trustee companies, states and territories are moving to finalise the reform of the legislation based on the draft model, including seeking external advice on the form that prudential standards could take. NSW is the lead jurisdiction in this process.</p> <p><u>Post 2005:</u> Subject to review as part of the Trustee Corporations project being undertaken as part of the National Partnership Agreement to Deliver a Seamless National Economy.</p>
Unauthorised Documents Act 1916	P&C	Barrier to market entry and restricts market conduct. Restricts use of State insignia and official emblems and licensing of the State's commercial emblem.	Desktop review completed in December 1998. Review recommended that the Act be retained in its present form.	Act retained without reform.
University of Adelaide Act 1971		No restrictions on competition.	Review not required.	Act retained without reform.
University of South Australia Act 1990		No restrictions on competition.	Review not required.	Acts retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Veterinary Surgeons Act 1985	PIR	Licensing of veterinary surgeons and hospitals, reservation of practices, reservation of title, advertising restrictions, and controls on business names.	Review completed in 2000. Review recommended retaining the provisions of the legislation relating to reservation of practice to veterinarians, together with reserving title to registered veterinarians. Review recommended removal of the provision that prevented veterinarians from providing treatment through another person, and the provision that prohibited companies practising in partnerships unless authorised by the Veterinary Surgeons Board. Review also recommended that the restrictions on advertising in the rules of conduct be removed.	The Veterinary Practice Act 2003 repealed the Veterinary Surgeons Act and implemented the recommendations of the review.
Vocational Education, Employment and Training Act 1994	FEEST	Registers training providers and accredits training courses.	Review completed in April 2000. Review concluded that public benefits of restrictions outweigh costs.	Superseded as part of review, which resulted in the Training and Skills Act 2003. <u>Post 2005:</u> Latter Act was further reviewed in 2007 and replaced by the Training and Skills Development Act 2008 Subject to review as part of the COAG Reform Agenda.
War Service Land Settlement Agreement Act 1945	EH	Restricts market conduct.	Review completed in December 1999. Review involved public consultation. No NCP reform recommended.	Act retained without reform. <u>Post 2005:</u> Act to be repealed by Schedule 1 clause 6(g) of the Crown Land Management Act 2009 (as yet uncommenced).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wheat Marketing Act 1989	PIR	Imports Commonwealth Act into State jurisdiction, and imposes a levy on wheat sales to fund grain research and the Grain Section of the South Australian Farmers Federation.	Desktop review completed. Review recommended no change.	Act retained without reform. <u>Post 2005:</u> Recent Commonwealth wheat exporting legislative reforms means this Act is largely redundant for purpose of Wheat Marketing in SA, but the impacts are deemed benign. Only purpose now is as authorising legislation for the collection of Grain Research and SAFF Grain Section levies and the Act in its current form adequately serves this purpose.
White Phosphorus Matches Prohibition Act 1915	J	Barrier to market entry and restricts market conduct.	Review completed in April 1999.	Act repealed by the Statutes Law Revision Act 2003.
Wilderness Protection Act 1992	EH	Restricts market conduct.	Review completed in December 1999. Review recommended no reform.	Act retained without reform. <u>Post 2005:</u> Ten-year competition review planned for 2011/12 in conjunction with proposed review of policy and reform of Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wine Grapes Industry Act 1991	PIR	Restricts market conduct – indicator price calculation, terms and conditions of payment, and excludes wine grapes processors who have not paid in full for fruit purchased in the immediately preceding vintage.	Review by KPMG completed in 1999. Review concluded that the indicative price arrangements that the Act provides for do not have the effect of fixing, controlling or maintaining prices and do not restrict competition in the market for the supply of wine grapes. KPMG recommended that the Act be repealed because it is not achieving its apparent objectives, but such a recommendation was beyond the scope of the review. A further review by officials recommended removal of indicator price provisions, and amendment to allow opt-out from regulation of terms and conditions of payment (and therefore the exclusion provision).	Act not amended. <u>Post 2005:</u> The scope of the Act to be reviewed including payment arrangements. The key focus for the review is the relevance of the Act to the industry. Timing of the review is 2 years. The regulations of the Act are to be reviewed which relates solely to a change in geographic boundaries dealt within the Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workers Rehabilitation and Compensation Act 1986	T&F	Mandatory insurance, monopoly insurer, centralised premium setting.	Interagency NCP review completed in mid-2002. Review recommended minor changes to the Act. Review argued that statutory monopoly provision of workers compensation insurance has net public benefits.	<p>The Government is considering the review in the context of two other reviews:</p> <ul style="list-style-type: none"> • review of the governance arrangements in the WorkCover Corporation, and • review of the workers compensation and occupational health and safety systems. <p><u>Post 2005:</u></p> <p>Amendments to the WorkCover Act making minor amendments to the functions of the Board and introducing major governance measures that brought the WorkCover into line with other public corporations came into effect 1 July 2008.</p> <p>Amendments to the Workers Rehabilitation and Compensation Act commenced operation on 1 July 2008 through to 15 October 2009A few amendments are yet to commence.</p>

8 Tasmania

Agency nomenclature abbreviations

The following abbreviations are used in the 'Agency' column of the Tasmanian legislation review timetable. This nomenclature identifies the relevant agency at the time of the 2005 National Competition Policy (NCP) assessment.

DE	Department of Education
DED	Department of Economic Development
DIER	Department of Infrastructure, Energy and Resources
DHHS	Department of Health and Human Services
DOJIR	Department of Justice and Industrial Relations
DOPPS	Department of Police and Public Safety
DPAC	Department of Premier and Cabinet
DPIWE	Department of Primary Industries, Water and Environment
DTPHA	Department of Tourism, Parks, Heritage and Arts
EMB	Egg Marketing Board
FPB	Forest Practices Board
FT	Forestry Tasmania
HEC	Hydro-Electric Commission (Hydro Tasmania)
IFC	Inland Fisheries Services
LC	Legislative Council
LGD	Local Government Division
MAIB	Motor Accidents Insurance Board
OCAFT	Office of Consumer Affairs and Fair Trading
PAHSMA	Port Arthur Historic Site Management Authority
RBFBS	Retirement Benefits Funds Board

T&F	Department of Treasury and Finance
TAO	Tasmanian Audit Office
TDIA	The Tasmanian Dairy Industry Authority
TGEB	Tasmanian Grain Elevators Board
TRA	Tasmanian Racing Authority

Legislation review schedule: Tasmania

Updated to 5 December 2005

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Adoption Act 1988	DHHS	Business licensing and service standards.	Minor review completed in 1998. Restrictive provisions justified as being in the public benefit.	Licensing restrictions retained in order to protect against trafficking in children.
Agricultural and Veterinary Chemicals (Control of Use) Act 1995	DPIWE	Prohibits use of chemicals unless registered under Code. Licenses spray contractors. Requires approval of indemnity insurance.	National review of agricultural and veterinary (agvet) chemicals completed in 1999. Review report released by the Standing Committee on Agriculture and Resources Management (SCARM) in March 1999.	Recommendations from the national NCP review of the Act incorporated into the Agricultural and Veterinary Chemicals (Control of Use) Amendment Act 2003. Act repealed the Veterinary Medicines Act 1987.
Agricultural and Veterinary Chemicals (Tasmania) Act 1994	DPIWE	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction. See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	National review of agvet chemicals completed in 1999. Review report released by the SCARM in March 1999. See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	Amendment to the Agvet Code at Commonwealth level incorporating the major recommendations of the review to be automatically adopted in Tasmania.
Air Navigation Act 1937	DIER	Act applies Australian Government legislation to Tasmania with regard to air-traffic rules and the regulation of aerodromes.	The Productivity Commission (PC) review of the International Air Services Agreement completed in 1998. Act adopts by reference regulations made under the Commonwealth's Air Navigation Act 1920 and applies them to air navigation and aircraft within the jurisdiction of the State of Tasmania. Act enacted following agreement between the Commonwealth and the states that there should be uniform rules throughout the Commonwealth applying to air navigation and aircraft.	The Australian Government issued a statement on international aviation policy in June 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Alcohol and Drug Dependency Act 1968	DHHS	<p>Scheduling restrictions on the labelling, packaging and advertising of listed substances, and to whom a product may be sold and under what conditions.</p> <p>Licensing restrictions on the handling, storage and reporting requirements of controlled substances for wholesalers and retailers.</p>	<p>Part of the Galbally Review of Drugs, Poisons and Controlled Substances. Review issued a final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to Australian Health Ministers Conference (AHMC) in early 2001. The Australian Health Ministers' Advisory Council (AHMAC) working party recommended to the Council of Australian Governments (COAG) in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12 month period from COAG's endorsement of the recommendation.</p>	<p>The Australian and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products, accountable to both the New Zealand and Australian governments. These arrangements were to commence on 1 July 2005, but have been deferred for 12 months to allow for consultation.</p> <p>States and territories will amend their drugs, poisons and controlled substances legislation, where necessary, to appropriately reference relevant parts of the Australian Government's legislation relating to the trans-Tasman agency.</p>
Aluminium Industry Act 1960	T&F	Provides a company with a low interest loan, directs them to increase production capacity and restricts their ability to sell assets for a specified time period.		Act repealed by the Legislation Repeal Act 1998.
Ambulance Service Act 1982	DHHS	Restrictions relate to the requirement to obtain approval to operate a private ambulance service, and the level of fees that may be charged by 'approved' ambulance services.	Minor review completed in 1997. Restrictive provisions justified as being in the public benefit.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Animal (Brands and Movement) Act 1984	DPIWE	Imposes an obligation on all persons with cattle or sheep to brand them with registered earmarks. Pigs cannot be sold unless they are branded with a registered body tattoo.	Review completed. Review recommended that compulsory earmarking of cattle or sheep be removed. Following a reassessment of this recommendation by DPIWE, in the light of world events, these provisions were found to be in the public benefit.	Act retained without reform.
Animal Farming (Registration) Act 1994	DPIWE	Requires the registration of farmers of emus and fallow deer.	<p>Review completed in 1999. Review recommended sunseting of deer farmer registration after three years subject to:</p> <ul style="list-style-type: none"> the Parks and Wildlife Service developing new regulations to minimise the spread of deer into new areas of Tasmania, and implementing permanent identification for farmed deer. <p>Subsequent investigation of permanent identification systems revealed that no suitable system is available. The Government therefore extended registration until February 2005 to provide time for a further review.</p>	The Government removed the requirement for registration of deer farms. Management of the activity is now under the Wildlife Regulations 1999. This was achieved through the Wildlife Amendment (Deer Farming) Regulations 2005.
Animal Health Act 1995	DPIWE	Requires a licence for commercial artificial breeding. Enables the Minister to prohibit or restrict the movement of any animals into Tasmania from any other State. Protection of animal resources from the introduction of a disease, organism, variety or disorder.	Minor review completed. Review recommended the removal of certain restrictions on artificial breeding and the requirement to advise the Chief Veterinary Officer of the conduct of artificial breeding businesses or training in artificial breeding programs.	Review recommendations implemented through the Animal Health Amendment Act 2001. Act repealed the Stock Act 1932.
Animal Health Amendment Act 2001			New legislation. Assessed under gatekeeper provisions.	New legislation. Act amended the Animal Health Act 1995 implementing review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Animal Welfare Act 1993	DPIWE	Prohibits persons from carrying out animal research unless it is carried out by an institution licensed under the Act.	Minor review completed. Review recommended retaining the licensing of institutions engaging in animal research. No reform recommended.	Act retained without reform.
Apiaries Act 1978	DPIWE	Requires bee-keepers to be registered. Provides that the Governor may by order declare that only certain bees can be brought into or kept in a certain area.	Review completed. Review recommended repeal of the Act.	Act repealed by the Legislation Repeal Act 2001.
Apple and Pear Industry (Crop Insurance) Act 1982	DPIWE	Provides that growers must apply to the Fruit Crop Insurance Board for a crop insurance policy and pay the premium as gazetted.	Review completed. Review recommended abolishing compulsory insurance for the apple and pear industry and repealing the Act.	An Act to provide for the repeal of this Act and the winding up of the scheme passed by Parliament in November 1999. The insurance scheme abolished on 30 June 2000 and the remaining provisions repealed in March 2001 upon satisfaction of all claims.
Architects Act 1929	DPAC	Registration, entry requirements, reservation of title, disciplinary processes, business restrictions and business licensing.	National review by the PC completed in August 2000 and publicly released November 2000. Review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. A states and territories working group led by New South Wales (NSW) developed a national response to the PC review which received broad acceptance from all jurisdictions.	All of the recommendations arising from the national response to the PC review of the Act incorporated in the amendments to the Building Act 2000 and the Building (Consequential Amendments) Act 2003, the latter of which amended the Architects Act 1929 to provide for a broad role in the accreditation of architects under the Building Act. The Board of Architects Tasmania is a member of the Architects Accreditation Council of Australia, which supports the National Program of Assessment certification system for architects.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Auctioneers and Real Estate Agents Act 1991	DOJIR - OCAFT	Auctioneers: licensing, registration, entry requirements (sufficient knowledge, fit and proper person), business conduct (no misrepresentation, no bids by owners or collusion at auctions).	Review completed. Draft review report released for consultation. Review found that there is no need to license general auctioneers, but that they should be subject to general trust accounting and record management requirements. Review also recommended that the power of the Auctioneers and Real Estate Agents Council to regulate the industry should be transferred to the Director of Consumer Affairs and Fair Trading. Real estate agents, as individuals responsible for services relating to the sale, purchase, lease and management of properties and businesses, will continue to be licensed.	The Property Agents and Land Transactions Act 2005 replaced the Auctioneers and Real Estate Agents Act and implemented the recommendations of the NCP review.
Australia and New Zealand Banking Group Act 1970	DOJIR	Market entry.		Act repealed by the Legislation Repeal Act 2000.
Bank Holidays Act 1919	DIER	Restricts bank trading days.	Review not required. Removed from the LRP timetable.	Act substantially amended to remove all anti-competitive provisions and those that impact on business.
Bank of Adelaide (Merger) Act 1980	DOJIR	Market entry.		Act repealed by the Legislation Repeal Act 2000.
Ben Lomond Skifield Management Authority Act 1995	DPIWE	Imposes restrictions on commercial operations in the Ben Lomond Skifield area.	Minor review completed. Restrictive provisions assessed as being in the public benefit as part of the review of the National Parks and Wildlife Act 1970.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Biological Control Act 1986	DPIWE	Makes provision for the biological control of pests in Tasmania. Complementary to Commonwealth 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 COAG's Committee on Regulatory Reform (CRR) determined that the legislation has no anti-competitive impacts.	No reform required.
Botanical Gardens Act 1950	DPIWE	Bylaws impose restrictions on commercial operations in the Botanical Gardens.	Review not required.	Restrictive by-laws made under the Act replaced by by-laws that do not restrict competition.
Building Act 2000	DIER	Mandatory accreditation, entry requirements (including continuing professional development), the reservation of practice, disciplinary processes, business conduct (insurance).	New legislation assessed under gatekeeper provisions. The regulatory impact statement on the Building Bill 1999 was released in August 1999. The Act provides a framework for regulation of the building industry and details of the framework are being developed in consultation with the building industry.	New Act assented to in December 2000 and commenced on 1 January 2003, following the completion of industry consultation.
Building and Construction Industry Training Fund Act 1990	DE	Mandatory accreditation, entry requirements (including continuing professional development), the reservation of practice, disciplinary processes, business conduct (insurance).	Minor review completed. No major restrictions on competition identified.	Building and Construction Industry Training Fund Act Amendment Act 2004 commenced on 1 March 2005.
Burial and Cremation Act 2002			New legislation.	New legislation. Act replaced the Cremation Act 1934.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Burnie to Waratah Railway Act 1939	DIER	Provides a particular company with a competitive advantage by giving them the authority to operate and maintain a railway (some on private land, the rest on Crown Land lease).	Review deferred pending proclamation of the Rail Safety Act 1997, because its safety and access provisions would negate the need for the 1939 Act. Rail Safety Act proclaimed. The Tasmanian Solicitor-General advised the Government that there is no need to repeal the 1939 Act because it guarantees third party access and does not contain any restrictions on competition.	Following the Solicitor-General's advice, the Government retained this Act unamended.
Business Names Act 1962	DOJIR-OCAFT	No person running a business may use a business name unless it is registered. Restrictions relate to business name registration, and are uniform across the country.	Minor review completed. Restrictive provisions justified as being in the public benefit.	Act retained without reform.
Casino Company Control Act 1973	T&F	Restricts market entry. A casino licence can only be issued to a company specified in the Act. Prohibits the use of 'casino' in any business name unless they are in possession of a casino licence. Restricts ownership and control of casinos by foreign individuals and companies.		Act repealed by the Legislation Repeal Act 2000.
Child Care Act 1960	DE	Restrictions on licensing.		Provisions of this Act replaced Part 6 of the Child Welfare Act 1960 when the new Children, Young Persons and their Families Act was proclaimed in July 2000. Section 78 of the Child Care Act 2001, which repeals the Child Care Act 1960 commenced on 1 September 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Child Welfare Act 1960	DE	Imposes licences for childcare operators and their premises, including restrictions on the number of children in care and the setting of premise standards. Sets standards for home-based care.		When the Children, Young Persons and their Families Act was proclaimed in July 2000, one of its effects was to replace Part 6 of the Child Welfare Act 1960 with provisions within the Child Care Act 1960. The Child Care Act 2000 in turn took the place of that Child Care Act except in relation to boarding homes and day nurseries.
Chiropractors and Osteopaths Registration Act 1997	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	New legislation. Assessed under gatekeeper provisions. Restrictions related to registration assessed as providing a net community benefit as they provide information to the consumer.	New legislation. Act replaced the Chiropractors Registration Act 1982.
Chiropractors Registration Act 1982	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in 1997.	Act repealed and replaced by the Chiropractors and Osteopaths Registration Act 1997.
Christ College Act 1926	DE	Provides for three schools and two trusts to be combined. It is effectively the constitution of the organisation. Provides a possible advantage not given to other schools.	Review not required. Act does not restrict competition.	Act removed from the LRP.
Classification (Publications, Films and Computer Games) Enforcement Act 1995	DOJIR - OCAFT	This Act is national legislation that prohibits the sale, hire, exhibition and production of certain materials and introduces a classification system for certain materials.	Minor review completed. Restrictive provisions justified as being in the public benefit.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commercial and Inquiry Agents Act 1974	DOJIR - OCAFT	Licensing (commercial agents, commercial sub-agents, inquiry agents, process servers, security agents, security guards), entry requirements (suitable person, not convicted of an offence of dishonesty within past five years, financial reputation), the reservation of practice, disciplinary processes and business conduct (trust accounts, maintain records, audits).	Review completed. Public consultation involved issues paper, draft report and submissions. Draft report recommended maintaining most restrictions, but removing licensing requirements for process servers, making minor changes to entry requirements, retaining option of imposing education requirements, and moving responsibility for the granting, renewal, variation or refusal of a licence to the Commissioner for Corporate Affairs.	Act repealed by the Security and Investigations Agents Act 2002.
Commercial Bank of Australia Limited (Merger) Act 1982	DOJIR	Restrictions on market entry.		Act repealed by the Legislation Repeal Act 2000.
Commercial Banking Company of Sydney Limited (Merger) Act 1982	DOJIR	Restrictions on market entry.	Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Act repealed by the Legislation Repeal Act 2000.
Companies (Acquisition of Shares) (Application of Laws) Act 1981	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	
Companies (Acquisition of Shares) (Tasmania) Code	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	
Companies (Application of Laws) Act 1982	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Companies (Tasmania) Code	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	
Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	
Companies and Securities (Interpretation and Miscellaneous Provisions) (Tasmania) Code	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	
Companies and Securities (Miscellaneous Amendments) Act (No. 2) 1982	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	
Companies and Securities Legislation (Miscellaneous Amendments) Act 1982	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	
Companies Auditors and Liquidators Disciplinary Board Act 1982	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	
Construction Industry (Long Service) Act 1997	DIER		Minor assessment completed. Restriction justified as being in the public benefit.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit (Tasmania) Act 1996	DOJIR	Regulates the provision of consumer credit.	<p>National review completed in 2002. 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. 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 Consumer Credit Code Management Committee (UCCCMC) which is facilitating the resolution of some issues.</p> <p>Cabinet agreed to the drafting of amendments to the Consumer Credit (Tasmania) Act to implement the findings of this review. The amendments removed doubt about the application of the Code to conditional sale agreements and to prohibit the charging of valuation fees for household goods.</p>	<p>Consumer Credit (Tasmania) Code applied in relation to the sale of goods by instalment and the charging of a particular fee (Consumer Credit (Tasmania) Amendment Act 2003). The Statutory Rule (Proclamation) No. 18 of 2003 implemented the recommendations regarding the mandatory provision of comparison rates in advertisements for consumer credit.</p> <p>Remaining issues arising from the NCP review of the uniform Credit Code are under discussion by the UCCCMC. Any further changes will be considered by the Government.</p>
Co-operative Housing Societies Act 1963	T&F	Business licensing, naming and conduct.	Act will not be subject to review under the LRP as it does not restrict competition.	Act repealed by the Legislation Repeal Act 2003.
Co-operative Industrial Societies Act 1928	DOJIR	Registration and conduct.		Act repealed by the Co-operatives Act 1999, which commenced in May 2000.
Corporations (Tasmania) Act 1990	DOJIR	Applies Commonwealth Corporations Law within Tasmania.		A package of Tasmanian legislation passed in 2001 as a result of the new Commonwealth Corporations Act 2001. The Commonwealth Office of Regulation Review assessed that no Regulatory impact statement (RIS) required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cremation Act 1934	DPAC	Licenses crematoriums, reserves cremation to licensees and methods of practise.	Minor review completed.	Decision made to repeal and replace this Act with new legislation to include matters related to burials. The Burial and Cremation Act 2002 repealed Cremation Act 1934.
Criminal Code Act 1924	DOPPS	Scheduling restrictions on the labelling, packaging and advertising of listed substances, and to whom a product may be sold and under what conditions. Licensing restrictions on the handling, storage and reporting requirements of controlled substances for wholesalers and retailers.	See the Alcohol and Drug Dependency Act 1968.	See the Alcohol and Drug Dependency Act 1968.
Dairy Industry Act 1994	TDIA	Vesting of milk in Tasmanian Dairy Industry Authority. Farmgate price-setting for market milk. Pooling of market milk returns. Licensing of farmers, processors, manufacturers and vendors.	Review by the Dairy Industry Review Group completed in July 1999. Review recommended against immediate deregulation of price and supply restrictions in favour of reform over 5 years. The recommendation was conditional on the outcome of the Victorian dairy review and the proposed national adjustment package. In regard to food safety, a review recommended that the Tasmanian Dairy Industry Authority continue to maintain milk quality standards until such time as a national system for food safety is implemented.	In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, Tasmania passed the Dairy Amendment Act 2000 on 26 May 2000, deregulating the industry from 1 July 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dangerous Goods Act 1976	DIER	Requires the licensing of persons manufacturing dangerous goods. Persons may not possess dangerous goods without complying with certain requirements and premises must comply with prescribed requirements.		Act repealed and replaced by new dangerous goods legislation. New legislation is based on the (then) National Road Transport Commission's legislative model for transport of dangerous goods by road, which has been expanded to include the use, storage and handling of dangerous goods. New legislation assessed under gatekeeper provisions.
Dangerous Goods Act 1998	DIER		New legislation. Review completed.	Conforms to national agreement. New legislation is based on the (then) National Road Transport Commission's legislative model for transport of dangerous goods by road, which has been expanded to include the use, storage and handling of dangerous goods. New legislation assessed under gatekeeper provisions.
Debits Tax Transfer Act 1990	T&F		Act removed from the LRP.	
Dental Act 1982	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in 2001.	Act repealed and replaced by the Dental Practitioners Registration Act 2001.
Dental Practitioners Registration Act 2001	DHHS	Restrictions on entry, title, registration, disciplinary provisions and practice.	Assessed under new legislation gatekeeping provisions.	Act replaced the Dental Act 1982, Dental Prosthetists Registration Act 1996 and the School Dental Therapy Service Act 1965. New Act removed some restrictions on practice and all specific restrictions on advertising, and clarified that there are no restrictions on ownership, among other things.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dental Prosthetists Registration Act 1996	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.		Act replaced by the Dental Practitioners Registration Act 2001. New Act removed some restrictions on practice and all specific restrictions on advertising, and clarified that there are no restrictions on ownership.
Devonport Airport (Special Provisions) Act 1980	DIER	Provides for the granting of a lease or licence to use any part of the land, buildings or structures of the airport.		Act repealed by the Port Companies Act 1997.
Dog Control Act 1987	DPAC-LGD	Prohibits kennels and the keeping of dogs for breeding purposes without a licence. Sets standards for dog breeders and imposes certain standards on all licensed kennels. Registration of dogs.	Review not required.	Act replaced by the Dog Control Act 2000.
Dog Control Act 2000			New legislation. Assessed under gatekeeper provisions.	New legislation. Act replaced the Dog Control Act 1987.
Don River Tramway Act 1974	DIER	Provides a railway agreement giving a competitive advantage to a particular company, potentially acting to restrict competition. Gives the company authority to construct and operate a railway.	Review deferred pending proclamation of the Rail Safety Act 1997, as the safety and access provisions will negate the need for this Act.	Act repealed by the Legislation Repeal Act 2000.
Door to Door Trading Act 1986	DOJIR - OCAFT	Defines a prescribed contract and prohibited contractual terms. Details information to be incorporated under prescribed contracts. Limits the hours in which a dealer may call.	Minor review completed. Restrictive provisions justified as being in the public interest.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Drugs of Dependence Act 1989	ACT Health	Restrictions on competition throughout Act.	See the Alcohol and Drug Dependency Act 1968.	See the Alcohol and Drug Dependency Act 1968.
Education Act 1994	DE	Requires non-government schools to be registered.	Major review completed in December 2000. Review found the restrictions on competition were justified in the public benefit.	Act retained without reform.
Education Providers Registration (Overseas Students) Act 1991	DE	Requires providers of education to overseas students to be registered and enables conditions to be imposed on the conduct of registered education services.	Major review completed in December 2000. Review found the restrictions on competition were justified in the public benefit.	Act retained without reform.
Egg Industry Act 1988	DPIWE - EMB	Licenses producers. Limits production via quotas. Vests ownership of second grade eggs in the egg marketing board.	Major review completed in July 1999. Review recommended removal of producer licensing, production quota, vesting and minimum quality standards.	Repealed by the Egg Industry Act 2002.
Egg Industry Act 2002		Mandatory quality assurance scheme for producers with twenty or more hens.	New legislation. Quality assurance scheme provisions assessed under gatekeeper provisions.	New legislation. Act repealed and replaced the Egg Industry Act 1988.
Electricity Consumption Levy Act 1986	T&F		Review not required.	Act repealed by the Hydro-Electric Corporation (Consequential and Miscellaneous Provisions) Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Industry Safety and Administration Act 1997	DIER	Licensing, registration, entry requirements (qualification, experience, suitable person, fit and proper person, nominated manager of electrical contracting business: licence and either experience or completed course), reservation of practice, disciplinary processes and business conduct (electrical contractor to have insurance).	No review undertaken. The Government has been advised by DIER that the restrictive provisions of this Act are in the public benefit and in accord with uniform legislation existing in other states.	Act retained without reform.
Electricity Supply Industry Act 1995	T&F	Requires licences for the generation, transmission, distribution or retailing of electricity. Can compel acceptance of conditions of a national electricity code and may impose restrictions on re-supply in contracts with very large users of electricity.	Government review completed in late 2001.	Review recommendations were either enacted or are redundant following passage of legislation enabling Tasmania's entry into the national electricity market.
Emu Bay Railway Act 1976	DIER	Provides a competitive advantage by releasing a particular company from obligations as a common carrier (Common Carrier Act). Provides that the company is not entitled to any of the rights or privileges of a common carrier.		Act replaced by the Rail Safety Act 1997.
Environment Protection (Sea Dumping) Act 1987	DPIWE	Requires a permit to undertake waste dumping or incineration at sea. Essential provisions to prevent degradation of the environment.		Act repealed by the Legislation Repeal Act 2000.

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Environmental Management and Pollution Control Act 1994	DPIWE	Requires a person carrying out a controlled activity to have authorisation and a TAFE certificate. Sets minimum standards for products in terms of air emissions. Restricts the importation of certain products. Essential provisions to prevent degradation of the environment.	Major review completed. All restrictions except one were found to be in the public benefit.	The Noise Regulations 1977, which contained the restriction considered to be not in the public interest, were rescinded on 1 January 2004. The new Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004 do not contain restrictions of the type identified.
Evidence Act 1910	DOJIR	Restricts court room employment of shorthand writers to those who have been examined and licensed.		Act repealed by the Evidence Act 2001.
Evidence Act 2001	DOJIR		New legislation. Act assessed under gatekeeper provisions as not restricting competition or having a significant negative impact on business.	New legislation proclaimed on 1 July 2002. Repealed the Evidence Act 1910.
Fair Trading Act 1990	DOJIR - OCAFT	Motor vehicle traders – mandatory code of practice covering business conduct (written contracts, warranty, complaints system, no deception, no false representation and no misleading advertising).	Minor review of the motor vehicle dealers code of practice completed in 1998. Restrictive provisions requiring manufacturers to provide warranties for motor vehicles and establishing a system for dealing with customer complaints justified as being in the public interest.	The Government endorsed the review recommendations. Act retained without reform.
Fertilisers Act 1993	DPIWE	Prohibits the sale of fertiliser unless the package has the prescribed label. Regulates the details to be included on the label. Sets standards for the composition of fertilisers.	Minor review completed. Review found the restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Financial Institutions Duty Act 1986	T&F		Act removed from the LRP.	

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Financial Management and Audit Act 1990	TAO	Requires the Auditor-General to be the auditor of the Treasurer, all Government departments, statutory authorities and government business enterprises.	Minor review completed. Restrictions on competition arise from the Auditor General's power to audit all Government departments and majority government-owned entities.	No legislative changes required. However, administrative separation now in place between the Auditor General and the Tasmanian Audit Office, competitive tendering with the private sector increased and tender panels formed to assess tender bids.
Fire Service Act 1979	SFC	The formation of private fire brigades and salvage corps is prohibited unless authorised by the Tasmanian Fire Service.	Minor review completed. Sole restriction on competition relating to the creation of salvage corps justified as being in the public benefit.	Act retained without reform.
Firearms Act 1996	DOPPS		Minor review completed. Restrictions on competition justified as being in the public benefit.	Act repealed and replaced the Guns Act 1991.
Fisheries Act 1959	DPIWE - IFC	Prohibits persons carrying out marine farming activities or fish processing without authorisation and/or licences. Requires licensing of private fisheries and restricts the methods and equipment for taking fish. Restricts the import of fish. Protection of a natural resource from unsustainable extraction and the introduction of a disease, organism, variety or disorder.		Act repealed in May 1996.
Flammable Clothing Act 1973	DOJIR - OCAFT	The requirement to mark or label prescribed clothing (children's nightwear) with the flammability of the garment.	Minor review completed. Restrictive provision justified as being in the public benefit.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Food Act 1998 (replaced the Public Health Act 1962)	DHHS	<p>Various food safety offences. Food to meet prescribed food standards.</p> <p>Registration of premises and vehicles. Licensing of food manufacturers and sellers.</p>	National review completed in 2000. See the NSW Food Act 1989.	All states and territories agreed in November 2000 to adopt core provisions of the Commonwealth's model Food Act by November 2001. Tasmania enacted the Food Act 2003, which is based on the model Food Act.
Forest Practices Act 1985	FPB	<p>Requires preparation and certification of forest practices plan before timber harvesting can start.</p> <p>Declaration of private timber forests.</p> <p>Prescribes forest practices under Forest Practices Code.</p> <p>Operators harvesting more than 100 000 tonnes per annum must submit a 3 year plan for approval by Forest Practices Board</p>	Review by Forest Practices Advisory Council completed in 1998. Review recommended no changes to the Act as restrictive provisions found to be in the public benefit.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Forestry Act 1920	FT	<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>Minimum supply of logs for veneer and sawmilling industries.</p> <p>Wood supply agreements to contain certain conditions.</p> <p>Permits to occupy and use State forest.</p> <p>Registration of timber workers.</p>	<p>Review by an external consultant completed in 1998. Review noted that minimum supply restrictions are anti-competitive and recommended:</p> <ul style="list-style-type: none"> • simplifying the Act, and • removing certain conditions of wood supply agreements. <p>Minimum supply restrictions found to be of public benefit during the process to establish a Regional Forest Agreement.</p>	All the restrictions other than the minimum supply levels removed by the Forestry Amendment (Miscellaneous) Act 1999.
Friendly Societies Act 1888	DOJIR	Requires friendly societies to be registered. Requires that two friendly societies conducting the business of a chemist must be within a distance of 11 km of the Hobart or Launceston GPO.		Act repealed and replaced by the Friendly Societies Code. The Code has also been repealed. Friendly Society regulation now falls under Commonwealth jurisdiction.
Futures Industry (Application of Laws) Act 1987	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	
Futures Industry (Tasmania) Code	DOJIR		Act will not be subject to review under the LRP as it does not restrict competition. Act has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	

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Gaming Control Act 1993	T&F	Grants exclusive rights to specific companies to conduct casino operations and operate gaming machines in Tasmania. Requires gaming equipment to meet the approval of the Gaming Commission. Limitations on the availability of gaming to minors.	Minor review completed as part of a review of the State's gaming legislation. Review recommended that the Casino Company Control Act be repealed, that the Gaming Commission be given discretion to determine who was to be included on the roll of manufacturers and suppliers of gaming equipment and that the Gaming Commission be given greater discretion to approve a standard form of contract.	The Government agreed to the review recommendations. The Casino Company Control Act repealed in 2000 and the other two recommendations were implemented in June 2001. In 2003, the Government extended the exclusive licence to operate casinos and gaming machines to 2018.
Gas Act 2000	DIER	Regulates the distribution and retailing of gas in Tasmania. It includes provisions for the appointment of the Director of Gas, and the Director of Gas Safety and for the licensing of gas distributors and retailers.		Gas (Safety) Regulations 2001 were made under the Act in June 2002. Further regulations dealing with, among other things, applications for distribution and retail licences and contestability arrangements for the retail gas market.
Gas Franchises Act 1973	DIER	Grants franchise holders (Hobart and Launceston Gas Companies) exclusive rights to supply gas by reticulation or in bulk in their respective franchise areas.		Act repealed by the Gas Pipelines Access (Tasmania) Act 2000.
Gas Pipelines Access (Tasmania) Act 2000	DIER		New legislation. Act assessed under gatekeeper provisions.	New legislation. Act repealed the Gas Franchises Act 1973.
Goldamere Pty Ltd (Agreement) Act 1996	DED		Act removed from the LRP.	
Goods (Trade Descriptions) Act 1971	DOJIR - OCAFT	Requires labelling of footwear and textiles. Limits the materials that can be used in footwear and requires safety footwear to comply with Australian standards requirements.	Minor review completed. Key restrictive provision, the requirement for manufacturers to disclose the materials from which textile products are made, justified as being in the public benefit.	Restrictive provision relating to textile products retained. New regulations made which replace provisions regarding safety footwear.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Grain Reserve Act 1950	DPIWE - TGEB	Exempts the Tasmanian Grain Elevators Board from local government rates and protects it from being sued.	Review completed.	Two anti-competitive sections of the Act repealed.
Guns Act 1991	DOPPS	Requires gun owners and firearm dealers to be licensed. Essential provisions to limit the availability of potentially dangerous goods such as guns.		Act repealed by the Firearms Act 1996.
Hairdressers' Registration Act 1975	DIER	Licensing, registration of hairdressers (hairdresser, master, principal), entry requirements, and business conduct (licensing of hairdressers' premises, premises compliance with prescribed requirements in relation to design, construction, furnishings and equipment).	Departmental review completed. Review recommended that the Act be repealed.	Act repealed by the Hairdressers Repeal Act 2002.
Henry Jones Limited (Huon Pine) Agreement Act 1978	FT	Ratifies an agreement allowing a company to cut and take a specific quantity of Huon Pine.		Act repealed by the Legislation Repeal Act 1998.
Hire-Purchase Act 1959	DOJIR - OCAFT	Relates to hire purchase contracts taken out prior to introduction of Consumer Credit Code. Specifies the conditions of a legal hire-purchase agreement. It specifies the standards that must be met in writing a legal hire-purchase contract.	Review not required.	Act repealed by the Legislation Repeal Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Historic Cultural Heritage Act 1995	DTPHA	Places restrictions on building work on places of historic heritage significance that may affect historic cultural heritage.	Review, in conjunction with the review of the Land Use Planning and Approvals Act 1993, completed.	Act amended in 2002.
HIV/AIDS Preventative Measures Act 1993	DHHS	Provides for the approval of health care workers, restricts the manufacture and sale of HIV testing kits. Sets guidelines on medical and surgical procedures.	Minor review completed in 1998. Restrictive provisions, relating to the licensing/approvals involved in areas associated with testing, counselling and treatment of AIDS sufferers, justified as being in the public benefit.	Act retained without reform.
Hobart Bridge Act 1958	DIER	Restricts the business of passenger ferry services on the Derwent River. Provides a contractual agreement effectively establishing a monopoly with one licensed operator, ie. it restricts market entry.		Act repealed by the Legislation Repeal Act 1996.
Hobart Town Gas Company's Act 1854	DOJIR	Establishes the Hobart Town Gas Company to provide Hobart with gas powered street lights. Specifies conduct of the company and sets lighting standards to be met.		Act repealed by the Gas Act 2000.
Hobart Town Gas Company's Act 1857	DOJIR	Gives the company powers not afforded to potential competitors, such as entering premises, and recovering property on 24 hours notice.		Act repealed by the Gas Act 2000.
Hospitals Act 1918	DHHS	Licensing, requires certain qualifications to be held by hospital managers.	Review completed. Review recommended licensing private hospitals and day surgery facilities but not nursing homes.	The Government endorsed a reform proposal in February 2004. Health Services Establishments Bill 2005 drafted, intended to repeal and replace the Hospitals Act 1918.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Housing Indemnity Act 1992	DOJIR - OCAFT	Requires builders to obtain an indemnity insurance policy before performing building work.	Review completed. Restrictive provisions justified as being in the public benefit.	Act amended by the Housing Indemnity Amendment Act 2003.
Hutchins School Act 1911	DE	Combines the Hutchins School and a trust and gives the school the power to lease land that it otherwise could not. Provides a possible advantage not given to other schools.	Review not required.	Act repealed by the Legislation Repeal Act 2000.
Hydro-Electric Commission (Doubts Removal) Act 1972	HEC	Provides the Hydro-Electric Commission (HEC) with the power to do all such acts, matters and things in relation to the specified area of Crown land as are necessary to construct and carry out works.	Review not required.	Act repealed on 6 November 1996. Repealing Acts, the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995, included on the LRP.
Hydro-Electric Commission (Doubts Removal) Act 1982	HEC	Provides the HEC with the power to do all such acts, matters and things in relation to the specified area of Crown land as are necessary to construct and carry out works.	Review not required.	Act repealed on 6 November 1996. Repealing Acts, the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995 included on the LRP.
Hydro-Electric Commission Act 1944	HEC	Market entry, competitive conduct, product service innovation. Prohibits the generation and/or transmission of electricity without the consent of the HEC. Establishes pricing rules and prohibits electrical wiring work and the sale of electrical fittings unless approved by the HEC.	Review not required.	Act repealed on 6 November 1996. Repealing Acts, the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Ida Bay Railway Act 1977	DPIWE	Confers Ida Bay Railway with an exemption from the provisions of the National Parks and Wildlife Act 1950 and the Railway Management Act 1935.	Review not required.	Act repealed in April 2001.
Inland Fisheries Act 1995	DPIWE - IFC	Licensing of commercial fishers and fish farms. Registration of private fisheries, fish processors and sellers. Restricts the methods and equipment that can be used to take or kill fish. Limits the size and sex of fish that can be taken. Restricts the importation of fish.	Major review completed in December 2000. Review report, in the form of a RIS, concluded that most restrictions are justified, but recommended some simplifications such as abolishing certain licence classes.	Review recommendations implemented by the Inland Fisheries Amendment Act 2002.
Iron Ore (Savage River) Agreement Act 1965	DIER		Review not required.	Act repealed.
Iron Ore (Savage River) Arrangements Act 1996	DED		Review not required. Act does not restrict competition. The Act provides indemnity for a past operator of the mine for environmental damage.	
Iron Ore (Savage River) Deed of Variation Act 1990	DIER		Review not required.	Act repealed by the Legislation Repeal Act 2001.
Land and Income Taxation Act 1910	T&F		Act removed from the LRP.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Surveyors Act 1909	DPIWE	Licensing, registration, entry requirements (age, good fame and character, competency (education, experience and exam)), the reservation of practice, disciplinary processes and business conduct (number of supervised graduates, discretionary power for Surveyors Board to publish and enforce a scale of fees, survey practice standards).	Review completed in July 1999 and report released in December 2000. Review recommended retaining the following restrictions: registration, annual licensing, disciplinary processes, experience (but replacing two years of supervised training with appropriate course of postgraduate training) and minimum standards (but less prescriptive and more output focused). Review recommended removing the following restrictions: the number of graduates under supervision and power for the board to set fees.	Surveyors Act 2002 implemented deregulation of the surveying profession.
Land Tax Act 1995	T&F		Act removed from the LRP.	
Land Use Planning and Approvals Act 1993	DPIWE	Requires the observance of planning schemes by planning authorities in respect of all use or development within a certain area. Requires persons undertaking certain developments to apply to the planning authority for a permit.	Review completed in 2000.	Amendments recommended by the review made through the Land Use Planning and Approvals Amendment Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Valuation Act 1971	DPIWE	Gives the Valuer-General a monopoly on the provision of valuation services to local government for the setting of valuations for the purpose of determining local rates.	Major review, in conjunction with review of Valuers Registration Act 1974, completed. Review recommended tendering all statutory mass valuation work and retaining the role of the Valuer-General. The Valuer-General would be responsible for developing and monitoring valuation standards and information requirements, determining the length of the revaluation cycle, administering valuation lists, coordinating the collection of information, and being the avenue of appeal. The review also recommended greater administrative separation of the Valuer-General and Government Valuation Services, and the abolition of the Valuers Registration Board.	The Government accepted the review recommendations. Reviewed Acts repealed by the Valuation of Land Act 2001 and the Land Valuers Act 2001.
Land Valuers Act 2001	DPIWE		New legislation. Assessed under gatekeeper provisions.	New legislation. Replaced the Land Valuation Act 1971.
Launceston Gas Company Act 1982	DOJIR	Gives the Launceston Gas Company powers that are not available to potential competitors in the gas supply market. For example, the power to 'break up public roads' without council approval, on 24 hours notice.		Act repealed by the Legislation Repeal Act 2005.
Launceston Savings Investment and Building Society Act 1955	DOJIR	Provides the Launceston Savings, Investment and Building Society with the power to invest in a specific property that it may not have been able to under the Building Societies Act 1876.		Act repealed by the Legislation Repeal Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Profession Act 1993	DOJIR	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, business conduct (including monopoly professional indemnity insurance, operation of mandatory trust accounts and advertising (power to Council of Law Society to make rules)).	RIS released in April 2001, and made preliminary recommendations to: <ul style="list-style-type: none"> remove the reservation of conveyancing remove advertising and ownership restrictions retain civil fee scales improve the disciplinary system, and allow legal practitioners to arrange their own insurance. Review completed in August 2001.	Conveyancing Act 2004 removed conveyancing practice reservations. The Government committed to adopting the national legal profession model laws and expects to implement the reforms in late 2005 or early 2006. Adoption of the national model laws will allow for multidisciplinary practices (for example, to combine accounting and law firms under the one practice) and the use of contingency fees. In this context, Tasmania will consider the requirement that insurance for legal practitioners must be provided by the Law Society of Tasmania.
Lending of Money Act 1915	DOJIR - OCAFT	Relates to money lending contracts taken out prior to introduction of Consumer Credit Code. Requires that money lenders be registered.	Review not required.	Act repealed by the Legislation Repeal Act 2000.
Liquor and Accommodation Act 1990	T&F - LC	Prohibits granting of a liquor licence in connection with supermarket activities. Regulates the sale of liquor. Minimum sale of 9 litres required for non hotel outlets.	Review completed in 2002. Review recommended removing the nine litre minimum sale requirement and the prohibition of sales from supermarket premises.	The Government implemented the majority of the review recommendations including removing the minimum nine litre sale requirement but retained the ban on the sale of packaged liquor from supermarket premises.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Living Marine Resources Management Act 1995	DPIWE	Licensing of fishers, handlers, processors and marine farmers. Input controls on gear, vessel operations, and handling and storage standards. Output controls such as quotas, size and species limits. Prohibits importation of live fish into Tasmania.	Major review completed in January 2000. Review recommended retaining all restrictions as all restrictions were justified as being in the public benefit.	Act retained without reform.
Local Government (Building and Miscellaneous Provisions) Act 1993 - (except in relation to health issues and Part III (subdivisions))	DIER	Provides for the control of building and plumbing work, the setting of product and construction standards and application of the Building Code of Australia to Tasmania.	Assessed under the gatekeeper provisions.	Building provisions replaced by the Building Act 2000 which was assessed under gatekeeping provisions.
Local Government (Building and Miscellaneous Provisions) Act 1993 - (in so far as it relates to health issues)	DHHS	Prohibits cesspools and the inhabitation of houses that do not have sanitation facilities. Requires the registration of premises used for offensive trades (tanneries, etc), the licensing of night-soil disposal systems and places of public entertainment.		Relevant provisions transferred to the Public Health Act 1997 which was assessed under gatekeeping provisions.
Local Government (Building and Miscellaneous Provisions) Act 1993 (Part III)	DPIWE	Provides for the control of building and plumbing work, the setting of product and construction standards and application of the Building Code of Australia to Tasmania. Provides for the approval of subdivisions and restrictions on the use of water.	Review not required.	Act replaced by the Building Act 2000.

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Local Government (Highways) Act 1982	DPAC-LGD	Provides for the creation, construction, maintenance and management of highways and establishes construction standards. Empowers local governments to make by-laws prohibiting the carriage of certain materials over local highways unless licensed.	Minor review completed.	Amending legislation passed by Parliament in late 2001, and proclaimed on 1 June 2002. By-law making power of local governments removed.
Local Government Act 1993	DPAC-LGD	Enables Councils to make by-laws in respect of any matter or thing, such as fees and licences and the execution of works, for which the Council has a function of power under this or any other Act.	Review completed. Minor restrictions were justified as being in the public benefit.	By-law making power of local governments removed.
Marine (Consequential Amendment Act) 1997	DIER			New legislation assessed under gatekeeper provisions.
Marine Act 1976	DIER	Provided for the survey of marine vessels and equipment. Established standards for marine vessels and equipment through the adoption of national codes and standards.		Act repealed on 30 July 1997 and replaced by the Marine and Safety Authority Act 1997, the Port Companies Act 1997, and the Marine (Consequential Amendment) Act 1997.
Marine and Safety Authority Act 1997		Marine safety arrangements.	New legislation. Assessed under gatekeeper provisions.	Act replaced the Marine Act 1976.
Marine Farming Planning Act 1995	DPIWE	Prohibition on marine farming outside marine farming zones. Requirement to have a lease to operate a marine farm. Prohibition on actions that are contrary to any marine farming development plan. Application for marine farming lease by invitation.	Review completed. Review recommended retaining all restrictions because they were found to be in the public benefit.	Act retained without reform.

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Meat Hygiene Act 1985	DPIWE	Prohibits the operation of abattoirs and slaughterhouses without a licence and provides for conditions to be attached to licences. Prohibits persons from selling or bringing meat into Tasmania unless it is fit for human consumption.	Major review completed in 1999.	Amendments implementing reforms enacted in 2001.
Medical Act 1959	DHHS	Restrictions on entry, registration, title, practice and disciplinary provisions.		Act repealed on 21 August 1996 and replaced by the Medical Practitioners Registration Act 1996.
Medical Practitioners Registration Act 1996	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed. Review found that the registration of medical practitioners is justified in the public interest, but that the restrictions on the ownership of medical practices and controls on advertising were not.	Medical Practitioners Registration Amendment Act 2004 implemented review recommendations.
Medical Radiation Science Professionals Registration Act 2000	DHHS	Restrictions on entry, title, registration and disciplinary provisions.	New legislation. Assessed under gatekeeper provisions. The Act does not contain practice or advertising restrictions, but does contain requirements for professional indemnity insurance.	Act repealed the Radiographers Act 1971.
Mental Health Act 1963	DHHS	Restricts the admission of involuntary mental patients to public hospitals only.		Act repealed and replaced by the Mental Health Act 1996.
Mental Health Act 1996	DHHS		New legislation. Assessed under gatekeeper provisions. New Act addressed the restriction contained in the Mental Health Act 1963.	Act replaced the Mental Health Act 1963.
Merchant Seamen Act 1935	DIER	Places restrictions on shipping crews through the adoption of International Labour Conventions.		Act repealed by the Legislation Repeal Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Metro Tasmania Act 1997 Metro Tasmania (Transitional and Consequential Provisions) Act 1997	DIER		New legislation. Assessed under gatekeeper provisions.	New legislation. Acts replaced the Metropolitan Transport Act 1954.
Metropolitan Transport Act 1954	DIER	Places restrictions on the provision of public bus services within a 22 kilometre radius of the Hobart GPO and a 12 kilometre radius of the Launceston GPO.		Act replaced by the Metro Tasmania Act 1997 and the Metro Tasmania (Transitional and Consequential Provisions) Act 1997.
Mineral Resources Development Act 1995	DIER	Exploring or extracting minerals prohibited without licence. Term of exploration licences - 5 years. Term of extraction (mining) leases - up to 21 years.	Review by government/industry panel completed. Review recommended no change.	Act retained without reform.
Mining Act 1929	DIER			Act repealed and replaced by the Mineral Resources Development Act 1995.
Mock Auctions Act 1973	DOJIR - OCAFT	Prohibits auctions where items are sold at a price lower than the highest bid, i.e. no kick backs allowed.	Review not required.	Act repealed by the Legislation Repeal Act 2000.
Motor Accidents (Liabilities and Compensation) Act 1973	MAIB	Mandatory insurance, monopoly insurer, centralised premium setting.	Major review completed in 1997. Review recommended retention of the monopoly. Following the 1999 NCP assessment, the Government agreed to re-examine the issue. In considering its approach, Tasmania considered the outcome of the Victorian review of that state's Compulsory Third Party insurance.	The Government completed its examination of the Victorian review of the Transport Accident Commission and decided not to alter the Tasmanian Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mount Dundas and Zeehan Railway Act 1890	DIER	Sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway.		Act repealed by the Legislation Repeal Act 1998.
Mount Dundas and Zeehan Railway Act 1891	DIER	Sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway.		Act repealed by the Legislation Repeal Act 1998.
Mount Lyell and Strahan Railway Act 1892	DIER	Provides the company with the power to construct a railway through public and private lands. Specifies quality levels to be met in the construction of the railway.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1893	DIER	Specifies railway construction standards to be met by this railway.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1896	DIER	Provides the company with the power to alter the course of the railway through public and private lands. It provides the company with greater rights of acquisition than is available to other companies under the law.		Act repealed by the Legislation Repeal Act 1996.
Mount Lyell and Strahan Railway Act 1898	DIER	Restricts the ability of the company to set freight rates. As a monopoly provider of rail services to Strahan the Government empowered itself to oversee the private freight fees charged by the company.		Act repealed by the Legislation Repeal Act 1996.

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Mount Lyell and Strahan Railway Act 1900	DIER	Provides the company with an extension to its rights over public and private lands.		Act repealed by the Legislation Repeal Act 1996.
Mount Read and Rosebery Mines Limited Leases Act 1916	DIER	The Act authorises the issue of special leases and licences to the company in order for it to acquire 'a more certain tenure of the lands, water and other rights'. The company has sole rights to timber on any lands in the lease.		Act repealed by the Mt Read and Rosebery Mines Limited Leases (Repeal) Act 1999.
National Parks and Wildlife Act 1970	DPIWE	Provides for conditions to be placed on the commercial use of crown land and trade in wildlife, and limits the number and type of licences that can be issued.	Minor review completed. Restrictive provisions regarding the commercial use of Crown land, trade in wildlife and wildlife exhibitions and displays justified as being in the public benefit.	Act retained without reform.
North Mount Lyell and Macquarie Harbour Railway Act 1897	DIER	Provides the company with the power to construct a railway through public and private lands. Specifies quality levels to be met in the construction of the railway.		Act repealed under the Legislation Repeal Act 1996.
North Mount Lyell Mining and Railway Act 1901	DIER	Provides the company with more land for its railway and retrospectively approves certain new railway constructions. Specifies the conduct and form of leasing arrangements that the company can enter into.		Act repealed under the Legislation Repeal Act 1996.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Noxious Insects and Molluscs Act 1951	DPIWE	Prohibits the importation into Tasmania of any noxious insect or mollusc, except for scientific purposes and with the prior approval of the Minister. Prohibits the sale of any infested animal or good.	Review not required.	Act repealed and replaced by the Plant Quarantine Act 1997.
Noxious Weeds Act 1964	DPIWE	Provides for the declaration of 'infested areas' and prohibits the movement of plants and animals from that area. Prohibits the importation of banned weeds and unidentified plants. Controls the importation of seeds, aquatic plants and animals.	Review not required.	Act repealed and replaced by the Weed Management Act 1999.
Nursing Act 1987	DHHS	Restrictions on entry, registration, title, practice and disciplinary provisions.		Act repealed on 1 July 1996 and replaced by the Nursing Act 1995.
Nursing Act 1995	DHHS	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review completed in 1999. Restrictions related to registration assessed as providing a net community benefit as they provide information to the consumer.	The Nurses Amendment Act 1999 removed restrictions other than registration requirements.
Optometrists Registration Act 1994	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising and ownership.	Review completed. Key issues for the review were the extent of restrictions on the ownership of practices and on the advertising of services.	Optometrists Registration Amendment Act 2004 implemented review recommendations.
Partnership Act 1891	DOJIR	Restricts partners competing with the partnership.	Minor review completed. Restrictive provisions justified as being in the public benefit.	Act retained without reform.
Pawnbrokers Act 1857	DOJIR	Licensing, business conduct.	Review not required.	Act repealed in 1996 by the Second-Hand Dealers and Pawnbrokers Act 1994.
Pay-roll Tax Act 1971	T&F		Act removed from the LRP.	

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Pesticides Act 1968	DPIWE	Provides for the registration of pesticides and prohibits their sale unless registered. Prohibits the sale of foodstuffs that contain pesticide residue above the permitted tolerance. Controls the packaging, labelling and use of pesticides.	Review not required.	Act repealed on 1 January 1997 by the Agricultural and Veterinary Chemicals (Control of Use) Act 1995.
Petroleum (Submerged Lands) Act 1982	DIER	Regulates exploration for and development of undersea petroleum resources. This legislation forms part of a national scheme.	National review completed. Review endorsed by the Australia and New Zealand Minerals and Energy Council. Review's main conclusion was that the Petroleum (Submerged Lands) legislation is essentially pro-competitive and, to the extent that there are restrictions on competition (for example in relation to safety, the environment, resource management or other issues), these are appropriate given the net benefits to the community. Final report made public on 27 March 2001, following consideration by COAG's CRR.	Petroleum Submerged Lands Amendment Act 2004 enacted.
Petroleum Products Business Franchise Licences Act 1981	T&F			Act repealed as a result of the High Court ruling of August 1997 that states are unable to collect franchise fees.
Petroleum Products Emergency Act 1994	DOPPS	Provides for the licensing and prohibition of sale of petroleum products and the rationing of petroleum sales in an emergency.	Act removed from the LRP. The legislation requires that any restrictions must be justified in the public benefit, therefore no further justification considered necessary.	No reform required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1908	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, business and ownership.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. 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> <p>A state-based review completed in January 1998. This review did not encompass the ownership issues considered as part of the national review.</p>	The Government considered the outcomes of the national review and implemented the Pharmacists Registration Amendment Act 2004. The amendments fall short of those required by COAG national review processes.
Physiotherapists Registration Act 1951	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in 1999. Restrictions related to registration assessed as providing a net community benefit as they provide information to the consumer.	Act repealed and replaced by the Physiotherapists Registration Act 1999.
Physiotherapists Registration Act 1999	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in 1999. Restrictions related to registration were assessed as providing a net community benefit as they provide information to the consumer.	Act replaced the Physiotherapists Registration Act 1951. New Act introduced professional indemnity insurance requirement, and can provide for continuing professional education regulations. Maintained limited reserved practice (manipulation and electrical). Business restrictions and licensing removed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plant Diseases Act 1930	DPIWE	Provides for the Governor to prohibit the introduction into Tasmania of any plant that is likely to introduce any disease or noxious organism. Prohibits the movement and export of diseased plants.		Act repealed and replaced by the Plant Quarantine Act 1997.
Plant Protection Act 1994	DPIWE	Minister may prohibit the sale of anything found in an 'infested area' and may prohibit any article, goods or material from being imported into Tasmania. Prohibits exportation of diseased plants unless in accordance with restrictions.		Act repealed and replaced by the Plant Quarantine Act 1997.
Plant Quarantine Act 1997	DPIWE		New legislation assessed under gatekeeper provisions. Restrictions found to be necessary to prevent the spread of plant and animal pests and diseases.	New legislation. Act replaced the Plant Diseases Act 1930, Plant Protection Act 1994 and Noxious Insects and Molluscs Act 1951.
Plumbers and Gas-fitters Registration Act 1951	DIER	Licensing, registration, entry requirements (qualification or experience, apprenticeship and exam), the reservation of practice (sanitary, mechanical services, water and backflow prevention plumbing, draining and roof plumbing, any other plumbing work, gasfitting), disciplinary processes.	Review completed in October 1998. Review recommendations included allowing any person to work under the direct supervision of a registered plumber or gasfitter; allowing any person to do simple plumbing tasks; reducing the existing levels of registration; and limiting the qualifications and experience required for registration to a demonstration of competence.	Reforms to the licensing of plumbers and gas fitters contained in the Occupational Licensing Act 2005.
Podiatrists Registration Act 1974	DHHS	Restrictions on entry, registration, title, disciplinary provisions, advertising and ownership.	Review completed in 2000. Review recommended that advertising and ownership restrictions be removed from the Act.	Act repealed on 1 July 1996 and replaced by the Podiatrists Registration Act 1995.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Podiatrists Registration Act 1995	DHHS	Restrictions on entry, registration, title and disciplinary provisions.	Review completed in 2000. Review recommended that advertising and ownership restrictions be removed from the Act.	Advertising and ownership restrictions removed from the Act in November 2000. A professional indemnity insurance requirement introduced.
Poisons Act 1971	DHHS	Requires the licensing of manufacturing and wholesale chemists, and restricts the sale or supply of narcotic or prohibited substances. Prohibits the sale of new drugs until they are classified.	Part of Galbally Review of Drugs, Poisons and Controlled Substances. Review issued final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas. Final report presented to AHMC in early 2001. The AHMAC working party recommended to COAG in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12 month period from COAG's endorsement of the recommendation.	Since the release of the Galbally review, the Australian and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products, accountable to both the New Zealand and Australian governments. These arrangements were to commence on 1 July 2005, but were deferred for 12 months to allow for consultation. States and territories will amend their drugs, poisons and controlled substances legislation, where necessary, to appropriately reference relevant parts of the Australian Government's legislation relating to the trans-Tasman agency. Tasmania advised that it is drafting a new Poisons Act to account for the outcome of the national review.
Police Offences Act 1935	DOPPS	Requires the licensing of tanners, motor racing events, wood stacks, fund raising, money lending and boxing.	Minor review completed.	Two anti-competitive provisions repealed and those remaining justified as being in the public benefit.
Port Arthur Historic Site Management Authority Act 1987	PAHSMA	Imposes restrictions on commercial operations in the Port Arthur Historic Site area.	Minor review completed. Restrictive provisions assessed as being in the public benefit as part of the review of the National Parks and Wildlife Act 1970.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Port Companies Act 1997	DIER	Establishes port authorities.	New legislation. Assessed under gatekeeper provisions.	Act repealed a range of legislation.
Port Huon Wharf Act 1955	T&F	Restrictions on port access.		Act repealed on 30 July 1997.
Primary Industry Activities Protection Act 1995	DPIWE	Provides legal protection for established primary producers from a claim of nuisance from new adjoining subdivisions.	Minor review completed. Review found the restrictions to be in the public interest. No reform recommended.	No reform required.
Printers and Newspapers Act 1911	DOJIR	Requires printed matter to carry printer's name and address. Prohibits the sale of printed matter that does not bear printer's name and address.		Act repealed by the Legislation Repeal Act 1998.
Psychologists Registration Act 1976	DHHS	Restrictions on entry, registration, title, disciplinary provisions and advertising.	Review completed in 2000. Restrictions related to registration assessed as providing a net community benefit as they provide information to the consumer.	Act replaced by the Psychologists Registration Act 2000.
Psychologists Registration Act 2000	DHHS	Restrictions on entry, registration, title and disciplinary provisions.	New legislation implemented after assessment under gatekeeper provisions.	New legislation. Removed restrictions on advertising and reservation of practice, and streamlines complaints and administration procedures.
Public Health Act 1962	DHHS	Prohibits persons other than medical practitioners from treating patients suffering from certain diseases. The Act prescribes food labelling requirements and sets food standards. Requires the registration of, and sets standards for, food premises.	Replacement legislation assessed under gatekeeper provisions. The Commonwealth consulted with the states and territories on national review related to food regulation.	Act repealed and replaced by the Public Health Act 1997 and the Food Act 1998. Food Act 1998 replaced by the Food Act 2003, based on the Commonwealth's model Food Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Health Act 1997	DHHS		Replacement legislation assessed under gatekeeper provisions. Commonwealth consulted with the states and territories on national review of food regulation, including a review of the Australia and New Zealand Food Authority Council Act and the Commonwealth's model Food Act.	Act replaced the Public Health Act 1962. Act repealed the Tobacco Products (Labelling) Act 1987.
Pulpwood Products Industry (Eastern and Central Tasmania) Act 1968	FT	Ratifies an agreement.		Act repealed by the Legislation Repeal Act 1995.
Racing Act 1983	DIER	Provides for the licensing of thoroughbred horses and greyhounds and persons involved in this type of racing. Controls thoroughbred and greyhound racing in Tasmania.		Following the restructure of the racing industry in 2000, new racing legislation drafted. The Racing Act 1983 repealed as part of this process.
Racing and Gaming Act 1952 (except in relation to minor gaming)	DIER	Requires registration of bookmakers, bookmakers' clerks, racing clubs and race courses. Restricts race meetings, telephone sports betting, bookmaker betting activities and the appointment of officials. Prohibits proprietary racing. Limits availability of gaming to minors.	Following a restructure of its racing industry, Tasmania prepared three new Bills to replace the Racing Act and the Racing Regulation Act, and these were assessed under gatekeeper provisions. Departmental RIS found all major restrictions in the Bills to be in the public benefit.	Amending legislation listed below was enacted in November 2004. <ul style="list-style-type: none"> • Racing Regulation Act 2004 • Racing Regulation (Transitional and Consequential Provisions) Act 2004, and • Tote Tasmania (Racing Regulation) Act 2004 The Tote Tasmania (Racing Regulation) Act 2004 has since been repealed with the introduction of the Gaming Control Amendment Act 2009.
Racing and Gaming Act 1952 (in so far as it relates to totalizator betting)	T&F and DIER	Exclusive licence for TOTE Tasmania to conduct totalizator betting.		

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing and Gaming Act 1952 (minor gaming)	T&F		Minor review completed as part of review of the Tasmania's gaming legislation.	Provisions of the Act that relate to minor gaming initially reviewed as part of a review of Tasmania's gaming legislation. In 2001, the gaming components of this Act transferred to the Gaming Control Act 1993.
Radiation Control Act 1977 Radiation Control Regulations 1994	DHHS	Prohibits unlicensed dealings with radioactive materials and electronic products. Enables requirements to be imposed on premises and requires the registration of certain products and materials.	National review completed. Review recommended the continuation of a regulatory approach but with a move to an outcome based rather than prescriptive controls over the possession or use of radiation sources.	Radiation Protection Act 2005 enacted. Supporting regulations being developed.
Radiographers Registration Act 1971	DHHS	Restrictions on entry, registration, title, disciplinary provisions and practice.		Act repealed by the Medical Radiation Science Professionals Registration Act 2000.
Rail Safety Act 1997	DIER		New legislation. Initially introduced without gatekeeper assessment but subsequent Minor Assessment Statement found the Act to comply with gatekeeper requirements.	See Emu Bay Railway Act 1976.
Railway Management Act 1935	DIER	Legislation gave the Transport Commission the power to issue licences to reopen abandoned railways. Exempts railway buildings from planning laws.	The Government no longer owns railways.	Act repealed.
Railways (Transfer to Commonwealth) Act 1975	DIER	Establishes a price fixing regime, whereby rail freight charges cannot be set at a level higher than those applying to railways of the Commonwealth outside Tasmania.		Act redundant following the sale of Tasrail to the Commonwealth and the return to state ownership of railway land in accordance with the Railways Agreement between the Commonwealth and Tasmanian governments. Repealed by the Legislation Repeal Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Railways Clauses Consolidation Act 1901	DIER	Authorises the construction of railways or tramways and sets fares, construction standards, rates and charges.		Act repealed by the Legislation Repeal Act 2000.
Renison Limited (Zeehan Lands) Act 1970	DPIWE	Vests certain land to Renison Limited.		Act repealed by the Legislation Repeal Act 1998.
Retirement Benefits Act 1993	RFBF	Limits on choice of funds.		Choice of funds for new and existing contributors introduced. The Government moved to fund existing public scheme.
Roads and Jetties Act 1935	DIER	Prohibits persons from moving vehicles or livestock so as to cross the side boundary of a limited access road without authority to do so.	Minor review completed. Review concluded that restrictions related to limited access provisions should be retained because they are in the public interest.	The Government accepted the review recommendations.
Rules Publication Act 1953	DOJIR	All Statutes and Statutory Rules to be sent to the Government Printer and shall be numbered, printed and sold by the Printer as prescribed. Provides administrative discretion to the Chief Parliamentary Counsel to decide who to appoint as the Government Printer.		Restrictive provisions repealed by the Legislation Publication Act 1996 which was proclaimed in early 1998.
Sale of Condoms Act 1987	DHHS	Requires the installers of condom vending machines to be licensed. Prohibits certain advertisements and the sale and supply of particular condoms. Requires that condoms meet certain standards.	Minor review completed.	Act repealed.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sale of Hazardous Goods Act 1977	DOJIR - OCAFT	Enables the prohibition of the sale of certain products which are determined to be hazardous.	Minor review completed. Restrictive provisions justified as being in the public benefit.	Act retained without reform.
Salt-water Salmonid Culture Act 1985 Salt-water Salmonid Culture (Supplementary Agreements Validation) Act 1992	DPIWE	Ratifies the Joint Venture Agreement which gives Salmon Enterprises of Tasmania (Saltas) a monopoly on the production of salmon smolt.		Act repealed by the Legislation Repeal Act 1998.
School Dental Therapy Service Act 1965	DHHS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, can only treat children up to 16 years and limits practice to the public sector.		Act replaced by the Dental Practitioners Registration Act 2001.
Second-hand Dealers Act 1905	DOJIR	Licensing and business conduct.	Review not required.	Act repealed in 1996 by the Second-Hand Dealers and Pawnbrokers Act 1994.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Second-hand Dealers and Pawnbrokers Act 1994	DOJIR - OCAFT	Negative licensing (pawnbrokers, second-hand dealers, registration (notification at nearest police station), entry requirements (fit and proper person, not convicted of offence against the Act or offence involving dishonesty), the reservation of practice, disciplinary processes and business conduct (pawnbrokers: prescribed records, redemption period of six months, auction of forfeited goods; second-hand dealers: prescribed records, holding of goods for prescribed period, requirement that seller provide identification, cooperation with police).	Minor review completed. Review found restrictive provisions were justified in the public benefit.	The Government endorsed the review recommendation. Act replaced the Pawnbrokers Act 1857 and Second-hand Dealers Act 1905.
Security and Investigations Agents Act 2002			New legislation.	New legislation. Act replaced the Commercial and Inquiry Agents Act 1974.
Securities Industry (Application of Laws) Act 1981	DOJIR		Act will not be reviewed as it does not restrict competition. Act currently has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	Reform not required.
Securities Industry (Tasmania) Code	DOJIR		Legislation will not be reviewed as it does not restrict competition. Act currently has no effect except in relation to breaches that occurred prior to the introduction of the Corporations (Tasmania) Act 1990.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Seeds Act 1985	DPIWE	Prohibits the importation of certain seeds and the sale of seeds if the quality of those seeds is less than prescribed, or if they are mixed with other seeds in the wrong proportion or with seeds which are infected.	Review not required.	Restrictive provisions in Act removed by the Seeds Amendment Act 1999.
Shop Trading Hours Act 1984	DIER	Major retailers (shops employing more than 250 people) are prohibited from trading during prescribed periods, these being Sundays, public holidays and weekdays after 6:00 pm, other than Thursday and Friday.	<p>Initial review completed in May 2000. Review recommended removal of restrictions. The Government asked the review panel for an enhanced assessment of the public benefit of removing the restrictions, including more analysis of how removal of restrictions would affect the independent grocery sector and rural and regional Tasmania.</p> <p>Review panel consulted further with key stakeholders and commissioned additional market research on household shopping patterns. Supplementary review confirmed the finding of the original review that the removal of restrictions on shop trading hours would lead to a substantial increase in retail sector employment in all regions of Tasmania. Review also found that removal of the restrictions would not affect the viability of the vast majority of independent grocery stores in either rural or urban areas.</p>	The Shop Trading Hours Amendment Act 2002 removed restrictions in line with review recommendations.
Stamp Duties Act 1931	DIER		Act removed from the LRP.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Stock Act 1932	DPIWE	Requires a licence for commercial artificial breeding. Enables the Minister to prohibit or restrict the movement of any animals into Tasmania from any other State.		Act repealed on 1 September 1996 and replaced by the Animal Health Act 1995.
Stock, Wool, and Crop Mortgages Act 1930	DOJIR	Provides for the registration of mortgages against stock, wool and crops by the Office of Consumer Affairs. Specifies what can be mortgaged and how it is to be done.	Review completed. Review found all restrictions to be in the public interest. No reform recommended.	Act retained without reform.
Substandard Housing Control Act 1973	DHHS	Provides for the closure of substandard rental accommodation and for rental control over certain premises. There are no substantial restrictions on competition.		
Sunday Observance Act 1968	DIER	Prohibits certain business activities (particularly property transactions) on Sundays.	Review not required.	Act repealed by the Sunday Observance (Repeal) Act 1997.
Survey Co-ordination Act 1944	DPIWE	Prohibits the erection of a structure, building or any other erection that is likely to be mistaken for a standard permanent mark on a mountain, hill or elevated land without the approval of the Surveyor-General.		Minor restrictive provisions repealed in the Legislation Repeal Act 2005.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tasmanian Government Insurance Act 1919	T&F	Establishes the Tasmanian Government Insurance Office and prohibits it from trading in life insurance. Specifies business practices and standards.		Act repealed.
Tasmanian Harness Racing Board Act 1976	DPIWE - TRA	Provides for the registration of all harness racing trainers and drivers. Controls harness racing in Tasmania.	Racing Industry Review completed in 1997.	Act repealed and replaced by the Racing Amendment Act 1997.
Tasmanian Public Finance Corporation Act 1985	T&F	Provides for the Treasurer to direct a State authority to exclusively source loans from Tascorp.	Minor review completed. Restrictive provisions justified as being in the public benefit.	Act retained without reform.
Taxi and Luxury Hire Car Industries Act 1995	DIER		Major review completed. Report completed in April 2000, recommending: <ul style="list-style-type: none"> • an annual tender if new licences up to 5-10 per cent • retention of maximum fare for rank/hail market only, and • free entry to the hire car market subject to a A\$5000 licence fee. 	The Taxi and Luxury Hire Car Industries Amendment Act 2003 enacted, proclaimed in March 2004. Act provides for tendering of additional perpetual taxi licences and for a new category of licence for wheelchair accessible taxis.
Taxi Industry Act 1995	DIER	Provides for the licensing of taxis and places restrictions on their operation. Limits the number of taxi licences available.		Act amended in 1999. Relevant Act is the Taxi and Luxury Hire Car Industries Act 1995.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Teachers Registration Act 2000	DE	Licensing, registration, entry requirements (teacher training and one years experience or sufficient education and experience in the opinion of the Board, and good character – Board to take into account any conviction and behaviour of the applicant or any other matter), reservation of practice (teaching in government and non-government schools) and disciplinary processes.	New legislation. Assessed under gatekeeper provisions. RIS prepared.	New legislation.
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1985	T&F	Provides financial assistance to extend the life of the mine and to establish a rehabilitation agreement.		Act repealed by the Legislation Repeal Act 1996.
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1987	T&F	Provides financial assistance to further extend the life of the mine and to ensure continuation of the rehabilitation agreement.		Act repealed by the Legislation Repeal Act 1996.
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1992	T&F	Ratifies and implements a deed of variation with respect to the continuation of operations of a particular company. Grants certain environmental degradation exemptions to the company.		Act repealed by the Legislation Repeal Act 1998.
Therapeutic Goods Act 2001			New legislation. Assessed under gatekeeper provisions as not restricting competition or impacting on business.	Act replaced the Therapeutic Goods and Cosmetics Act 1976.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Therapeutic Goods and Cosmetics Act 1976	DHHS	Act provides for the control of therapeutic goods and cosmetics.		Act replaced by the Therapeutic Goods Act 2001.
Threatened Species Protection Act 1995	DPIWE	Prohibits trade in protected flora and fauna. Provides for protection orders prohibiting certain activities and exemptions from those orders. Specifies conduct of Government agencies, business enterprises, authorities and bodies in relation to sustainable development.	Minor review completed. Restrictive provisions justified as being in the public benefit.	Act retained without reform.
Tobacco Products (Labelling) Act 1987	DHHS	Prescribes regulations for the packaging of tobacco products and requires warning notices to be displayed on tobacco products.		Act repealed by the Public Health Act 1997.
Traffic Act 1925	DIER	Licensing of public vehicles (cars, carriers, omnibuses, hire cars and charter buses), conditions to be placed on licences and licensing of driving instructors.	Act substantially reviewed in terms of the restrictive provisions of Part III, by the independent Committee of Review into Public Vehicle Licensing in Tasmania, chaired by Mr David Burton (the 'Burton Review').	The anti-competitive provisions in Part III replaced by the Passenger Transport Act 1997, the Passenger Transport (Consequential and Transitional) Act 1997 and the Traffic Amendment (Accreditation and Miscellaneous) Act 1997. All these Acts assessed under gatekeeper provisions.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Travel Agents Act 1987	DOJIR - OCAFT	Licensing and compulsory consumer compensation fund. Defines what does and does not constitute the business of a travel agent.	<p>Part of national review of travel agent legislation, coordinated by Western Australia. Final review report by the Centre for International Economics 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. Review also recommended increasing the turnover threshold for licence exemption to \$50 000 and extending the operation of the Act to the Crown.</p> <p>A report was submitted to the Ministerial Council on Consumer Affairs (MCCA) in 2000 and subsequently released for stakeholder comment. In November 2002, the MCCA decided to maintain the Travel Compensation Fund monopoly, but to 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.</p>	Tasmania implemented the MCCA recommendations.
Trustee Amendment (Investment Powers) Act 1997	T&F		New legislation. Assessed under gatekeeper provisions	Act repealed the Trustee (Insured Housing Loans) Act 1970.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee (Insured Housing Loans) Act 1970	T&F	Prescribes the power to approve insurers and provides that trustees can only invest in a housing loan if that housing loan is insured by an approved insurer.		Act repealed by the Trustee Amendment (Investment Powers) Act 1997.
Trustee Act 1898	DOJIR - T&F	Regulates the types of investments that trustees can and cannot make.		Restrictive provision replaced in 1997 with a 'prudent person' approach to trustee investments. This provision assessed under the gatekeeper provisions and found to not restrict competition or impact on business.
Trustee Banks Act 1985	T&F	Restricts the establishment of Trustee Banks and provides a regulatory framework for Trustee Banks that can affect their competitive conduct.		Act repealed by the Trust Bank Sale Act 1999.
Trustee Companies Act 1953	DOJIR	Provides for the establishment of trustee companies. Prohibits specific actions in relation to loans. Prohibits trustee companies from engaging in any business unless expressly authorised in the Act.	<p>National review underway. Standing Committee of Attorneys-General (SCAG) released issues paper and draft Bill in June 2001. SCAG was ready to endorse the NCP review's report at its meeting in March 2002. However, Australian Government officers asked for more time to consider the licensing and supervisory arrangements before the report is released.</p> <p>Finalisation of the review awaited advice from the Australian Government as to whether it would provide for the regulation of trustee companies on a national basis via the Australian Prudential Regulation Authority (APRA) services being provided to the states and territories. In March 2005, the Australian Government advised that APRA would not be involved.</p>	Following the Australian Government confirmation that the APRA will not undertake the prudential regulation of trustee companies, states and territories are moving to finalise the reform of the legislation based on the draft model, including seeking external advice on the form that prudential standards could take. NSW is the leading jurisdiction in this process.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
TT-Line Gaming Act 1993	T&F	Grants a licence to a state shipping company to conduct gaming operations. Specifies how gaming is to be conducted and which games can be played. Limits on the availability of gaming to minors.	Minor review completed. Restrictions determined to be in the public benefit.	Act retained without reform.
United Milk Products Ltd (Amalgamation) Act 1981	DED	Special Act to allow the amalgamation of two companies and two co-operative industrial societies into one single company. Not practicable under the Companies Act 1962, therefore this special Act was passed.		Act repealed by the Legislation Repeal Act 1998.
Universities Registration Act 1995	DE	Requires institutions wanting to operate as universities to be registered and enables conditions to be imposed on their conduct.	Minor review completed in 1998. Restrictions relating to the registration and accreditation of private universities to be retained as they are considered to be in the public benefit.	Act retained without reform.
Valuation of Land Act 2001	DPIWE		New legislation. Assessed under gatekeeper provisions.	New legislation. Repealed the Land Valuation Act 1971.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Valuers Registration Act 1974	DPIWE	Licensing, registration, entry requirements (education and experience or 10 years experience, good fame and character), the reservation of title and practice, disciplinary processes, business conduct (conduct that may result in deregistration includes professional misconduct, taking excessive amounts of alcohol and drugs, suffering from a mental disorder or committing an offence).	Major review completed in conjunction with review of Land Valuation Act 1971.	The Government accepted the review recommendations. Reviewed Acts repealed by the Valuation of Land Act 2001 and the Land Valuers Act 2001.
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1895	DIER	Act sets out a railway agreement providing a competitive advantage to a particular company; gives authority to construct and operate a railway and prescribes the construction standards that must be met.	The Tasmanian Solicitor-General advised that there is no need to repeal this Act because it guarantees third party access and does not contain any restrictions on competition.	Act retained without reform.
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1896	DIER	Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.	The Tasmanian Solicitor-General advised that there is no need to repeal this Act because it guarantees third party access and does not contain any restriction on competition.	Act retained without reform.
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1948	DIER	Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.	The Tasmanian Solicitor-General advised the Government that that there is no need to repeal this Act because it guarantees third party access and does not contain any restriction on competition.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Vermin Control Act 2000	DPIWE		New legislation. Assessed under gatekeeper provisions and found not to restrict competition.	New legislation. Act replaced the Vermin Destruction Act 1950.
Vermin Destruction Act 1950	DPIWE	Prohibits the keeping and intrastate transportation or importation into Tasmania of vermin and rabbits without a permit.	Review completed. Review recommended removal of all restrictions on competition.	Act replaced by the Vermin Control Act 2000.
Veterinary Medicines Act 1987	DPIWE	Provides for the registration of veterinary medicines. Prohibits their sale unless they are registered and packaged in accordance with requirements. Requires animals treated with prescribed medicines to be marked in a manner approved by the Registrar.		Act repealed with effect January 1997 by the Agricultural and Veterinary Chemicals (Control of Use) Act 1995.
Veterinary Surgeons Act 1987	DPIWE	Licensing of veterinary surgeons and hospitals, reservation of practices, and reservation of title.	Minor review completed in 2000.	Reforms implemented in 2002.
Vocational Education and Training Act 1994	DE	Requires training providers to be registered in order to offer accredited courses. Provides for compulsory training agreements for training undertaken in respect of a declared vocation.	Major review completed. Review issued a RIS in July 2000. RIS supported restrictions except for provisions governing vocational placement arrangements which it argued should be replaced with an administrative arrangement.	Amendments arising from the review of the Act enacted through the Vocational Education and Training Amendment Act 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Wee Georgie Wood Steam Railway Act 1977	DIER	Act sets out a railway agreement providing a competitive advantage to a particular company. It gives the authority to construct and operate a railway and prescribes the construction standards that must be met.	Review deferred pending proclamation of the Rail Safety Act 1997, because its safety and access provisions would negate the need for this Act.	Act repealed by the Legislation Repeal Act 2000.
Weed Management Act	DPIWE		New legislation. Assessed under gatekeeper provisions.	New Legislation. Act replaced the Noxious Weeds Act 1964.
Weights and Measures Act 1934	DOJIR - OCAFT	Requires the licensing of weigh bridges and public weigh bridge operators. Specifies requirements for pre-packed articles and other products.	National review of trade measurement legislation.	Act repealed and replaced by state-based uniform trade measurement legislation, the Trade Measurement Act 1999.
Wellington Park Act 1993	DPIWE	Imposes restrictions on commercial operations in the Wellington Park area.	Minor review completed. Restrictive provisions assessed as being in the public benefit as part of the review of the National Parks and Wildlife Act 1970.	Act retained without reform.
Whales Protection Act 1988	DPIWE	Requires a permit to trade in any whale products, or to take/interfere with whales.	Minor review completed. Review found restrictions to be in the public interest.	Act retained without reform.
Workers' (Occupational Diseases) Relief Fund Act 1954	DIER	Compels employers in certain industries to contribute to the Workers (Occupational Diseases) Relief Fund.	Review not required as Act does not restrict competition.	Act retained without reform.
Workers' Rehabilitation and Compensation Act 1988	DIER	Mandatory insurance, multiple licensed insurers.	The Tasmanian Parliament established a Joint Select Committee to examine the further reform of this legislation. The Committee submitted its final report in May 1998. Minor amendments were recommended, mainly related to scheme design.	Changes to scheme design passed by Parliament. These changes have not compromised the competitive nature of the scheme and, therefore, no further review required.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Workplace Health and Safety Act 1995	DIER	Establishes a code of practice with respect to workplace health and safety. Sets health, safety and welfare standards. Regulates workplaces and work practices.	Review of the National Occupational Health and Safety Commission by the Labour Ministers' Council completed. On 30 May 1997, the Labour Ministers' Council agreed on a new direction for the National Occupational Health and Safety Commission and a new role for the Council in approving any new occupational health and safety standards. Tasmania's Workplace Health and Safety Act 1995 is consistent with occupational health and safety legislation in all other jurisdictions and gives effect to Ministerial decisions on national uniformity. Any restrictions in the Act also addressed by the RIS prepared in relation to the Workplace Health and Safety Regulations 1998.	No reform required.
Wynyard Airport (Special Provisions) Act 1982	DIER	Provides for the granting of a lease or licence to use any part of the land, buildings or structures of the airport.		Act repealed by the Port Companies Act 1997.

9 Australian Capital Territory

Agency nomenclature abbreviations

The following abbreviations are used in the 'Agency' column of the Australian Capital Territory (ACT) legislation review timetable. This nomenclature identifies the relevant agency at the time of the 2005 National Competition Policy (NCP) assessment.

ACT Health	ACT Health
ACTPLA	ACT Planning and Land Authority
CMD	Chief Minister's Department
DDHCS	Department of Disability, Housing and Community Services
DECCEW	Department of Environment Climate Change Energy and Water
DET	Department of Education and Training
DEYFS	Department of Education, Youth and Family Services
DHCC	Department of Health and Community Care
DoT	Department of Treasury
DUS	Department of Urban Services
GRC	Gaming and Racing Commission
JACS	Department of Justice and Community Safety
TAMS	Territory and Municipal Services

Legislation review schedule: Australian Capital Territory

Updated to 5 December 2005

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Administration and Probate Act 1929	JACS	Minor NCP issues (imposes restrictions on business structure and conduct).	<p>Intradepartmental review completed December 2001. Also national review of testamentary legislation by Australian Law Reform Commissions (led by the Queensland Law Reform Commission).</p> <p>Minor restrictions in the Act found to be justified given the need to permit the Public Trustee to efficiently perform its function of being the trustee of last resort) and the particular circumstances the Act deals with.</p> <p>In particular, funeral and testamentary expenses should have priority if an estate is insolvent because, in the absence of such an arrangement the responsibility for arranging for the burial, or other disposal of a body, would fall on the near relatives of the deceased or on the Territory. The current arrangement places the interests of the near relatives, the Territory and undertakers above those of creditors.</p> <p>Minor amendments to the Act to reflect introduction of the goods and services tax.</p>	Amendments passed in September 2002.
Adoption Act 1993	DDHCS - JACS		Review not required. Act assessed as not restricting competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agents Act 1968 (Employment Agents)	JACS	Licensing (real estate agents, travel agents, business agents, stock and station agents), registration, entry requirements, the reservation of practice, disciplinary processes, business conduct.	Intradepartmental review completed in 2001. Review concluded that there are no competition policy issues requiring legislative reform within the real estate, stock and station and business agents' markets, but questioned the imposition of a licensing regime on the employment agents' market.	The Agents Act 2003 replaced the Agents Act 1968 but retained licensing for employment agents. Licensing of Employment Agents was the subject of political consideration and debate in the Assembly which resulted in the passage of this legislation. The regulation of employment agents has not stifled market competition in the Australian Capital Territory (ACT) market, as there is a large number of employment agents providing much needed employment services for unemployed people.
Agents Act 1968 (Travel Agents)	JACS		National review process for travel agent legislation. The Ministerial Council on Consumer Affairs commissioned the Centre for International Economics, overseen by a ministerial council working party, to review legislation regulating travel agents.	Act replaced by the Agents Act 2003. The ACT remains ready to adopt changes arising from the national review process.
Air Pollution Act 1984	DUS		Review not required.	Act repealed by the Environment Protection Act 1997.
Anglican Church of Australia Trust Property Act 1917 – New South Wales (NSW) legislation in its application in the Territory	JACS		Intradepartmental review completed in 1999. Act does not restrict competition. Act does not give the church a commercial advantage and does not have an anti-competitive effect.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Anglican Church of Australia Trust Property Act 1928 (NSW) in its application in the Territory	JACS		Intradepartmental review completed in 1999. Act does not restrict competition. Act does not give the church a commercial advantage and does not have an anti-competitive effect.	Act retained without reform.
Animal Diseases Act 1993	DUS/TAMS	Declaration of quarantine areas. Allows Minister to direct destruction of animals and removal of refuse. Imposes a tagging requirement for stock. Restricts entry into tag manufacture. Controls use of vaccines and the sale of infected animals.	Review in conjunction with the Pounds Act 1928 and Stock Act 1991, completed. Review found the restrictions to have benefits to animal health, public health and sustainable development that outweigh their costs. No reform recommended.	Act repealed and replaced by the Animal Diseases Act 2005 on 13 October 2005.
Animal Welfare Act 1992	DUS/TAMS	Ban on rodeos and circuses. Restrictions on use of animals in experiments. Restrictions on who may carry out surgical procedures.	Review completed. Review found that, subject to some amendments, the restrictions are in the public interest.	Act retained without reform.
Annual Holidays Act 1973	CMD		Review not required.	Act renamed the Annual Leave Act 1973.
Annual Leave Act 1973	CMD	No competition restrictions. Act bestows employee benefits.	Review not required.	Act retained without reform.
Apiaries Act 1928	DUS			Act repealed and replaced by the Animal Diseases Act 2005.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Architects Act 1959	DUS/ ACTPLA	Restrictions on registration, entry requirements, reservation of title and disciplinary processes.	National review by the Productivity Commission (PC) completed in August 2000 and 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 the Act. A states and territories working group led by NSW developed a national response to the PC review which received broad acceptance from all jurisdictions.	Amending legislation (the Architects Act 2004 passed on 1 April 2004 and commenced on 1 July 2004). The ACT's amendments are consistent with the agreed principles of harmonisation of architects' Acts as agreed by the Council of Australian Governments (COAG) and are closely modelled on NSW and Queensland reforms.
Associations Incorporation Act 1991	JACS	Minor NCP issues (imposes restrictions on business structure).	Intradepartmental review completed February 2001. Review concluded that the restrictions justified as the community benefits from not-for-profit organisations having access to a cheaper and less onerous incorporation regime. Without it many would opt to not incorporate. This in turn would be disadvantageous to business, as commercial relationships would be more difficult.	Act retained without reform.
Auctioneers Act 1959	JACS	Licensing, entry requirements (age, good character, no pawnbrokers), the reservation of practice, business conduct (maintenance of records for at least 12 months).	Intradepartmental review completed in 2001. Review found that while the regulatory costs imposed on auctioneers are minor, the benefits appear insufficient to justify the licensing requirements in the Act. Review recommended repeal of the Act.	Act repealed by the Agents Act 2003 effective 1 November 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian-American Educational Foundation Act 1966	JACS		Review not required. Act was originally a Commonwealth ordinance-the Australian-American Education Foundation Ordinance 1966 No 16 (Commonwealth), however, it was converted into an ACT enactment on 11 May 1989 at the time of self-government. Act allows for the establishment of an educational foundation and has been assessed as not restricting competition.	Act to be repatriated to the Australian Government. Repatriation of the law has not been accorded a high legislative priority, however, the expectation is that it will transfer back to the Australian Government at some time in the future.
Bank Mergers Act 1997	CMD		Review not required. Act assessed as not restricting competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Betting (ACTTAB Limited) Act 1964</p> <p>Betting (Corporatisation) (Consequential Provisions) Act 1996</p>	DoT/GRC		<p>Review completed in 1999. Review recommended that the Government allow new licences for Totalizator Agency Boards (TAB) operating wholly within the ACT, but not allow interstate totalisators until systems are in place to extract racing turnover taxes (and any other turnover taxes and licences) from wagers that originate in the ACT.</p>	<p>The Government supported an open market subject to ensuring that all ACT betting activity is identified and that any adverse revenue impacts are compensated. ACT willing to consider non-exclusive licence issue after cross border betting matters have been addressed by the Australian Racing Ministers' forum. The ACT previously expressed its willingness to consider further the issue of non-exclusive TAB licensing arrangements when the findings of the National Cross-border Betting Task Force became known. At the core of the Task Force's findings is a recommendation, endorsed in principle by the Australian Racing Ministers' forum, that a product fee based on bookmaker turnover be levied on all corporate bookmakers, excluding the TABs.</p> <p>The Betting (Corporatisation) (Consequential Provisions) Act 1996 repealed in 2001.</p> <p><u>Post 2005:</u></p> <p>Current legislation does not exclude multiple TAV licensing.</p>
Birth (Equality of Status) Act 1988	JACS		<p>Intradepartmental review completed in 1999. Act does not have any material effect on competition.</p>	<p>Act repealed on 22 March 2004.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Births, Deaths and Marriages Registration Act 1997	JACS	Minor NCP issues (imposes a conduct requirement).	Intradepartmental review completed in October 2001. Act does not have any material effect on competition.	Act retained without reform.
Blood Donation (Transmittable Diseases) Act 1985	ACT Health	Limits conduct and confers benefit.	Review completed in 2002.	Act to be retained on public health benefit grounds.
Board of Senior Secondary Studies Act 1997	DEYFS	Provides for accreditation of secondary courses.	Intradepartmental review completed.	Act required to provide the Government approved function. Act to be retained to maintain uniform standards for senior secondary courses and certification.
Bookmakers Act 1985	DoT/GRC	Contains provisions for licensing bookmakers for racing and sports betting.	Targeted public review in conjunction with the Betting (ACTTAB Limited) Act 1964 and the Betting (Corporatisation) (Consequential Provisions) Act 1996, completed in 1999.	Act repealed by the Race and Sports Bookmaking Act 2001. New Act removed several restrictions on the operation of bookmakers.
Boxing Control Act 1993	TAMS	Registration of professional boxers, officials and promoters (defined in NSW Boxing and Wrestling Control Act 1986).	The ACT review could not be conducted independently of the NSW Boxing and Wrestling Control Act review. NSW completed its review in 2002, finding that there are public benefits from regulating combat sports.	ACT legislation currently under review, with the intention to keep it in line with NSW developments.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Building Act 1972	DUS/ ACTPLA	Building regulations, licensing, registration, entry requirements (training, course work, practical experience or qualifications and supervised building work, business capacity), reservation of practice, disciplinary processes, business conduct (insurance).	Targeted public review completed in 2000. Provisions for licensing of electricians reviewed by Allen Consulting Group in conjunction with Building Act 1972 and the Plumbers, Drainers and Gasfitters Board Act 1982. Final report completed August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	The Construction Occupations (Licensing) Act 2004 commenced on 1 September 2004. Together with the Building Act 2004, the Act introduced significant reforms to the regulation of building and construction industry trades and implemented the recommendations of the National Competition Policy (NCP) review of occupational licensing in the ACT.
Building and Services Act 1924	DUS/ ACTPLA		Interdepartmental review completed. Part of the utilities legislation review led by Treasury.	Act replaced in part by new Acts: the Utilities Act 2000 and the Utilities (Telecommunications Installations) Act 2001.
Buildings (Design and Siting) Act 1964	DUS/ ACTPLA		Stein Review completed in November 1995. Review examined the administration of the ACT leasehold system with particular reference to the determination of betterment.	Act repealed by the Land (Planning and Environment) (Amendment) Act 1996 (No.3) as a result of implementation of the Stein review recommendations. Design and siting provisions incorporated into streamlined Development Application.
Business Franchise (Liquor) Act 1993	CMD		Review not required.	Federal Court S90 decision, no further action. Act repealed in December 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Franchise (Tobacco and Petroleum Products) Act 1984	CMD		Review not required.	Federal Court s90 decision, no further action. Act repealed by the Tobacco Amendment Act 2000 on 7 September 2000.
Business Franchise ('X' Videos) Act 1990	JACS		Review not required.	Act repealed in 1996 following a High Court decision.
Business Names Act 1963	JACS	Minor NCP issues. Act prohibits carrying on business under a business name which is not registered. It also restricts the types of names that may be registered.	Intradepartmental review completed in October 2000. Similar restrictions and prohibitions apply in all states and territories. The limited effect on competition is outweighed by the benefits associated with being able to identify on a public register the individuals behind the trading name of an enterprise.	Act retained without reform.
Canberra Institute of Technology Act 1987	DEYFS	Provides an exemption from Territory taxes and charges.	Review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Canberra Tourism and Events Corporation Act 1997	CMD		Review not required. Act assessed as not restricting competition.	
Casino Control Act 1988	DoT/GRC	Exclusive licence. Restrictions on operations and conduct.	Targeted public review completed in 1998 as part of the gambling legislation review and specific review of the Act completed in 2004.	The prohibition on gaming machines at the casino to remain. Act repealed by Casino Control Act 2006. The legislation was updated to remove any unnecessary regulatory restrictions. Restrictions on the number of casino licences remained as well as the prohibition on gaming machines at the casino

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cemeteries Act 1933	DUS/TAMS	Limits conduct.	Targeted public review, in conjunction with the Cremation Act 1966, completed in 2000. Review recommended a limit on post-burial tenure at public cemeteries, and that the provision of Australian Capital Territory cemeteries should not be restricted by legislation to a single operator.	The Government rejected the recommendation to limit post-burial tenure at public cemeteries. The Cemeteries and Crematoria Act 2003 enacted. See also the Cremation Act 1966.
Children and Young People Act 1999	DEYFS - DDHCS	Licensing of child care operations. Introduces concepts of: parental responsibility; family group conferencing; therapeutic protections and enduring parental responsibility for children and young people in need of care and protection. Expanded definition of mandated professionals.	New legislation. Act subjected to the gatekeeper process.	New legislation. Replaced the Children's Services Act 1986.
Children's Services Act 1986 – except Parts III and X	DEYFS- DDHCS	Licensing of child care operations.	Full public review completed in 1999. Act assessed as not restricting competition.	A replacement Act, the Children and Young People Act 1999, passed in the Legislative Assembly on 21 October 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Chiropractors and Osteopaths Act 1983	ACT Health	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review of health practitioner legislation completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards), but did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. It also recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The Health Professionals Act 2004 implemented the mechanisms necessary to satisfy review recommendations. Under the Act, health profession boards, among other responsibilities, administer the process of health professional regulation and set registration and practice standards under regulation. The adoption of review recommendations will therefore depend on the nature of the promulgated requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Classification (Publications, Films and Computer Games) (Enforcement) Act 1995	JACS		<p>Joint jurisdictional review underway. Part of an ongoing national regulatory scheme overseen by the Australian Government.</p> <p>The ACT has limited powers in relation to classification legislation (see s23 (1)(g) of the ACT Self-Government Act where the ACT has no powers to make classification laws with regard to censorship). The ACT has power to legislate with respect to enforcement of the classification laws.</p> <p>Further review of the ACT legislation dependent on Commonwealth action. The Commonwealth conducted a review into classification in 2000-2001 in relation to the proposal for a "non-violent erotica" classification. The Commonwealth did not proceed with that review. The Commonwealth earlier this year completed a review of classification guidelines.</p>	<p>Act retained without reform.</p> <p><u>Post 2005:</u></p> <p>In 2008 Act amended to facilitate the integration of Office for Film and Literature Classification into the Commonwealth Attorney-General's Department.</p>
Clinical Waste Act 1990	DUS/TAMS		Intradepartmental review completed in May 2002. Review found that the public health and environmental protection benefits of the restrictions provided a net benefit to the public.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Collections Act 1959	DUS/JACS	Licensing (fit and proper person, cause must be in the public interest, costs/remuneration not likely to be excessive, funds raised to be applied in ACT – unless there is no ACT body supporting that cause,) and business conduct (reporting of funds raised and costs).	Review by Allen Consulting Group completed in April 2000. Joint review with Hawkers Act 1936. Involved targeted public consultation, with an issues paper, meetings and written submissions. Review recommended: Act not place limits on the level of fundraising costs or remuneration; the regulatory emphasis be on the disclosure of fundraising details to potential donors; the Act not limit the locations where collections can be undertaken or the number of organisations collecting; rather than focusing on funds raised and costs incurred for particular collections, all organisations that produce audited accounts be required to lodge those accounts with the registrar on an annual basis; organisations that do not have audited accounts be required to keep appropriate records and have those records signed off by an 'appropriate person' as being in order; collectors be required to wear a badge (or prominently display information) relating to the collection; and the Act be drafted to apply to any direct or indirect appeal for support	The Government accepted most review recommendations. Act replaced by the Charitable Collections Act 2003.
Commercial Arbitration Act 1986	JACS		Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition.	Act retained without reform, but this Act is currently under national review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Common Carriers Act 1902 (NSW) in its application in the Territory	JACS		Intradepartmental review completed in 1999. Act limits the liability for common land carriers ameliorating a common law 'strict liability' which otherwise would apply to common carriers. As 'strict liability' is not to be removed, the limitation of liability should remain.	Common Carriers Act 1902 repealed in the ACT on 2 November 2002.
Community and Health Services Complaints Act 1993	ACT Health	Confidentiality and investment restrictions.	Intradepartmental review completed in December 1999. Potential restrictions identified in terms of powers to both maintain the confidentiality of information and to access information. Review concluded that the restrictions did not function anti-competitively and that no market was affected by the legislation.	Post 2005: Act repealed on 1 November 2006.
Companies (Commonwealth Brickworks (Canberra) Limited) Act 1979	CMD		Review not required. Act assessed as not restricting competition.	
Companies (Registered Societies) Ordinance 1990	CMD		Review not required.	Registered Societies model legislation adopted nationally.
Companies Auditors and Liquidators Disciplinary Board Ordinance 1982	CMD		Review completed.	Registered Societies model legislation adopted nationally.
Construction Practitioners Registration Act 1998	DUS/ACTPLA	Registration for building certifiers, entry requirements, disciplinary processes and business conduct (professional indemnity insurance with approved insurer, no conflict of interest).	New legislation to introduce private certification of building work. Review completed in November 2000.	Act repealed by the Construction Occupations (Licensing) Act 2004 No 12 on 1 September 2004. See the Building Act 1972.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit (Administration) Act 1996	JACS	Minimal registration and conduct requirements.	Intradepartmental review completed in September 2001. Review concluded that the market suffers from market failures that expose consumers to high levels of financial risk and prevent them from discriminating between the providers of services in terms of quality and cost of service.	Act maintained on public benefit (consumer protection) grounds.
Consumer Credit Act 1995	JACS	Part of a national regulatory regime. 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 terms contracts and solicitor lending within the scope of the code. Review also recommended enhancing the code's disclosure requirements. The Ministerial Council on Consumer Affairs endorsed the review report in 2002 and referred it to the Uniform Consumer Credit Code Management Committee.	This area of law is presently in the process of transfer to the Commonwealth.
Contractors' Debts Act 1897 (NSW) in its application in the Territory	JACS		Review completed in 1999.	Act to be repealed.
Co-operative Societies Act 1939	CMD		Intradepartmental review completed.	Act amended to reflect a consistent national approach.
Coroners Act 1997	JACS	Minor issues.	Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition.	Act retained, subsequently amended and is currently under review.
Cotter River Act 1914	DUS		Intradepartmental review completed in 1999.	Act repealed on 23 March 2000.
Credit Act 1985	JACS		Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cremation Act 1966	DUS/TAMS	Limits conduct.	Also see the Cemeteries Act 1933.	Act replaced by the Cemeteries and Crematoria Act 2003.
Crown Proceedings Act 1992	JACS		Intradepartmental review completed in 1999.	Amendments recommended by review included in Justice and Community Safety Amendment Act 2001 which includes an amendment to the Act to remove a competitive advantage enjoyed by the Crown when it carries on business activities. This Act repealed 10 January 2005 by the Court Procedures (Consequential Amendments) Act 2004.
Cultural Facilities Corporation Act 1997	DUS/CMD		Review not required. Act assessed as not restricting competition.	
Dangerous Goods Act 1975 (NSW) in its application in the Territory	CMD		<p>Part of overall review of the ACT's Occupational Health and Safety legislation. Regulatory impact statement (RIS) prepared and public comments sought through consultative process. Review found that it is in the public interest to regulate workplace safety and dangerous goods, and recommended the adoption of an integrated and modernised regulatory regime.</p> <p>The Standing Committee on Legal Affairs commenced a review of the Act in December 2001, with particular reference to: (a) the sale of fireworks in the Territory; (b) the general safety of setting off fireworks; and (c) any other related matters. The Committee recommended that the Act and its subordinate legislation be redrafted.</p>	Act repealed. The Dangerous Substances Act 2004 enacted on 5 March 2004. The Act is consistent with the national standard for the storage and handling of dangerous goods, the Australian dangerous goods code and the Australian explosives code.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dangerous Goods Act 1984	DUS/CMD	Act applied the NSW Dangerous Goods Act 1975 to the ACT.		Act repealed by the Statute Law Amendment Act 2001.
Defamation Act 1901 (NSW) in its application in the Territory	JACS	Minor NCP issues (confers differential statutory defences to different parts of the media market).	Review not required.	Act repealed by the Defamation Act 2001.
Dental Technicians and Dental Prosthetists Registration Act 1988	ACT Health	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review of health practitioner legislation completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The ACT's Health Professionals Act 2004 retains registration requirements contrary to review recommendations. The nature of the competition restriction may depend on the promulgated requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Dentists Act 1931	ACT Health	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review of general health practitioner legislation completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.	The ACT's Health Professionals Act 2004 implemented the mechanisms necessary to satisfy specific review recommendations.
Disability Services Act 1991	DDHCS	S6 and S7 grant conditions that may restrict competition.	Desktop review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	Act retained without reform.
Discrimination Act 1991	JACS	Minor NCP issues (Sections 28 and 29 provide exceptions for the insurance and superannuation industries from unlawful discrimination).	Intradepartmental review completed in September 2001. Review concluded that the insurance and superannuation industries are entitled to rely on actuarial, statistical, or other data or relevant factors to discriminate against persons where reasonable having regard to such information. The costs are minimal and the public benefit test is satisfied.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Domestic Relationships Act 1994	JACS		Intradepartmental review completed in 2001. Review concluded that the Act does not have any material effect on competition.	Act retained without reform.
Door-to-Door Trading Act 1991	JACS	Restricts the hours during which door to door sellers may operate.	Intradepartmental review completed in October 2000. Review concluded that costs are minor. Public benefit is high – taking into consideration the need for rest for family members undisturbed by door to door traders during periods of the night and day which are normally periods of rest.	Act retained without reform.
Earnings (Assignment and Attachment) Act 1966	JACS		Review not required. Act assessed as not restricting competition.	Act repealed 10 January 2005.
Education Act 1937 Schools Authority Act 1976 Public Instruction Act 1880 Free Education Act 1906	DEYFS -DET	Requires non-government schools to be registered.	Full public review completed in 2000. The Government also received a substantial report from the Inquiry into Education Funding in the ACT that made recommendations on the registration and accountability requirements for nongovernment schools.	The Government passed the Education Act 2004, which repealed those Acts and incorporated the recommendations of the Inquiry into Education Funding.
Education Services for Overseas Students (Registration and Regulation of Providers) Act 1994	DEYFS	Requires registration of providers of education to overseas students.	Interdepartmental review.	Act repealed.
Electoral Act 1992	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Electricity Act 1971 (renamed the Electricity Safety Act 1971) – Part 1 of 2	DUS/ ACTPLA		Review not required.	Some provisions of the Act which provided powers for suppliers of electricity distribution services repealed in 2001. Such matters are dealt with by the Utilities Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Electricity Act 1971 – electricians licensing – Part 2 of 2	DUS/ ACTPLA	Licensing, registration, entry requirements (skills, qualifications, experience, business capacity), the reservation of practice (installing, altering or repairing an electrical installation, other than an electrical installation that operates at extra low voltage), disciplinary processes, business conduct (insurance).	Targeted public review completed in 2000. Provisions for licensing of electricians reviewed by Allen Consulting Group in conjunction with Building Act 1972 and the Plumbers, Drainers and Gasfitters Board Act 1982. Final report completed August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	See the Building Act 1972. The Construction Occupations (Licensing) Act 2004 commenced on 1 September 2004. Together with the Building Act 2004, the Act introduced reforms to the regulation of building and construction industry trades and implemented the recommendations of the NCP review of occupational licensing in the ACT.
Enclosed Lands Protection Act 1943	DUS/ACTPLA		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Energy and Water Act 1988	DUS		Not for review.	Act repealed by the Utilities Act 2000.
Enforcement of Public Interests Act 1973	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Environment Protection Act 1997	DUS/ DECCEW		RIS undertaken in developing the Act.	The Review of the Environment Protection Act 1997 and the Role of the Environment Protection Authority Final Report presented and accepted by the ACT Legislative Assembly in June 2004.
Essential Services (Continuity of Supply) Act 1992	DUS		Review not required.	Part of the Act repealed as it is now dealt with under Utilities legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fair Trading (Consumer Affairs) Act 1973 (previously Consumer Affairs Act 1973)	JACS	Imposes conduct restrictions.	Intradepartmental review completed in September 2001. Review concluded that the Act is pro-competition. Minor amendments proposed.	Amendments included in the Fair Trading (Amendment) Act 2001.
Fair Trading (Fuel Prices) Act 1993	JACS	Allows the relevant Minister to set fuel prices.	Intradepartmental review completed in 1999. Review concluded that the Act has no effect on the market unless the Minister exercises a power to determine fuel prices under the Act. The Minister is unlikely to make such a determination unless the market is acting in a collusive or anti-competitive manner. On activation, costs would be significant. However, there would be a countervailing and greater community benefit.	Act retained on public benefit (consumer protection) grounds.
Fair Trading (Petroleum Retail Marketing) Act 1995	JACS		Public review completed.	Act repealed.
Fair Trading Act 1992	JACS	Registration and mandatory codes of practice for bodyguards, security guards, cash transit industry, crown marshals, and guard and patrol services, entry requirements (competency, character - criminal record check), the reservation of practice, disciplinary processes and business licensing.	Intradepartmental review completed in September 2001. Review concluded that the Act does not restrict competition. Minor amendments proposed.	Amendments included in the Fair Trading (Amendment) Act 2001.
Family Provision Act 1969	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Fertilizers Act 1904 (NSW) in its application in the Territory	TAMS	Prohibits sale of fertilizers unless with a statement of composition.	Review, by officials, completed in 1999.	Act retained without reform. Code of Practice currently (2009) under review at the national level, which may require amendment to the Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Financial Institutions (Application of Laws) Act 1992	DoT		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999. This latter Act repealed by the Statute Law Amendment Act 2002.
Financial Institutions (Removal of Discrimination) Act 1997	DoT		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Financial Institutions (Supervisory Authority) Act 1992	DoT		Review not required.	Act repealed by the Financial Sector Reform (ACT) Act 1999. This latter Act was repealed by the Statute Law Amendment Act 2002.
Financial Institutions Duty Act 1987	DoT		National review completed in 1997.	Act amended to reflect a consistent national approach. Act repealed by the Revenue Legislation Repeal Act 2005 on 24 February 2005.
Firearms Act 1996	JACS		Review not required. Part of a national regulatory scheme with separate review mechanisms: legislation is subject to overriding public safety considerations.	
Fisheries Act 2000	DECCEW	Licensing of commercial fishers. Registration of fish dealers. Output controls such as size and bag limits. Input controls on gear.	Act considered via legislation gatekeeping process.	Act repealed the Fishing Act 1967.
Fishing Act 1967	DUS/TAMS		Review not required.	Act repealed and replaced by the Fisheries Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Food Act 1992	ACT Health	Provides for various food safety offences. Provides for licensing of food businesses. Requires food to meet prescribed food standards.	National review completed in 2000. See the NSW Food Act 1989.	All Australian governments agreed in November 2000 to adopt core provisions of the Model Food Bill by November 2001. Act repealed by the Food Act 2001.
Freedom of Information Act 1989	JACS	Minor NCP issues.	Intradepartmental review completed in September 2001. Review concluded that the Act is not anti-competitive.	Act retained without reform
Fuels Control Act 1979	JACS		Intradepartmental review completed in 1999.	Act to be retained on public benefit grounds.
Games Wagers and Betting-Houses Act 1901 (NSW) in its application in the Territory	DoT/GRC	Suppression of gaming houses.	Review completed as part of the gambling legislation review. See Gaming and Betting Act 1906 (NSW) in its application to the ACT. This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.	The NCP review did not make any recommendations in relation to this Act. This Act is now a Territory Statute, not a NSW Act. See the Law Reform (Miscellaneous Provisions) Act 1999. <u>Post 2005:</u> Act reviewed in 2007 as part of the review of the Unlawful Games Act 1984.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gaming and Betting Act 1906 (NSW) in its application in the ACT	CMD/GRC	Regulations on gaming, betting and wagering; restricts the holding of race-meetings; licensing of racecourses.	Review completed as part of the gambling legislation review. This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.	The NCP review did not make any recommendations in relation to this Act. This Act is now a Territory Statute, not a NSW Act (Law Reform (Miscellaneous Provisions) Act 1999 refers). <u>Post 2005:</u> Act reviewed in 2007 as part of the review of the Unlawful Games Act 1984.
Gaming Machine Act 1987	DoT/GRC	Regulates the licensing and operation of gaming machine activity.	Review by the ACT Gaming and Racing Commission reported in October 2002. Review recommended restricting the issue of gaming machine licences to clubs with limited access to hotels consistent with the community gaming model. The Government established a Select Committee on gambling to further report on gaming issues. It recommended further research into the social and economic impacts of gaming in the ACT, and a freeze on gaming machine numbers and measures to counter the negative effects of gambling.	Act repealed by the Gaming Machine Amendment Act 2004, with reforms including removal of unnecessary regulatory controls. Harm minimisation measures introduced including social impact assessments for new and expanding venues. The Government agreed to allow taverns access to draw poker machines that had previously been available only to hotels. <u>Post 2005:</u> Review of the maximum number of gaming machines allowed in the ACT in 2007.
Gas Act 1992	DUS			Act repealed by the Gas Supply Act 1998.
Gas Levy Act 1991	CMD			Act repealed by the Gas Supply Act 1998.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Gas Supply Act 1998	DUS			Act repealed and replaced by the Gas Safety Act 2000 (in respect of gas installations and appliances past the metering point) and the Utilities Act 2000.
Government Solicitor Act 1989	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Guardianship and Management of Property Act 1991	JACS	Minor NCP issues (conduct requirements).	Intradepartmental review completed in September 2001. Review concluded that the Act is not anti-competitive.	Act retained without reform
Hawkers Act 1936	DUS/JACS	Licensing, entry requirements (age, good character, fit and proper person), business conduct (geographic and time restrictions, business structure).	Review by Allen Consulting Group completed in April 2000. Joint review with Collections Act 1959. Review involved targeted public consultation with issues paper, meetings and submissions. Review recommended: refocusing legislation on land use and continuing positive licensing for hawkers operating from a single location, but having negative licensing for mobile hawkers; removing restrictions on number of vehicles a hawker can operate, number of people hawkers can employ and their age; removing 180-metre exclusion zone from traditional shops, and regulating health, liquor and contraband goods via other legislation.	The Government supported the major recommendations of the review, but decided to retain the 180 metre exclusion zone around shops. Act repealed by the Hawkiers Act 2003.
Health Act 1993	ACT Health	Limits conduct.	Intradepartmental review completed in December 1999. Review found that the restrictions did not apply to an organised pattern of activity and no commercial activity relating to the release or disclosure of information could be identified. Review concluded that the legislation did not impose restrictions on competition.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Health and Community Care Services Act 1996	ACT Health	Restricts management of resources and interests.	Intradepartmental review completed in December 2000. Review identified that the restrictions primarily concerned the sound management of territory resources and interests. Review further identified that there were difficulties in identifying the restrictions as anti-competitive. The conclusion was that the legislative restrictions provided an overall community benefit and were on balance significantly higher than any cost of compliance with the legislation.	Act repealed by the Health and Community Care Services (Repeal and Consequential Amendments) Act 2004 on 31 December 2002.
Health Complaints Act 1993	ACT Health		Review not required.	Act replaced by the Community and Health Services Complaints Act 1993. (This Act later repealed by the Human Rights Commission Legislation Amendment Act 2005.)
Health Promotion Act 1995	ACT Health	Limits functions to which board monies can be applied.	Intradepartmental review completed in December 2000. Review did not sustain initial audit view that restrictions on competition may have been present in the legislation.	Act repealed as at 2 July 2006.
Health Records (Privacy and Access) Act 1997	ACT Health	Limited restrictions on competition.	Intradepartmental review completed in December 1999. Review did not support the initial audit view that anti-competitive restrictions may apply. Restrictions do not relate to a market/commercial activity.	Act retained without reform.
Heritage Objects Act 1991	DUS/TAMS		Review not required. Following the decision to develop new legislation for the regulation of heritage matters, this Act withdrawn from the NCP program. The new legislation will be subject to normal scrutiny in relation to anti-competitive effects through preparation of the RIS.	Act repealed by the Heritage Act 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hotel School Act 1996	CMD		Review not required. Act assessed as not restricting competition.	Act repealed by the Hotel School (Repeal) Act 2005 and expired in 31 October 2006.
Housing Assistance Act 1987	DDHCS		Review, by consultant, completed in March 2002. Act assessed as not restricting competition.	Administrative recommendations relating to the rewording of the Act's objectives, removing currently unused housing programs and organisational restructuring of Australian Capital Territory housing not accepted.
Inebriates Act 1900 (NSW) in its application in the Territory	ACT Health	Sections 10 and 14 could restrict competition by licensing and regulating institutions.		Act repealed.
Inebriates Act 1938	ACT Health		Review not required. Act assessed as not restricting competition.	Act repealed by the Statute Law Amendment Act 2001 (No. 2).
Innkeepers' Liability Act 1902 (NSW) in its application in the Territory	JACS		Intradepartmental review completed in 1999. The Act limits the liability for innkeepers ameliorating a common law 'strict liability' which otherwise would apply to them. As 'strict liability' is not to be removed, the limitation of liability should remain.	Act repealed by the Civil Law (Wrongs) Act 2002.
Institute for the Study of Man and Society Incorporation Act 1968	JACS		Review not required. Act assessed as not restricting competition.	Act to be repatriated back to the Commonwealth.
Interactive Gambling Act 1998	DoT/GRC	Restrictions on licensing and conduct	Review by ACT Gambling and Racing Commission delayed by Commonwealth review of its Interactive Gambling Act 2001.	The Australian Government finalised the review in 2004. ACT legislation is effectively inactive due to the (Cwth) Interactive Gaming Act.
Intoxicated Persons (Care and Protection) Act 1994	ACT Health	Restrictions on competition in terms of requirements that 'sobering up' shelters must be licensed.	Intradepartmental review completed in December 2000. Review identified that the restrictions are a public benefit.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Judgment Creditors Remedies Act 1933	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	Act repealed by the Statute Law Amendment Act 2003 (No 2) 19 December 2003.
Judiciary (Stay of Proceedings) Act 1933	JACS		Review not required. Act assessed as not restricting competition.	Act repealed by the Court Procedures (Consequential Amendments) Act 2004 on 10 January 2005.
Juries Act 1967	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Lakes Act 1976	DUS/ DECCEW	The only significant restriction is the limitation on commercial activity in a lake area.	Review completed in 2000. The low cost of the restriction considered justified by the protection afforded to lakes areas, and by the way it ensures that commercial operators in lakes areas gain no competitive advantage over those operating in normal commercial areas.	No competition related action required.
Land (Planning and Environment) Act 1991 – Part III (heritage provisions)	DUS/ ACTPLA		Review not required. Following the decision to develop new legislation for the regulation of heritage matters, this Act withdrawn from the NCP program. New legislation to be subjected to normal scrutiny in relation to anti-competitive effects through preparation of the RIS.	<u>Post 2005:</u> Act repealed by the Planning and Development Act 2007.
Land (Planning and Environment) Act 1991 – Parts V and VI	DUS/ ACTPLA	Direct granting of leases by non-competitive means and development approvals process.	Review completed in May 2000. Review recommendations include improving transparency in the provision of direct grants and considering introducing a notification scheme for developments that are relatively minor and unlikely to be opposed by the government agency or to require conditions.	The Government issued a formal response to the review, agreeing in principle to most recommendations. Amending regulation signed on 25 January 2001. <u>Post 2005:</u> Act repealed by Planning and Development Act 2007.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Acquisition (Northbourne Oval) Act 1996	DUS/ ACTPLA		Targeted public review, in conjunction with the Lands Acquisition Act 1994, completed in 2000. Act assessed as not restricting competition.	Act repealed by the Statute Law Amendment Act 2002 on 17 September 2002.
Land Titles (Unit Titles) Act 1970	JACS	Minor NCP issues (imposes a conduct requirement).	Review not required. Act assessed as not restricting competition.	Act retained without reform.
Land Titles Act 1925	JACS	Minor NCP issues (imposes conduct requirements).	Review not required. Act assessed as not restricting competition.	Act retained without reform.
Landlord and Tenant Act 1899 (NSW) in its application in the Territory	JACS			Act repealed by the Civil Law (Property) Act 2006 on 28 March 2007.
Landlord and Tenant Act 1949	JACS			Act repealed by the Residential Tenancies (Consequential Provisions) Act 1998.
Lands Acquisition Act 1994	DUS/ ACTPLA		Targeted public review, in conjunction with the Land Acquisition (Northbourne Oval) 1996 Act, completed in 2000. Act assessed as not restricting competition.	Act retained without reform.
Law Reform (Manufacturers Warranties) Act 1977	JACS		Act assessed as not restricting competition.	Act repealed by the Fair Trading (Amendment) Act 2001 as it duplicates more extensive provisions in the Trade Practices Act (TPA).
Law Reform (Misrepresentation) Act 1977	JACS		Act assessed as not restricting competition.	Act repealed by the Civil Law (Wrongs) Act 2002 on 2 November 2002.
Lay-by Sales Agreements Act 1963	JACS	Imposes conduct restrictions.	Intradepartmental review completed in July 2000. Review concluded that costs are minor and public benefit is high.	Act retained without reform.
Legal Aid Act 1977	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practitioners Act 1970	JACS	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, business conduct (including professional indemnity insurance (two providers), ownership, locally registered foreign legal practitioner advertising (should not be false, misleading or deceptive or suggest legal practitioner is domestic)).	<p>Intradepartmental targeted public review process in two stages. Stage 1 options paper canvassing options for reform concerning admission and licensing of legal practitioners, complaints and discipline released in November 1999, with submissions sought.</p> <p>A Stage 2 options paper, canvassing reform issues relating to business structures including multi-disciplinary practices, fee setting, insurance and the statutory interest account to have been released in 2001. However, review of the Legal Practitioners Act 1970 ceased with review and reform activity at a national level (under the auspices of the Standing Committee of Attorneys-General (SCAG)) to ensure a uniform and nationally consistent framework for this industry.</p>	<p>The ACT ceased a review of the Legal Practitioners Act so all outstanding review and reform activity could be progressed through the national model laws project to ensure a uniform and nationally consistent framework for the industry. As an interim measure the Government made some reforms to professional indemnity insurance by amending the Act to allow for a number of professional indemnity insurance providers.</p> <p>The ACT partly removed conveyancing practice restrictions in the Civil Law (Sale of Residential Property) Act 2003. This Act allows agents to complete some of conveyancing actions by annotating the contract for sale.</p> <p>Act repealed by Legal Professions Act 2006.</p>
Legislation (Republication) Act 1996	JACS		Intradepartmental review completed in 1999. Minor issues.	Act to be retained on public benefit test. Act replaced by the Legislation Act 2001.
Liquor Act 1975 (except subsections 42E(2) and 42E(4))	JACS	Regulates the sale of liquor via licences.	Intradepartmental review completed in 2001. Act assessed as not substantially impacting on competition. Minor amendments to Act recommended.	Act retained on public benefit grounds. Minor amendments included in the Justice and Community Safety Legislation Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Liquor Act 1975 (subsections 42E(2) and 42E(4))	JACS	Relates to procedures if a licence holder fails to pay liquor taxes.	Intradepartmental review completed in 2001. Act assessed as not substantially impacting on competition. Minor amendments to Act recommended.	Act retained on public benefit grounds. Minor amendments included in the Justice and Community Safety Legislation Amendment Act 2001.
Listening Devices Act 1992	JACS		Intradepartmental review completed in 1999. Act to be retained on public benefit test. Minor issues.	Act retained without reform.
Litter Act 1977	DUS/TAMS		Targeted public review, in conjunction with the Roads and Public Places Act 1937, completed in 2000. Review concluded that in terms of the requirements under NCP guidelines: the Act marginally restricts business for businesses dependent on flyer and bill advertising; the public protection benefits of the Act outweigh any marginal impact on competition; and no feasible non legislative options were found which can achieve the same level of public benefits.	Act repealed and replaced by the Litter Act 2004.
Long Service Leave (Building and Construction Industry) Act 1981	CMD		Targeted public review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Long Service Leave Act 1976	CMD	Act bestows employee benefits.	Review not required. Act assessed as not restricting competition.	Act retained without reform.
Lotteries Act 1964	DoT/GRC	Regulatory controls base on consumer protection. Otherwise minimal restrictions to market entry.	Review completed in 1998. Review found that the existing duopoly is no barrier to new entrants and recommended no change to the legislation. The Government endorsed most of the review recommendations.	The Government endorsed most of the review recommendations.
Machinery Act 1949	CMD/JACS			
Magistrates Court Act 1930	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Meat Act 1931	ACT Health	Requires Ministerial permission for certain meat processing activities		Act repealed by the Food Act 2001.
Mediation Act 1997	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Medical Practitioners Act 1930	ACT Health	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	<p>Review of health practitioner legislation, including the Medical Practitioners Act 1930, completed March 2001. (Issues paper released in May 1999. Discussion paper released in December 1999.)</p> <p>Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings.</p>	Act repealed by the Health Professionals Act 2004, on the basis to consolidate and update the existing legislation relating to the regulation of health professionals in the ACT.
Medical Records (Access and Privacy) Act 1997	ACT Health		Review, in conjunction with the Health Records (Access and Privacy) Act 1997, completed in December 1997.	Act retained without reform.
Medical Services (Fees) Act 1984	ACT Health	Restricts the fees payable for the treatment of private patients in public hospitals.	Review not required. Legislation relates to an intergovernmental financial arrangement.	Act repealed by the Health Legislation Amendment Act 2005.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mental Health (Treatment and Care) Act 1994	ACT Health	Restrictions on competition throughout Act. Restrictions relate to the Mental Health Tribunal powers to direct where a person with a mental health dysfunction will be detained, restrictions on the use of convulsive therapy and psychiatric surgery, and requirements that private psychiatric facilities be licensed.	Intradepartmental review completed in December 2000. Review demonstrated an overall public benefit of the restrictions.	Act retained without reform.
Mercantile Law Act 1962	JACS		Intradepartmental review completed in 1999.	Archaic provisions repealed.
Milk Authority Act 1971	DUS	Retail price controls. Licensing of home vending. Canberra Milk Authority required to buy milk from the sole ACT producer.	Review, by officials, completed in 1998. Review recommended: <ul style="list-style-type: none"> • separation of Authority's regulatory and commercial roles • retention of retail price controls until mid-2000 • reform of home vending arrangements, and • retention of compulsory acquisition of ACT milk. 	The Government initially accepted the review recommendations. In line with the March 2000 communiqué signed by all Australian Agriculture and Primary Industries Ministers committing to a national approach to dairy reform, the ACT passed the Milk Authority Repeal Act 2000 on 23 May 2000, deregulating its milk arrangements from 1 July 2000.
Motor Omnibus Services Act 1955	DUS		Review not required.	Act repealed by the Road Transport (Public Passenger Services) Act in December 2001.
Motor Traffic Act 1936 – part 1 of 2	DoT	Compulsory third party insurance provisions.	Review not required.	Act repealed between 1999 and 2001 and replaced with a suite of road transport legislation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Motor Traffic Act 1936 – taxi and hire car provisions: part 2 of 2	DUS/TAMS	Limitation on number of taxi and hire car licences.	<p>NCP review completed in March 2000. On licence quotas, it recommended:</p> <ul style="list-style-type: none"> • immediate removal of restrictions on supply of taxi and hire car licences, and • full compensation to licence holders via a licence buy-back, with compensation to be funded via consolidated revenue or a long term licence fee regime. <p>The Independent Competition and Regulatory Commission released its report in June 2002. Report endorsed removal of supply restrictions and proposed three options for compensation (it does not recommend any particular option).</p>	Act repealed between 1999 and 2001 and replaced with a suite of road transport legislation. Taxi and hire car regulation is provided for in the Road Transport (Public Passenger Services) Act 2001.
Motor Vehicles (Dimensions and Mass) Act 1990	DUS		Review not required. Act assessed as not restricting competition.	Act renamed as the Road Transport (Dimensions and Mass) Act 1990.
National Environment Protection Council Act 1994	DUS/ DECCEW		Review not required. Act assessed as not restricting competition.	Act retained without reform.
National Exhibition Centre Trust Act 1976	TAMS		Review not required. Act assessed as not restricting competition.	Act renamed as the Exhibition Park Corporation Act 1976.
Native Title Act 1994	DDHCS – JACS		<p>The Legislation Act 2001, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication.</p> <p>These were editorial changes that do not change the effect of the law.</p>	<p>Legislation (Consequential Amendments) Act 2001 No 44 pt 257 notified 26 July 2001 (Gazette 2001 No 20).</p> <p>s 1, s 2 commenced 26 July 2001 (IA s 10B) and pt 257 commenced 12 September 2001 (s 2 and Gazette 2001 No S65).</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nature Conservation Act 1980	DUS/ DECCEW	Controls on commerce in animals and plants.	<p>Targeted public review completed in 1999. Review found that these restrictions would be justified provided that the lists of protected and exempt plants are reviewed to ensure that entries are justifiable on conservation grounds.</p> <p>Review determined that provisions within the legislation were consistent with the objectives of the Act and necessary to conserve the ACT's biodiversity for current and future generations.</p> <p>Several of the schedules of protected and controlled flora and fauna found to be out of date or considerably more restrictive than in other jurisdictions. Subsequent review of the schedules undertaken to ensure that only those animals or plants necessary to conserve local biodiversity were granted protection under the Act and that flora and fauna commercial and hobby activities were not adversely affected.</p>	Revised schedules tabled in June 2002.
Noise Control Act 1988	DUS/ DECCEW			Act repealed by the Environment Protection Act 1997 and further repealed by the Statute Law Amendment Act 2000.
Notaries Public Act 1984	JACS		Review not required. Act assessed as not restricting competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nurses Act 1988	ACT Health	Restrictions on entry, registration, title and disciplinary provisions.	Review of health practitioner legislation completed March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. The review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings. Review made no recommendations regarding the regulation of nurses.	The ACT's Health Professionals Act 2004 implemented review recommendations for health practitioner legislation generally. Act repealed by the Health Professionals Act 2004, on the basis to consolidate and update the existing legislation relating to the regulation of health professionals in the ACT.
Oaths and Affirmations Act 1984	JACS		Review not required. Act assessed as not restricting competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Occupational Health and Safety Act 1989	CMD/JACS	Act assessed as not restricting competition.	<p>Review, in conjunction with the Dangerous Goods Act 1984, the Scaffolding and Lifts Act 1957 and the Machinery Act 1949, underway.</p> <p>Review examined the development of an integrated performance-based regulatory regime for workplace safety, dangerous goods and those areas currently regulated under the Scaffolding and Lifts Act and the Machinery Act, in line with agreements reached in 1991 by Premiers and Chief Ministers that jurisdictions would pursue the development of nationally uniform, flexible and performance-based regulations under parent occupational health and safety legislation.</p> <p>The Government commenced a new review of the Act which will progress the general objective of achieving an integrated and modernised regulatory regime.</p>	<p><u>Post 2005:</u></p> <p>Act repealed by the Work Safety Act 2008.</p>
Ombudsman Act 1989	JACS		Review not required. Act assessed as not restricting competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Optometrists Act 1956	ACT Health	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review of health practitioner legislation completed in March 2001. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings. The one recommendation regarding optometrists was to continue the restriction on the sale of spectacles or contact lenses not prescribed by a medical practitioner or optometrist, with a further review of these restrictions.	The ACT's Health Professionals Act 2004 implemented review recommendations for health practitioner legislation generally. Act does not address the specific restriction relevant to optometrists. The ACT to review the restriction in the development of profession-specific regulations. Act repealed by the Health Professionals Act 2004, on the basis to consolidate and update the existing legislation relating to the regulation of health professionals in the ACT.
Ozone Protection Act 1991	DUS			Act repealed by the Environment Protection (Consequential Provisions) Act 1997.
Parental Leave (Private Sector Employees) Act 1992	CMD	Act assessed as not restricting competition. Act bestows employee benefits.	Review not required.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Partnership Act 1963	JACS	Minor issues.	Intradepartmental review completed in 2000.	Amendments recommended by the review included in the Justice and Community Safety Legislation Amendment Act (No. 2) 2000. Amendments remove a disincentive to ACT partners accepting positions on public or private sector corporate boards.
Pawnbrokers Act 1902 (NSW) in its application to the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice, business conduct (prescribed records, public auction unredeemed goods over \$10, cooperation with police).	Intradepartmental review completed in 2001. Review recommended retaining the Act, but amending it to take into account new technology and repealing archaic business rules.	Amendments providing simplified licensing procedures implemented through the Justice and Community Safety Legislation Amendment Act 2002.
Payroll Tax Act 1987	DoT		Intradepartmental review completed. Act assessed as not restricting competition. No further review required.	
Periodic Detention Act 1995	JACS		Review not required. Act assessed as not restricting competition.	Act repealed by the Sentencing Legislation Amendment Act 2006.
Perpetuities and Accumulations Act 1985	JACS		Review not required. Act assessed as not restricting competition.	
Pesticides Act 1989	DUS	Prohibits use of pesticides unless registered.		Act repealed and replaced by the Environmental Protection (Consequential Provisions) Act 1997. This Act prohibits 'off-label' use unless with a permit and requires authorisation of chemical use in line with review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act 1931	ACT Health	Restrictions on entry, registration, title, practice and disciplinary provisions.	<p>National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. 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). Review also recommended maintaining existing ownership restrictions, and removing business licensing restrictions. 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> <p>Also part of targeted public review of health practitioner registration Acts. Review completed March 2001.</p>	<p>Legislation passed in August 2001 amended the Pharmacy Act to allow pharmacy companies to be registered as pharmacists.</p> <p>On 14 May 2004 the Government introduced the Pharmacy Amendment Bill (No. 2) 2004 to the ACT Legislative Assembly. If passed, this Bill would have permitted the operation of friendly society pharmacies in the ACT. On 5 August 2004, the 2004 Bill was discharged from the Legislative Assembly.</p> <p>The ACT passed the Pharmacy Amendment Act 2004, which precludes a registered pharmacist from carrying on a business as owner on, inside or partly inside the premises of a supermarket.</p> <p>Act repealed by Health Professionals Act 2004 and came into effective on 18 November 2004, on the basis of consolidate and update the existing legislation relating to the regulation of health professionals in the ACT.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Physiotherapists Act 1977	ACT Health	Restrictions on entry, registration, title, practice and disciplinary provision.	Review of health practitioner legislation completed March 2001 addressed physiotherapy regulation. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings. Review made no specific recommendations regarding physiotherapists.	Act repealed by the Health Professionals Act 2004, on the basis to consolidate and update the existing legislation relating to the regulation of health professionals in the ACT. The ACT's Health Professionals Act 2004 implemented review recommendations for health practitioner legislation generally.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plant Diseases Act 1934	TAMS	<p>Restrictions on introduction into the ACT of declared pests and diseases.</p> <p>Destruction of neglected trees.</p> <p>Quarantine control provisions.</p> <p>Specifies particular products for use in controlling fruit fly and aphidae.</p> <p>Specifies particular kinds of packaging.</p> <p>Imposes restrictive standards on fruit for retail sale.</p>	<p>Review, in conjunction with the Land (Planning and Environment) Act 1991 (pest plant and animal provisions), completed. Review recommended:</p> <ul style="list-style-type: none"> retaining restrictions on introduction into the ACT of declared pests and diseases, provisions relating to the destruction of neglected trees and quarantine control provisions repealing provisions that specified particular products for use in controlling fruit fly and aphidae, particular kinds of packaging, and that imposed inappropriate and unduly restrictive standards on fruit for retail sale, and retaining provisions relating to pest plant and animals. 	Act repealed and replaced by the Plant Diseases Act 2002.
Plumbers, Drainers and Gasfitters Board Act 1982	DUS/ ACTPLA	Licensing, registration, entry requirements (skills, qualifications, experience, age 18 years or over, fit and proper), reservation of practice (install or fit fire-fighting sprinkler system, sanitary plumbing work, water supply plumbing work, laying or repairing drains, install/repair/inspect/test consumer natural gas piping systems and gas appliances), disciplinary processes.	Targeted public review by Allen Consulting Group, in conjunction with the Electricity Act 1971 (electricians licensing), Building Act 1972, completed in August 2000. Review focused on regulation of building occupations and insurance arrangements. Review recommended legislation should be replaced by a single new Act for licensing of builders, electricians, plumbers, drainers and gasfitters; existing boards be abolished and replaced by a single Registrar supported by separate advisory panels; various changes to remove duplication and streamline licensing arrangements; and changes to disciplinary system.	<p>See the Building Act 1972.</p> <p>The Construction Occupations (Licensing) Act 2004 together with the Building Act 2004, introduced significant reforms to the regulation of building and construction industry trades and implements the recommendations of the NCP review of occupational licensing in the ACT.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Podiatrists Act 1994	ACT Health	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review of health practitioner legislation completed March 2001 addressed podiatrist regulation. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings. Review made no recommendations regarding podiatrists.	Act repealed by the Health Professionals Act 2004, on the basis to consolidate and update the existing legislation relating to the regulation of health professionals in the ACT. The ACT's Health Professionals Act 2004 implemented review recommendations for health practitioner legislation generally.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Poisons Act 1933	ACT Health	Restricts the sale and storage of poisons and biological substances.	<p>Part of the Galbally Review of Drugs, Poisons and Controlled Substances. Review issued a final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to Australian Health Ministers Conference (AHMC) in early 2001. The Australian Health Ministers' Advisory Council working party recommended to COAG in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12 month period from COAG's endorsement of the recommendation.</p>	<p>Since the release of the Report of the Galbally review, the Australian and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products, accountable to both the New Zealand and Australian governments. These arrangements were to commence on 1 July 2005, but were deferred for 12 months to allow for consultation.</p> <p>States and territories will amend their drugs, poisons and controlled substances legislation, where necessary, to appropriately reference relevant parts of the Australian Government's legislation relating to the trans-Tasman agency.</p> <p><u>Post 2005:</u> Act repealed by the Medicines, Poisons and Therapeutic Goods Act 2008.</p>
Poisons and Drugs Act 1978	ACT Health		See the Poisons Act 1933.	See the Poisons Act 1933.
Pool Betting Act 1964	DoT/GRC	Regulatory controls based on consumer protection. Otherwise minimal restrictions to market entry.	Review completed in 1998. Review found that the existing duopoly is no barrier to new entrants and recommended no change to the legislation.	The Government accepted the review recommendation.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pounds Act 1928	DUS	Establishes government operated pounds. Confers differential benefits on market participants as to impounding stock depending on what stock they keep and where their property is located.	Review by officials, in conjunction with the Animal Diseases Act 1993 and Stock Act 1991, completed. Review found the restrictions to be in the public interest. No reform recommended.	Act repealed by the Stock Act 2005 and includes key parts of the Pounds Act 1928.
Powers of Attorney Act 1956	JACS		Review not required. Act assessed as not restricting competition.	Act repealed and replaced by the Powers of Attorney Act 2006.
Presbyterian Church (Proposals for Union with other Churches) Act 1972	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Presbyterian Church Trust Property Act 1971	JACS		Intradepartmental review completed in 1999. Review concluded that to the extent that the Act does not give the church a commercial advantage, the Act does not have an anti-competitive effect.	Act retained without reform.
Printing and Newspapers Act 1961	JACS		Intradepartmental review completed in 1999.	Act repealed.
Proceeds of Crime Act 1991	JACS	Minor NCP issues (imposes conduct requirements).	Intradepartmental review completed in October 2000. The Act has a high public benefit. While competition policy issues identified, the legislation is justified on a cost-benefit basis. Some changes may be desirable having regard to any changes to Commonwealth legislation.	Act repealed and replaced by the Confiscation of Criminal Assets Act 2003.
Prohibited Weapons Act 1996	JACS		Review not required. Part of a national regulatory scheme subject to separate review requirements. Legislation is subject to overriding public safety considerations.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Prostitution Act 1992	JACS		Intradepartmental review completed in August 2000. Review found that regulation of prostitution is necessary to address public health concerns and protect children from exploitation, and that the benefits outweigh its cost to business.	Act retained without reform.
Protection of Lands Act 1937	DUS		Interdepartmental review. Following preliminary review work, the Trespass on Territory Land 1932, the Enclosed Lands Protection Act 1943 and the Recovery of Lands Acts 1929 removed from joint review as no competition restrictions identified.	Act repealed by the Statutes Law Amendment Act 2001 on 29 March 2001.
Psychologists Act 1994	ACT Health	Restrictions on entry, registration, title, practice and disciplinary provisions.	Review of health practitioner legislation completed March 2001 addressed psychologists regulation. Review found a net public benefit in retaining title protection (and associated entry standards). Review did not establish an overwhelming benefit in maintaining scope of practice restrictions. Review recommended recasting provisions relating to standards of conduct as specific, unambiguous conduct requirements that have an identifiable and direct public/protection role. Review recommended replacing current advertising restrictions with a prohibition on misleading advertising. Review also made regulatory reform recommendations in relation to reviews of board decisions, and the involvement of independent bodies in conducting disciplinary hearings. Review made no recommendations regarding psychologists.	Act repealed by the Health Professionals Act 2004, on the basis to consolidate and update the existing legislation relating to the regulation of health professionals in the ACT. The ACT's Health Professionals Act 2004 implemented review recommendations for health practitioner legislation generally.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Baths and Public Bathing Act 1956	DEYFS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Public Health (Miscellaneous Provisions) Act 1997	ACT Health	Limited restrictions on competition.	Review not required.	Act repealed.
Public Health (Prohibited Drugs) Act 1957	ACT Health	Limits business conduct.	Review completed. Part of Galbally Review. See Poisons Act 1933.	Act repealed by the Medicines, Poisons and Therapeutic Goods Act 2008.
Public Health Act 1928	ACT Health			Act repealed by the Public Health Act 1997 on 9 April 1998.
Public Health Act 1997	ACT Health	Limits conduct.	The ACT commenced a process of reviewing its public health legislation by introduction of the Public Health Act 1997. This legislation established a template for the management of health risk activities or procedures through a Code of Practice approach. As codes of practice are developed existing health risk management provisions that are under the former Public Health Act 1928 to be repealed. Revised legislative approach while more focussed on outcomes, stakeholder collaboration and the currency of the health risk, retains potential restrictions on approval, activity and conduct. Accordingly the revised legislation has potential to impose costs and restrict competition. Departmental review completed that identified the anti-competitive provisions that arise through the application of the Act to health risk activities and procedures.	Amendment Bill May 2000 (subsequently passed) introduced some negative licensing provisions to address the anti-competitive provisions identified in the review. Reforms (in the form of introducing codes of practice) were introduced on an incremental basis as the Public Health Act 1928 is progressively repealed. These included: <ul style="list-style-type: none"> • swimming and spa pools (1999); • drinking water, cooling towers and hairdressing (2000), and • health care facilities (2001).
Public Parks Act 1928	DUS		Review, in conjunction with the Lakes Act 1976, completed.	Act repealed by the Statute Law (Amendment) Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Sector Management Act 1994	CMD	Requirement that permanent ACT government employees join the Commonwealth Superannuation Scheme as 'eligible employees' under the Commonwealth's Superannuation Act 1976. Appointees to the ACT Senior Executive Service may join any approved superannuation fund, unless already members of the Commonwealth scheme.	The ACT did not review its superannuation arrangements as it was constrained in its capacity to offer a choice of superannuation provider to its permanent public servants until the position of the Australian Government's superannuation legislation has been resolved. The Australian Parliament passed choice of fund legislation in June 2004.	At mid-2004, the Government was considering the implications of the Australian Government legislation for the ACT public sector and the need for changes to its public sector superannuation arrangements.
Public Trustee Act 1985	JACS	Prohibits other than Trustee companies to act as Public Trustee.	Intradepartmental review completed in August 2000. The Public Trustee performs functions that benefit greatly the wider community. A number of minor non-competition issues (concerning the ambit of the Trustee's discretion) were identified for further consideration.	Act retained without reform.
Rabbit Destruction Act 1919	DUS/ ACTPLA			Act repealed by the Land (Planning and Environment) (Amendment) Act 1997 and relevant provisions transferred to the Land (Planning and Environment) Act 1991.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Race and Sports Bookmaking Act 2001	DoT/GRC	Regulates the licensing and operation of race and sports bookmakers.	Review of Bookmakers Act 1985 led to the Race and Sports Bookmaking Act 2001.	<p>New legislation. Act:</p> <ul style="list-style-type: none"> removed the requirement for racing club approval to grant bookmakers licences removed racing club-specific restrictions on bookmakers licences allowed an independent authority (the Australian Capital Territory Gambling and Racing Commission) to assess licence applications removed limitations on phone betting removed the requirement for sports bookmakers licence (or agents licence) holders to first obtain a standing bookmakers licence removed the limit on the number of sports bookmaking licences granted allowed for flexibility in the location of betting office operations, and related the size of the betting security guarantee to the amount of risk.
Racecourses Act 1935	DoT/GRC		Review not required.	Act repealed and provisions incorporated in the Racing Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Racing Act 1999	DoT/GRC	Regulates thoroughbred racing, harness racing and greyhound racing conducted for the purpose of betting, and for related purposes; including restrictions on holding race meetings and setting up controlling bodies for each racing mode.	New legislation. RIS completed.	Racecourses ACT 1935 repealed with reforms including removal of unnecessary regulatory controls.
Radiation Act 1983	ACT Health		National NCP review of radiation protection legislation completed in May 2001.	At its 29 July 2004 meeting, the AHMC endorsed Edition 1.0 of the National Directory for Radiation Protection as the uniform national framework for radiation protection in Australia. AHMC agreed that upon consideration and approval of the provisions of the National Directory for Radiation Protection, the regulatory elements of the National Directory for Radiation Protection would be adopted in each jurisdiction as soon as possible, using existing regulatory frameworks. Accordingly, the ACT is commencing amendments to its Radiation Act 1983 to achieve reforms identified in the national review. Amended legislation expected to be finalised in 2006. Act repealed and replaced by Radiation Protection Act 2006.
Rates and Land Rent (Relief) Act 1970	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	Act repealed and replaced by the Rates Act 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rates and Land Tax Act 1926	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	Act repealed and replaced by the Rates Act 2004.
Rates and Land Tax Act 1986	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	Act retained without reform.
Real Property (Unit Titles) Act 1970	JACS		Review not required.	Act repealed.
Recovery of Lands Act 1929	DUS/ ACTPLA		Intradepartmental review completed. Act assessed as not restricting competition.	Act retained without reform.
Registration of Births, Deaths and Marriages Act 1963	JACS		Review not required.	Act repealed and replaced by the Births, Deaths and Marriages Registration Act 1997.
Registration of Deeds Act 1957	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	Act retained without reform.
Registration of Interests in Goods Act 1990	JACS		Intradepartmental review completed in 2000. Act assessed as not restricting competition.	Act repealed by the Sale of Motor Vehicles Amendment Act 2001.
Road Transport (Driver Licensing) Act 1999	DUS/TAMS	Licensing, entry requirements (accreditation: skills, completed training course, aged at least 21 years, suitable person, medically fit), the reservation of practice and business conduct (vehicle requirements unless vehicle provided by person under instruction, display certificate).	New legislation introduced to meet national reform requirements.	Road Transport (Driver Licensing) Regulations 2000 introduced to meet national reform requirements.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Road Transport (General) Act 1999	DUS/TAMS	Mandatory insurance, licensing of insurers, setting fees, implementing National Road Transport Commission Agreements.	Review not required. Legislation allows the Government to approve multiple insurers.	
Road Transport (Public Passenger Services) Act 2001	DUS/TAMS	The Minister determines the maximum number of taxi and hire car licences.	RIS completed. The NCP review of ACT Taxicab and Hire Car Legislation' prepared by Freehills Regulatory Group in 2000. Review recommendations included the introduction of accreditation for taxi operators and networks, the removal of cross border restrictions, and the removal of taxi and hire car supply restrictions. A second review by the Independent Competition and Regulatory Commission in 2002 also recommended freeing entry to the taxi and hire car industry.	A 2003 amendment Bill referred to a Legislative Assembly Standing Committee. The Committee reported to the Government on 17 December 2003. The Committee did not fully endorse the Government's proposed approach to taxi and hire car deregulation. The Government responded to the Committee's report on 23 June 2004 – it would release 10 new taxi licences at auction as soon as possible, subject to the reserve price being achieved, and lease new hire car licences without limit. In August 2004 the Legislative Assembly rejected the taxi amendments.
Roads and Public Places Act 1937	DUS/TAMS		Targeted public review, in conjunction with the Litter Act 1977, completed in 2000. Review concluded that in terms of the requirements under NCP guidelines the Act does restrict business to some extent in terms of the areas available for commercial activity and through its advertising restrictions. The public protection and safety benefits of the Act outweigh these impacts on competition.	The Government accepted the review recommendations. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Roman Catholic Church Property Trust Act 1937	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anti-competitive effect.	Act retained without reform.
Sale of Goods (Vienna Convention) Act 1987	JACS		Act assessed as not restricting competition.	Act retained without reform.
Sale of Goods Act 1954	JACS	Imposes conduct requirements inconsistent with the Commonwealth TPA.	Intradepartmental review completed in July 2000. Minor amendments identified.	Act amended by the Fair Trading Amendment Act 2001.
Sale of Motor Vehicles Act 1977	JACS	Registration and business conduct of motor vehicle dealers.	Intradepartmental review completed in 2001. Review found a strong public interest case for retaining the regulatory regime, given the risk of the motor vehicle market being used by criminals to pass on stolen goods. Review recommended amending the Act to remove archaic provisions.	The Government implemented the review recommendations through the Justice and Community Safety Legislation Amendment Act 2001.
Salvation Army Property Trust Act 1934	JACS		Intradepartmental review completed in 1999. Minor issues. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anti-competitive effect.	Act retained without reform.
Scaffolding and Lifts Act 1957	CMD/JACS		Review, in conjunction with the Occupational Health and Safety Act 1989, completed.	Act repealed by the Statute Law Amendment Act 2001.
Scaffolding and Lifts Act, 1912-1948 (NSW) in its application in the Territory	CMD/JACS		Review, in conjunction with the review of the Occupational Health and Safety Act 1989, completed.	Act repealed by the Occupational Health and Safety (Amendment) Act 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Second-hand Dealers and Collectors Act 1906 (NSW) in its application in the Territory	JACS	Licensing, registration, entry requirements (aged over 18 years, fit and proper person), the reservation of practice (persons who deal in certain second-hand goods), business conduct (prescribed records, holding of goods for prescribed period, cooperation with police).	Department review completed in 2000. Recommended: updating definition of second-hand goods; altering business conduct requirements to take into account new technology; and repealing a number of the business rules in the legislation and repealing provisions dealing with the licensing and regulation of collectors.	The Government accepted review recommendations. Amendments passed by Assembly in the Justice and Community Safety Legislation Amendment Act (No. 2) 2001.
Sewerage Rates Act 1968	CMD		Review not required.	Act repealed and relevant parts included in the Utilities Act 2000.
Sexually Transmitted Diseases Act 1956	ACT Health		Review completed in 2002.	Act to be retained on public health grounds.
Skin Penetration Procedures Act 1994	ACT Health		Review not required.	Act repealed.
Small Claims Act 1974	JACS		Review not required.	Act repealed.
Smoke-free Areas (Enclosed Public Places) Act 1994	ACT Health	Prohibits or restricts smoking in enclosed public places.	Review completed in June 2002. Review recommended maintaining restrictions on public interest (public health) grounds.	Act repealed and replaced by the Smoking (Prohibition in Enclosed Public Places) Act 2003.
Stamp Duties and Taxes Act 1987	DoT		Intradepartmental review completed in 1998. Act assessed as not restricting competition. No further review required.	Act repealed by the Duties (Consequential and Transitional Provisions) Act 1999.
Standard Time and Summer Time Act 1972	CMD		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Stock Act 1991	DUS/TAMS	The Government determines stock carrying capacity for rural leases (which affects the level of the stock levy imposed). Restricts the movement of stock.	Review, in conjunction with the Animal Diseases Act 1993 and the Pounds Act 1928, completed. It found the restrictions to be in the public interest. No reform recommended.	Act repealed and replaced by the Stock Act 2005.
Subordinate Laws Act 1989	JACS		Intradepartmental review completed in 1999. Act assessed as not restricting competition.	Act repealed by the Legislation (Consequential Provisions) Act 2001 No 15.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Substitute Parent Agreements Act 1994	JACS		Intradepartmental review completed in 1999. Minor issues.	Act repealed by the Parentage Act 2004.
Supervision of Offenders (Community Service Orders) Act 1985	JACS		Review not required. Act assessed as not restricting competition.	Act repealed by the Sentencing Legislation Amendment Act 2006.
Supreme Court Act 1933	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Surveyors Act 1967	DUS/ ACTPLA	Licensing, entry restrictions (educational prerequisites), the reservation of title and practice and ability of board (made up of mostly surveyors) to make regulations and undertake disciplinary processes.	Review completed in December 1998. Review recommendations included retaining registration, having less rigorous entry standards and abolishing the board in favour of powers of a Chief Surveyor.	The Government accepted all the review recommendations but deferred considering removing compulsory postgraduate entry requirements until all jurisdictions have completed their reviews of surveyors legislation. New Act gives powers to a Commissioner for Surveys (not a Chief Surveyor). A new Surveyors Act 2001 passed in February 2001. The Act commenced on 26 July 2001. The Surveyors Act 2001 repealed and replaced by the Surveyors Act 2007.
Tenancy Tribunal Act 1994	JACS		Review not required.	Act repealed by the Leases (Commercial and Retail) Act 2001.
Territory Owned Corporations Act 1990	DoT	Potential (marginal) restrictions on competition in section 18.	Targeted public review completed in 1998. Act assessed as not restricting competition.	Act retained without reform.
Theatres and Public Halls Act 1928	CMD		Review completed in 1998.	Act repealed on 29 March 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Tobacco Act 1927	ACT Health		Review, in conjunction with the Smoke Free Areas (Enclosed Public Places) Act 1994, completed in June 2002. Review recommended maintaining restrictions on public interest (public health) grounds.	Act retained without reform
Tobacco Products (Health Warnings) Act 1986	ACT Health	Restrictions on competition throughout Act.	Targeted public review completed. Review report redrafted to take account of 1999 amendments to the Act.	Act repealed by the Smoking Products Legislation Amendment Act 2000.
Trade Measurement (Administration) Act 1991	JACS		Review not required. Act assessed as not restricting competition.	This area of law is presently in the process of transfer to the Commonwealth.
Trade Measurement Act 1991	JACS		<p>National review by inter-jurisdictional committee with Queensland as the lead agency. The initial stage of the review (carried out by an independent consultant) reported in August 2001 and broadly considered that restrictions on the method of sale (relating to meat, beer and spirits, and pre packaged goods) appear to have little if any adverse impact on competition but provide benefits to consumers. Restrictions on the sale of non-prepacked meat were examined through a separate public benefit test.</p> <p>In May 2004, the Ministerial Council on Consumer Affairs endorsed the recommendations of the final report and agreed to its public release. The consultation process gave rise to a new issue namely, whether the definition of meat should expressly include seafood and poultry. Consumer Affairs Victoria is reviewing this issue.</p>	This area of law is presently in the process of transfer to the Commonwealth.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trading Hours Act 1962	CMD		Intradepartmental review completed.	Act repealed by the Trading Hours Act 1996.
Trading Stamps Act 1972	JACS		Review not required. Act assessed as not restricting competition.	Act repealed by the Justice and Community Safety Legislation Amendment Act 2005 (No 3).
Transplantation and Anatomy Act 1978	ACT Health	Restrictions on trading in human tissue.	Review completed in 2002.	Act to be retained on public interest (maintaining medical ethical standards) grounds.
Trans-Tasman Mutual Recognition Act 1997	CMD		National review completed in July 1998. The PC completed a review of the Trans-Tasman Mutual Recognition Agreement (TTMRA) that was released in October 2003. The key finding was that the TTMRA has been effective overall in achieving the objective of assisting the integration of the Australian and New Zealand economies and promoting competitiveness. There are a number of special exemptions from the TTMRA that relate primarily to public safety. They are: therapeutic goods, hazardous substances, industrial chemicals and dangerous goods, consumer product safety standards, road vehicle standards, gas appliances standards, electromagnetic compatibility and radiocommunications standards. The PC recommended that many of the exemptions should remain, because mutual recognition would erode justified regulatory differences.	In May 2004, COAG endorsed out-of-session the Committee for Regulatory Reform interim report on the findings of the PC Review of Mutual Recognition Schemes. In accordance with the recommendation, a Cross Jurisdictional Review Forum (the Forum) was established to carry out further consultations and prepare a final report to COAG and the New Zealand Government on the PC's findings. The ACT endorsed the Forum's report (forwarded to COAG and the New Zealand Government for their consideration). The ACT's legislation mirrors the Commonwealth Government's: accordingly, legislative amendments resulting from the review recommendations will be determined by changes occurring at the Commonwealth Government level.
Trespass on Territory Land Act 1932	DUS/TAMS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trustee Act 1957	JACS	Minor issues.	Intra-departmental review completed in 1999.	Act repealed by the Statute Law Amendment Act 2001.
Trustee Companies Act 1947	JACS	No competitive restrictions	<p>National review underway. SCAG released issues paper and draft Bill in June 2001. SCAG was ready to endorse the NCP review's report at its meeting in March 2002. However, Australian Government officers asked for more time to consider the licensing and supervisory arrangements before the report is released.</p> <p>Finalisation of the review has awaited advice from the Australian Government as to whether it would provide for the regulation of trustee companies on a national basis via Australian Prudential Regulation Authority (APRA) services being provided to the states and territories. In March 2005, the Australian Government advised that APRA would not be involved.</p>	This area of law is subject to a State and Territory decision to transfer to the Commonwealth.
Tuberculosis Act 1950	ACT Health		Review completed in 2002.	Act repealed by the Health Legislation Amendment Act 2006 (No 2).
Unclaimed Moneys Act 1950	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Uncollected Goods Act 1996	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Unit Titles Act 1970	DUS/JACS/ ACTPLA		Review completed in 2000. Act subjected to a major non-NCP review. Act assessed as not restricting competition.	Act repealed and replaced by the Unit Titles Act 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Uniting Church in Australia Act 1977	JACS		Intradepartmental review completed in 1999. To the extent that the Act does not give the church a commercial advantage, the Act does not have an anti-competitive effect.	Act retained without reform.
University of Canberra Act 1989	DEYFS	Act assessed as not restricting competition.	Review not required.	Act retained without reform.
Unlawful Games Act 1984	DoT/GRC	Restricts gambling activity to that approved under the gaming law.	Targeted public review completed as part of the gambling legislation review. This Act can be described as a 'prohibition' Act: the Act prohibits certain gambling activities unless those activities are lawful under other laws. As such, the notion of competition does not apply to the substance of these Acts as it does to other gambling acts.	Act retained without reform. <u>Post 2005:</u> Act reviewed in 2007 along with Games, Wagers and Betting-Houses Act 1901 and Gaming and Betting Act 1906.
Utilities Act 2000	JACS/ ACTPLA/ TAMS/DOT/ DECCEW/ DUS		Introduction of the Act followed public consultation and review of existing regulatory arrangements and principles for effective regulation.	Act amended or repealed a number of other electricity-related Acts including the Electricity Supply Act 1997, the Electricity Act 1971, the Energy and Water Act 1988 and the Essential Services (Continuity of Supply) Act 1992.
Veterinary Surgeons Act 1965	ACT Health	Licensing of veterinary surgeons, reservation of practices and reservation of title	Review completed in March 2001. Review recommended: <ul style="list-style-type: none"> retaining registration, reservation of title and clear conduct standards, and removing the general reservation of practice. 	Act repealed by the Health Professionals Act 2004, on the basis to consolidate and update the existing legislation relating to the regulation of health professionals in the ACT. Specific veterinary surgeons regulation included in Health Professionals Regulation 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Vocational Education and Training Act 1995	DEYFS	Registration of training providers and accreditation of training providers.	Intradepartmental review completed. Review concluded that public benefit of restrictions outweigh costs.	Amendments to meet national consistency requirements for registration of training organisation and accreditation of courses in both vocational education and training and higher education passed in August 2003. Act replaced by the Vocational Education and Training Act 2005. This Act was subsequently repealed and relevant provisions transferred to the Training and Tertiary Education Act 2003 by the Training and Tertiary Education Legislation Amendment Act 2007.
Water Pollution Act 1984	DUS/ DECCEW			Act repealed by the Environment Protection (Consequential Provisions) Act 1997.
Water Rates Act 1959	CMD		Intradepartmental review completed.	Act repealed and relevant parts included in the Utilities Act 2000.
Witness Protection Act 1996	JACS		Review not required. Act assessed as not restricting competition.	Act retained without reform.
Workers' Compensation Act 1951	CMD/JACS	Mandatory insurance, licensing of insurers.	Review completed in July 2000. Review recommended changes to scheme design elements and a greater capacity to self-insure.	Draft exposure Bill released in December 2000. Workers Compensation (Amendment) Act 2001 passed in August 2001 (effective from 1 July 2002). It retains no premium setting, and choice of fund.
Workers' Compensation Supplementation Fund Act 1980	CMD		Review not required. Act assessed as not restricting competition.	Act repealed by Workers Compensation Amendment Act 2006.

10 Northern Territory

Agency nomenclature abbreviations

The following abbreviations are used in the 'Agency' column of the Northern Territory (NT) legislation review timetable. This nomenclature identifies the relevant agency at the time of the 2005 National Competition Policy (NCP) assessment.

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

Legislation review schedule: Northern Territory

Updated to 5 December 2005

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Abattoirs and Slaughtering Act and Regulations	DBIRD	Establishes licensing regime and standards for premises – slaughter of buffalo (Regulation 7), abattoir licence (Regulation 5).	Review completed in 1997.	Act repealed and replaced by the Meat Industries Act 1996.
Adoption of Children Act	DH&CS	Governs the adoption of children within the NT. It restricts market entry by limiting the organisation and approval of adoptions to the Minister or persons approved by the Minister (s.74)	Departmental review completed in 2001. Review found all restrictions to provide a net public benefit.	Act retained without reform.
Aerodromes Act	DIPE	Operations of aerodromes; use and capacity of aerodromes; conduct of commercial activities at aerodromes.	<p>The principal catalyst for introduction of the legislation was the emerging importance of Connellan Airport at Yulara as a major transportation hub for tourists and others visiting Uluru and the far south-west region of the NT. Purpose of the Act was to provide authority for declaration of any place to be an aerodrome, and for appointment of a Director of Aerodromes.</p> <p>In practice, no elements of the Act have reduced competition, if for no other reason than that the powers of the Act have apparently never been invoked.</p> <p>An independent consultant conducted the review of this Act. The review submitted to DIPE in late October 2001.</p>	Act repealed on 1 February 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Agent's Licensing Act	DOJ	Licensing (real estate agents, agent's representative, conveyancing agent), registration, entry requirements (fit and proper person, aged at least 18 years, education or experience, competency), the reservation of practice and disciplinary processes, business conduct (maintenance of office in NT, professional indemnity insurance, fidelity fund, trust monies).	Review completed in 2002. Review recommended retaining licensing of real estate agents but partially deregulating agents' representatives. The review also recommended reforms to entry requirements and business conduct restrictions.	The Government rejected the review recommendation to partially deregulate agents' representatives but implemented the remaining recommendations through the Agents Licensing Amendment Act 2002.
Agricultural and Veterinary Chemicals (NT) Act	DBIRD	Imports the Agricultural and Veterinary Chemicals Code (national registration scheme) into State jurisdiction. See Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	National review of agricultural and veterinary (agvet) chemicals completed in 1999. See the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994.	Following amendments to the Commonwealth Agricultural and Veterinary Chemicals Code Act 1994, the Act was amended in 2004 by the Agricultural and Veterinary Chemicals (Control of Use) Act.
Architects Act	DIPE	Restrictions on registration, entry requirements, reservation of title and disciplinary processes.	National review by the Productivity Commission (PC) completed in August 2000 and publicly released November 2000. (Previously completed NT review put on hold.) PC review involved public consultation via public release of issues paper, draft report, consultation, public hearings and receiving submissions. Review recommended repeal of Act. A states and territories working group led by New South Wales (NSW) developed a national response to the PC review which received broad acceptance from all jurisdictions.	Architects Amendment Act 2003, amended the Architects Act in accordance to the working group approach.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Auctioneer's Act	DBIRD	Licensing, entry requirements (aged over 18 years, good character, fit and proper person), the reservation of practice and business conduct (maintenance of records for at least 12 months, auctions between 8am and 11pm).	Interdepartmental review completed in May 2002. Public consultation involved releasing a consultative paper and inviting submissions. Review recommended replacing current licensing system with a negative licensing system through an Industry Code of Practice under the Consumer Affairs and Fair Trading Act. Review also recommended that the Government consider imposing some requirements for handling of trust moneys and trust accounts.	The Auctioneers Act Repeal Act 2002 and the Auctioneers Act Repeal (Consequential Amendments) Act 2002 provided for the repeal of the Act with the maintenance of records to be in the Consumer Affairs and Fair Trading Act. Although these Acts were assented to in September 2002, they are yet to commence operation.
Building Act	DIPE	Licensing and provision for establishment of building technical standards, registration of building practitioners and certifiers, regulation of building matters (including the registration of building products), the granting of permits and the establishment of appeals processes.	Review completed in 1999. Review recommended repeal of three sections of the Act because they were redundant or anti-competitive and retention of other restrictions that the review considered to be in the public interest.	The Government endorsed the review recommendations in 2002. The Building Amendment Act 2003 gave effect to the review recommendations.
Building Societies Act	DBIRD	Licensing.	Review completed in 1997.	Act repealed in May 1998. Building Societies currently registered under the Financial Sector Reform (NT) Act as part of a national legislative scheme.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Business Franchise Act	NTT	Licence to sell tobacco or petroleum products (s14).	Targeted review completed in 1998. Licensing and registration requirements not considered to restrict competition.	The Government accepted the review findings. However, following the High Court decision in <i>Ha v NSW</i> (1997) 189 CLR 465 that franchise fees on tobacco in NSW was unconstitutional on the grounds that they were an excise, the operation of the Act was suspended in 1998 by the Business Franchise Act (Suspension of Operation) Act. The Act was finally repealed in 2005.
Caravan Parks Act	DCDS&C A	Regulates caravan parks. Only applies to some parts of the NT. May create anti-competitive effects between controlled and uncontrolled areas.	Internal review completed in July 2000. Public notices of the review placed in NT newspapers. Review found the Act has been applied in a non-uniform manner. In 1975 a Ministerial declaration allowed under section 2 limited the Act's application to within 26km of the Darwin GPO. About 20% of all caravan parks in the NT located in this area, and the restrictions found in the Act therefore imposed in an uncompetitive manner. This limited application indicative of the Act being generally outdated. Many provisions duplicated in other legislation, with other aspects of caravan service regulation dealt with by convention and measures such as a service accreditation program. New legislation, to be applied uniformly, proposed to reflect current issues in service provision with corresponding regulations on industry practice. Review recommended Act be repealed, and involvement of relevant parties in preparing new legislation.	The Government accepted the review recommendation. Act repealed in 2000.

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Cemeteries Act	DCDS&C A	Provides for the establishment, maintenance and control of cemeteries.	Review completed in August 2000 by the Department of Local Government, with independent steering committee.	New legislation passed in November 2000, providing for non-undertakers to be eligible for a one-off licence and persons other than local councils eligible to erect a crematorium.
Classification of Publications, Films and Computer Games Act	DOJ	Act is part of a national scheme which provides for the classification of films, videos, computer games and publications. It contains provisions which regulate the sale of such materials. Additionally, it contains a prohibition concerning the manufacture of 'X' style videos in the NT.	<p>Departmental review completed in April 2000. Comments sought from state and territory government agencies. Full public review not considered necessary as:</p> <ul style="list-style-type: none"> • the Act is mainly comprised of offences created to reflect government policy positions on issues of morality • there is no evidence that these policy positions are under any challenge • of the various regulatory options, the one in the Act is of the lightest kind. That is, there is no licensing or registration scheme and there is no payment of any fees required for activities in the NT, and • to the extent that the Act supports some heavy regulation (namely the requirement for the classification, on payment of a fee, of most videos, films and computer games and of some publications) the regulation is, for most practical purposes, national. <p>Review found that the anti-competitive provisions can be justified as being in the public benefit and that there is no need to amend the Act.</p>	The Government approved the review recommendations in 2000. However, amendments to the Act were made in 2002 and 2005 consequential to amendments to the Classification Publications, Films and Computer Games Act 1995 (Cwth).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Commercial and Private Agents Licensing Act	DOJ	Licensing (commercial agents, process servers, inquiry agents, private bailiffs), registration, entry requirements (age over 18 years, resident of the NT, fit and proper, not found guilty of offence that warrants refusal of licence, any person may object to issuing of licence), the reservation of practice, disciplinary processes, business conduct (provide bond, trust account, prescribed records, local (but not interstate) licensed agent must have a nominee and branch manager resident in the NT) and business licensing.	Review completed in November 1999. Review recommended: retaining exemption from positive licensing all persons of particular occupations who perform agent roles incidental to their occupation (but introducing negative licensing); continuing licensing of employees and sub-agents; issuing licences for a fixed period (a suggested two years); transferring responsibility for licensing to the Industries and Business portfolio; making various changes to business conduct requirements (requirement to issue receipts, change to trust account arrangements; consideration of issue of bonds and indemnity insurance in late 2000); and undertaking a further review to implement best practice licensing processes.	The Government approved the review recommendations, and legislated in 2000 to transfer the licensing from the local court to the Commissioner for Consumer Affairs and to introduce fixed three-year licences in lieu of indefinite licences. Legislation commenced in January 2002.
Commercial Passenger (Road) Transport Act	DIPE	Limitations on number of taxi and hire car licences.	Review completed in 1998. Review recommended: <ul style="list-style-type: none"> • elimination of restrictions on licence numbers • compensation for the full market value of licences via a licence buy-back, and • substantial licence fees to recoup compensation costs. <p>In 2004, the Commercial Passenger Vehicle Board completed a review of the caps in Darwin and Alice Springs that were introduced in mid-2003.</p>	The Government removed supply restrictions in January 1999, and implemented a licence buyback. It imposed a six-month moratorium on the issue of new licences in November 2001 (this moratorium was later extended to December 2002, and subsequently to March 2003). However, the Government announced in June 2003 that caps on taxi numbers would be reintroduced in Darwin and Alice Springs and that there would be an annual \$6000 fee for operating hire cars. In September 2003, the Government allowed minibuses to respond to hails and rank at bus stops, thus enhancing their capacity to offer services similar to taxis.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Community Welfare Act	DH&CS	Provides for the protection and welfare of children. Licensing of childcare centres (Div 2).	<p>Review completed in April 2000. Review concluded that there was a strong net community benefit from retaining the potentially anti-competitive elements of the Act, but recommended:</p> <ul style="list-style-type: none"> • either enforcing or removing the licensing requirements for children's homes • re-framing child care centre standards as outcomes rather than prescribed standards • clarifying the basis and status of standards for child care, and • broadening the scope of child care activities that are brought within the licensing net to encompass all forms of purchasable child care service. 	The Care and Protection of Children and Young People Bill being developed as a result of the NCP review of the Act. The Bill is subject to a competition impact analysis and will be introduced to the Legislative Assembly in the second half of 2005.
Companies (Trustees and Personal Representatives) Act	DOJ	Regulation of trustee companies.	Matter to go to the Standing Committee of Attorneys-General (SCAG) to develop a national solution.	The Government to consider following the outcomes of the national consideration by the SCAG and the Council of Australian Governments (COAG).

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996 – Part 1 of 3	DOJ	Act covers a range of matters, including licensing and business conduct restrictions for pawnbrokers and second hand dealers, motor vehicle dealers, door-to-door sales and credit providers provisions and the code of practice for tow truck operators.	<p>Review by the Centre for International Economics (CIE) completed in 2000. Review recommended the retention of restrictions relating to product safety and product information and door-to-door trading and the code of practice for tow truck operators. Review recommended pro-competitive change to fair reporting and credit provider provisions including that Part 8 (fair reporting) be repealed, but that repeal be deferred until a report on the databases is received and the implications are determined.</p> <p>Motor vehicle dealers: recommended removing requirements for licensee to submit annual financial returns; removing requirements for approval of dealer managers; removing power to require banker's guarantee; and formalising the financial test applied for new licences.</p>	<p>In November 2000, the Government approved the review recommendations except in relation to Part 8 (fair reporting). Recommendation on Part 8 not supported as Part 8 entitles NT residents to wider information that may be held about them other than just credit information. There are negligible costs to business in providing the information or access to this information. It was considered the incremental benefits outweigh the additional costs of providing access to non-credit related information.</p> <p>The Government did not accept recommendation to remove requirements for the approval of motor vehicle dealer managers. The Government considered the costs are low, while the potential costs to consumers associated with not having a designated responsible person on site could be significant. Also licensing of motor vehicle dealer managers allows for the screening of motor vehicle dealers and helps provide confidence to consumers that the person is reputable.</p> <p>The Consumer Affairs and Fair Trading Amendment Act 2002 provided for the implementation of these reforms.</p>

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Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996 – Part 2 of 3	DOJ	Part of legislation relating to travel agent's licence.	<p>Part of national review of travel agent regulation (coordinated by Western Australia). Review report by the 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.</p> <p>Public comments on the final report considered by the Ministerial Council for Consumer Affairs. 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 arrangements more equitable.</p>	<p>The MCCA recommended that each jurisdiction review and amend its entry qualifications to ensure uniformity.</p> <p>The NT Government advised that its legislation does not require compulsory membership of the Travel Compensation Fund. The Government formed an advisory committee to consider whether the Government needs to establish a territory-specific alternative to the Travel Compensation Fund (issues paper released 2004). Any new legislation will be subject to the NT's competition impact analysis process. The NT advised that it has no other national review recommendations to implement.</p>
Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996 – Part 3 of 3	DOJ	Sundry fair play provisions regarding the regulation of advertising, banning of potentially unsafe goods etc.	Review completed. Review found that the benefits of the fair reporting provisions have not been demonstrated and that the provisions should be repealed. Review recommended however that their repeal be deferred pending resolution of new national issues relating to residential tenancy data bases.	The Government accepted the recommendation to defer repeal of the fair reporting provisions and stated that it would further consider the issue (see above comment on Part 1 of 3). The Government introduced amendments to the Act in July 2002 that implement the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Consumer Credit (Northern Territory) Act	DOJ	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 terms contracts and solicitor lending within the scope of the code. Review also recommended enhancing the code's disclosure requirements. The MCCA endorsed the final report in 2002 and referred it to the Uniform Consumer Credit Code Management Committee (UCCCMC).	The UCCCMC to implement review recommendations. Queensland began drafting revised legislation in 2004; this legislation will form a template for other jurisdictions. In addition, NSW is drafting code provisions relating to precontractual disclosure which will be incorporated in the template legislation.
Dangerous Goods Act and Regulations	DEET	Sets requirements for the transport, storage and handling of dangerous goods. Business licences to manufacture, store, convey, sell, import or possess prescribed dangerous goods (s 15 - 21). Operators' licences for: drivers of dangerous goods vehicles (Regulation 56); shotfirers (Regulation 132); gas fitters (Regulation 172); and autogas fitters (Regulation 202).	In 1995, the Commonwealth Government introduced the Road Transport Reform Act (1995) and Regulations, which became a blue print for the development of similar legislation across Australia.	Act repealed and new Dangerous Goods Act assented to on 30 March 1998. The Dangerous Goods (Road and Rail Transport) Act and an amendment Bill to the 1998 Dangerous Goods Act enacted in May 2003. The legislation ensures consistency with national agreements on the road and rail transport of dangerous goods.

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Darwin Port Authority Act and by-laws	DPC	Establishes the Darwin Port Authority. Prescribes functions and powers: monopoly powers; licensing arrangements and fees; issue, renewal and cancellation of stevedoring licences; controls shipping movements in port; exemption from local government charges; harbour craft by-laws; vessels engaged in commercial activities (safety issue); exemptions from pilotage requirements; partial exemption from the Corporations Law.	Independent review undertaken in 1997 and 1998, with subsequent further consultation. Review completed in 2001.	Legislation replaced by the Darwin Port Corporation Act 1999.
Darwin Port Authority Amendment Act	DPC	Changes the name of the Darwin Port Authority to the Darwin Port Corporation.	Review of the Darwin Port Corporation Act and Port and Harbourcraft By-laws, also scrutinised the Darwin Port Authority Amendment Act. Review completed in 2000.	The Government accepted the findings of the review in early 2001.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Darwin Port Corporation Act	DPC	Establishes the Darwin Port Corporation (name changed from the Darwin Port Authority by the Darwin Port Authority Amendment Act). See Darwin Port Authority Act. Partial exemption from the corporations law.	Review completed in 2001. See the Darwin Port Authority Act.	The Government accepted most of the review recommendations. Recommendation to remove licensing of stevedores not accepted (the Government considered licensing to be the most cost effective way of monitoring environmental and health and safety standards at Darwin Port) but the licence fee was reduced from \$10,000 to an administrative fee. The Corporation's exemption from local government rates and charges was not removed but rather the Corporation pays an equivalent amount to the Government (under competitive neutrality principles).
Dental Act	DH&CS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising and ownership.	Review by the CIE completed in May 2000. Review recommendations include registering all paraprofessionals, amending practice restrictions and removing ownership restrictions.	Health Practitioners Bill 2003 incorporating review recommendations was passed in April 2004.
Education Act	DEET	Provides for registration of non-government schools.	Initial departmental assessment found Act does not contain unjustified restrictions on competition. NCP review not required.	Arising from the review, the NT clarified the requirements for registration of nongovernment education providers through policy guidelines. The introduction of broader legislation on registration of non-government schools is under consideration.

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Electrical Workers and Contractors Act	DIPE	Licensing, registration, entry requirements (qualifications, experience, fit and proper) and the reservation of practice (electrical work unless extra low voltage).	Review by the CIE completed in October 2000. Consultation involved public release of issues paper, consultation with stakeholders and submissions. Review recommendations included that licensing should be maintained, but also that other means of signalling competence should be afforded comparable status, the board should consider removing additional experience requirements for contractors, the fit and proper person test should be amended to signal the criteria against which it is assessed, and exemptions to licensing requirements to the Power and Water Authority (PAWA) should be removed. Recommended more general review of Act.	The Government approved the review recommendations in November 2000. Following a review of the administrative structures supporting the Act, the Government introduced a Bill to amend the Act in June 2003. Although the Electrical Workers and Contractors Amendment Act was assented to on 18 September 2003, it is yet to commence operation.
Electricity Act and Regulations	PAWA	Regulates the generation and safe use of electricity, and the reselling of electricity (s 14(5)); Part IV Trade Practices Act 1974 (TPA) conflicts. Sale and resale is prohibited without license (s 27); affects competition, restricts entry. Prohibits certain uses of electricity (s 29); Part IV (TPA) concerns. Price fixing in relation to licensee (s 30); Part IV (TPA) concerns and possibly reduces contestability. Liability limitation (s 32); possible competitive neutrality. Act binds the Crown (s 38). Regulation making powers (s 39).	Review of Electricity Act and Regulations conducted as part of the review of PAWA. This review was conducted by Merrill Lynch and Fay Richwhite. Department also reviewed the proposed regulatory framework, draft regulatory principles and draft determinations on regulated charges issued by the Utilities Commission.	The Government introduced a package of legislative change to implement reform. The package included the repeal of the Electricity Act and its replacement with the Electricity Reform Act, amendments to the Power and Water Authority Act and the introduction of the Electricity Networks (Third Party Access) Act and the Utilities Commission Act. New Acts assented to in March 2000.

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Energy Pipelines Act	DBIRD	Establishes regulatory framework for construction, operation, and maintenance of energy pipelines in NT.	Review completed. Review found anti-competitive provisions in Act were justified in public interest. Impact of restrictions considered to be low. Potential public safety and environmental benefits derived from regulating construction and operation of energy pipelines likely to exceed direct enforcement, industry compliance, and broader economic costs. Approaches such as negative licensing, co-regulation, and self-regulation rejected as unlikely to achieve objective of Act more efficiently than existing legislative framework.	Act retained without reform.
Energy Resource Consumption Levy Act	NTT	Requires bulk consumers of oil (consuming more than 830,000 litres per month) to register with Commissioner of Taxation (s7).	Review completed in 1998. Review found the registration requirement was designed to facilitate collection of levy monies and does not restrict competition.	The Government accepted review findings.
Financial Institutions Duty Act	NTT	Restrictions on licensing.	Targeted review completed in 1998. Review found that the registration and certification requirements were legitimate administrative arrangements for revenue collection and did not represent significant barriers to market entry.	Act retained without reform.
Financial Management Act	NTT	Government account to be held at a bank, requirements for determining suitable financial institutions and instruments for investing Government funds.	Review of s29(2) completed in 1998. Review found that the investment guidelines are comparable to those of any financial institution, and that the benefits arising from the accountability of Government investment outweigh the costs associated with the guidelines.	Anti-competitive effect of section 27 removed by the Financial Institutions (Miscellaneous Amendments) Act 1997. No reform required for s29(2).
Firearms Act	PFES	Armourer's licence (s 20), Dealers licence (s 17), Shooter's licence for security firms (s 28/29), and Shooting gallery licence (s 31).	Preliminary analysis indicated that restrictions were overwhelming in the public interest and hence no change recommended.	The Government accepted the findings. Act retained without change.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Fisheries Act 1996 and Regulations	DBIRD	Licensing of fishers. Input controls on vessels, gear, fishing methods and landings. Output controls such as total allowable catches, size and bag limits, and prohibitions on taking certain species.	<p>Review completed in October 2000. Review recommended:</p> <ul style="list-style-type: none"> • adding a clear statement of objectives to the Act • exploring the potential for replacing input controls with individual transferable quotas in all NT fisheries, beginning with Spanish mackerel and crab fisheries • removing various restrictions around licensing, including number, eligibility, allocation, foreign ownership, transferability and renewal • beginning a process of increasing the recovery of fishery management costs from fishers, and • considering the adequacy of resources devoted to enforcing fishery controls. 	Act amended in May 2004. In January 2005 the Government introduced a new management plan for the spanish mackerel fishery. This retains input controls as the prior review found that individual transferable quotas would impose high management and enforcement costs to control risks such as high-grading and under-reporting. The review of the mud crab fishery management plan concluded on similar terms. Restrictions on the transfer of licences retained only where necessary to ensure sustainability of the fishery. The Government retained the pearl oyster hatchery quota.
Food Act	DH&CS	Provides for various food safety offences.	National review completed in 2000.	All Australian governments agreed in November 2000 to adopt core provisions of the Model Food Bill by November 2001. The NT amended its Act accordingly in 2004.
Gaming Control Act and Regulations	NTT	Provides for the regulation and control of gaming. Licensing, exclusivity for casinos, market behaviour, permits, operational restrictions.	Public review completed (issues paper released for public comment in April 2002). The review concluded that the current regulatory framework for gaming in the Territory confers net public benefits. The review recommended restructuring the legislative base. A full revision and redrafting of a new legislative framework was suggested as the most workable and viable approach.	The Government endorsed the review findings. Some amendments were made through the Gaming Control Amendment Act 2004 pending a broader change to gambling legislation as a whole.

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Gaming Machine Act	NTT	Provides for the licensing of gaming machines in community venues – establishes limits and controls on numbers of machines and locations.	Public review completed (issues paper released for public comment in April 2002).	The Government endorsed the review findings. Amending legislation assented to in July 2004.
Grain Marketing Act 1983	DBIRD	Vested ownership of all barley and coarse grains grown in the NT in the Grain Marketing Board.	Review completed in 1997. Review recommended repeal of the Act.	Act repealed in February 1997 resulting in the dissolution of the Grain Marketing Board. There are no remaining legislative controls over grain marketing in the NT.
Hawkers Act	DCDS&C A	Licensing, business conduct.	Stakeholder focused review completed in August 2000. Review found licensing requirements, exemption provisions and restrictions on hawking on Crown land were anti-competitive, although necessary to protect the public in terms of proper commercial dealings and annoyance. It also found that the objectives of the legislation could be pursued through other legislation. Review recommended repealing the legislation, pending consideration of other legislative means for regulating hawking offences.	The Government accepted the review recommendations in September 2000. Act repealed.
Health Practitioners and Allied Professionals Registration Act	DH&CS	Registration as: Aboriginal Health Worker (s 24); Chiropractor (s 35); Occupational Therapist (s 38); Osteopath (s 39); Physiotherapist (s 40); and Psychologist (s 41). Entry, registration, title, practice, discipline.	Review completed in May 2000. Review recommendations include retaining title restriction and removing generic practice restrictions.	The Health Practitioners Act 2004 incorporating review recommendations enacted in April 2004. Act retains title protection for occupational therapists.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hotel Keepers Act			Review completed in 2002. The review found that while the Act contains some anti-competitive provisions, the restrictions on competition are minimal and public benefit outweighs costs of the restrictions. The review recommended some minor amendments.	The Hotel Keepers Amendment Act 2002 implemented the review recommendations.
Housing Act	DCDS&C A	Act and Regulations establish the legislative basis for the provision of public housing and housing assistance schemes in the NT.	Internal review, with independent oversight provided by a steering committee comprised of Department of the Chief Minister, NT Treasury and Attorney General's Department officials, completed. Review found that the provisions of the Act that represent potential restrictions on competition are justified on social welfare and equity grounds. Review also considered alternative regulatory approaches such as outsourcing and direct subsidisation of landlords. However, it was considered that such alternatives were unlikely to achieve the objectives of the Act in a more efficient manner than the current arrangements and therefore recommended no change to the legislation.	The Government endorsed the review findings in October 2000.
Kava Management Act	NTT	Provides for licensing and regulation of kava in prescribed areas of the Territory.	Review completed. Recommendations included: regulation of kava price; extending and clarifying periods for objections; annual renewal of licences; requiring licence applicants to state what contribution they would make to support harm minimisation activities; and providing greater flexibility in kava packaging requirements.	The Government endorsed the review report. The Kava Management Amendment Bill 2003 was passed in April 2003 and implemented the recommendations of the review with effect from November 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Legal Practitioners (Incorporation) Act	DOJ	Prohibits companies practising law unless the company is approved by the Chief Justice and owned and controlled by legal practitioners.	Review completed in November 2001. Review recommended multidisciplinary practices, but providing for the disqualification of corporations found guilty of serious offences or with a history of employing persons found guilty of unsatisfactory professional conduct.	The Government accepted the review recommendations. Act repealed by the Legal Practitioners Amendment (Incorporated Legal Practices and Multi-Disciplinary Partnerships) Act 2003. Provisions on multidisciplinary practices and disqualifications incorporated into the Legal Practitioners Act.
Legal Practitioners Act	DOJ	Licensing, registration, entry requirements, disciplinary processes, reservation of title and practice, disciplinary processes, business conduct (including monopoly professional indemnity insurance and advertising).	Review completed. Review recommendations included reserving core areas of legal work; removing restrictions on incorporated and multidisciplinary practices; and removing controls on fees for worked conducted outside of court. The Government delayed its NCP review of professional indemnity insurance given recent insurance market developments and the outcome of the national model laws project.	The Government delayed responding to the review until completion of the national model laws project. It is concurrently drafting legislation to implement the model laws and the recommendations from the review of the Legal Practitioners Act. The NT will consider its legal professional indemnity regime in the context of the national model law process. It expects to introduce legislation to Parliament in late 2005 or early 2006.
Licensed Surveyors Act	DIPE	Licensing, registration, entry requirements (education, experience, possibly exams, fit and proper), the reservation of title and practice, disciplinary processes and business conduct (including practice standards), business licensing.	Review completed in October 1999. Review concluded that potentially anti-competitive provisions could be justified under the Competition Principles Agreement. Public benefit arguments provided in the 2002 NCP annual report to support the retained competition restrictions, particularly in relation to entry standards.	The Government endorsed the review outcomes in February 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>
Liquor Act	NTT	Regulates the sale of alcohol. Contains a public needs test: licensing authorities are to have regard to the location and conditions of any licensed premises in the vicinity of the premises which are the subject of an application for a licence and community needs and wishes.	Review completed. The review's 29 recommendations included the removal of the Sunday packaged (takeaway) liquor trading restriction, which discriminated between licence types by permitting only hotels to sell packaged liquor on Sundays, and the replacement of the 'needs and wishes' test for the granting of a new liquor licence with a 'public interest' test.	The Government accepted 27 of the 29 recommendations. Sunday takeaway trading issue still under consideration. Amendments to implement most of the recommendations enacted in the Liquor Amendment Act 2004 assented to 15 March 2004 and commenced 5 May 2004.
Local Government Act, Regulations and By-Laws	DCDS&C A	Provides for the constitution of municipalities and community government areas, the election of self-governing authorities to control municipalities and community government areas and provides for a similarity of power and function between self-governing authorities.	Internal review by the Department of Local Government completed in September 2000. Stakeholder comment invited and terms of reference consistent with NCP guidelines. Restrictions identified as anti-competitive were justified against public interest criteria.	The Government accepted the review recommendations. Act retained without reform.
Marine Act and Regulations	DIPE	Applies national uniform shipping Law Codes. Licensing of certain commercial operations (part V), certificate of survey (s79(a)), permit for the operation of hire-and-drive vessel (s 4), certificate of competency (coxswain) (Schedule 3), certificate of competency (masterclass-all) (Regulation 9).	Targeted review completed in January 2001. Review found that the restrictive elements of the Act are justified under NCP principles.	The Government accepted the review recommendations in April 2001. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Marine Pollution Act	DIPE	<p>Purpose of the Act is to protect the NT's marine and coastal environments by minimising intentional and negligent discharges of ship-sourced pollutants through giving effect to the MARPOL international convention dealing with pollution by oil, noxious liquid substances in bulk, harmful substances in packaged form, sewage and garbage.</p> <p>With the exception of Australian Defence Force and a warship, naval auxiliary or other ship owned or operated by a foreign country and used, for the time being, only for government, noncommercial service of the country, the Act applies to all ships plying NT coastal waters.</p>	Review was completed in September 2001. Review found that the restrictive elements of the Act to be justified under NCP principles.	The Government endorsed the review recommendations. Act retained without reform.
Meat Industries Act 1996	DBIRD	<p>Provides for various food safety offences.</p> <p>Provides for licensing of processing facilities.</p>	Review completed by an independent reviewer in November 2000. Review recommended no change.	The Government accepted the review recommendation in April 2001. Act retained without reform.
Medical Act	DH&CS	Restrictions on entry, registration, title, practice, disciplinary provisions, advertising, ownership and business.	Review completed in May 2000. Review recommendations included removing generic practice, ownership and advertising restrictions, and retaining title protection.	Health Practitioners Act 2004 incorporating review recommendations enacted.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Medical Services Act	DH&CS	Limits conduct of medical services, entry conditions and pricing.	Targeted review by the CIE completed in May 2000. Review found that none of the features of the Act were being implemented in an anti-competitive way, and concluded that the Act was consistent with NCP requirements. Minor administrative changes were recommended.	The Government noted the findings of the review but determined to make no amendments to the Act, pending the outcome of a separate review of medical services framework legislation. Given that the Act complies with NCP principles in its current form, the NT considered that it is not in the public interest to devote scarce resources to amending the Act when such amendments may well be superseded.
Mental Health and Related Services Act	DH&CS	Provides for the care and treatment of the mentally ill.	Review by the CIE completed in May 2000. Review concluded that there is a strong net community benefit in the retention of existing restrictions in the Act, and recommended no changes.	Act retained without reform.
Merlin Project Agreement Ratification Act	DBIRD	Provides mechanism for levying royalties and imposing more stringent security conditions than apply elsewhere to mining sites.	Review completed in December 2002. The Review found that the public benefits of the heightened measures outweigh any possible anti-competitive effects that the restrictions represent. The review recommended that an objects clause be inserted into the Act to provide a clear statement of intent and purpose.	The Government endorsed the findings of the NCP review. However, in early 2003 the operators of the Merlin Mine publicly announced the closure of the mine. Mining has ceased. While not a priority, the Government advised its intention to repeal the Act. The Act is yet to be repealed.
Mine Management Act 1990	DBIRD	Regulates occupational health and safety in mining.	Review not required.	Act repealed and replaced by the Mining Management Act 2001 which was assessed under the gatekeeper process.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Mining Act 1980	DBIRD	Prohibits mineral exploration or extraction without a licence. Term of exploration licence – 6 years renewable for 2 + 2 years. Term of extraction licence – 25 years renewable.	Review completed.	Amending Act incorporating the legislative changes proposed by the review passed in February 2004. The Government intends to consider four recommendations requiring the development of a public interest case.
Motor Accidents (Compensation) Act	TIO	Mandatory insurance, monopoly insurer, centralised premium setting.	Review by Taylor Fry Consulting Actuaries completed in December 2000. Review recommended that the legislation be amended to allow the possibility that an insurer other than the Territory Insurance Office could operate or underwrite the motor accident compensation scheme (on a monopoly basis).	Review recommendations considered further as part of a wider review examining options for future ownership and management of the motor accidents scheme. Act continues to enforce the monopoly.
Motor Vehicle Dealers Regulations	DBIRD	Motor Vehicles Dealers Licence Part X, Div 3, SubDiv A, s132.	See the Consumer Affairs and Fair Trading Act (NT Regulations) and Amendment Act 1996 above.	The Consumer Affairs and Fair Trading Amendment Act 2002 commenced operation on 1 December 2002. There are consequential amendments to the Regulations.
Motor Vehicles Act	DIPE	Motor omnibus licence (s 10(2)), pastoral vehicle permit (s 137B), driving instructor's licence (25B), commercial passenger vehicle licence and driving instructors.	Review, except for Part V and section 137B, completed. Review concluded that while certain elements of the Act are anti-competitive, results of a public benefit test show that the restrictions are in the public interest.	Cabinet endorsed the review recommendations.
Northern Territory Employment and Training Act	DEET	Registers training providers and accredits training courses.	Full NCP review not required. Departmental assessment found Act does not contain unjustified restrictions on competition.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Nursing Act	DH&CS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed in May 2000. Review recommendations included removing advertising and practice restrictions, and retaining title protection.	The NT's Health Practitioners Registration Act 2004, passed in April 2004, broadly incorporates the review recommendations.
Oil Refinery Agreement Ratification Act	DBIRD	Imposes conditions on Mereenie Joint Venture in respect of the proposed oil refinery in Alice Springs. Refinery not constructed as it is currently uneconomic, so legislation is of no practical effect.	Review completed. Act is not considered to be anti-competitive. Given it has no practical effect, Act to be considered for repeal at the time of the renewal of Mereenie petroleum leases in 2002-03.	Act repealed in 2002.
Optometrists Act	DH&CS	Restrictions on entry, registration, title, practice, disciplinary provisions and ownership.	Review completed in May 2000. Review recommendations include removing ownership restrictions, modifying practice restrictions and retaining title protection.	Health Practitioners Registration Act 2004, passed in April 2004, broadly incorporates the review recommendations.
Ozone Protection Act and Regulations	DIPE	Licensing issues and environmental controls.	Targeted review completed in 1998.	Legislation repealed. Ozone protection provisions incorporated into regulations under the Waste Management and Pollution Control Act 1998.
Pawnbrokers Act	DBIRD	Restrictions on licensing.	Review not required.	Act repealed in 1998. Pawnbrokers and second-hand dealers provisions included in the Consumer Affairs and Fair Trading Act.
Pay-Roll Tax Act	NTT	Licensing and registration issues.	Targeted review completed in 1998. Licensing and registration requirements not considered to restrict competition.	The Government accepted the review recommendations.
Pet Meat Act	DBIRD	Licensing of premises for slaughtering, processing and storage of pet meat, and the standard of premises.	Review completed in 1997.	Act repealed and replaced by the Meat Industries Act, which commenced in December 1997.
Petroleum (Prospecting and Mining) Act	DBIRD			Act repealed and replaced by the Petroleum Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Petroleum (Submerged Lands) Act	DBIRD	Act's objective is to provide licensing and regulatory regime to enable exploration, development and production of petroleum resources within Australia's marine jurisdiction.	National review completed in 1999/2000. Review endorsed by Australian and New Zealand Minerals and Energy Council Ministers. Review's main conclusion was that the Petroleum (Submerged Lands) legislation is essentially pro-competitive and, to the extent that there are restrictions on competition (for example in relation to safety, the environment, resource management or other issues), these are appropriate given the net benefits to the community. Final report made public on 27 March 2001, following consideration by COAG's Committee on Regulatory Reform.	The Australian Government's rewrite of its Petroleum Submerged Land Act provided model legislation that each jurisdiction agreed to mirror and enabled the creation of a new national offshore safety regime to regulate Federal and state/NT waters. The new national safety authority commenced operations on 1 January 2005. The competition reforms that emerged from the national review already written into the Australian Government legislation and subsequently jurisdictional legislation.
Petroleum Act	DBIRD	Regulates onshore exploration and recovery of petroleum in NT; grants exclusive rights; and provides for technical and financial prescriptions.	Review completed December 2002. The review found that public benefit that is enjoyed by the restrictions far outweigh costs of compliance. The review made 14 recommendations that involve relatively minor amendments that are intended to streamline administrative processes and enhance transparency and accountability.	Eight of the recommendations incorporated in the Petroleum Amendment Act 2003. Remaining recommendations incorporated in the Petroleum Amendment Act 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Pharmacy Act	DH&CS	Restrictions on entry, registration, title, practice and disciplinary provisions.	National Review of Pharmacy Regulation (Wilkinson Review) completed in February 2000. Review recommended retaining registration, the protection of title, practice restrictions and disciplinary systems (although with minor changes to the registration systems recommended for individual jurisdictions). Further, the review recommended maintaining existing ownership restrictions, and removing business licensing restrictions. COAG referred the national review to a senior officials working group, which recommended that COAG accept most of the national review recommendations (except the recommendation on non-pharmacy ownership of pharmacies by friendly societies and other non-pharmacists that currently own pharmacies).	Drafting of an omnibus Health Practitioners Bill to replace the Health Practitioners and Allied Professionals Registration Act, the Dental Act, the Nursing Act, the Medical Act, the Optometrists Act and the Pharmacy Act 1996 approved. On 1 April 2004 the NT passed the Health Practitioners Act 2004. Schedule 8 of the Health Practitioners Act (provisions pertaining to pharmacy ownership) commenced operation on 23 February 2005. The proposed reforms fall short of those required by COAG national review processes.
Places of Public Entertainment Act	DCDS&C A	Controls places of public entertainment – Public Entertainment Licence (s.6)	Interdepartmental review completed March 2002. Review consulted widely. Review found that restrictions provided a net public benefit but recommended changes to provide for greater transparency and accountability in the administration of the Act.	Act amended by the Public Entertainment Amendment Act 2003 with effect 20 August 2003.
Planning Act	DIPE	Provides for land use controls, planning appeals, issuance of development permits and developer contributions.	Review completed in September 2000. Review concluded that the anti-competitive provisions deliver a net benefit to the community and recommended no amendments to the Act.	The Government endorsed the review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Plumbers and Drainers Licensing Act	DIPE	Licensing, registration, entry requirements (qualifications or experience, fitness of character), the reservation of practice (for plumbing: installing, altering, removing or repairing fixtures, fittings and pipes designed to receive and carry sewage or water, and the ventilation of those fixtures, fittings and pipes) and business conduct (supervision).	Review completed in September 2000. Review recommended that: the Act should give explicit recognition of national competencies-based approach, the board's range of options in dealing with complaints should be made widely known, 'fit and proper person' test power of the board should be maintained so long as appeal mechanisms are clear and accessible, and membership of the Board should be reviewed to establish whether the continued Power and Water Authority membership is desirable. Also recommended a more general review of the Act to in part examine the case for compliance certificates and the case for restricted plumbing licences to meet the needs of other trades.	The Government approved the recommendations of the review report and endorsed the findings of the review in January 2003. Act amended by the Plumbers and Drainers Licensing Amendment Act 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Poisons and Dangerous Drugs Act</p>	<p>DH&CS</p>	<p>Certificates of competency for pest controllers, and prescription of drugs by health professionals other than medical practitioners. The Act sets out controls and licensing for manufacture, wholesale, retail sales.</p>	<p>Part of the Galbally Review of Drugs, Poisons and Controlled Substances. Review issued a final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and nonlegislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to Australian Health Ministers Conference (AHMC) in early 2001. The Australian Health Ministers' Advisory Council (AHMAC) working party recommended to COAG in 2004 that most Galbally outcomes be supported. The working party recommended that the timeframe for implementation should be a 12 month period from COAG's endorsement of the recommendation.</p>	<p>Since the release of the Galbally review, the Australian and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products, accountable to both the New Zealand and Australian governments. These arrangements were to commence on 1 July 2005, but were deferred for 12 months to allow for consultation.</p> <p>States and territories will amend their drugs, poisons and controlled substances legislation, where necessary, to appropriately reference relevant parts of the Australian Government's legislation relating to the trans-Tasman agency.</p> <p>In May 2004, the Northern Territory Government passed the Agricultural and Veterinary Chemicals (Control of Use) Act which repealed provisions of the Poisons and Dangerous Drugs relating to agvet chemicals control of use.</p> <p>Review by the DH&CS of the Poisons and Dangerous Drugs Act to: determine the best way to accommodate the recommendations of the Galbally review; consider the merits of adopting the Commonwealth Therapeutic Goods Act 1989 to replace the Therapeutic Goods and Cosmetics Act; address outstanding issues from the former Pharmacy Act that are not included in Schedule 8 of the Health Practitioners Act.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Power and Water Authority Act	PAWA	Establishes the Power and Water Authority, and prescribes functions and powers of the Authority, gives control of provision and supply etc of electricity, water and sewerage services in the Territory. Exemption from rates; competitive neutrality issue. Price fixing regarding the Authority's agents; possible Part IV of TPA conflict. Regulation making powers; statutory power. Exemption from charges; competitive neutrality issue (s.14, 15, 19, 25(b) and 33).	Review completed in March 2000.	Amendments reflecting review recommendations made. All electricity-related amendments were made in 2001 and enacted on 1 July 2002 except for the removal of the Power and Water Authority's local government rate exemption (s.19). This matter was part of NT's Government owned corporations legislation applying from 1 July 2002. The authority actually began paying local government rate equivalents from 1 July 2001.
Price Regulation Act	DOJ	Provides for the appointment of Controller of Prices who can declare maximum prices for services and goods prescribed by the Administrator.	Review completed. Review recommended the exercise of restrictions only at times of natural disaster, the specification of objectives and the regulation of monopoly behaviour under separate legislation.	The Government agreed to the review recommendations. The Prices Regulation Amendment Act 2002 changed the name of the Act to the Price Exploitation Prevention Act.
Private Hospitals and Nursing Homes Act	DH&CS	Restrictions on licensing.	Review completed in May 2000. Review recommendations include the objectives be clearly stated, that licensing be retained and extended to all aged care facilities, that current incorporation requirements be rescinded, and that approval for manager relief arrangements be rescinded.	The Government agreed to the review recommendations. The Private Hospitals and Nursing Homes Amendment Act 2002 changed the name of the Act to the Private Hospitals and Residential Aged Care Facilities Act.
Private Security Act	NTT	Regulation of the provision of security services and for related purposes – accredited training requirement and a licensing regime for crowd controllers.	Review completed. The review recommended the legislation ensure, among other things, that: persons undertaking private security work are appropriately licensed; provision for an infringement notice system; and licensees to hold first aid qualifications.	The Government endorsed the review report and approved the public release of the review report. The Private Security Amendment Act 2003 implemented the findings of the review.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Prostitution Regulation Act	NTT	Escort agents licensing, entry requirement (sex workers who provide sex services under agency agreements with escort agents must have an appropriate certificate from the Commissioner of Police), business conduct (wide range of conditions that may be imposed by the licensing authority). Brothels are illegal.	General review completed. Review not the subject of separate public consultation due to recent reviews.	The Government adopted the review recommendation contained in the report to make no change to the substance of the scheme of regulation. However, consistent with its policy of lessening the number of statutory bodies, the Government decided to abolish the Escort Agency Licensing Board and to transfer those functions to the NT Licensing Commission. This transfer became effective on 19 February 2001.
Public Health (Shops, Eating-Houses, Boarding Houses, Hotels and Hostels) Regulations	DH&CS	Registration of a boarding house (s 35, 36) and registration of an eating house (s12, 13).	Targeted review. See the Public Health Act.	Part III of these Regulations repealed on commencement of the Food Act 2004 (commenced 1 July 2004). Remainder of the Regulations to be reviewed in conjunction with finalisation of the Public and Environmental Health Bill.
Public Health Act	DH&CS	Includes registration of barbers' shops (s5), registration of a boarding house (s 35, 36), registration of an eating house (s12, 13), general sanitation, noxious trades, medical and dental inspection of school children and cytology register, among other things.	Review completed in May 2000. Review recommended that no attempt be made to amend the current legislation but rather new legislation be drafted. A general structure for public health legislation circulated in an issues paper.	It was expected that the Public and Environmental Health Bill will repeal the Public Health Act.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Public Trustee Act Public Trustee Amendment Act 1998	DOJ	<p>Some provisions may give the public trustee an advantage over competitors. These provisions include those that permit the Public Trustee to administer estates of small value without the need to obtain the approval of the Supreme Court. Also, the Public Trustee has the right to obtain information about estates and to take various measures designed to minimise unnecessary levels of disputation.</p> <p>A second group of provisions provides Government support to the business operations of the Public Trustee (for example through a Government indemnity for the administration of funds).</p>	Review completed. Review recommended that the provisions giving advantages to the Public Trustee be retained but that they be extended so as to apply to other professional personal representatives. Review also recommended that the provisions supporting the business operations of the public trustee be amended so as to ensure competitive neutrality between the Public Trustee and its private sector competitors.	The Government accepted the review recommendations. The Public Trustee Amendment Act 2002 and the Administration and Probate Amendment Act 2002 commenced on 1 July 2002.
Racing and Betting Act	NTT	Licensing and registration of bookmakers and regulation of racing and betting activity.	Full public review completed and considered by Government in September 2003 (in conjunction with the review of the Unlawful Betting Act).	The Government accepted most review recommendations. Racing and Betting Amendment Act 2004 assented to on 28 April 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Radiation (Safety Control) Act 1978</p> <p>Radiation Safety Control Regulations 1980</p>	DH&CS	Controls and regulates the possession, use, transport and storage of radioactive substances and irradiating apparatus.	<p>National NCP review of radiation protection legislation, sponsored by COAG, completed in May 2001.</p> <p>Review conducted by the Australian Radiation Protection and Nuclear Safety Agency on behalf of all jurisdictions. The AHMC endorsed all the recommendations of the Australian Radiation Protection and Nuclear Safety Agency review and the proposed implementation plan.</p>	<p>On 17 December 2002, the Government:</p> <ul style="list-style-type: none"> • approved drafting of a Radiation Protection Bill to replace the Radiation (Safety Control) Act • directed that the Radiation Protection Bill be consistent with the recommendations of the NCP Review of Radiation Protection Legislation conducted by the Australian Radiation Protection and Nuclear Safety Agency, and • endorsed the implementation plan already endorsed by the Australian Health Ministers' Conference out-of-session, for meeting NCP commitments in respect of the Radiation (Safety Control) Act. <p>The Radiation Protection Act 2004 repealed the Act and the Regulations.</p>
Radiographers Act	DH&CS	Restrictions on entry, registration, title, practice, disciplinary provisions and advertising.	Review completed May 2000. Review recommendations included repealing the Act and transferring powers to the Chief Health Inspector under the Radiation (Safety Control) Act.	<p>The Government approved, in principle, the repeal of the Act and that the powers and functions of the Board necessary for the continued regulation of radiographers be transferred to the Radiation (Safety Control) Act.</p> <p>To avoid double handling of reform, repeal of the Act delayed until new radiation safety legislation developed following the national review of radiation protection legislation.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Rail Safety Act	DIPE	<p>Act introduced by the NT Government in response to the repeal of Commonwealth legislation (the Australian National Railways Commission Act and the Tarcoola to Alice Springs Railway Act) which covered railway operations in the NT.</p> <p>Act imposes quality controls, restricts inputs to the production process and imposes additional costs on industry. However, the Act, while placing conditions on entry to the industry, does not control entry.</p>	NCP review completed. Review found that the restrictive elements of the Act are justified under NCP principles.	The Government endorsed the review recommendations in November 2000.
Retirement Villages Act and Regulations	DOJ	Regulates the operation of retirement villages and confers on the courts powers in respect of certain matters relating to retirement villages and for related purposes.	Review completed in 2002. Restrictions on competition contained in the Act found to be in the public interest.	Act retained without reform.
Sale of NT TAB Act	NTT		Review of pari-mutuel betting completed in February 2001. The review found that there were no restrictions on competition in the Act.	The Government accepted the review findings in early 2002. No legislative changes required.
Stock (Artificial Breeding) Act	DBIRD	Licensing and regulation of insemination.	Review completed in 1998. The review recommended the repeal of the Act.	Act repealed by the Stock (Artificial Breeding) Repeal Act 1998.
Superannuation Act	NTT	Establishes NT Government and Public Authorities Superannuation Scheme. Limits on choice of funds.	Review completed in 1998. Review recommended that NT Government and Public Authorities Superannuation Scheme be closed with new employees being given the choice of compliant private superannuation funds.	Reforms implemented in line with review recommendations.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Taxation (Administration) Act	NTT	Registration as an Accommodation House (s 80c), registration as a lender (div 13, s 72), register of a financial institution for electronic debit transaction duty (s 29M), registration of insurers (div 6, s 40) and register of life insurers (div 7, s 46).	Targeted review completed in 1998. Licensing and registration requirements are not considered to restrict competition.	The Government accepted the review findings. Act retained without reform.
Territory Insurance Office (TIO) Act	TIO	Insurer for government, monopoly insurer for Compulsory Third Party (CTP) and government guarantee of deposits and contracts without fee.	Review completed in 2000. Review conducted in conjunction with recommendations of Wallis enquiry into the Australian financial system (report 1997), recommending changes to two restrictions. Options for calculation of a government guarantee fee are being considered. The fees can potentially be levied without legislative amendment.	Territory Insurance Office Act passed in December 2000, changing references to 'the insurer' to 'an insurer' to remove technical monopoly, in effect just reflecting current arrangements, and removing exclusivity with respect to CTP. (Separate review of CTP monopoly under Motor Accidents Compensation Act). A guarantee fee introduced by the Territory Insurance Office Amendment Act 2005.
Territory Parks and Wildlife Conservation Act	DBIRD	Establishes parks and reserves, and protects and conserves wildlife.	Review completed in 1998. Review found no restrictions on competition.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Therapeutic Goods and Cosmetics Act	DH&CS		<p>Part of the Galbally Review of Drugs, Poisons and Controlled Substances. Review issued a final report in January 2001. Review concluded that there are sound reasons for comprehensive legislative controls that regulate drugs, poisons and controlled substances, notwithstanding that many of these controls restrict competition. Review found that the level of regulation should be reduced in some areas, the efficiency of the regulatory system could be improved, and non legislative measures would be a more appropriate policy response in some areas.</p> <p>Final report presented to the AHMC in early 2001. AHMAC forwarded its recommendation, that most Galbally outcomes be supported, to COAG for endorsement during 2004. Jurisdictions' endorsement of the review and the response was completed in July 2005. The COAG response provides for each jurisdiction's implementation of the recommendations over a 12-month period from COAG's endorsement.</p>	<p>Since the release of the Report of the Galbally review, the Australian and New Zealand governments have agreed to establish a joint agency for the regulation of therapeutic products, accountable to both the New Zealand and Australian governments. These arrangements were to commence on 1 July 2005, but have been deferred for 12 months to allow for consultation.</p> <p>States and territories to amend their drugs, poisons and controlled substances legislation, where necessary, to appropriately reference relevant parts of the Australian Government's legislation relating to the trans-Tasman agency.</p>
Totalizator Administration and Betting Act	NTT	Grants sole rights to this form of betting.		To accommodate the sale of NT TAB this Act was repealed and replaced by two new Acts – Totalizator Licensing and Regulation Act and the Sale of the NT TAB Act.
Totalizator Licensing and Regulation Act	NTT	Establishes the regulatory framework for pari-mutuel betting.	Public review completed in February 2001. While some provisions in the Act potentially restrict competition, they were found to be in the public interest.	The Government accepted the review findings in 2002. No legislative changes required. Exclusive licence retained as the cost of licence buy back is likely to exceed any benefits.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Trade Development Zone Act	TDZ	Licence to Operate in the Trade Development Zone (s.21, 28).	Review completed.	The Trade Development Zone Act Repeal Act 2003 assented to on 27 June 2003.
Trade Measurement (Administration) Act	DOJ	Makes provision with respect to the administration of the Trade Measurement Act and for related purposes.	Internal review completed. Review found that the Act does not contain anti-competitive restrictions.	Act retained without reform.
Trade Measurement Act	DOJ	Makes provision with respect to trade measurement in the NT as part of the scheme for uniform trade measurement legislation throughout Australia.	National review by inter-jurisdictional committee with Queensland as the lead agency. The initial stage of the review (carried out by an independent consultant) reported in August 2001 and broadly considered that restrictions on the method of sale (relating to meat, beer and spirits, and pre packaged goods) appear to have little if any adverse impact on competition but provide benefits to consumers. Restrictions on the sale of non-prepacked meat were examined through a separate public benefit process. In May 2004, the MCCA endorsed the recommendations of the final report and agreed to its public release. The consultation process gave rise to a new issue namely, whether the definition of meat should expressly include seafood and poultry. Consumer Affairs Victoria is reviewing this issue.	In September 2006, the MCCA recommended that the Commonwealth take over the administration of a national system of trade measurement.
Unlawful Betting Act	NTT	Prescribes offences and penalties for unlawful betting activity.	Full public review, in conjunction with the Racing and Betting Act, completed in September 2003.	The Government accepted the majority of recommendations. Unlawful Betting Amendment Act 2004 assented to on 28 April 2004.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Uranium Mining (Environmental Control) Act	DBIRD	Controls uranium mining in the Alligator Rivers Region. Imposes restrictions, conditions and requirements that could discourage innovation and add to costs.	Review not required.	Act repealed and replaced by the Mining Management Act 2001.
Veterinarians Act 1994	DBIRD	Licensing of veterinary surgeons, reservation of practice, reservation of title, and advertising restrictions.	Review completed in 2000. Review recommended: <ul style="list-style-type: none"> retaining licensing, reservation of title and reservation of practices having additional consumer representation on the Veterinary Board, and removing some advertising restrictions. 	Restrictions on advertising were removed by the Veterinarians Amendment Act 1999. All other review recommendations implemented through the Veterinary Amendment (Fees and Penalties) Act 2005.
Work Health Act and Work Health Act (Occupational Health and Safety) Regulations	DEET	Mandatory insurance and prescribed standards that insurers must meet. Sets requirements for occupational health and safety. Registration requirements for the design of designated plant; pressure equipment, cranes and hoists, lifts, escalators and moving walks, amusement structures and scaffolding (Reg 93). Licensing of operators: pressure equipment operation, crane and hoist operators, industrial truck operation, scaffolding, rigging and asbestos removal (Reg 15). Workers compensation claims management.	Full public review of occupational health and safety provisions, by the CIE, completed in September 2000. Issues Paper on workers compensation provisions released publicly in 2001. The review recommended that renewal of licences be clarified; requirement for Health and Safety Committee be eliminated but all organisations be required to have an appropriate health and safety management policy. Exemptions of work carried out on mine sites should be removed and the Mines Management Act amended to invoke the OH&S provisions of the Act. The Regulations should specify the circumstances under which approval to work without a licence is given.	Government agreed with the recommendations except elimination of OH&S workplace committees and the removal of the current exemption of work carried out at mine sites from the OH&S provisions of the Act. Drafting of the amendments is currently underway.

11 Water

Agency nomenclature abbreviations

The following abbreviations are used in the 'Agency' column of the water legislation review timetable. This nomenclature identifies the relevant agency at the time of the 2005 National Competition Policy (NCP) assessment.

AIS	Department of Administrative and Information Services (Office for Government Enterprises) (South Australia)
CMD	Chief Minister's Department (Australian Capital Territory)
DH	Department of Health (Western Australia)
DIER	Department of Infrastructure Energy and Resources (Tasmania)
DIPE	Department of Infrastructure, Planning and Environment (Northern Territory)
DLGP	Department of Local Government and Planning (Queensland)
DNR&M	Department of Natural Resources and Mines (Queensland)
DPIWE	Department of Primary Industries, Water and Environment (Tasmania)
DSE	Department of Sustainability and Environment (Victoria)
DUS	Department of Urban Services (Australian Capital Territory)
EH	Department of Environment and Heritage (South Australia)
EPA	Environmental Protection Agency (Queensland)
H	Queensland Health
HEC	Hydro-Electric Corporation (Hydro Tasmania)
LA	Department of Land Administration (Western Australia)
OWP	Office of Water Policy (Western Australia)
PAWA	Power and Water Authority (Northern Territory)
T&F	Department of Treasury and Finance (South Australia)
WR	Water Resources (South Australia)
WRC	Water and Rivers Commission (Western Australia)

Legislation review schedule: Water

Updated to 5 December 2005

New South Wales

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Balranald Irrigation Act 1902				Act repealed by the Water Management Act 2000.
Crown Lands Amendment Act 1932				Act repealed by the Water Management Act 2000.
Drainage Act 1939				Act repealed by the Water Management Act 2000.
Fish River Water Supply Administration Act 1945				Act repealed by the Water Management Act 2000.
Glennies Creek Dam Act 1979				Act repealed by the Water Management Act 2000.
Hunter Valley Flood Mitigation Act 1956				Act repealed by the Water Management Act 2000.
Irrigation Act 1912 (and as amended)				Act repealed by the Water Management Act 2000.
Irrigation and Water (Amendment) Act 1943				Act repealed by the Water Management Act 2000.
Irrigation Corporations Act 1944				Act repealed by the Water Management Act 2000.
Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act 1955				Act repealed by the Water Management Act 2000.
Miscellaneous Acts (Water Administration) Amendment Act 1986				Act repealed by the Water Management Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Private Irrigation Districts Act 1973				Act repealed by the Water Management Act 2000.
Rivers and Foreshores Improvement Act 1948				Act partially repealed by the Water Management Act 2000. The Government expects to repeal the remaining elements in 2004.
Water (Soil Conservation) Amendment Act 1986				Act repealed by the Water Management Act 2000.
Water Act 1912 (and as amended)				Act partially repealed by the Water Management Act 2000.
Water Administration (Transfer of Functions) Act 1986				Act repealed by the Water Management Act 2000.
Water Administration Act 1986				Act repealed by the Water Management Act 2000.
Water Management Act 2000			Review completed.	The Water Management Act 2000 replaced various pieces of water legislation.
Water Supply Authorities Act 1987				Act repealed by the Water Management Act 2000.

Victoria

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Catchment and Land Protection Act 1994	DSE		Act removed from the legislation review program as the Act does not restrict competition. Its objective is to ensure competition in relevant markets is sustainable in the long term.	The provisions of part 7 of the Act, which relate to extraction of material amended by the Extractive Industries Development Act 1995.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Murray Darling Basin Act 1993 and other legislation relating to interstate sharing and management of resources	DSE		South Australia completed a review of the legislation which found there were no restrictions on competition.	
Pollution of Waters by Oil and Noxious Substances Act 1986	DSE		Review not required. Act assessed as not restricting competition.	
Water Act 1989 Water Industry Act 1994 Melbourne and Metropolitan Board of Works Act 1958 Melbourne Water Corporation Act 1992	DSE	Various regulatory controls and market restrictions.	Major public review by Marsden Jacob consultants completed June 2001.	<p>The Victorian Government accepted most of the review recommendations. Legislative proposals developed to:</p> <ul style="list-style-type: none"> • separate the powers to require connection from service delivery and infrastructure provision, and • introduce public scrutiny to the By-law making process. <p>The approach to implementing several of the key recommendations considered as part of the Government's major review of all areas of the water industry. Measures include:</p> <ul style="list-style-type: none"> • arrangements for vetted competition • removing the links between the ownership of land and the ownership of water • managing structural change in relation to the 2 per cent cap on water trades, and • identifying opportunities to improve the current legislation governing Victoria's water industry.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Industry Act 1994 (Part 4)	DSE	Act imposes licensing arrangements for use of jetties (s. 135A) and powers to levy rates on households in the metropolis.	Public review underway. Issues paper, submissions and targeted consultation with key stakeholders.	

Queensland

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Canals Act 1958 and Regulation 1992	EPA	Regulates construction, maintenance and use of canals, including a requirement for approval to be granted before construction can begin. Regulations relate to quantitative elements, quality/technical standards and natural resource permits/licences.	Review completed and published in November 1998. Review concluded that retaining restrictions was justified as being in the public benefit.	Act repealed on 20 October 2003.
Fluoridation of Public Water Supplies Act 1963 and Regulation 1964	H	Prescribes a particular brand of testing equipment.	The Department of Health repealed the restrictive provisions without formal review.	Anti-competitive provisions repealed late 1997.
Gladstone Water Board Act 1984	DNRM &E	Imposes a statutory monopoly.	The Department of Natural Resources, Mines and Energy completed the review in February 2000.	Act repealed by the Water Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Metropolitan Water Supply and Sewerage Act 1909</p> <p>Sewerage and Water Supply Act 1949 and Regulation 1987</p> <p>Standard Water and Sewerage Laws</p>	<p>DNRM &E and DLGPS &R</p>	<p>The Acts impose restrictions including a statutory monopoly, licensing / registration requirements and constraints on business. The Acts prescribe requirements on water supply and sanitary plumbing, sanitary drainage, sewer installation, the management of water supply, sewerage and drainage utilities and licensing requirements for plumbing and drainage work.</p> <p>Standard sewerage and water supply laws are administered by local governments and prescribe the purposes and uses of domestic water. The laws provide for the control / supply of water to the Brisbane metropolitan area to be the sole responsibility of the Brisbane City Council. Provisions now largely set by City of Brisbane Act ordinances.</p>	<p>The DNRM&E and the DLGPS&R jointly administer the Acts. Restrictions considered in the NCP review of the Sewerage and Water Supply Act include requirement to use only approved plumbing products, local government approvals of plumbing and drainage work, and occupational licensing of plumbers and drainers.</p>	<p>Restrictive elements of the Metropolitan Water Supply and Sewerage Act and the Sewerage and Water Supply Act dealing with water supply and sewerage requiring amendment incorporated into the Water Act 2000, administered by DNRM&E, part of which commenced on 13 September 2000, with the remaining provisions commencing on 19 April 2002.</p> <p>The remainder of the Sewerage and Water Supply Act and the Standard Laws dealing with plumbing and drainage matters repealed and replaced by the Plumbing and Drainage Act (PDA) 2002 which came into force on 1 July 2003. The DLGPS&R is responsible for administering the PDA.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sewerage and Water Supply Act 1949 and Regulation 1987 Standard Water and Sewerage Laws	DLGPS &R	Plumbers and drainers: licensing, registration, entry requirements (qualifications and practical experience), the reservation of practice, and disciplinary processes. Also provides the head of power for the making of plumbing and drainage standards.	Act administered jointly with DNRM&E. DNRM&E's NCP issues substantively dealt with in the Water Act 2000. NCP matters related to that part of the Act administered by DLGPS&R are being reviewed as part of current proposals to integrate plumbing approvals and appeal processes in the Integrated Planning Act. Review made recommendations about minimum product standards; the licensing of plumbers and drainers; and local government inspectors. The Queensland Government accepted the review's recommendations.	The Sewerage and Water Supply Act 1949 repealed by the Plumbing and Drainage Act. New Act implements part of the outcomes of the NCP review. Following finalisation of the Standard Plumbing and Drainage Regulation under the new Act, the recommended information program (in conjunction with training on the new legislation) will commence in 2003.
South East Queensland Water Board Act 1979 Townsville/Thuringowa Water Supply Board Act 1987	DNRM &E	Both Acts impose a statutory monopoly.	Review completed.	Both Acts repealed. A commercialised Townsville / Thuringowa Water Supply Board created by amendment of the Local Government Act 1993.
Water Resources Act 1989 Water Resources (Watercourse Protect) Regulations 1993 Water Resources (Rates and Charges) Regulations 1992 Natural Resources Amendment Act 1996	DNRM &E	Restrictions on licensing or registration, pricing and business conduct.	Public review completed in February 2000. Review completed as part of broader Council of Australian Governments (COAG) water reform agenda.	Restrictive elements that required amendment incorporated into the Water Act 2000. The Water Regulation 2002 commenced in part on 19 April 2002 with remaining provisions commencing on 30 June 2002.

Western Australia

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Carnarvon Irrigation District By-laws	WRC	Differential treatment.	Review by the Water and Rivers Commission (WRC) completed in January 2000. Review found minor restrictions to be justified on public welfare grounds to maintain security of supply and safeguard infrastructure.	Cabinet approved the transfer of the irrigation assets and management to local control. The transfer of the management of the business undertaken while the asset transfer deferred due to a number of native title issues.
Country Areas Water Supply (Clearing Licence) Regulations 1981	OWP	Controls over land clearing.	Review by the Office of Water Regulation (now OWP) completed in August 2000 and recommended no change. Controls were justified on wider ecological and public interest grounds.	The Government endorsed the review recommendations on 18 December 2000. Act retained without change.
Country Areas Water Supply Act 1947	OWP	Restrictions on licensing, and market power by Water Corporation.	Review by the OWP completed in September 1999.	Amendments to the Act progressed via the Water Legislation Amendment (Competition Policy) Act 2005.
Country Areas Water Supply By-laws 1957	OWP	Market power.	Review completed.	The Government endorsed the review findings in December 1999. The OWP amended the regulations/by-laws.
Country Towns Sewerage Act 1948 and By-laws	OWP	Licensing, registration, entry requirements (competency or six years experience and qualification, fit and proper), the reservation of practice (either licensed or under licensed supervision) and disciplinary processes.	Review of Water Services Coordination Amendment Act 1999 recommended retaining restrictions to prevent unlicensed persons from performing plumbing work, and maintaining the board's power to set licence conditions.	Amendments to the Act progressed via the Water Industry Legislation Amendment (Competition Policy) Act 2005. Plumbers licensing provisions were transferred to the Water Services Coordination (Plumbers Licensing) Regulations in 2000. The transfer also shifted responsibility for plumbers licensing from the Water Corporation to the new Plumbers Licensing Board.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Harvey, Waroona Collie River Irrigation Districts By-laws 1975	WRC	Monopoly powers to Water Corporation. Differential rights to irrigators.	Review by WRC completed in January 2000. No action proposed. Minor restrictions justified on public welfare grounds to maintain security of supply and safeguard laws proposed to reflect current management practices.	The Government endorsed the review recommendations on 14 August 2000.
Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1993	DH	Restrictions on licensing.	Review to be undertaken as part of the review of the Health Act 1997.	
Irrigation (Dunham River) Agreement Act 1968	LA	Differential rights.		Act repealed by the Statutes (Repeal and Minor Amendments) Act 2003.
Land Drainage (Rating Grades) Regulations 1986 Water Agencies (Entry Warrant) Regulations	OWP	Provides an exemption from paying rates for certain activities, subject to those exemptions on specific land uses that are imposed for social reasons, continuing to be subject to the formal and transparent community service obligation payment. Provides for land to be subject to water supply, sewerage, drainage and irrigation charges even if it is not actually connected to the system and where owners or occupiers do not actually use the system. Provides exemption from charges for pensioners.	Review completed. Review recommended retaining legislative restrictions finding them to be in the public interest for reasons of social equity and good infrastructure planning. Some 'housekeeping' recommendations include amending the: <ul style="list-style-type: none"> grading system in the Land Drainage (Rating Grades) Regulations so that all charges are dealt with through the Water Agencies (Powers) Act 1984, and Water Agencies (Infringements) Regulations 1994 to ensure they are consistent with the Water Agencies (Powers) Act, which enables the WRC to delegate authority for issuing infringements. 	The Government endorsed the review recommendations in December 1999. The OWP amended regulations/by-laws.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Land Drainage Act 1925	OWP	Market power.	Review by OWP completed in 1999. Minor amendments proposed to ensure consistency with the competitive licensing regime and other related Acts.	The Government endorsed the review recommendations in December 1999. Amendments to the Act to be progressed in a water industry legislation amendment Bill. Cabinet-approved amendments being drafted.
Land Drainage Bylaws 1986	OWP	Market power.	Review by OWP completed in 1999.	The Government endorsed the review recommendations in December 1999. The OWP amending the regulations/by-laws.
Land Drainage Regulations 1978	OWP	Market power.	Review by OWP completed in 1999. Review recommended that all charges be dealt with through the Water Agencies (Powers) Act 1984.	The OWP amending the regulations/by-laws.
Metropolitan Water Authority (Miscellaneous) By-laws 1982	WRC	Differential treatment.	Review by the WRC completed. No competition restrictions identified.	The Government endorsed the review recommendations. Act retained without change.
Metropolitan Water Authority Act 1982	WRC	Provides market power to the Water Corporation.	Review by the WRC completed. No competition restrictions identified.	The Government endorsed the review recommendations. Act retained without change.
Metropolitan Water Supply, Sewerage and Drainage Act 1909	OWP	Market power and differential treatment for licensing.	Review by the OWP completed in September 1999.	The Government endorsed the review recommendations in December 1999. Amendments progressed via the Water Legislation Amendment (Competition Policy) Act 2005.
Metropolitan Water Supply, Sewerage and Drainage By-laws 1981	WRC	Restrictions on licensing. See the Country Towns Sewerage Act 1948.	Review by the OWP completed.	Plumbers licensing provisions transferred to the Water Services Coordination (Plumbers Licensing) Regulations in 2000. Transfer also shifted responsibility for plumbers licensing from the Water Corporation to the new Plumbers Licensing Board.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Ord Irrigation District By-laws	WRC	Provides market power to Water Corporation. Differential rights to irrigators within the area.	Review by the WRC completed in January 2000. Review recommended no change as the restrictions are minor and justified on public welfare grounds to maintain security of supply and safeguard infrastructure.	The Government endorsed the review recommendations in August 2000. Amendments to By-laws to reflect devolved ownership and control of the scheme.
Preston Valley Irrigation District By-laws	WRC	Differential treatment.	Review by the WRC completed in January 2000. Review recommended retaining the restrictions on competition in the public interest.	The Government endorsed the review recommendations in August 2000. The OWP amending the regulations / by-laws. Amendment to the By-laws to reflect the current management practices and responsibilities of the Water Corporation and grower cooperatives following the devolution of irrigation management.
Rights in Water and Irrigation (Construction and Alteration of Wells) Regulations 1963	WRC	Licensing restrictions. The WRC is given sole rights to fit, repair and test water meters.	Review by the WRC completed in January 2000.	The Government endorsed the review recommendations in August 2000. These regulations repealed by the Rights in Water and Irrigation Regulations 2000.
Rights in Water and Irrigation Act 1914 and Regulations	WRC	Licensing of rights to take water. Provides monopoly powers to the Water Corporation.	Review by the WRC completed.	The Government endorsed the review recommendation in December 1999. Amendment progressed via the Water Legislation Amendment (Competition Policy) Act 2005.
Treatment of Sewerage and Disposal of Effluent and Liquid Waste Regulations	DH	Licensing.	Review underway. Review is a public process involving a public seminar and an invitation to make submissions.	
Water (Dixvale Area and Yanmah Area) Licensing Regulations 1974	WRC	Differential treatment of a small group of irrigators.	Review by the WRC completed in 2000 and recommended repealing the regulations.	The Government endorsed the review recommendations.
Water Agencies (Charges) Bylaws 1987	OWP	Differential treatment of Crown lands.	Review by the OWP completed in 1999.	The Government endorsed the review recommendations. Retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Agencies (Entry Warrants) Regulations 1985	OWP		Review by the OWP completed in 1999.	The Government endorsed the review recommendations. Retained without reform.
Water Agencies (Infringements) Regulations 1994	OWP	Market power to Water Corporation.	Review by the OWP completed in 1999.	The Government endorsed the review recommendation to modify regulation 5 (officers issuing infringements) to make it consistent with recommendations from the review of the Water Agencies (Powers) Act 1984. The OWP amending the regulations/by-laws.
Water Agencies (Powers) Act 1984	OWP	Market power to Water Corporation.	Review by the OWP completed in 1999.	The Government endorsed the review recommendations. Act amended by the Water Legislation Amendment (Competition Policy) Act 2005.
Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995	OWP		Review by the OWP completed in 2000. No restrictions on competition identified.	Act retained without reform.
Water and Rivers Commission Act 1995	WRC	The Act provides powers for natural resource management.	Review by the WRC completed in 2000. No changes were recommended.	The Government endorsed the review recommendations in 2000.
Water Boards Act 1904 and By-laws	OWP	Restrictions on licensing, and powers to supply of water and within defined areas.	Review by the OWP completed in 1999.	Amendment to Act allows agencies to provide a full suite of water services and freedom to compete for licences on equal terms with the Water Corporation. The revised by-laws considered under gatekeeper provisions. Also amended by the Water Boards Amendment Act 2003.
Water Corporation Act 1995	OWP		Review by the OWP completed in 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>
Water Services Coordination Act 1995 – Part 1 of 2	OWP	Complex licensing regime inhibits competitive outcomes.	Review by the OWP completed in 1999. The recommendations include the adoption of a simpler, pro-competitive licensing regime and provide for competitive neutrality in relevant Acts. Five year review under s62 completed in 2003.	Recommendations implemented via the Water Legislation Amendment (Competition Policy) Act 2005. Other recommendations implemented through the Economic Regulation Authority Act 2003. These were the inclusion of public interest considerations as part of the licensing regime, and the ability to transfer a licence. The Act also provided for regulations prescribing public consultation processes as part of the decision to grant, amend or transfer a licence.
Water Supply, Sewerage and Drainage Act 1912	OWP	Restrictions relate to asset ownership.	Review by the OWP completed in 1998.	Act retained without reform.
Waterways Conservation Act 1976 and Regulations	WRC	Licensing system for disposal of waste in waterways.	Review by the WRC completed in 2000. The review recommended no changes. Major review proposed to achieve rationalisation of functions and operation between this Act and the Environmental Protection Authority Act.	The Government endorsed the review recommendations in 1999. Act retained without change.

South Australia

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Catchment Water Management Act 1995	EH	Restricts market conduct.	Review completed.	Act repealed by Schedule 3 clause 1(a) of Water Resources Act 1997 on 2 July 1997. Water Resources Act 1997 repealed by Schedule 4 (clause 43(1)(c)) of Natural Resources Management Act 2004 on 1 July 2005. However, the repeal of Parts 1 and 8 suspended until a day to be fixed by proclamation (see Gazette 30.6.2005 p 2096).
Groundwater (Border Agreement) Act 1985	WLBC	Restricts market conduct.	Review completed in 2000. No change recommended.	Act retained without change.
Irrigation (Land Tenure) Act 1930 (formerly Irrigation Act 1930)	EH	Restricts market conduct.	Review completed in 1999 and did not identify any major issues. The review recommended that legislation be updated and consolidated.	The Government approved repeal of the Act on 20 January 2003. <u>Post 2005:</u> Act to be repealed by Schedule 1 clause 6(c) of the Crown Land Management Act 2009 (as yet uncommenced).
Irrigation Act 1994	WLBC	Restricts market conduct.	Review completed in 2000. Minor legislative changes were recommended. The review identified a need for a further comprehensive review of the legislation and its objectives.	No competition related reform required. <u>Post 2005:</u> Act repealed by Schedule 1 clause 3 of Irrigation Act 2009 on 23 April 2009.
Loans for Fencing and Water Piping Act 1938	T&F	Restricts market conduct.	Review not required as the Act is to be repealed.	The Government approved repeal in August 2002. Act repealed by s 13 of the Statute Amendment and Repeal (National Competition Policy) Act 2003 on 1 July 2003.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Murray Darling Basin Act 1993	WLBC	The agreement in place is aimed at providing equitable sharing of the resource.	Review completed in 1999. Review recommended no change to the Act.	<u>Post 2005:</u> Act repealed by Schedule 1 clause 36 of Murray-Darling Basin Act 2008 on 15 December 2008.
Renmark Irrigation Trust Act 1936	WLBC	Restricts market conduct.	Review completed in 2000. Minor legislative change recommended to remove obsolete and inconsistent sections.	No competition related reform required.
River Murray Waters Agreement Supplemental Agreement Act 1963	WLBC	Restricts market conduct.	Review completed in 1998. Review recommended the Act be repealed.	Act replaced by the Murray-Darling Basin Act 1993.
Sewerage Act 1929	AIS	Barriers to market entry and restricts market conduct; product or service standards.	Review, in conjunction with the Waterworks Act 1932 and the South Australian Water Corporation Act 1994 completed in 2001. Review found that: <ul style="list-style-type: none"> the primary restrictions appear to arise from the inherent monopoly of the infrastructure, and the majority of the identified restrictions on competition are appropriate in the context of the Acts' objectives. 	Although the report identified a number of trivial and intermediate restrictions in the Acts and consequently recommended some minor amendments, the South Australian Government considered the existing arrangements and administrative responses adequately address the issues raised in the review, and accordingly no legislative changes are proposed. Other non-legislative review recommendations considered.
South Australian Water Corporation Act 1994	AIS	Barriers to market entry, and restricts market conduct.	See the Sewerage Act 1929.	Act retained without reform.
South Eastern Water Conservation and Drainage Act 1992	WLBC	Restricts market conduct.	Review completed in 1999 and did not recommend any change.	Act retained without change.
Water Conservation Act 1936	WLBC	Barriers to market entry, and restricts market conduct and products/service standards.	Review completed in 2000 and found no competition issues.	No competition related action required.
Water Resources Act 1990	WLBC	Restricts market conduct.	Review completed.	Act repealed by Schedule 3 clause 1(d) of the Water Resources Act 1997 on 2 July 1997.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Waterworks Act 1932	AIS	Barriers to market entry, and restricts market conduct, and product/service standards.	Refer to the Sewerage Act 1929.	

Tasmania

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian Titan Products Act 1945	DIER	Provides certain water rights to a company and prohibits it from generating electricity.		Act repealed by the Legislation Repeal Act 1998.
Clyde Water Act 1898	DPIWE	Vests trustees with the power to repair and alter works, construct works to convey water from Lake Sorell to the River Clyde and any waterworks necessary to provide the towns of Bothwell and Hamilton with water.		Act repealed by the Water Management Act 1999.
Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995	DIER	Requires certain irrigation waters to be made available to certain water users, providing them with a commercial benefit that is not available to others.	Review completed.	Act amended by the Water Management Act 1999.
Florentine Valley Paper Industry Act 1935	FT	Authorises the granting of exclusive timber, water and transport rights to one company.	Review completed. Review recommended that the power to license water rights be attached to the Water Management Act.	Licensing of water rights transferred to the Water Management Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Groundwater Act 1985	DIER	Prohibits the construction or enlarging of a well, or the drawing of water, in a proclaimed region without a permit. Provides the Director of Mines with the power to shut, limit, repair or modify any Tasmanian well.		Act repealed by the Water Management Act 1999.
Hobart Regional Water Act 1984	DPIWE	Gives the Hobart Regional Water Board exclusive rights to take water from the Derwent River, Mount Wellington and other streams, construct bulk supply works and enter into agreements with municipalities to provide water.		Act repealed by the Hobart Regional Water (Arrangements) Act 1996, which was assessed under the gatekeeper provisions.
Huon Valley Pulp and Paper Industry Act 1959	FT	Provides the company with free unlimited water rights, restricts the water rights of the Huon Council (and its residents), rights over Crown land. Sets company conduct in relation to river bank degradation and water quality.		Act repealed by the Legislation Repeal Act 1996.
Irrigation Clauses Act 1973	DPIWE	Restricts market entry. Provides for the construction of waterworks by persons authorised by another Act to do so. Provides for the right to a supply of water for irrigation. Establishes irrigation rights within irrigation districts.	Review completed. Restrictions found to be in the public interest.	Act amended by the Water Management Act 1999. Restricts the holding of irrigation rights in a district to an owner or occupier of land in the district.

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

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sewers and Drains Act 1954	DPIWE	Specifies material and work standards for the construction and maintenance of sewerage works. Requires certain Council officers to hold certificates of qualification.		Restrictive provisions in the Act removed.
Thomas Owen and Co. (Australia) Limited Act 1948	DPIWE	Provides a company with the right to take as much water as required at no cost and prohibits it from using that water to generate electricity.		Act repealed by the Water Management Act 1999.
Water Act 1957	DPIWE	Gives the Rivers and Water Supply Commission the power to allow or prevent persons from taking water from rivers and lakes. Prohibits the taking of water for irrigation without the authority of the Commission. Specifies water quality standards.	Review completed in 1999.	Act repealed and replaced by the Water Management Act 1999.
Water Management Act 1999	DPIWE	Establishes a system of transferable water rights.	New legislation assessed under gatekeeper provisions. Restrictions found to be in the public interest.	
Waterworks Clauses Act 1952	DPIWE	Gives power to persons authorised by special Acts to construct waterworks, to acquire land and to undertake various activities associated with the construction of such waterworks.	Review completed. Restrictions found to be in the public interest.	Act amended by the Water Management Act 1999.
Wesley Vale Pulp and Paper Industry Act 1961	FT	Ratifies a financial agreement providing a particular company with a competitive advantage, potentially acting to restrict competition.	Review completed.	Act amended by the Water Management Act 1999.

Australian Capital Territory

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Pollution Act 1984	DUS			Act repealed by the Environment Protection (Consequential Provisions) Act 1997.
Water Rates Act 1959	CMD		Intradepartmental review completed.	Act repealed and relevant parts included in the Utilities Act 2000.

Northern Territory

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Act and Regulations	DIPE	Provides for the investigation, use, control, protection, management and administration of water resources.	Review completed in July 2000 and recommended no change.	Act retained without reform.
Water Supply and Sewerage Act	PAWA	Single provider status provided to Power and Water Authority. Lacks separation of service delivery from regulatory roles.	Independent review completed in March 2000. the review recommended: <ul style="list-style-type: none"> retention of single-supplier due to economies of scale transfer of regulatory functions including price regulation from PAWA to the Utilities Commission introduction of a licence to operate water and sewerage services within a defined geographical area in future, the adoption of procedures for regulating prices of water and sewerage services equivalent to those with respect to non-contestable electricity customers (under the Electricity Reform Act 2000). 	Act repealed and replaced by the Water Supply and Sewerage Services Act 2001. Single service provider status retained due to economies of scale. The Utilities Commission now responsible for licensing for water and sewerage supply in the Northern Territory (NT). In February 2002, the Utilities Commission issued an urban water supply licence to the Power and Water Authority. Regulatory roles separated from service delivery.

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

Clause 5 of the Competition Principles Agreement (CPA) is reproduced below.

1. The guiding principle is that legislation (including Acts, enactments, Ordinances or regulations) should not restrict competition unless it can be demonstrated that:
 - (a) the benefits of the restriction to the community as a whole outweigh the costs; and
 - (b) the objectives of the legislation can only be achieved by restricting competition.
2. Subject to subclause (3), each Party is free to determine its own agenda for the reform of legislation that restricts competition.
3. Subject to subclause (4) each Party will develop a timetable by June 1996 for the review, and where appropriate, reform of all existing legislation that restricts competition by the year 2000.
4. Where a State or Territory becomes a Party at a date later than December 1995, that Party will develop its timetable within six months of becoming a Party.
5. Each Party will require proposals for new legislation that restricts competition to be accompanied by evidence that the legislation is consistent with the principle set out in subclause (1).
6. Once a Party has reviewed legislation that restricts competition under the principles set out in subclauses (3) and (5), the Party will systematically review the legislation at least once every ten years.
7. Where a review issue has a national dimension or effect on competition (or both), the Party responsible for the review will consider whether the review should be a national review. If the Party determines a national review is appropriate, before determining the terms of reference for, and the appropriate body to conduct the national review, it will consult Parties that may have an interest in those matters.
8. Where a Party determines a review should be a national review, the Party may request the Council to undertake the review. The Council may undertake the review in accordance with the Council's work program.
9. Without limiting the terms of reference of a review, a review should:
 - (c) clarify the objectives of the legislation;
 - (d) identify the nature of the restriction on competition;
 - (e) analyse the likely effect of the restriction on competition and on the economy generally;

- (f) assess and balance the costs and benefits of the restriction; and
- (g) consider alternative means for achieving the same result including non-legislative approaches.

10. Each Party will publish an annual report on its progress towards achieving the objective set out in subclause (3). The Council will publish an annual report consolidating the reports of each Party.

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

Attachment B of the Council of Australian Governments (COAG) November 2000 communiqué is reproduced below.

TRANSPARENCY

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

NCC WORK PROGRAM

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

FUTURE ASSESSMENT PROCESSES

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

"In assessing whether the threshold requirement of Clause 5 has been achieved, the NCC should consider whether the conclusion reached in the report is within a range of outcomes that could reasonably be reached based on the information available to a properly constituted review process. Within the range of outcomes that could reasonably

be reached, it is a matter for Government to determine what policy is in the public interest."

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

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

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

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

LEGISLATION REVIEW SCHEDULE

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

COMPETITIVE NEUTRALITY – ASSESSMENT

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

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

REVIEW

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

PROPOSED AMENDMENTS TO THE CONDUCT CODE AGREEMENT

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

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

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

References

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

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

National Competition Council 2003, *Assessment of governments' progress in implementing the National Competition Policy and related reforms 2003—Legislation review and reform*, Melbourne

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