

New South Wales Government

**NSW Government Policy Statement
on Legislation Review**

June 1996

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1 Introduction

- 1.1** In April 1995, the Council of Australian Governments (COAG) ratified the National Competition Policy. The Policy is aimed at increasing consumer and business choice, reducing production and transportation costs in an effort to lower prices for goods and services, and creating an overall business environment in which to improve Australia's international competitiveness.
- 1.2** The National Competition Policy package consists of the:
- Π *Competition Principles Agreement*;
 - Π *National Competition Policy and Related Reforms Agreement*;
 - Π *Conduct Code Agreement*; and
 - Π extension of the *Trade Practices Act (Cth) 1974* to cover government and local government business.
- 1.3** Competition policy is of course only one part of the NSW Government's policy aims and its application is intended to sit alongside the Government's other economic, social and environment policy objectives. When applied, competition policy should be able to promote these other policy aims by creating a policy environment in which the costs and benefits of government regulation and service provision are subject to transparent assessment. Exposing public policy to this kind of transparency is essential for the efficient and effective allocation of resources for the benefit of the communities that State and local governments serve.
- 1.4** One of the major components of the National Competition Policy are the principles contained in the *Competition Principles Agreement* (the Agreement). They are aimed at encouraging efficient public sector service provision by exposing public business functions to competition, where appropriate.
- 1.5** One of these principles requires jurisdictions to review legislation "that restricts competition" between 1996 and 2000. The Agreement indicates that legislation should not restrict competition unless it can be demonstrated that the benefits to the community as a whole outweigh the costs and that the objectives of the legislation can only be achieved by restricting competition.
- 1.6** The publication of a legislation review Statement is the first stage in the process of fundamental review of New South Wales legislation that will remove unnecessary, cumbersome and costly impediments to conducting business in New South Wales. The review will create an

environment which encourages forward looking, innovative commercial activity which will benefit New South Wales.

- 1.7** The review will also look at ways of achieving more effective regulation where there are clear benefits in government intervention in the market.
- 1.8** A key element to the success of the process is the involvement of business and community. Consistent with the Agreement, it is NSW Government policy to ensure that review processes take into account the full range of public benefits and that all views are thoroughly considered in regulatory reform.

2 Schedule for Review of NSW Legislation that Restricts Competition

- 2.1** The determination of whether particular legislation “restricts competition” and requires review has been left to each jurisdiction to determine. NSW has adopted a broad definition of the term “legislation that restricts competition” consistent with its economic development priorities.
- 2.2** All NSW legislation has been examined to determine whether it establishes market entry barriers or sanctions or requires conduct which has the potential to restrict competitive behaviour in the market. The examination was also aimed at determining whether the costs of such legislation are not known, are unnecessarily high or may not be outweighed by public benefits.
- 2.3** Legislation that restricts competition to an extent where the costs of that restriction are not outweighed by public benefits has been nominated for further review and where necessary, reform. NSW legislation in this category are listed in Attachment 1.
- 2.4** The reviews of legislation in Attachment 1 will be targeted to the anti-competitive restrictions contained in the legislation. The reviews will not involve a complete review of all aspects of the legislation listed.
- 2.5** Legislation with a marginal impact on economic activity is not included in Attachment 1. Attachment 1 does also not include legislation that is covered by Part 3 of this Statement, *Reforming the Planning, Land Use and Approvals System*.

Subordinate Legislation

- 2.6** Where legislation is identified as subject to review, associated regulations will also be examined as part of the process.

Licence Reduction Program

- 2.7** The Licence Reduction Program involves the review and repeal of all licences that cannot be justified by reference to countervailing public benefits. This program is well underway.
- 2.8** Where the licensing requirements are in effect the primary anti-competitive elements of the legislation no additional review will be undertaken. This approach is indicated by the inclusion of the term “Licence Reduction Program” under the comment heading in Attachment 1. However, where legislation imposes competitive

restrictions additional to the licensing requirements the legislation is scheduled for further review.

Structural Reforms

2.9 Structural reforms will often include the establishment of new regulatory regimes. In some cases, it may be appropriate to review these regulatory arrangements after they have been in operation for a period of time. Hence the legislation establishing them is scheduled for review in 2000. This does not imply that major reviews will be warranted, as competition issues would normally be fully addressed when structural reforms are put in place. Nonetheless this will ensure that any regulatory or competition issues which emerge in the first few years following structural reform are considered.

Review Methodology

2.10 NSW will comply with the requirements for legislation review set out in the Agreement. A summary of the requirements of the Agreement are in Attachment 3.

2.11 In order to ensure that maximum benefits are achieved, the reviews will be targeted. Where only part of the legislation has an impact on competition, for example legislation regarding the regulation of professions, the focus of the review will be on those restrictions.

2.12 NSW agencies undertaking reviews will undertake consultation with interested groups and affected parties to ensure that all aspects of the public benefit are considered.

3 Reforming Planning, Land Use and Natural Resource Approvals Systems

An Overarching Policy Framework for Reforms

3.1 A number of reports and inquiries have identified a common set of issues arising from the planning and land use approval system in New South Wales. These can be summarised as:

- Π uncertainty and confusion about rights and responsibilities, largely stemming from the many planning instruments that could effect any particular piece of land;
- Π multiple systems of control, including resource management plans and environmental plans operating outside the Environmental Planning and Assessment Act;
- Π too many State government approvals are required;
- Π reliance by State regulatory agencies on the spot-checking of development applications, rather than on strategic planning;
- Π the need for better coordination and integration in the assessment of planning instruments and development proposals;
- Π inflexible standards and procedural requirements that may be out of proportion to the developmental impact; it is a system characterised by prescriptive, not performance-based regulation.

3.2 The NSW Government is committed to addressing these issues in the framework of National Competition Policy through the overarching reform principles described at paragraph 3.4 and the reform projects listed in Attachment 2.

3.3 The outcomes of this program will be reported to the National Competition Council in accordance with the Agreement to review anti-competitive State legislation.

Principles for Reform of the State's Planning, Land Use and Resource Management Regulatory Systems

3.4 The Government's guiding principles for its reforms in this area are as follows.

3.5 State Government agencies regulating the environment, land use and natural resources should assess their regulatory regimes from the perspective of those who use them and design systems that are coherent, coordinated and consistent. The rules governing land use and resource use should be transparent and available to the public.

- 3.6** Agencies should coordinate their consideration and determination of land and natural resource usage. Where more than one agency is involved in the regulation of an area or resource, documentation of relevant rules should be available to local councils and to the public in one coherent and 'seamless' form.
- 3.7** In particular, planning instruments under the Environmental Planning and Assessment Act should provide a systematic and accessible guide to the lawful use of land and natural resources.
- 3.8** Government should regulate strategically through publicly accessible plans wherever possible, and only through the spot checking of development applications in unusual and high risk circumstances. Referrals and concurrences should be minimised and approved by the Director of Planning or incorporated in planning instruments only where justified and only if accompanied by clear and publicly accessible assessment criteria.
- 3.9** Regulation of land and natural resource usage should ideally occur by the setting of performance outcomes and/or environmental values. Only where risks are unacceptably great should plans positively prohibit specific usage or activities.
- 3.10** The objectives (or prohibitions) should be explained sufficiently so that local councils may determine development applications without reference to specialist State Government agencies, unless exceptional circumstances require this.
- 3.11** Planning, land use and natural resource management procedures and processes should be streamlined; regulatory design of these systems should be efficient and routinely assessed for cost-effectiveness.
- 3.12** Building regulations should also be streamlined, economically efficient and cost-effective; in particular, performance-based standards should be adopted for building and siting approvals; water and sewerage approvals should be integrated with building (and planning) approvals.
- 3.13** The certification of regulatory compliance should be open to competition wherever possible.
- 3.14** Local council performance in the processing of building and development applications should be open to scrutiny and improved through systematic application of incentives (such as public comparison of performance).
- 3.15** Dispute resolution should be affordable, fair and accessible.

Attachment 1: State Reviews of Regulatory Restrictions on Competition

1995/96

ACT	PORTFOLIO	COMMENT
Farm Produce Act 1983 No 30	Agriculture	Proposed repeal
Tobacco Leaf Stabilisation Act 1967 No 34	Agriculture	Proposed repeal
Rice Marketing Board [Marketing of Primary Products Act 1983 No 76]	Agriculture	Completed review
Meat Industry Act 1978 No 54	Agriculture	Review underway
Banana Industry Act 1987 No 66	Agriculture	Review underway
Wine Grapes Marketing Board Act [Marketing of Primary Products Act 1983 No 76]	Agriculture	Review underway
Library Act 1939 No 40 (Library Regulation 1995)	Arts	Completed review
Monopolies Act 1923 No 54	Attorney-General	
Public Notaries Act 1985 No 6	Attorney-General	Review underway
Public Trustees Act	Attorney-General	Review underway
Restraints of Trade Act 1976 No 67	Attorney-General	
Trustee Companies Act 1964 No 6	Attorney-General	Review underway
Energy Administration Act 1987 No 103	Energy	s 35A and s35B, dealt with as part of structural reform-Gas Review
Pesticides Act 1978 No 57	Environment	Dealt with under Licence Reduction Program
Ozone Protection Act 1989 No 208	Environment	Dealt with under Licence Reduction Program
Radiation Control Act 1990 No 13	Environment	Dealt with under Licence Reduction Program

ACT	PORTFOLIO	COMMENT
Recreation Vehicles Act 1983 No 136	Environment	Review underway
Environmentally Hazardous Chemicals Act 1985 No 14	Environment	Dealt with under Licence Reduction Program
National Parks and Wildlife Act 1974 No 80	Environment	Dealt with under Licence Reduction Program
Waste Disposal Act 1970 No 97	Environment	Review completed Waste Minimisation and Management Act 1995 (partly proclaimed)
Hawkers Act 1974 No 23	Fair Trading	Completed review
Trade Measurement Act 1989 No 233	Fair Trading	Dealt with under Licence Reduction Program
Sydney Turf Club Act 1943 No 22	Gaming and Racing	
Australian Jockey Club Act 1873	Gaming and Racing	
Therapeutic Goods and Cosmetics Act 1972 No 14	Health	Completed review
Poisons Act 1966 No 31	Health	NSW response to Industry Commission report on Pharmaceuticals
Dentists Act 1989 No 139	Health	
Medical Practice Act 1992 No 94	Health	
Tobacco Advertising Prohibition Act 1991 No 65	Health	Completed review
Bread Act 1969 No 54	Industrial Relations	Repealed.
Occupational Health and Safety Act 1983 No 20	Industrial Relations	NSW response to Industry Commission report
White Phosphorous Matches Prohibition Act 1915 No 1	Industrial Relations	Repealed
Surveyors Act 1929 No 3	Land and Water Conservation	Review underway

ACT	PORTFOLIO	COMMENT
Local Government (Theatre and Public Halls) Amendment Act 1989 No 10	Local Government	Dealt with under Licence Reduction Program
Petroleum (Onshore) Act 1991 No 84	Mineral Resources	Dealt with under Licence Reduction Program
Petroleum (Submerged Lands) Act 1982 No 23	Mineral Resources	Dealt with under Licence Reduction Program
Mining Act 1992 No 29	Mineral Resources	Dealt with under Licence Reduction Program
Wool, Hides and Skins Dealers Act 1935 No 40	Police	Dealt with under Licence Reduction Program
Security (Protection) Industry Act 1985 No 52	Police	Dealt with under Licence Reduction Program
Commercial Vessels Act 1979 No 41	Ports and Waterways	Dealt with under Licence Reduction Program
Maritime Services Act 1935 No 47	Ports and Waterways	Dealt with under Licence Reduction Program
Marine Pilotage Licensing Act 1971 No 56	Ports and Waterways	Dealt with under Licence Reduction Program
Architects Act 1921 No 8	Public Works and Services	Dealt with under Licence Reduction Program
Driving Instructors Act 1992 No 3	Roads	
Motor Vehicles Sports (Public Safety) Act 1985 No 24	Sport and Recreation	Dealt with under Licence Reduction Program
Boxing and Wrestling Control Act 1986 No 11	Sport and Recreation	
Tow Truck Act 1989 No 158	Transport	
Air Transport Act 1964 No 36	Transport	
Business Franchise Licence (Petroleum Products) Act 1987 No 94	Treasurer	Dealt with under Licence Reduction Program
Business Franchise Licence (Tobacco) Act 1987 No 93	Treasurer	Dealt with under Licence Reduction Program
Payroll Tax Act 1971 No 22	Treasurer	Dealt with under Licence Reduction Program

ACT	PORTFOLIO	COMMENT
Public Authorities (Financial Arrangements) Regulations 1987 No 33	Treasurer	Completed review
Public Finance and Audit Act 1983 No 152	Treasurer	Review underway

1996/97

ACT	PORTFOLIO	COMMENT
Prevention of Cruelty to Animals Act 1979 No 200	Agriculture	
Agricultural Tenancies Act 1990 No 64	Agriculture	
Rural Assistance Act 1989 No 97	Agriculture	
Rural Lands Protection Act 1989 No 197	Agriculture	
Homing Pigeons Protection Act 1909 (1910 No 1)	Agriculture	To be repealed.
Seeds Act 1982 No 14	Agriculture	
Stock Foods Act 1940 No 19	Agriculture	
Stock Diseases Act 1923 No 34	Agriculture	
Apiaries Act 1985 No 16	Agriculture	
Exotic Diseases of Animals Act 1991 No 73	Agriculture	
Plant Diseases Act 1924 No 38	Agriculture	
Horticultural Stock and Nurseries Act 1969 No 3	Agriculture	
Stock (Artificial Breeding) Act 1985 No 196	Agriculture	
Noxious Weeds Act 1993 No 11	Agriculture	
Prickly Pear Act 1987 No 202	Agriculture	
Fertilisers Act 1985 No 5	Agriculture	
Stock Medicines Act 1989 No 182	Agriculture	
Stock (Chemical Residues) Act 1975 No 26	Agriculture	
Sydney Market Authority Act 1968 No 11	Agriculture	
Poultry Meat Industry Act 1986 No 101	Agriculture	
Poultry Processing Act 1969 No 45	Agriculture	

Murray Valley Citrus Marketing Act 1989 No 155	Agriculture	
MIA Citrus Fruit Promotion Marketing Committee (Marketing of Primary Products Act 1983 No 76)	Agriculture	
Agriculture and Veterinary Chemicals (NSW) Act 1994 No 53	Agriculture	Complementary to Commonwealth legislation
Biological Control Act 1985 No 199	Agriculture	Complementary to Commonwealth legislation
Wheat Marketing Act 1989 No 211	Agriculture	Complementary to Commonwealth legislation
Veterinary Surgeons Act 1986 No 55	Agriculture	
Dairy Industry Act 1979 No 208	Agriculture	Proposed national review
Legal Profession Act 1987 No 109	Attorney-General	
Motor Vehicles (Third Party Insurance) Act 1942 No 15	Attorney-General	
Motor Accidents Act 1988 No 102	Attorney-General	
Pipelines Act 1967 No 90	Energy	
Unhealthy Building Land Act 1990 No 122	Environment	
Building Services Corporation Act 1989 No 147	Fair Trading	Review underway and to involve Green Paper on licensing.
Door to Door Sales Act 1967 No 36	Fair Trading	
Funeral Funds Act 1979 No 106	Fair Trading	
Prices Regulation Act 1948 No 26	Fair Trading	
Landlord and Tenant (Rental Bonds) Act 1977 No 44	Fair Trading	
Property Stock and Business Agents 1941 No 28	Fair Trading	

Business Names Act 1962 No 11	Fair Trading	
Motor Dealers Act 1974 No 52 and Motor Vehicles Repair Act 1980 No 71	Fair Trading	
Retirement Villages Act 1989 No 74	Fair Trading	review underway
Valuers Registration Act 1975 No 92	Fair Trading	
Registered Clubs Act 1976 No 31	Gaming and Racing	To be done in tandem with the review of the Liquor Act
Liquor Act 1982 No 147	Gaming and Racing	
Podiatrists Act 1989 No 23	Health	
Human Tissue Act 1983 No 164	Health	Review to be limited to examination of regulation of blood and blood products
Optometrists Act 1930 No 20	Health	
Psychologists Act 1989 No 51	Health	
Rural Workers Accommodation Act 1969 No 34	Industrial Relations	
Factories, Shops and Industries Act 1962 No 43	Industrial Relations	Review underway
Construction Safety Act 1912 No 38	Industrial Relations	
Dangerous Goods Act 1975 No 68	Industrial Relations	
Industrial Relations Act 1991 No 34	Industrial Relations	Review limited to regulation of employment agents
Coal Ownership (Restitution) Act 1990 No 19	Mineral Resources	
Coal Acquisition Act 1981 No 109	Mineral Resources	
Mines Inspection Act 1901 No 75	Mineral Resources	
Commercial Agents and Private Inquiry Agents Act 1963 No 4	Police	
Country Industries (Payroll Tax Rebates) Act 1977 No 79	State and Regional Development	

National Rail Corporation (Agreement) Act 1991 No 82	Transport	Suggested national review
Parking Space Levy Act 1992 No 32	Transport	

1997/98

ACT	PORTFOLIO	COMMENT
Animal Research Act 1985 No 123	Agriculture	
Cattle Compensation Act 1951 No 26	Agriculture	
Exhibited Animals Protection Act 1986 No 123	Agriculture	
Non Indigenous Animals Act 1987 No 166	Agriculture	
Marketing Of Primary Products Act 1983 No 76	Agriculture	
Farm Debt Mediation Act 1994 No 91	Agriculture	
Grain Marketing Act 1991 No 15	Agriculture	Suggested review concurrent with Commonwealth
Murray Valley Wine Grapes Industry Development Committee and Murray Valley Wine Grapes Negotiating Committee [Marketing of Primary Products Act 1983 No 76]	Agriculture	Possible joint review with Victoria
Dried Fruits Act 1939 No 7	Agriculture	Proposed joint review
Swine Compensation Act 1928 No 36	Agriculture	
Liquefied Petroleum Gas Act 1961 No 3	Energy	To be considered for possible repeal by the Gas Supply Bill
Liquefied Petroleum Gas (Grants) Act 1980 No 175	Energy	To be considered for possible repeal by the Gas Supply Bill
Co-operation Act 1923 (1924 No 1)	Fair Trading	
Co-operatives Act 1992 No 18	Fair Trading	
Fair Trading Act 1987 No 68	Fair Trading	
Residential Tenancies Act 1987 No 26	Fair Trading	

Travel Agents Act 1986 No 5	Fair Trading	
Business Licences Act 1990 No 72	Fair Trading	
Gaming and Betting Act 1912 No 25	Gaming and Racing	
Innkeepers Act 1968 No 24	Gaming and Racing	
Nurses Act 1991 No 9	Health	
Chiropractors and Osteopaths Act 1991 No 7	Health	
Physiotherapists Registration Act 1945 No 9	Health	
Public Health Act 1991 No 10	Health	
Nursing Homes Act 1988 No 124	Health	
Pharmacy Act 1964 No 48	Health	
Friendly Societies Dispensaries Enabling Act 1945 No 11	Health	
Private Hospitals and Day Procedures Centres Act 1988 No 123	Health	
Funeral Services Industry (Days of Operation) Act 1990 No 87	Industrial Relations	
Local Government Act 1993	Local Government	Partly dealt with under Licence Reduction Program (1996)-further review of Act required under s747.
Traffic Act 1909 No 5	Roads	
Roads Act 1993 No 33	Roads	
Retail Leases Act 1994 No 46	State and Regional Development	
State Development and Industries Assistance Act 1966 No 10	State and Regional Development	
Small Business Loans Guarantee Act 1977 No 34	State and Regional Development	
Friendly Societies Act 1989 No 232	Treasurer	Possible need for a national review

Petroleum Products Subsidy Act 1965 No 1	Treasurer	National scheme
Passenger Transport Act 1990 No 39	Transport	
Government Guarantees Act 1934 No 57	Treasurer	
Land Development Contribution Act 1970 No 22	Urban Affairs and Planning	

1998/99

ACT	PORTFOLIO	COMMENT
Partnerships Act 1892 No 12	Attorney-General	Review underway
Standard Time Act 1987 No 149	Attorney-General	Suggested Commonwealth/State review
Council of Law Reporting Act 1969 No 59	Attorney-General	
Greyhound Racing Control Board Act 1985 No 119	Gaming and Racing	
Harness Racing Authority Act 1977 No 57	Gaming and Racing	
Public Sector Management Act 1988 No 33	Premier Public Works and Services	
Public Sector Management (Goods and Services) Regulation 1995	Premier Public Works and Services	

1999/2000

ACT	PORTFOLIO	COMMENT
Professional Standards Act 1994 No 81	Attorney-General	
Classification (Publications Films and Computer Games) Enforcement Act 1995 No 63	Attorney-General	National scheme
Theatres and Public Halls Act 1908 No 13	Attorney-General	
Electricity (Pacific Power) Act 1950 No 22	Energy	
Electricity Transmission Authority Act 1994 No 64	Energy	
Electricity Safety Act	Energy	
Electricity Supply Act 1995 No 94	Energy	
Gas Industry Restructuring Act	Energy	
Waste Minimisation and Management Act 1995	Environment	
Consumer Credit (NSW) Act 1995 No 7 (unproclaimed)	Fair Trading	National scheme
Conveyancers Licensing Act 1995 No 57	Fair Trading	
Pawnbrokers and Second Hand Dealers Act 1996	Fair Trading	
Strata Titles Act 1973 No 68 Strata Titles (Leasehold) Act 1986 No 219 [new bill]	Fair Trading	
Credit (Finance Brokers) Act 1984, No 96	Fair Trading	

Fisheries Management Act 1994 No 38	Fisheries	
Lotteries and Art Unions Act 1901 No 34	Gaming and Racing	
Lotto Act 1979 No 53	Gaming and Racing	To be repealed and replaced with the NSW Lotteries Corporatisation and Public Lotteries Acts.
New South Wales Lotteries Act 1990 No 78	Gaming and Racing	To be repealed and replaced with the NSW Lotteries Corporatisation and Public Lotteries Acts.
Soccer Football Pools Act 1975 No 45	Gaming and Racing	To be repealed and replaced with the NSW Lotteries Corporatisation and Public Lotteries Acts.
Totalizators Act 1916 No 75	Gaming and Racing	
Totalizator (Off-course Betting) Act 1964 No 1	Gaming and Racing	
Pathology Laboratories Accreditation Act 1981 No 51	Health	
Food Act 1989 No 231	Health	
Optical Dispensers Act 1963 No 35	Health	
Dental Technician Registration Act 1975 No 40	Health	
Entertainment Industry Act 1989 No 230	Industrial Relations	Review underway
Coal Mines Regulation Act 1982 No 67	Mineral Resources	
Navigation Act 1901 No 60	Ports and Waterways	
Ports Corporatisation and Waterways Management Act 1995 No 13	Ports and Waterways	
Rail Safety Act 1993 no 50	Transport	

Attachment 2: State Reviews of Regulatory Restrictions on Competition – Planning, Land Use and Natural Resource Approvals Systems

Projects	Timeframe
1. Development of policy options for integrated approvals system.	Discussion Paper 1996
2. Review of referrals and concurrences in local environmental planning policies.	1996-1998
3. Extend Guarantee of Prompt Service to concurrent approvals under the Environmental Planning and Assessment Act.	1997
4. Review of multiple controls on land clearing State Environmental Planning Policy (SEPP) 46.	1996. Report on SEPP 46 to be submitted to the Premier before December 1996.
5. Integration of total catchment management objectives in planning instruments.	1996-97 Total Catchment Management (TCM) review report will be submitted to the Premier by March 1997.
6. Examination of feasibility of incorporating plans for: river management; land management; habitat management; environment protection; forestry reserves into planning instruments under the Environmental and Planning Assessment (EP&A) Act.	1997
7. Review and reform of regulations affecting mining.	There will be amendments to planning frameworks from 1997-2000.
8. Review and reform of regulations affecting mariculture.	1996-97
9. Review and reform of regulations affecting forestry	

Projects	Timeframe
including the corporatisation of State Forests.	Legislation to be introduced in Autumn Session 1997 to achieve phased implementation.
10. Review of s.90 EP&A Act 'heads of consideration' for development consent.	1996-97
11. Review potential for increasing 'as of right developments'.	1996-97
12. Consider potential for private certification of building, sub-division water and sewerage approvals.	1996-97
13. Integrate building and planning approvals.	1996-97
14. Examine zoning prohibitions for anti-competitive effects; consider wider adoption of performance standards.	1996-97
15. Review and reform development without consent (SEPP 4) for change of use in industrial areas.	1998
16. Consider combining development and re-zoning applications.	1998
17. Review heritage approvals and consider better integration with Development Approval/Building Approval (DA/BA) processes.	1996-97
18. Consider potential for standardising consent conditions, zoning classifications and definitions as performance standards.	1998
19. Stage II review of pollution control acts to streamline and rationalise licensing procedures.	1996-97
20. Review water legislation and licensing.	1996-97
21. Develop framework for Co-ordinated/Integrated Development Approval Conditions and other requirements and advice on the use of the framework.	1996-97
22. Develop Best Practice Guidelines for a Co-ordinated/Integrated Development Approval System for Mining and Extractive Industry.	1996-97
23. Develop Best Practice Guidelines for Planning	

Projects	Timeframe
Focus.	1996-97
24. Develop Best Practice Guidelines for Community Consultation	1996-97
25. Review endangered species legislation so as to integrate licences and DAs.	complete
26. Adopt reformed Australian Building Code (as performance standards) with minimal variations.	1996-97
27. Convert siting rules to performance standards.	1996-97
28. Extend and improve performance benchmarking of local councils.	1996-97
29. Public consultation to improve operation of current approval rights and dispute resolution system.	1997
30. Examine the potential for consolidating land, water and related natural resource management legislation into a single statute.	1996-97 Legislation in this portfolio to be examined with a view to creating an holistic environmental management across all land, water and related natural resource management areas

Attachment 3: Legislation Review Requirements under the Competition Principles Agreement

Guiding Principles of the Review

The Competition Principles Agreement provides that the guiding principles of each review are that “legislation should not restrict competition unless it can be demonstrated that:

- a) the benefits of the restriction to the community as a whole outweigh the cost; and
- b) the objectives of the legislation can only be achieved by restricting competition.” (clause 5(1), CPA)

Content of the review

“Without limiting the scope of the individual review, each review should:

- a) clarify the objectives of the legislation;
- b) identify the nature of the restriction on competition;
- c) analyse the effect of any identified restriction on competition on the economy generally;
- d) assess and balance the costs and benefits of the restrictions;
- e) consider alternative means for achieving the same results including non legislative approaches.” (clause 5(9), CPA)

Public benefits

“Without limiting the matters that may be taken into account, where this Agreement calls:

- a) for the benefits of a particular policy or course of action to be balanced against the costs of the policy or course of action; or
- b) for the merits or appropriateness of a policy or course of action to be determined;
- c) or for an assessment of the most effective means of achieving a policy objective;

the following matters shall, where relevant be taken into account:

- d) government legislation and policies relating to ecological sustainable development;
- e) social welfare and equity considerations, including community service obligations;
- f) government legislation and policies relating to matters such as occupation health and safety, industrial relations and access and equity;
- g) economic and regional development, including employment and investment growth;
- h) the interests of consumers generally or a class of consumers;
- i) the competitiveness of Australian businesses; and
- j) the efficient allocation of resources.” (clause 1(3) CPA)

