

Water Legislation Review

Introduction

As well as implementing the Strategic Framework, governments agreed to ensure the water industry is subject to clause 5 of the Competition Principals Agreement. This commits governments to ensuring that legislation does not restrict competition unless 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.

Legislative reform was important for meeting a number of second tranche water reform commitments in relation to, for example, water allocations and trading, institutional separation and resource management. Until recently a key third tranche issue was the risk that jurisdictions may not have implemented amendments to legislation by the year 2000 deadline, in line with the CPA legislation review commitments.

However, in November 2000 CoAG agreed that the 2000 deadline for the full completion of all jurisdictions' legislation review programs should be extended to July 2002. Accordingly, the Council is looking to monitor progress and seeking full implementation by 30 June 2002, with a robust public interest justification provided for any delays beyond this date.

The Council's approach to assessing progress

For the third tranche, the Council is looking for jurisdictions to provide a status report on reviews of water legislation by 31 March 2001 including whether a piece of legislation has been repealed by passage of new legislation. The reports should outline NCP activity current to at least 31 December 2000. Where a government chooses to continue a restriction on competition, or not to apply recommended reforms, the Council will require evidence in the annual report of the public interest justification or why non-implementation benefits the community.

Drawing from the information provided by the Marsden Jacob stocktake, the Council will be looking for further information on the status of the reviews noted in the following tables in a jurisdictions next annual report, including whether a piece of legislation has been repealed by passage of new water legislation.

The Marsden Jacob Stocktake

In August 2000, the Council commissioned Marsden Jacob Associates to develop a stocktake of relevant water legislation. The stocktake:

- identified relevant water legislation for each jurisdiction;
- outlined the objectives of each piece of legislation;

- identified major restrictions on competition in each piece of legislation, including, for example, prescription of pricing, allocations, and terms and conditions of supply; and
- summarised the current status of each jurisdiction's review process and the recommendations of any completed reviews.

A brief summary of the Marsden Jacob stocktake is provided in Table 8.1, while Table 8.2 provides a more detailed outline of reform issues and progress in each jurisdiction and for each piece of legislation. Where possible, table 8.1 has been updated for the passage of recent water legislation in jurisdictions.

Jurisdictions are taking one of two broad approaches to reviewing water legislation. Some have used the review process to introduce major amending legislation, repealing restrictions previously in place in a range of legislation. This is the approach followed by New South Wales, Queensland, Tasmania and the ACT (subject to passage of Bills currently under debate). Others have sought to review and amend individual pieces of legislation. This is the approach followed by Victoria, Western Australia, South Australia and the Northern Territory.

Table 8.1: Summary of review activity – water legislation

	Review status	Major issues
New South Wales	Restrictive water legislation repealed by the passage of the Water Management Act 2000 in November 2000.	Water Management Act 2000 enacted 28 November 2000.
Victoria	Major external reviews underway. Reports due by end of year.	Actions following the reviews will not be agreed or completed by end of 2000.
Queensland	Restrictive water legislation was repealed with the passage of the <i>Water Act 2000</i> in September 2000. This covers the bulk of water legislation although there are some additional issues that are still being considered by government.	The Water Act 2000 replaces current water legislation that restricts competition. The major issue for the third tranche is retention of any restrictions on competition.
South Australia	All legislation reviews complete by the end of August 2000. Consequential amendments scheduled for the Spring Session.	The primary risk is that the proposed amendments will not be passed by the end of 2000.
Western Australia	All legislation reviews completed through internal exercises. Amendments due to be debated in Spring Session in line with pro-competitive licensing regime.	The <i>Rights in Water and Irrigation Amendment Act 2000</i> was enacted on 28 November 2000 and was proclaimed to take effect 10 January 2001. The NCP Reviews completed by internal government agencies.

Tasmania	Restrictive water legislation was repealed on passage of Water Management Act in 1999, or was amended.	Few issues. One review, of the Local Government Act, currently underway.
ACT	Restrictive legislation will be repealed on passage of the Utilities Bill currently in Committee stage and due to be debated in the Spring Session.	There is a risk that the new Utilities Bill will not be passed by the end of the 2000.
Northern Territory	Restrictive legislation reviewed by external consultants. The <i>Water Supply and Sewerage Services Act 2000</i> (the Act) was passed on 28 November 2000 and commenced 1 January 2000. Amendments including independent licensing.	The major issue for the third tranche assessment relates to completion and passage of necessary amending legislation to implement the recommendations of the various external reports. There is a risk that the amending legislation is not passed to timetable.

Table 8.2: Review and reform activity – water legislation

New South Wales

Legislation	Restriction	Review progress	Reform progress
Balranald Irrigation Act		Repealed by the Water Management Act 2000	
Drainage Act 1939		Repealed by the Water Management Act 2000	
Fish River Water Supply Administration Act 1945		Repealed by the Water Management Act 2000	
Glennies Creek Dam Act 1979		Repealed by the introduction of the Water Management Act 2000	
Hunter Valley Flood Mitigation Act 1956		Repealed by the Water Management Act 2000	
Irrigation Act 1912 as amended		Repealed by the Water Management Act 2000	
Irrigation & Water (Amendment) Act 1943		Repealed by the Water Management Act 2000	
Irrigation Corporations Act 1994		Repealed by the Water Management Act 2000	
Irrigation, Water and Rivers and Foreshores Improvement (Amendment)		Repealed by the Water Management Act 2000	

Act 1955			
Miscellaneous Acts (Water Administration) Amendment Act 1986		Repealed by the Water Management Act 2000	
Private Irrigation Districts Act 1973		Repealed by the Water Management Act 2000	
Rivers and Foreshores Improvement Act 1948		Repealed by the Water Management Act 2000	
Water Act 1912 as amended		Repealed by the Water Management Act 2000	
Water (Soil Conservation) Amendment Act 1986		Repealed by the Water Management Act 2000	
Water Administration Act 1986		Repealed by the Water Management Act 2000	
Water Administration (Transfer of Functions) Act 1986		Repealed by the Water Management Act 2000	
Water Supply Authorities Act 1987		Repealed by the Water Management Act 2000	
Local Government Act 1993	To create the powers and structures for delivery of services through local councils and the necessary financial controls.	Review Started: Review by independent consultants let. Issues Paper published July, Comments due by September and report by end of December 2000.	

Hunter Water Act 1991	To provide powers and duties to Hunter Water Corporation. Special status and powers.	No Review planned. Act considered as part of wider Water Reform Program.	No action proposed.
Sydney Water Act 1994	To provide powers and duties to Sydney Water Corporation. Special status and powers	No Review planned. Act considered as part of wider Water Reform Program.	No action proposed.
Murray Darling Basin Act 1992		Cross-jurisdictional review.	Act removed from Review program on completion of parallel review by SA.

Victoria

Legislation	Restriction	Review progress	Reform progress
Building Control (Plumbers Gasfitters & Drainers) Act 1981 No. 9720		Review scheduled 01/06/99	Act repealed by the Building (Amendment) Act 1996.
Catchment & Land Protection Act 1994	<p>To establish a framework for the integrated management of catchments, to encourage and support participation of stakeholders, and to create the Catchment Management Council and Catchment Management Authorities, and to control noxious weeds and pests.</p> <p>Few restrictions to competition.</p>	Review scheduled 01/12/99	To be removed from program
Crown Lands (Reserves) Act 1978 and related Acts	<p>Provides a mechanism to 'reserve' and manage Crown land for particular public purposes to foster broad community benefits while minimising uses that create costs for the community</p> <p>Leases and licences may result in anti-competitive outcomes.</p>	Review scheduled 01/12/99. Review Started. Major public review underway by external consultants. Issues Paper published June 2000, public comment by end of July, report due end of September.	
Land Act 1958 (Principal Act) and related regulations.	<p>Provides for the sale and occupation of unreserved Crown lands.</p> <p>Leases and licences may result in anti-competitive outcomes.</p>	Review scheduled 01/12/99. Review Started. Major public review underway by external consultants. Issues Paper published June 2000, public comment by end of July, report due end of September.	

Murray Darling Basin Act 1993 and other legislation relating to interstate sharing and management of resources		Review scheduled 01/12/99.	Removed from program following completion of review by South Australia which found no restrictions.
National Parks Act 1975 and related regulations.	To make provision for the preservation and protection of the natural environment for the use and enjoyment by the public and for further protection of designated water supply catchment areas. Arrangements for the granting of licences, permits, leases, tenancies etc for commercial purposes may be anti-competitive in outcome.	Review scheduled 1/12/98. Not Started: Tenders for consultancy for public review issued July 2000. Report due by December 2000.	
Water Industry Act 1994 (Part 4) and related regulations.	To establish Melbourne Parks and Waterways and its powers and functions Licensing arrangements for use of jetties (S135A) and powers to levy rates on households in the metropolis	Review scheduled 1/12/98. Not Started: Tenders for consultancy for public review issued July 2000. Report due December 2000.	
Water Act 1989 and related regulations.	To promote orderly, equitable and efficient use of water resources and to provide for institutional arrangements and community involvement in service delivery. Exclusive rights of supply and granting of powers restricts competition between Authorities and creates significant barriers to entry. Integration of roles creates conflicts of interest. Occupational licensing restricts access to groundwater drilling.	Review scheduled 01/12/99. Review Started: Major public review underway by external consultants. Issues Paper published June 2000, public comment by end of July, report due October.	

Water Industry Act 1994 (excluding Part 4) and related regulations.	<p>To separate Melbourne Water into five bodies and create a licensing system supervised by the Office of the Regulator General.</p> <p>Exclusive rights of supply and granting of powers restricts competition between Licensees and creates significant barriers to entry. Differential regime from Water Act results in complexity and lack of competitive neutrality.</p>	Review scheduled 01/12/99. Review Started: Major public review underway by external consultants. Issues Paper published June 2000, public comment by end of July, report due October.	
Melbourne & Metropolitan Board of Works Act 1958	<p>To create the Melbourne and Metropolitan Board of Works and establish a framework for the operation of major infrastructure to ensure public health.</p> <p>In practice most of the Act is repealed or not operative. Section 4 prohibits Melbourne Water from exercising functions allocated to retail licensees under the Water Industry Act 1994.</p>	Review scheduled 01/12/99. Review Started: Major public review underway by external consultants. Issues Paper published June 2000, public comment by end of July, report due October.	
Melbourne Water Corporation Act 1992	<p>To establish Melbourne Water Corporation and make consequential amendments to other water legislation.</p> <p>Few restrictions to competition.</p>	Review scheduled 01/12/99. Review started: Major public review underway by external consultants. Issues Paper published June 2000, public comment by end of July, report due October.	
Rain Making Control Act 1967	<p>To regulate and authorise rainmaking activities.</p> <p>Limited restrictions to competition.</p>	Review scheduled 01/12/99.	Removed from review program

Queensland

Legislation	Restriction	Review progress	Reform progress
Local Government Act 1993, City of Brisbane Act 1924 & Local Government Finance Standard 1994	To establish the framework for the constitution, planning and operation of local government. Creates outright prohibition and statutory monopoly. However, restrictions are not relevant to water.	Review scheduled 1998-99. Review Started.	Major review of provisions relating to ferries. Minor review for remaining matters.
Local Government Local Laws (formerly By-laws) made under the Local Government Act 1993	Covers all councils and urbans. Statutory monopoly for the provision of reticulated water services.	Review scheduled 1998-99. Completed 1999.	Local Government Amendment Act 1997 applies NCP legislation review requirements to local government. Individual local governments reviewed their own ant-competitive local laws and local law policies with oversight by the responsible department.
Metropolitan Water Supply and Sewerage Act 1909, Sewerage and Water Supply Act 1949 and the Standard Sewerage and Water Supply Laws	Provides for standards, licensing and management of water supply, plumbing, drainage, sewer installation. Provisions of the Act for Brisbane now largely taken by the City of Brisbane Act. Statutory monopoly, licensing or registration and business conduct.	Review scheduled 1998-99. Review started.	The Water Act 2000 incorporates relevant provisions from these Acts and amends these Acts to make them consistent with the Integrated Planning Act 1997.
Nature Conservation Act 1992, Nature Conservation Regulation 1994 and specific flora and fauna Conservation Plans	Provides for the conservation of wildlife (flora and fauna) related to ecological sustainability. Licensing and permit arrangements apply for a range of commercial and recreation activities involving wildlife.	Review scheduled 1998-99. Completed 1999.	Provisions subjected to NCP review retained without change.

	Licensing or registration, business conduct and natural resources permits or licences. Restrictions not relevant to water.		
Sewerage and Water Supply Act 1949, Sewerage and Water Supply Regulation 1987 and Standard Water and Sewerage Laws	This Act contains the arrangements for the licensing of plumbers and drainers in Queensland and provides the heads of power for the making of plumbing and drainage standards. Licensing or registration.	Review scheduled 1998-99. To be dealt with as part of new legislative package	Amended by the Water Act 2000 which takes on major functions regarding service delivery. Minor functions to be transferred to Integrated Planning Act 1997 and the Building Act 1975.
Water Resources Act 1989, Water Resources (Watercourse Protect) Regs 1993, Water Resources (Rates and Charges) Regs 1992, and Natural Resources Amend. Act 1996.	Provides for the flow and control of water and for the construction and maintenance of dams and other water works, including the transfer of water allocations and the licensing of artesian bore drillers. Licensing or registration, pricing restrictions and business conduct.	Review scheduled 1998-99. Review Started	Repealed by the Water Act 2000.
Gladstone Area Water Board Act 1984	Supply bulk water to industrial customers and two local governments in the Gladstone region. Statutory monopoly	Review scheduled 1997-99. Review Completed 2000.	Repealed by the Water Act 2000.
South East Queensland Water Board Act 1979, and Townsville/Thuringowa Water Supply Board Act 1987	SEQWB Act has been repealed. TTWSB Act to be replaced in mid 2000. Statutory monopoly	Review scheduled 1997-99. Review Started. SEQWB has been repealed.	The SEQWB Act has been repealed. Any restrictions in the TTWSB Act should also be resolved through the Water (Statutory Authorities) Bill 2000 and the Local Government Act 1993.

Western Australia – irrigation legislation

Legislation	Restriction	Review progress	Reform progress
Carnarvon Irrigation District By-laws	To provide arrangements and procedures for provision of water by Water Corporation to irrigators within Carnarvon Irrigation District. Monopoly powers to Water Corporation. Differential rights to irrigators within the area.	Review scheduled 1998. Completed January-00. Reviewed by Water and Rivers Commission (WRC).	No action proposed - minor restrictions justified on public welfare grounds to maintain security of supply and safeguard infrastructure. Proposals under way to transfer management of irrigation scheme to local control.
Country Areas Water Supply (Clearing Licences) Regulations 1981	To provide controls over clearing of land to minimise risks of salinity to groundwater supplies etc. Controls over land clearing.	Completed. Reviewed by WRC in Aug-00	No action proposed. Controls justified on wider ecological and public interest grounds.
Harvey, Waroona Collie River Irrigation Districts' By-laws 1975	To provide arrangements and procedures for provision of water by Water Corporation to specified irrigators. Monopoly powers to Water Corporation. Differential rights to irrigators within the area.	Review scheduled 1998 and completed Jan-00. Reviewed by WRC.	No action proposed - minor restrictions justified on public welfare grounds to maintain security of supply and safeguard infrastructure. Amendments to By-laws proposed to reflect current management practices.
Irrigation (Dunham River) Agreement Act 1968	To approve an agreement between the State and Goddard of Australia Pty Ltd for the construction of dams to provide water	Review scheduled 1999.	Act to be repealed

	supplies for irrigation. Differential rights although very limited application		
Metropolitan Water Authority Act 1982 (and related By-Laws)	Supplemental legislation to the 1909 Metropolitan Water Supply, Sewerage and Drainage Act, to create arrangements for an arterial drainage scheme. Market power given to Water Corporation.	Review scheduled 1998. Completed. Reviewed by WRC.	
Ord Irrigation District By-laws	To provide arrangements and procedures for provision of water by Water Corporation to specified irrigators. Monopoly powers to Water Corporation. Differential rights to irrigators within the area.	Review scheduled 1998. Completed Jan-00. Reviewed by WRC.	No action proposed - minor restrictions justified on public welfare grounds to maintain security of supply and safeguard infrastructure. Amendments to By-laws proposed to reflect devolved ownership and control of the scheme.
Preston Valley Irrigation District By-laws	To provide arrangements and procedures for provision of water by Water Corporation to specified irrigators. Monopoly powers to Water Corporation. Differential rights to irrigators within the area. Water & Rivers Commission has sole rights regarding meters.	Review scheduled 1998. Completed Jan-00. Reviewed by WRC.	No action proposed - minor restrictions justified on public welfare grounds to maintain security of supply and safeguard infrastructure. Amendments to By-laws proposed to reflect devolved ownership and control of the scheme. Competency based system proposed for meter issues.
Rights in Water and Irrigation (Construction and Alteration of Wells) Regulations 1963	to provide specifications for the design and maintenance of groundwater bores. The Water and Rivers Commission is given sole rights to fit, repair and test water	Completed Jan-00. Reviewed by WRC.	Amending legislation to give rights to wider authorised bodies.

	meters.		
Rights in Water and Irrigation Act 1914 and Regulations	To provide arrangements for the allocation and trading of water rights and entitlements for irrigation and for arrangements for maintenance and use of works. Licensing of rights to take water. Monopoly powers of Water Corporation.	Review scheduled 1998. Completed Jan-00. Reviewed by WRC.	The Rights in Water and Irrigation Amendment Act 2000, was enacted 28 November 2000 to provide for allocations and water trading.
Swan River Trust Act 1988 and Regulations	to establish a body with planning, protection and management functions in respect of the Swan and Canning Rivers. Licensing restrictions.	Review scheduled 1998. Completed Jan-00. Reviewed by WRC.	
Water (Dixvale Area and Yanmah Area) Licensing Regulations 1974	To give preferential rights to irrigators in Dixvale and Yanmah. Differential treatment for a small group of irrigators. In practice rights not exercised for 15 years.	Review scheduled 1998. Completed Jan-00. Reviewed by WRC.	Proposals to repeal regulations
Waterways Conservation Act 1976 and Regulations	To provide for the conservation and management of certain waters and of the associated land and environment, and to establish the Rivers and Estuaries Council and certain Management Authorities. Licensing required for activities such as effluent discharges. Powers given to Commission. In practice the Act is	Review scheduled 1998. Completed Jan-00. Reviewed by WRC.	No changes recommended given minor nature of Act. Major further review proposed to achieve rationalisation of functions and operation between this Act and the EPA Act.

	subsidiary to EPA legislation and is used only for minor purposes.		
Water and Rivers Commission Act 1995	To provide for the creation of the Water & Rivers Commission Few restrictions. The Act provides necessary governmental powers for effective natural resource management.	Completed Jan-00. Reviewed by WRC.	No changes recommended.

Western Australia – utility service provision legislation

Legislation	Restriction	Review progress	Reform progress
Agencies Restructure (Transitional and Consequential Provisions) Act 1995	Enabling legislation to provide for restructure of previous Water Authority into Water Corporation and Water & Rivers Commission. Few restrictions.	Completed Nov-98. Reviewed by Office of Water Regulation (OWR)	No change recommended
Water Agencies (Powers) Act 1984	Umbrella Act over suite of legislation (marked **) to give consistent powers to Water Corporation. Market power to Water Corporation.	Review scheduled 1998. Completed Sept-99. Reviewed by OWR.	Minor amendments to Act proposed for Spring Session to ensure consistency of approach with competitive licensing regime and other related Acts.
Water Agencies (Powers) Act 1995	No such Act. See entry for 1984 Act.		Not in program
Country Areas Water Supply Act 1947 (and related Regulations and By-laws) **	To provide powers and arrangements for provision of supply of water outside the metropolitan area Licensing, market power by Water Corporation	Review scheduled 1998. Completed Sept-99. Reviewed by OWR	Minor amendments to Act proposed for Spring Session to ensure consistency of approach with competitive licensing regime and other related Acts.
Country Towns Sewerage Act 1948 and By-laws **	To provide powers and arrangements for provision of sewerage services in towns outside the metropolitan area Market power, licensing.	Review scheduled 1998. Completed Sept-99. Reviewed by OWR.	Minor amendments to Act proposed for Spring Session to ensure consistency of approach with competitive licensing regime and other related Acts.

Land Drainage Act 1925 (and related Regulations and By-Laws) **	To provide powers and arrangements for provision of drainage services outside the metropolitan area Water Corporation given monopoly, single provider status and powers in drainage districts. Powers and procedures inconsistent across legislation.	Review completed Sept-99. Reviewed by OWR.	Minor amendments to Act proposed for Spring Session to ensure consistency of approach with competitive licensing regime and other related Acts.
Metropolitan Water Supply, Sewerage and Drainage Act 1909 (and related By-Laws) **	To provide powers and arrangements for provision of sewerage and drainage services in the metropolitan area Market power & differential treatment for licensing.	Review scheduled 1998. Completed Sept-99. Reviewed by OWR.	Minor amendments to Act proposed for Spring Session to ensure consistency of approach with competitive licensing regime and other related Acts.
Water Agencies (Charges) Bylaws 1987	To provide charging arrangements for water and sewerage services. Differential treatment of Crown lands.	Review scheduled 1998. Completed Sept-99. Reviewed by OWR .	Minor amendments proposed for Spring Session to ensure consistency of approach with competitive licensing regime and other related Acts.
Water Authority (Charges) Bylaws 1987	No such legislation. See entry for Water Agencies (Charges) Bylaws 1987	na	Not in program
Water Agencies (Entry Warrants) Regulations 1985	To specify format of warrant for legal entry to premises (under S72(6) of the Water Agencies Powers Act). No restrictions.	Review completed Sept-99. Reviewed by OWR.	Minor amendments proposed for Spring Session to ensure consistency of approach with competitive licensing regime and other related Acts.
Water Agencies (Infringements)	To specify prescribed persons for the purposes of the Act, format of notices	Review by OWR completed Sept-99.	Minor amendments proposed for Spring Session to ensure consistency of approach

Regulations 1994	and extent of penalties. Market power to Water Corporation.		with competitive licensing regime and other related Acts.
Water Boards Act 1904 and By-laws	To provide powers and functions for Busselton and Bunbury Water Boards. Restricts powers to supply of water and within defined area.	Review scheduled 1998. Review completed May-99. Reviewed by OWR.	Amendment to Act proposed for Spring Session to allow agencies to provide full suite of water services and freedom to compete for licences on equal terms with Water Corporation. Revised By-laws will meet gatekeeper requirements.
Water Corporation Act 1995	To provide powers and functions of the Water Corporation. Few restrictions.	Review scheduled 1998. Review completed May-99. Reviewed by OWR.	No change to the Act
Water Supply, Sewerage and Drainage Act 1912	To provide powers for agencies outside the metropolitan area. Majority of Act now repealed. Few restrictions in remaining sections related to ownership of assets.	Review scheduled 1998. Review completed May-99. Reviewed by OWR.	No change to the Act
Water Services Coordination Act 1995	To provide for the creation of the Office of Water Regulation (OWR) and a licensing regime for water service provision. Complex licensing regime inhibits competitive outcomes.	Review completed Jul-99. Reviewed by OWR.	Amendments to Spring session will recommend adoption of simpler & more pro-competitive regime. Amendments provide for competitive neutrality in application of relevant Acts

South Australia

Legislation	Restriction	Review progress	Reform progress
Catchment Water Management Act 1995	Restricts market conduct.	Review scheduled and completed 1996. Legislation repealed.	Repealed by the Water Resources Act 1997
Groundwater (Border Agreement) Act 1985	To protect the groundwater resources adjacent to the border between SA and Vic and for the co-operative sharing of those resources and to guard against their undue depletion or degradation. Restricts market conduct.	Review scheduled and completed 1999.	Review complete. To be presented to Minister.
Irrigation (Land Tenure) Act 1930	Provides for the leasing of crown lands in irrigation areas. Restricts market conduct.	Review scheduled and completed 1999.	Reviewed with associated legislation. No major issues identified. Recommended that legislation be updated and consolidated.
Irrigation Act 1994	Provides for irrigation districts, the constitution of trusts and powers for irrigation authorities to carry out their functions. Relatively few restrictions.	Review scheduled 1999 and completed 2000.	Report completed and sent to Minister. Minor legislative change recommended.
Loans for Fencing and Water Piping Act 1938	Provides for the Bank of South Australia to make loans to land owners for fencing material and water piping. Restricts market conduct.	Review scheduled and completed 1997.	No new business. Act expected to be repealed when last repayments made in 2000.

Murray Darling Basin Act 1993	Provides for an agreement between the Commonwealth, NSW, VIC., and SA with regard to the water, land and other environmental resources of the Murray-Darling Basin. Restricts market conduct.	Review scheduled and completed 1999.	Agreement in place to provide equitable sharing of the resource. Agreement regarded as preventing restrictions. Review noted by MDBC and presented to Minister.
Pastoral Land Management and Conservation Act 1989	To ensure that pastoral land is well managed and appropriately utilised. The Act provides for its monitoring and tenure, recognises the rights of Aborigines and provides for community access. Restricts market conduct.	Review scheduled and completed 1999.	Reviewed with associated legislation. No major issues identified. Recommended that legislation be updated and consolidated.
Plumbers, Gas Fitters and Electricians Act 1995	Sets out requirements for licensed contractors or registered workers to comply with a code of conduct or practice in regard to plumbing, gas fitting and electrical work. Barrier to market entry and restricts market conduct.	Review scheduled and completed 2000.	
Renmark Irrigation Trust Act 1936	Provides the Trust with the powers to supply water, construct and acquire assets and enter agreements. Restricts market conduct.	Review scheduled 1999 and completed 2000. Report sent to Minister.	Minor legislative change recommended to remove obsolete and inconsistent sections. Will prompt more fundamental review of water resource management.
River Murray Waters Agreement Supplemental Agreement Act 1963	Establishes arrangements for the Menindee Lakes Storage Agreement. Restricts market conduct.	Review scheduled and completed 1998.	Recommended that Act continue. No major restrictions identified.

Sewerage Act 1929	Provides powers to construct, operate and manage sewerage and drainage services for areas which may be declared, altered or abolished. Barriers to market entry and restricts market conduct.	Review scheduled 1999. Review Started. Internal review in progress. Expected completion by end of August.	Joint review with South Australian Water Corporation Act 1994 and Waterworks Act 1932. Expected to present report to Minister in September 2000. Will prompt wider review of utility provision.
Soil Conservation and Land Care Act 1989	To recognise the value of natural resources and their conservation, to prevent or minimise further degradation; to improve land management practices and establish systems for the monitoring of land condition and improved planning. Restricts market conduct.	Review scheduled and completed 1997.	Reviewed in conjunction with the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986. Amendments made under the Soil Conservation and Land Care Act (Amendment) Act.
South Australian Water Corporation Act 1994	To establish the corporation with the responsibility of providing water and sewerage services for the State. Barriers to market entry and restricts market conduct.	Review scheduled 1999. Review Started. Internal review in progress. Expected completion by end of August.	Joint review with Sewerage Act 1929 and Waterworks Act 1932. Expected to present report to Minister in September 2000. Only minor changes anticipated. Will prompt wider review of utility provision.
South Eastern Water Conservation and Drainage Act 1992	To prevent or minimise damage caused by flooding within the South East, improve quality of rural lands and enhance the natural environment generally. Restricts market conduct.	Review scheduled and completed 1999.	Review completed.
Water Conservation Act 1936	Provides powers over waterworks and assets in any water district and exclusive control and management of all proclaimed lakes, rivers and watercourses.	Review scheduled 1999. Review Started. Internal review in progress.	Final report in preparation. Act only used in limited circumstances. No significant restrictions identified. Act will be repealed and relevant sections included in revised

	Barriers to market entry and restricts market conduct.		Waterworks Act in due course.
Water Resources Act 1990	Restricts market conduct.	Review scheduled and completed 1996.	Repealed by the Water Resources Act 1997.
Waterworks Act 1932	To provide SA Water with powers, eg. to define districts, for entry, construction and maintenance of assets, to levy charges, supply and lessen or discontinue that supply. Creates barriers to market entry and restricts market conduct.	Review scheduled 1999. Review Started. Internal review in progress. Expected completion by end of August.	Joint review with Sewerage Act 1929 and South Australian Water Corporation Act 1994. Expected to present report to Minister in September 2000. Only minor changes anticipated - but will prompt wider review of utility provision.

Tasmania

Legislation	Restriction	Review progress	Reform progress
Clyde Water Act 1898	Market entry	Review scheduled 1998.	Repealed by the Water Management Act 1999.
Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995	Market entry. 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 scheduled 1998. Reviewed as part of CoAG reform agenda for water industry.	Amended by the Water Management Act 1999.
Florentine Valley Paper Industry Act 1935	Grants a particular company the right to construct a pulp and paper mill at Boyer. Market entry. Authorises the granting of exclusive timber, water and transport rights to one company.	Review scheduled 1998. Reviewed as part of CoAG reform agenda for water industry.	Licensing of water rights transferred to the Water Management Act.
Groundwater Act 1985	Market entry and restrictions on competitive conduct. Prohibits the construction or enlarging of a well, or the drawing of water, in a proclaimed region without a permit.	Review scheduled 1998.	Repealed by the Water Management Act 1999.
Hobart Regional Water Act 1984	Market entry. Gives the Hobart Regional Water Board exclusive rights.	Review scheduled 1996.	Repealed by Hobart Regional Water (Arrangements) Act 1996.
Huon Valley Pulp and Paper Industry Act 1959	Market entry, restrictions on competitive conduct and product or service innovation.	Review scheduled 1996.	Repealed by Legislation Repeal Act 1996.

Hydro-Electric Commission (Doubts Removal) Act 1972	Market entry.	Review scheduled 1997.	Repealed by Electricity Supply Industry Act 1995, and Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Hydro-Electric Commission (Doubts Removal) Act 1982	Market entry.	Review scheduled 1997.	Repealed by Electricity Supply Industry Act 1995, and Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Hydro-Electric Commission Act 1944	Market entry.	Review scheduled 1997.	Repealed by Electricity Supply Industry Act 1995, and Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Irrigation Clauses Act 1973	Provides for the construction of waterworks and the right to a supply of water for irrigation. Market entry.	Review scheduled 1998. Reviewed as part of CoAG reform agenda for water industry.	Amended by the Water Management Act 1999.
Loan (Hydro-Electric Commission) Act 1957	Market entry. Provides irrigation rights to persons in the Parish of Lawrency.	Review scheduled 1997. Legislation repealed.	Repealed by Electricity Supply Industry Act 1995, and Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Local Government (Building and Miscellaneous Provisions) Act 1993 - (except in relation to health issues)	Provides for the control of building and plumbing work, product and construction standards and application of the Building Code. Market entry, restrictions on competitive conduct and product or service innovation.	Review scheduled 1999.	New building legislation has replaced the building provisions of this Act. New legislation has been assessed under gatekeeper provisions.

Local Government Act 1993	Enables Councils to make by-laws where the Council has a function of power under relevant Acts. Market entry and restrictions on competitive conduct.	Review scheduled 1998. Review started.	Review delayed pending outcome of Government's intention to pursue the amalgamation of local councils. Review underway.
Mount Cameron Water Race Act 1926			Repealed by the Legislation Repeal Act 1998.
Mount Read and Rosebery Mines Limited Leases Act 1916	Market entry.	Review scheduled 1998.	Repealed by the Mt Read and Rosebery Mines Limited Leases Act (Repeal) Act 1999
North Esk Regional Water Act 1960	Market entry. Provides exclusives rights.	Review scheduled 1996.	Repealed by Northern Regional Water (Arrangements) Act 1997.
North-West Regional Water Act 1987	Market entry. Provides exclusives rights.	Review scheduled 1996.	Repealed by North West Regional Water (Arrangements) Act 1997.
Plumbers and Gas-fitters Registration Act 1951	Requires that plumbers and gas-fitters be registered. Prohibits plumbing and gas-fitting work by unregistered persons. Market entry.	Review scheduled 1997. Completed.	Review of Act completed. Government is still to consider the recommendations of the review.
Rossarden Water Act 1954	Restrictions on competitive conduct.	Review scheduled 1996.	Repealed by the Water Management Act 1999.
Sewers and Drains Act 1954	Market entry and restrictions on product or service innovation.	Review scheduled 1998. Restrictive provisions removed.	Restrictive provisions in Act have been removed. The Act has been removed from LRP timetable.

Thomas Owen and Co. (Australia) Limited Act 1948	Market entry and restrictions on competitive conduct.	Review scheduled 1998.	Repealed by the Water Management Act 1999.
Water Act 1957	Market entry, restrictions on competitive conduct and administrative discretion.	Review scheduled 1998.	Repealed by the Water Management Act 1999.
Waterworks Clauses Act 1952	Gives power to persons, authorised by special Acts to construct waterworks, acquire land etc Market entry.	Review scheduled 1998. Reviewed as part of CoAG reform agenda for water industry.	Amended by the Water Management Act 1999.
Wesley Vale Pulp and Paper Industry Act 1961	Market entry and restrictions on competitive conduct.	Review scheduled 1998. Reviewed as part of CoAG reform agenda for water industry.	Amended by the Water Management Act 1999.

ACT

Legislation	Restriction	Review Progress	Reform progress
Cotter River Act 1914	Act to be repealed.	Review scheduled 1998 and completed 1999.	Act to be repealed.
Energy and Water Act 1988		Review scheduled 1998 and completed 2000. Inter-departmental joint review with Electricity Act 1971 and Essential Services (Continuity of Supply) Act.	Act to be repealed and relevant parts included in the new Utilities Bill 2000
Essential Services (Continuity of Supply) Act 1992	Creates a mechanism to provide financial relief for customers who cannot pay their water bills, who can apply to an Essential Services Review Committee. No significant restrictions.		Act to be repealed and relevant parts included in the new Utilities Bill 2000
Lakes Act 1976	Provides controls on boating and related activities on Lake Burley Griffin etc No significant restrictions.	Review scheduled 1999-00 and completed 2000. Completed. Review undertaken by independent consultant.	Government response due to be tabled in Legislative Assembly in October 2000.
Plumbers, Drainers and Gasfitters Board Act 1982	To provide protection for customers from risks of poor quality workmanship. Limits access to market place to licensed workmen.	Review scheduled 1999-00 and completed 2000. Completed. Review completed as part of broader review of regulation of building occupations under the Building Act 1972 and Electricity Act 1971.	Government response due to be tabled in October 2000 - likely to propose significant legislative changes

Sewerage Rates Act 1968			Act to be repealed and relevant parts included in the new Utilities Bill 2000
Water Pollution Act 1984	Act repealed by the Environment Protection Act 1997.	Legislation repealed.	Act repealed by the Environment Protection Act 1997.
Water Rates Act 1959			Act to be repealed and relevant parts included in the new Utilities Bill 2000

Northern Territory

Legislation	Restriction	Review progress	Reform progress
Plumbers and Drainers Licensing Act	To protect customers from risks of poor quality plumbing through licensing of plumbers and drainers. Limitations to access occupation	Review scheduled June 97. Review Started. External review of licensing issues in progress. Should be completed in late August.	
Power and Water Authority Act	To provide powers, duties and legal form for the Power and Water Authority (PAWA). Limited restrictions.	Review scheduled June 97. Completed Mar-00. Independent review completed March 2000.	Single provider status to be retained due to economies of scale. Independent licensing to be introduced under Utilities Commission and regulatory roles to be separated from service delivery. Amending legislation to be introduced in the Spring Session.
Water Act	Provides for the investigation, use, control, protection, management and administration of water resources and for related purposes Processes for issuing licences e.g. Grant of drilling licence (s49)- Underground waste disposal licence (s63) - Waste discharge licence (s 74)	Review scheduled June-97 and completed Jul-00. Completed. Review completed by external consultants. Recommendations to go to Cabinet mid August.	No change recommended
Water Regulations	Provides for the investigation, use, control, protection, management and administration of water resources and for related purposes.	Review scheduled Jun-97 and completed Jul-00. Review completed by external consultants. Recommendations to Cabinet mid August.	No change recommended

	<p>Processes for issuing licences, eg: Water investigation permit (s 5) - Permit to construct or alter water Works (s 6) - Bore construction permit (s 7) - Licence to take/use surface water (s8) - Licence to take ground water (s 9)</p>		
<p>Water Supply and Sewerage Act</p>	<p>Provides powers and functions to PAWA for the provision of water and sewerage services within declared districts.</p> <p>Single provider status provided to PAWA. Lack of separation of service delivery from regulatory roles.</p>	<p>Review scheduled Jun-97. Completed. Independent review completed March 2000.</p>	<p>Single provider status to be retained due to economies of scale. Independent licensing to be introduced under Utilities Commission and regulatory roles to be separated from service delivery. Amending legislation to be introduced in the Spring Session.</p>