

NCP

National Competition Policy Implementation in Queensland

Queensland Legislation Review Timetable



QUEENSLAND GOVERNMENT

A QUEENSLAND GOVERNMENT
POLICY STATEMENT
JULY 1996

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INTRODUCTION

1. Purpose

The purpose of this timetable is to meet the requirements of Clause 5(3) of the Competition Principles Agreement of the National Competition Policy which obligates Queensland and the other participating jurisdictions to develop a timetable for the review, and where appropriate the reform, of legislation containing measures that restrict competition.

2. Background

In April 1995, the Commonwealth and all State/Territory Governments signed a set of agreements to implement a National Competition Policy (NCP). Under the policy, each participating jurisdiction is committed to implementing a series of competition reforms within specified time frames in accordance with a common set of principles.

One of these obligations is that each participating jurisdiction develop a timetable by mid 1996 for review, and where necessary reform, by the year 2000, of all legislation that contains measures that restrict competition. NCP requires that legislation that restricts competition be reformed unless it can be shown, as a result of the review process, that:

- (i) the benefits of the restriction to the community as a whole (ie, not just to a particular sector, industry or interest group) outweigh the costs of the restriction - often called the "public benefit" test; and
- (ii) the objectives of the legislation can only be achieved by restricting competition (which in turn implies that proper consideration is given to all feasible alternatives).

In terms of the NCP agreements, the specific requirements in regard to legislation review are to:

- (i) publish a timetable by mid 1996 listing all legislative measures that restrict competition and specifying when that legislation is to be reviewed over the period up to the year 2000;
- (ii) subject all proposals for new legislation that restricts competition to the public benefit test;
- (iii) where legislation that restricts competition is retained after the initial review, to subject that legislation to a further review at least once every 10 years; and
- (iv) report annually to the National Competition Council (NCC) on progress in implementing the review timetable.

Subsequently, it has been agreed between the Commonwealth and States/Territories that all reviews should be completed, and implementation of the appropriate reform programs be commenced (or, at the very least, be endorsed by the relevant Government) by 31 December 2000.

The Queensland Government recognises two key deadlines in regard to the legislation review component of NCP. Firstly, there is a need to review existing legislation that restricts competition completed by 31 December 1999 (or, at the very latest, by 30 June 2000 in particular cases where an extension into the first six months of the year 2000 has been approved by the Queensland Government). Secondly, implementation of any necessary reforms stemming from the reviews (or, at the very least, official Government endorsement of those reforms), is required by 31 December 2000.

3. Development of Queensland review timetable

In Queensland, the process for developing a review timetable was co-ordinated by the National Competition Policy Unit within the Treasury Department. This process commenced in December 1995 with a request by the NCP Unit for each department to identify measures that restricted competition in Acts and subordinate legislation which they administered.

The guidelines developed by the NCP Unit to assist departments in such measures, are set out in Attachment 1. Essentially, the 11 categories of actual or potential restrictions set out in these guidelines cover what was included in the two broad types of measures that restrict competition: (namely barriers to entry into a market and restrictions on competition within a market), as identified in the Report of the Independent Committee of Inquiry into National Competition Policy (the "Hilmer Report") of August 1993.

Based on the Treasury guidelines, departments were requested to provide data on relevant legislation to the NCP Unit, together with an indicative time for review of that legislation over the period to the year 2000.

On the basis of this information, a review timetable schedule has been prepared which includes a summary of the identified measures that restrict competition. This is set out in Attachment 3. Some of the nominated review dates may be altered as a result of further negotiations with departments, relevant stakeholders, and the NCP agencies in the other jurisdictions, particularly in regard to legislation that might ultimately be the subject of some form of either national or inter-jurisdictional review.

4. Coverage of legislation

As well as Acts of Parliament, the Queensland NCP legislation review exercise will cover "subordinate legislation" as defined in section 9 of the *Statutory Instruments Act 1992* (which includes instruments such as regulations, ordinances, rules, by-laws, orders in council and proclamations) and also local government laws made under the *City of Brisbane Act 1924* and the *Local Government Act 1993*.

However, it is not intended that the review exercise will include administrative arrangements, policies or procedures of departments and regulatory agencies, except where such arrangements, policies or procedures are promulgated as subordinate legislation.

5. Legislation forming part of joint or "co-operative" Commonwealth-State regulatory or administrative arrangements

There is Queensland legislation in a number of areas designed to give effect to the State's participation in joint or "co-operative" Commonwealth-State regulatory arrangements. It is assumed that any review that may be necessary under NCP will be co-ordinated at the national level, in which case the relevant Queensland legislation will be reviewed in accordance with any timetable negotiated between the Commonwealth and the States/Territories and in accordance with any pre-existing inter-Governmental agreements that underpin national regulatory arrangements.

The principal pieces of legislation in this category are listed in Attachment 2. Additional legislation may be added to this list following publication of review timetables by the Commonwealth and the other jurisdictions and any subsequent discussions on the subject of inter-jurisdictional regulatory arrangements.

6. Local government local laws and planning schemes

Local government laws will be included in the NCP legislation review exercise. The Department of Local Government and Planning (DLG&P) will review the set of model local laws made under the *Local Government Act 1993*, while individual local governments will be asked to review their own specific local laws in accordance with a methodology which will be agreed between Treasury, the Local Government Association of Queensland (LGAQ), DLG&P and the Business Regulation Review Unit (BRRU) of the Department of Tourism, Small Business and Industry. This will be co-ordinated with a general review of local laws required under the *Local Government Act*.

However, at this stage, it is not proposed to include local government planning schemes in the initial NCP review exercise, but rather it is intended to phase in NCP review requirements over time as part of a general review process for local planning schemes (currently set out in the *Local Government (Planning and Environment) Act 1990*, ie. local planning schemes can run for 10 years but have to be reviewed after seven years in accordance with the requirements of that Act).

Review arrangements for local planning schemes will also be considered as part of a current review of previous public submissions on the draft Planning, Environment and Development Assessment (PEDA) Bill commissioned by the Minister for Local Government and Planning.

7. Development of public interest test methodology

The Queensland Government is in the process of developing an appropriate benefit-cost methodology to be used to assess the public interest in legislation review exercises. This will include both a "User's Guide" type document setting out the guidelines for assessing costs and benefits for various NCP purposes, including legislation review, and a software package to assist departments to work through the process.

It is also the intention that a modified version of the guidelines and software package will also be developed for review of local government laws and local government planning schemes.

8. Conduct of NCP legislation review exercises

The Queensland Government recognises that a number of different legislation review processes could be employed in view of the likely volume of reviews to be conducted within a comparatively short time frame. Accordingly, there is the possibility that not all departments will have adequate resources available to undertake several reviews (and particularly major ones) simultaneously, and recognising that some reviews will inevitably be more complex and sensitive than others.

The possible review processes for Queensland legislation (all of which will need to include the eventually agreed public interest test methodology) include:

- (i) internal review by the relevant line department (where it would be desirable for the review to be carried out a central policy/legislation reform unit that is independent from that part of the department which actually administers the legislative arrangements that are under review);
- (ii) review by a specialist legislation review agency such as the Business Regulation Review Unit (BRRU) of the Department of Tourism, Small Business and Industry;
- (iii) review by a formal inter-departmental committee, especially in cases where more than one department is involved in the administration of the legislation or where one or more of the “central agencies” (such as Treasury and the Department of the Premier and Cabinet) wish to be directly involved in the review process;
- (iv) review by a formally constituted review committee (as is the case with the sugar industry review underway at present), comprising representatives of parties affected by the legislation in question (including community groups where appropriate) as well as representatives of the relevant department/s chaired by a suitably qualified or “independent” chairperson;
- (v) review by a suitably qualified external (ie, private sector) consultant engaged by the relevant department after consultation with NCP Unit and BRRU; and
- (vi) national review by either the National Competition Council (NCC) or by other means including by way of external consultants jointly appointed by the participating jurisdictions, by State/State or State/Commonwealth review committees or by other means as might be proposed.

The review process and terms of reference to be employed for each particular review will be negotiated on a “case by case” basis between the relevant department and the NCP Unit which will also consult with BRRU and the State Development Co-ordination Branch of the Department of the Premier and Cabinet, prior to seeking formal Government endorsement.

The NCP agreements require that the terms of reference of an NCP legislation review exercise must enable the review to:

- (i) clarify the objectives of the legislation;
- (ii) identify the nature of the restriction on competition;
- (iii) analyse the likely effect of the restriction on competition and on the economy generally;
- (iv) assess and balance the costs and benefits of the restriction; and
- (v) consider alternative means for achieving the same result, including non-legislative approaches.

It is the Queensland Government's intention that, regardless of the review process employed, each review exercise will incorporate an appropriate program for consultation with, and input from, relevant stakeholders.

9. Other Review Arrangements for Queensland Legislation

As a quite separate exercise to the NCP legislation review requirements, the Business Regulation Review Unit (BRRU) of the Department of Tourism, Small Business and Industry also has a role to assist all departments in the preparation of Regulatory Impact Statements for significant new or amended subordinate legislation, taking into account economic, social and environmental considerations.

Furthermore, the Queensland Government's proposed Small Business Policy will require a review of all regulations, licences, etc affecting business and where possible to reduce such regulation. This policy flows on from the recently completed Systematic Review of Business Legislation and Regulations program administered by BRRU.

The Queensland Government proposes to establish an industry task force, comprising representatives of the major industry and small business bodies, to oversee a review of regulation and licensing imposts on business. The review process, which will also be administered by BRRU, will involve wide consultation with the business community. The industry task force will be responsible for preparing the recommendations to the Government on specific measures to reduce the regulatory burden.

The complete details of the review arrangements to be implemented to give effect to the Small Business Policy will shortly be announced by the Queensland Government.

Under Part 7 of the *Statutory Instruments Act 1992*, subordinate legislation (such as regulations) expires on the 10th anniversary of the day of its making unless a regulation is made under that Act exempting the legislation from expiry. However, as per section 61 of the Act, subordinate legislation made on or before 30 June 1987 will not expire until 1 July 1997. The grounds for exemption, as per section 56 of the Act, are fairly limited.

The drafting of subordinate legislation is carried out by the Office of the Parliamentary Counsel, a statutory office located within the Premier's portfolio.

While the “automatic expiry” provisions of the *Statutory Instruments Act* apply to virtually all subordinate legislation and not only to legislation required to be reviewed under NCP, these provisions have been taken into account in developing the NCP legislation review timetable insofar as subordinate legislation is concerned. In the event that any of the expiring legislation is proposed to be remade, it will be subject to NCP legislation review principles **prior** to making the legislation *ie.*, any measure that restricts competition will be subject to a public interest test.

The Queensland Government recognises that it is particularly important from a resource perspective to minimise duplication or overlap relating to the various review processes. Accordingly, the NCP Unit will liaise closely with BRRU and the Office of the Parliamentary Counsel to ensure that the Government's review processes under National Competition Policy, the *Statutory Instruments Act* and the proposed Small Business Policy are properly co-ordinated.

ATTACHMENT 1

GUIDELINES FOR IDENTIFYING “MEASURES THAT RESTRICT COMPETITION” FOR THE PURPOSES OF QUEENSLAND LEGISLATION REVIEW EXERCISE

In December 1995, and following endorsement by the NCP Steering Committee, departments were asked to identify legislative provisions, in both primary and subordinate legislation, that provide for any of the following, namely:

- (i) an outright prohibition in regard to any particular business activity;
- (ii) a statutory monopoly, namely where a body specified in the legislation is created or given powers, either State-wide or in a particular locality, as the sole participant allowed to engage in a particular business activity;
- (iii) licensing or registration requirements for persons or bodies wishing to engage in a particular business activity and which operate on the basis of either limiting the number of participants or limiting participation to those persons or bodies that meet defined standards, qualifications or training or to those who hold membership of a particular occupational or professional organisation;
- (iv) allocation of quantitative entitlements, quotas or franchises among participants engaging in a particular business activity;
- (v) requirements for prescribed quality or technical standards to be observed, or for specified equipment to be used, in regard to a particular business activity, other than those requirements that apply generally in regard to public/workplace health and safety;
- (vi) price control provisions, whether by way of setting, or prescribing a process for determining, the maximum/minimum prices or charges for a specified good or service or the maximum/minimum rates of commission, agency or fees for any good or service;
- (vii) restrictions on the conduct of a business relating to matters such as hours of operation, size of premises, provision of specified facilities, geographical area of operation, advertising or promotion, sector-specific operation (eg, retail vs wholesale), type of good or service allowed to be offered for sale, etc;
- (viii) the nomination of a particular person or body as the sole or preferred customer or supplier in regard to a particular business activity;
- (ix) measures that have the effect of conferring a benefit on a particular person or body engaged in a particular business activity, relative to other parties engaged in the same activity, including prescribing technical specifications or standards that can only be met by a particular operator, prescribing different requirements for public sector vis a vis private

sector operators or making financial assistance available (including the waiver of various State or local government charges or fees as well as direct assistance measures such as a grant or subsidy) if a business is carried on at a particular place or in a particular manner;

- (x) the allocation of licences or other authorities which either allow the holder access to natural resources (including water, minerals, forests and fisheries) [see also **note** below] or which create rights, or permit specified activities, denied to non-holders (for example, licences to dispose of waste material in a particular manner); and
- (xi) restrictions that have the effect of limiting or preventing participation in a particular business activity by interstate or overseas participants, for example by way of preferential purchasing arrangements for State-based suppliers, statutory restrictions on supply or purchase arrangements outside the Queensland market and product standards that differ significantly from interstate or international standards.

Note:

Following subsequent consideration of the matter of restrictions on access to natural resources, the following principles have been adopted in deciding if there is a restriction on competition, namely :

1. Only restrictions that exist in Acts and regulations are to be considered in deciding if there is a restriction.
2. Crown ownership or control of the resource, and licensing schemes* to regulate access to those resources are **not** restrictions per se.
3. Limits on the number of licences issued, or on the amount of the resource attached to a license, are restrictions, unless required for legitimate resource management purposes.**
4. Conditions imposed, or discrimination in the issuing, renewal or transfer of licences **are** restrictions unless for legitimate resource management purposes or for reasons associated with normal commercial dealings eg. financial position and previous non-performance of applicants.
5. Non-license conditions prescribed in legislation relating to harvesting and use of the resource (eg. closed seasons, harvesting methods, etc.) **are** restrictions unless for legitimate resource management purposes.

* “licence” includes permits, allocations and all other methods for controlling access to natural resources vested in, or under the control of, the Crown in the right of the State of Queensland.

** “resource management purposes” means ensuring a natural resource is managed in an ecologically sustainable way in accordance with recognised scientific evaluations.

ATTACHMENT 2

QUEENSLAND LEGISLATION IDENTIFIED (AS AT 1 JUNE 1996) AS FORMING PART OF JOINT OR “CO-OPERATIVE” COMMONWEALTH-STATE REGULATORY ARRANGEMENTS FOR THE PURPOSES OF NCP LEGISLATION REVIEW.

- Corporations (Queensland) Act 1990
- Consumer Credit (Queensland) Act 1994 and the Consumer Credit Code
- Financial Institutions Act 1992 and the Financial Institutions Code
- Securities Industry (Application and Laws) Act 1981
- Futures Industry (Application of Laws) Act 1986
- Trade Measurement Act 1990
- Agricultural and Veterinary Chemicals (Queensland) Act 1994
- Biological Control Act 1987
- Food Standards Regulation 1994 under the Food Act 1981 (which adopts the National Food Standards Code)
- Workplace Health and Safety (Lead) Compliance Standard under the Workplace Health and Safety Act 1995
- that part of the Standard Building Law under the Building Act 1975 which adopts The Building Code of Australia
- legislation that provides for the adoption of provisions from the Commonwealth's Classification (Publications, Films and Computer Games) Act 1995 namely the Classification of Computer Games and Images (Interim) Act 1995, the Classification of Films Act 1991 and the Classification of Publications Act 1991
- Mutual Recognition Act 1992
- Wheat Marketing (Facilitation) Act 1989

ATTACHMENT 3

SCHEDULE OF IDENTIFIED RESTRICTIONS ON COMPETITION IN PORTFOLIO LEGISLATION AND PROPOSED TIMING OF REVIEWS TO MEET THE REQUIREMENTS OF NATIONAL COMPETITION POLICY.

NOTES:

1. The list of legislation cited for review has been compiled on the basis of legislation which is on the statute book or which is before the Parliament of Queensland as at 30 June 1996. Any legislation enacted subsequent to that date which is required to be included in the NCP review arrangements will be cited in revised schedules which will be published in the annual reports by the Queensland Government on progress towards implementing the legislation review element of NCP. The publication of these annual reports is another requirement of the NCP Agreements.
2. There is no legislation currently (ie. as at 30 June 1996) identified for NCP legislation review in respect of the Department of Police, the Department of Economic Development and Trade and the Office of Sport.
3. Review dates generally refer to the period 1 July in the first cited year to 30 June in the second cited year, except in the case of 1998-1999 where the review period may extend to 31 December 1999 for certain reviews. However, the workers' compensation legislation is set down for review in the period 1 July 1999 to 30 June 2000 in accordance with a policy decision of the Queensland Government to accept a recommendation in this regard stemming from a review into workers' compensation arrangements (the Kennedy Inquiry) which reported in July 1996.
4. The proposed review dates may be altered in some cases depending on Government review priorities over time, the outcome of negotiations with the other jurisdictions in regard to legislation that may be suitable for some form of national or interjurisdictional review and the outcome of consultation with relevant stakeholders in regard to proposed NCP legislation review arrangements.

Queensland
Legislation
Review
Timetable

Portfolio/Department: Consumer Affairs Office (Dept. Justice)

Legend	PR - pricing restrictions
OP - outright prohibition	BC - business conduct restrictions
SM - statutory monopoly	PS - preferred supplier/customer
LR - licensing or registration	MB - measures that confer a benefit
QE - quantitative entitlements	NR - natural resources permits/licenses
QT - quality/technical standards	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Auctioneers and Agents Act 1971 & Auctioneers and Agents Regulation 1986			✓		✓	✓	✓					✓	1996-1997
<p><i>Legislation covers a range of occupations including licensing and specific business conduct requirements for real estate agents, motor vehicle dealers, commercial agents, auctioneers and pastoral house corporations. Certain licenses requirements limited to residents of the State or resident within 65kms of State boundary which potentially restrict interstate participants. Price restrictions relate to maximum prescribed fees and charges. Similar legislation exists in most other jurisdictions and hence could be considered for national review. Regs expire 1/7/97.</i></p>													
Co-operative and Other Societies Act 1967 & Co-operative and Other Societies Regulation 1968			✓			✓	✓				✓		1996-1997
<p><i>Similar legislation exists in other States in regard to formation, registration and operation of co-operative societies. Pricing provisions only relate to prescribing maximum dividends payable on members' shares. Act permits a co-operative society to contract with a member requiring the member to have specified dealings only with the society for a fixed period, for example requiring sale of produce through, or purchase of services from, the society. Review of Act needs to be co-ordinated with review of Primary Producers Co-operative Associations Act which contains a similar regulatory framework. Co-operatives legislation also subject to consideration by national working party with the objective of developing uniform legislation.</i></p>													

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Business Names Act 1962 & Business Names Regulation 1986							✓					✓	1998-1999
	Requirement that a person cannot carry on business in Queensland under a business name unless it is registered under that 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. Similar legislation exists in most other jurisdictions and hence could be considered for national review. Regs expire 1/7/97.												
Fair Trading Act 1989 and Fair Trading Regulation 1989					✓		✓			✓			1997-1998
	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 Trade Practices Act and, in this sense, forms part of a national uniform scheme and should be considered for either national or some other form of interjurisdictional review.												
Funeral Benefit Business Act 1982 & Funeral Benefit Business Regulation 1989			✓				✓			✓		✓	1997-1998
	Legislation limits registration of corporations and provides for business conduct requirements. Similar legislation exists in some other jurisdictions (inc. Victoria and NSW).												
Hawkers Act 1984 & Hawkiers Regulation 1994			✓				✓						1997-1998
	Legislation provides for licensing of hawkers and business conduct requirements. Act does not apply to certain businesses (such as a registered charity or sale by the actual maker of the goods). Similar legislation exists in most other jurisdictions and hence could be considered for national review.												

Legislation	Nature of Restriction											Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO			
Invasion of Privacy Act 1971 & Invasion of Privacy Regulations 1986	✓		✓				✓							1998-1999
	Legislation requires licensing of credit reporting agents and prohibits 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, which could be suitable for national review. Regs expire 1/7/97.													
Land Sale Act 1984 & Land Sale Regulation 1989							✓				✓			1996-1997
	Legislation contains various provisions relating to process of sale of land via registrable instrument of transfer and rights and responsibilities of vendors and purchasers. Queensland currently the only State that prohibits sale of unregistered land before survey plans approved under seal of relevant local authority.													
Mercantile Act 1867	✓						✓							1998-1999
	Restrictions relate to duration of partnerships and prohibits partnerships in certain businesses (banking and insurance only). Similar legislation exists in most other jurisdictions and hence could be considered for national review.													
Partnership (Limited Liability) Act 1988 & Partnership (Limited Liability) Regulation 1993							✓							1998-1999
	Legislation contains certain restrictions relating to limited partners. Similar legislation exists in most other jurisdictions and hence could be considered for national review.													
Loan Fund Companies Act 1982			✓				✓				✓			1998-1999
	Legislation contains numerous provisions relating to business conduct and which may limit participation or have the effect of conferring competitive benefits on some participants (for example, a loan fund company which has a lien over any loan entitlements or shares in a company is prohibited from selling its shares but otherwise can enforce the lien). Similar legislation exists in most other jurisdictions and hence could be considered for national review.													

Legislation	Nature of Restriction											Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO			
Partnership Act 1891	✓													1998-1999
	<i>Prohibitions relate to conduct of business outside of the partnership except where consent of other partners is obtained. Similar legislation exists in most other jurisdictions and hence could be considered for national review.</i>													
Sale of Goods Act 1896 & Sale of Goods (Vienna Convention) Act 1986						✓	✓					✓		1998-1999
	<i>Legislation contains certain stipulations relating to sale or purchase of goods that affect rights and remedies of buyers and sellers. Similar legislation exists in most other jurisdictions and hence could be considered for national review.</i>													
Credit Act 1987 & Credit Regulations 1988						✓	✓					✓		1997-1998
	<i>Legislation contains numerous provisions relating to business conduct and which may limit participation or have the effect of controlling price or conferring competitive benefits on some participants. Similar provisions exist in most other legislation. Old's legislation could be considered as part of a multi-State regulation scheme and hence could be considered for national review.</i>													
Travel Agents Act 1988 & Travel Agents Regulations 1988			✓					✓						1997-1998
	<i>Provides for the licensing of travel agents and business conduct requirements. Similar legislation exist in the other jurisdictions. Old also a signatory to National Participation Agreement to set up a Travel Compensation Fund (contributions from licensees required under Act) and hence any review of legislation needs to be co-ordinated on a national basis.</i>													
Hire Purchase Act 1959	✓						✓							1998-1999
	<i>Legislation provides for rights and responsibilities of owners and hirers under hire purchase agreements and conduct requirements in regard to HP agreements. One specific type of transaction prohibited (ie. entering into agreement for bailment of goods which includes option to purchase them so as to constitute a HP agreement). Similar legislation exists in the other jurisdictions and hence could be considered for national review.</i>													

Legislation	Nature of Restriction										Proposed Review Timing				
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO			
Mobile Homes Act 1989 & Mobile Homes Regulation 1994						✓	✓							1997-1998	
<i>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. NSW may have similar legislation.</i>															
Pawnbrokers Act 1984 & Pawnbrokers Regulation 1984			✓				✓					✓		1997-1998	
<i>Provides for licensing of pawnbrokers and business conduct requirements. Similar legislation exists in most other jurisdictions and hence could be considered for national review.</i>															
Profiteering Prevention Act 1948						✓				✓				1998-1999	
<i>Similar legislation may exist in other jurisdictions but in Queensland the provisions of this Act have not been utilised for many years. Future of Act could be influenced by the development of a prices oversight regime under NCP.</i>															
Primary Producers Co-operative Associations Act 1923 & Primary Producers Co-operative Association Regulations 1987			✓				✓			✓			✓	1996-1997	
<i>Queensland is only State with separate legislation dealing with primary producer co-operative associations as coverage of such bodies in the other States is included in generic legislation relating to the formation, registration and operation of co-operative associations/societies. Pricing provisions only relate to prescribing maximum dividends payable on member's shares. Act permits the rules of individual co-operative associations to require producer-members to sell all produce through the association. Review of Act needs to be co-ordinated with that of the Co-operative and Other Societies Act which contains a similar regulatory framework.</i>															

Legislation	Nature of Restriction											Proposed Review Timing				
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO					
Retirement Villages Act 1988 & Retirement Villages Regulation 1989			✓		✓	✓	✓					✓			1996-1997	<p><i>Provides for registration procedure for retirement village schemes with applicants required to meet prescribed requirements. Provision for exemption from some requirements for religious or charitable organisations which may confer a competitive benefit. 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. Similar legislation exists in most other jurisdictions and hence could be considered for national review.</i></p>
Second-hand Dealers and Collectors Act 1984 & Second-hand Dealers and Collectors Regulation 1994			✓				✓					✓			1997-1998	<p><i>Provides for licensing of persons involved in certain activities but excludes others (eg. definition of "second hand goods" includes certain goods and articles but excludes other products while Act does not apply to collecting or dealing in second hand goods by a charity). Various restrictions on business conduct such as dealer's licenses limited to a single premises or locality, collector's licenses may be limited to a specific part of the State and limitations on holding of different licenses (ie. a licensed collector cannot hold a dealer's license and vice versa). Similar legislation exists in most other jurisdictions and hence could be considered for national review.</i></p>
Security Providers Act 1992 & Security Providers Regulation 1995			✓				✓					✓			1997-1998	<p><i>Provides for licensing of persons engaged in business of supplying security officers, private investigators or crowd controllers where services are for reward (ie. excludes in-house security officers). Similar legislation in most other jurisdictions and hence could be considered for national review.</i></p>

Portfolio/Department: Corrective Services

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO
Corrective Services Act 1988 and Corrective Services (Administration) Act 1988		✓										1996-1997
<p><i>Legislation arguably gives the Queensland Corrective Services Commission monopoly powers in respect of the provision of prisons and community corrections centres. However, the legislation authorises the QCSC to engage other parties to conduct any part of its operations (which underpins contract management arrangements for a number of correctional facilities). Legislation currently under review with the intention of introducing substantially revised legislation during 1996-1997. NCP issues will be addressed during the preparation of that legislation.</i></p>												

Portfolio/Department: Local Government & Planning

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO
Local Government (Harbour Town Zoning) Act 1990									✓			1998-1999
<p><i>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.</i></p>												
Local Government (Planning and Environment) Act 1990					✓		✓					To be determined
<p><i>Current heavily prescriptive regulatory arrangements were to be superseded by the proposed Planning, Environment and Development Assessment (PEDA) Bill which would have introduced a performance-based planning and development assessment regime. However, PEDA Bill has not proceeded pending a review of public submissions on the draft legislation. Current general planning scheme authorisation provisions in Act not considered to be anti-competitive in intent but potential exists for anti-competitive restrictions to be imposed in individual planning schemes made under the Act. Only one provision in current Act is specifically directed at constraining a particular type of commercial business (namely a supermarket style outlet which also retails petrol). The future of this legislation (and whether any of it needs to be subject to NCP review) will be influenced on the outcome of the current review of public submissions on the PEDA Bill.</i></p>												

Legislation	Nature of Restriction											Proposed Review Timing			
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO				
Building Act 1975 and relevant subordinate legislation including the Standard Building Law & Building Regulations 1991			✓		✓									1998-1999	
<i>Legislation most recently reviewed in 1994-95 and deals primarily with structural, fire, health and amenity issues. It contains qualification requirements for building surveyors but licensing and qualification requirements of other industry participants are mostly covered by the QBSA legislation. The national Building Code developed by the Australian Building Codes Board is incorporated into the Standard Building Law. Any review of building code requirements should be on a national basis.</i>															
Sewerage and Water Supply Act 1949, Sewerage and Water Supply Regulation 1987 & Standard Water and Sewerage Laws			✓												1997-1998
<i>Act administered jointly with Department of Natural resources - refer entry under DNR Acts for details.</i>															
Local Government Act 1993, City of Brisbane Act 1924 & Local Government Finance Standard 1994	✓														1997-1999
<i>Prime purpose of legislation is to establish the framework for the constitution, planning and operations of local government (ie. essentially is "enabling" legislation). Current Local Govt Act stems from detailed review of older legislation dating back to 1936. City of Brisbane Act currently under revision to bring into line with the Local Govt Act. Intention is to review the provisions of the 1993 Act on a rolling basis over the next few years. Only two current provisions in the Act appear 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. Review of relevant provisions relating to the operation of joint local government water supply boards under Local Govt Act and other water-related local government functions will need to be co-ordinated with review of similar provisions in the Water Resources Act and urban water board legislation administered by Dept. Natural Resources.</i>															

Legislation	Nature of Restriction										Proposed Review Timing
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	
Local Government Local Laws (formerly By-laws) made under the Local Government Act 1993	Restrictions to be identified										1997-1999
<p><i>Local government local laws to be reviewed by each local government (inc Brisbane City) in accordance with a review methodology being developed by the Qld Treasury NCP Unit and a State/Local Government Working Group established to develop proposals on the application of the NCP package to local government in Queensland. Model local laws under Local Government Act to be reviewed by Dept of Local Gov't and Planning. Review exercise for local laws will initially be targeted at the 17 Local Governments identified as potential candidates for the application of competitive neutrality principles under NCP. Review of local laws will also include those laws made under the Local Govt Act that implement powers and functions delegated to local government under other legislation, notably the Health Act and the Traffic Act.</i></p>											

Portfolio/Department: Education

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO
Education (Capital Assistance) Act 1993							✓		✓			1998-1999
<p><i>Act limits provision of certain funding assistance to schools affiliated with two nominated Capital Assistance Authorities which could jeopardise the economic viability of non-affiliated schools. Also limitations regarding type of financial institutions which can receive deposits/investment of CAA capital assistance funds.</i></p>												
Higher Education (General Provisions) Act 1993					✓							1998-1999
<p><i>Act essentially provides for accreditation and monitoring procedures to address standards and modes of delivery in regard to higher education (tertiary) degree courses. Similar legislation exists in the other States.</i></p>												
Grammar Schools Act 1975							✓					1997-1998
<p><i>Act imposes a Government approval mechanism for establishment of a grammar school and provides for various Government 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. Current legislative arrangements under review by Interdepartmental Working Group.</i></p>												

Legislation	Nature of Restriction											Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO			
Education (Teacher Registration) Act 1988, Education (Teacher Registration) Regulation 1989 & Board of Teacher Registration By-laws 1989			✓		✓									1998-1999
<i>Legislation provides for registration arrangements and eligibility requirements for primary and secondary school teaching staff (including private schools). Prescription of minimum professional teaching standards and quality assurance measures seen as necessary to meet community expectations in respect of teaching staff.</i>														
Education (General Provisions) Act 1989 & Education (General Provisions) Regulation 1989	✓		✓		✓		✓							1998-1999
<i>Legislation covers a range of matters including: approval of school curricula; approval and recognition of higher educational institutions (such as a university); accreditation of higher education awards; 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). Substantive provisions in regard to curricula approval and accreditation of higher education awards do not prohibit private sector providers but rather are designed to establish uniform quality standards of education service delivery.</i>														
University of Southern Queensland Act 1989 & University of Southern Queensland (Investment) Statute 1993 and similar legislation in respect of the Central Queensland University, the Queensland University of Technology, the James Cook University of North Queensland, the University of Queensland, the Griffith University and the Sunshine Coast University College							✓							1998-1999
<i>Legislation provides for constitution, powers and operations of a particular 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 (ie. 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 but have to be considered in light of the public purpose for which a university is established. Further work by Education Dept. on proposed rewrites of each University Act dependant on policy consideration by Government.</i>														

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Education (Overseas Students) Bill 1996			✓										To be determined (for Act)
<p><i>New legislation to provide for the registration of education service providers in respect of 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 overseas. Intended to replace Commonwealth legislation which expires on 1/7/97. Similar legislation already in place in NSW, WA, SA, Tasmania and ACT.</i></p>													

Portfolio/Department: Emergency Services

Legend	
OP - overnight prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NK - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Ambulance Service Act 1991							✓						1998-1999
<p><i>Various restrictions effectively confer a competitive advantage on Queensland Ambulance Service compared to any potential private ambulance operators (for example, restrictions on the use of the words "Ambulance Service" and "Ambulance" may prevent a private ambulance operator from advertising its services).</i></p>													
Fire Services Act 1990							✓						1998-1999
<p><i>Various restrictions restrict 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).</i></p>													

Portfolio/Department: Environment

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction											Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO			
Canals Act 1958 & Canals Regulation 1992				✓	✓							✓		1998-1999
<p>Legislation relates to the construction, maintenance and use of canals, including requirement for approval before construction commences. Relevant provisions may be absorbed into the proposed Planning, Environment and Development Assessment Bill.</p>														
Contaminated Land Act 1991 & Contaminated Land Regulation 1991							✓							1996-1997
<p>Legislation categorises land according to risk of contamination and restricts certain land uses on certain sites. Currently under review.</p>														
Environmental Protection Act 1994 & Environmental Protection (Interim) Regulation 1995			✓				✓				✓	✓		1998-1999
<p>Legislation 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. A Ministerial Advisory Committee recently reported to the Queensland Government on the efficiency, practicality and fairness of the licensing provisions in the Act and regulations. Further consideration is required to identify the extent to which these regulatory arrangements represent an actual restriction on competition.</p>														

Legislation	Nature of Restriction											Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO			
Nature Conservation Act 1992, Nature Conservation (Wildlife) Regulation 1994 & specific flora and fauna Conservation Plans			✓				✓					✓		1998-1999
	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 (inc. for example, licensing of pet shops selling commercial birds and nurseries selling certain restricted plants, licensing the harvesting of macropods and protected plants, 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 at that time that go beyond what is required for legitimate natural resource management purposes.													
Queensland Heritage Act 1992 & Qld Heritage Regulation 1992							✓					✓		1998-1999
	Legislation provides for the conservation of Queensland's cultural heritage and is currently under internal review. Currently, Heritage Council approval required before any development allowed on heritage-registered properties.													
Coastal Protection and Management Act 1995														1998-1999
	Recently enacted legislation provides for the conservation, rehabilitation and management of the coast. Impacts upon coastal commercial development (housing, resorts, hotels/motels, recreational facilities and other land uses) through coastal plans and declaration of control districts which can restrict or prohibit certain developments or specify certain mandatory requirements. Operation of Act will also be affected by the proposed Planning, Environment and Development Assessment Bill (the future of that legislation is currently being reviewed by the Qld Government).													
Beach Protection Act 1968 and Coastal Management Control Districts Regulation 1984												✓		1998-1999
	Legislation provides for the regulation and provision of advice in respect of activities affecting the coast, and to minimise the damage to property from erosion and encroachment of tidal water. Regulations expire 1/7/97.													

Legislation	Nature of Restriction										Proposed Review Timing			
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO		
Harbours (Reclamation of Land) Regulation 1979 & Marine Land (Dredging) By-Laws under the Harbours Act 1955 (sections 91-93)				✓	✓							✓		Not proposed (but see note below)
<i>Legislative provisions set out certain external approval requirements for activities in tidal waters (such as land reclamation and harbour works and the issue of permits for dredging) pending the outcome of the Queensland Government's consideration of the proposed Planning, Environment and Development Assessment Bill. This regulation continues in existence until 1/7/98 (despite the repeal of the Harbours Act itself). No review is proposed unless a further extension of the operation of these provisions is considered necessary.</i>														

Portfolio/Department: Family, Youth & Community Care

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO
Child Care Act 1991, Child Care (Child Care Centres) Regulation 1991 & Child Care(Family Day Care) Regulation 1991	✓		✓		✓		✓					1997-1998
<p><i>Legislation provides for licensing of child care services (eg. kindergartens, limited hours care centres, etc) and family day care centres and prescribes matters such as qualifications of child care personnel; building and physical environment standards, minimum staffing levels, maximum capacity and food and safety standards for child care facilities and required content for child care programs.</i></p> <p><i>Operation of child care facilities prohibited in certain locations (eg. premises adjacent to a place where flammable materials or dangerous chemicals are manufactured or stored).</i></p>												

Portfolio/Department: Health

Legend	
PR - pricing restrictions	BC - business conduct restrictions
OP - outright prohibition	PS - preferred supplier/customer
SM - statutory monopoly	MB - measures that confer a benefit
LR - licensing or registration	NR - natural resources permits/licenses
QE - quantitative entitlements	RO - restrictions on out-of-State parties
QT - quality/technical standards	

Legislation	Nature of Restriction										Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO
Cremation Act 1913 & Cremation Regulation 1987	✓		✓			✓						1998-1999
<p><i>Cremation legislation in most other jurisdictions has similar provisions regarding prohibition on cremation at places other than established crematoria. Removal of certain restrictions in December 1993 (ie repeal of licensing and establishment provisions for crematoria). Certain other provisions of this legislation currently under review (ie medical certification requirements). Regulation currently due to expire on 4/7/97.</i></p>												
Fluoridation of Public Water Supplies Act 1963 & Fluoridation of Public Water Supplies Regulation 1964								✓				1996-1997
<p><i>Only restriction is prescription of particular brand of testing equipment. Regulation to be reviewed by 1/7/97.</i></p>												
Food Act 1981, Food Hygiene Regulations 1989 & Food Standards Regulation 1994			✓							✓		Not proposed
<p><i>Food Standards Regulation adopts the national Food Standards Code, made under the National Food Authority Act (Cwlth), as amended from time to time by the National Food Authority. Food Hygiene Regulations not part of a formal national scheme but NFA currently finalising draft uniform national food hygiene regulations which all jurisdictions, including Queensland, have previously agreed in principle to adopt when finalised. Accordingly, it is not proposed to subject the current Qld regulatory arrangements to separate State-based NCP review.</i></p>												

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Health (Nursing Homes) Regulation 1982 under the Health Act 1937	✓		✓		✓		✓		✓				1996-1997
<p><i>Prescriptive legislation pertaining to nursing homes reviewed in 1994. The review proposed new legislation based on a non-licensing framework (policy position endorsed by previous Govt) with building provisions to be transferred to the Building Code. Legislation also in NSW, Victoria and SA for the licensing and monitoring of nursing homes. Review may be affected by current investigations into areas of Commonwealth-State overlap. Regulation currently to expire on 1/7/97.</i></p>													
Private Hospitals Regulation 1978 under the Health Act 1937	✓		✓		✓		✓		✓				1996-1997
<p><i>Review commenced in 1994 review but policy position on licensing of private hospitals not yet determined by Government. Legislation in all States for the licensing and monitoring of private hospitals as well as building standards. Victorian legislation currently under review. Regulation currently to expire on 1/7/97. Considered to be a possible candidate for national review.</i></p>													
Health (Poisons - Fumigation) Regulation 1973 and Div 7 of Part 4 of the Health Act 1937			✓										1997-1998
<p><i>Provides for licensing of both fumigators and pest control operators. Similar regulations exist in the other States. Regulation dealing with fumigators to expire on 1/7/98 (note: licensing provisions for pest control operators are set out in the Act itself).</i></p>													
Skin Penetration Regulations 1987 under the Health Act 1937			✓										1997-1998
<p><i>Review in 1995 recommended repeal of prescriptive licensing arrangements. New regulatory arrangements will provide for enforceable codes of practice for tattooing, acupuncture, ear piercing etc., but licensing of premises will be maintained. Codes of practice being drafted will take NCP legislation review principles into account. Current regulation to expire on 1/7/98.</i></p>													
Hyperbaric Chamber Therapy Regulations 1989 under the Health Act 1937			✓										1997-1998
<p><i>Minor restriction (ie. regulation restricts possession and use of a compression chamber).</i></p>													

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Therapeutic Goods & Other Drugs Regulations 1982 under the Health Act 1937	✓				✓		✓						1997-1998
	Regulations currently restrict advertising, including publication and labelling, of therapeutic goods and drugs (including cigarettes) and contains other restrictions in regard to certain goods (eg. regulating the composition and labelling of soap and requiring cigarette packaging to include warning labels that smoking is a health hazard). Regulations also prohibit certain activities (namely advertising on condom vending machines and carrying on the business of preparing second-hand or used bottles for therapeutic goods packaging except where approval is obtained from the Chief Health Officer). Regulation currently "sunsetted" to expire on 1/7/98 but could be repealed earlier and replaced by legislation adopting the Commonwealth's Therapeutic Goods Act 1989.												
Poisons Regulations 1973 under the Health Act 1937			✓		✓		✓						Not proposed
	Current heavily prescriptive regulatory arrangements (which includes licensing of persons involved in the manufacture, handling and sale of poisons and certain drugs, specifying requirements for the manufacture, handling, identification, storage and sale of poisons and certain drugs, and prohibiting the possession, sale or use of certain poisons and drugs) are in the latter stages of an extensive review. New regulations are being developed which will, to the extent that they contain any restrictions on competition, be included in the Queensland NCP legislation review timetable.												
Health Services (Public Hospitals Fees and Charges) Regulation 1992 under the Health Services Act 1991											✓		1996-1997
	Certain provisions limit the ability of a Health Authority to provide private "ancillary services" (eg. physiotherapy, speech pathology, etc) to circumstances where there is no private practitioner. Provision is likely to be repealed when subordinate legislation under the Health Services Act is reformed.												

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Mental Health Act 1974		✓											To be determined
	<p><i>Statutory monopoly provision refers to conferral on the Public Trust Office of sole responsibility for management of estates of specified patients (except where a Court directs otherwise). Future of provision dependant on Government's position on assisted and substitute decision making legislation.</i></p>												
Nursing Act 1992 & Nursing By-Law 1993			✓				✓						1998-1999
	<p><i>Apart from licensing of registered and enrolled nurses, legislation authorises individuals to practice certain types of nursing (ie. midwifery and psychiatric nursing). Legislation also requires that permanent head and teaching staff of a hospital nursing school must be registered nurses.</i></p>												
Juvenile Smoking Suppression Act 1905	✓												Not proposed
	<p><i>Act prohibits sale of cigarettes to persons under age 16. Proposed to be replaced by new legislation which will extend the prohibition on sales to age 18, restrict vending machines to licensed premises and restrict certain marketing practices that may encourage the purchase of tobacco products. Current legislation, and proposed new legislation, does not contain restrictions on cigarette advertising (covered by Commonwealth regulations).</i></p>												

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
HEALTH PRACTITIONER LEGISLATION (refer to Appendix A on page 5 for listing of Acts and regulations in this category)			✓				✓						Review being finalised
<p><i>Currently all health practitioner legislation (except the Nursing Act 1992) is under comprehensive review within Queensland Health. Recommendations for reform of this body of legislation have been developed but not yet considered by the Queensland Government. The review has taken NCP legislation review requirements into account in formulating policy recommendations. All of these Acts currently provide for registration of the relevant practitioners in accordance with prescribed eligibility criteria and most control who may practice and, to a greater or lesser extent, restrict business practices (relating to matters such as advertising, ownership, use of business names, incorporation, formation of business associations, etc). As an example, the current provisions in regard to ownership controls are set out in Appendix B on page 6. If any restrictions on competition are retained following the Queensland Government's consideration of the current review's recommendation, the relevant legislation will be listed for specific review under NCP legislation review arrangements. The National Competition Council will be advised accordingly and a revised Queensland legislation review timetable relating to the Health portfolio will be developed. This may also involve the nomination of particular provisions for national or interjurisdictional review if similar restrictions are identified in the relevant legislation of the other jurisdictions.</i></p>													

APPENDIX A

Queensland Health Practitioner Legislation currently the subject of a review conducted by Queensland Health:

- Dental Technicians and Dental Prosthetists Act 1991 & Dental Technicians and Dental Prosthetists By-Law 1992.
- Occupational Therapists Act 1979 & Occupational Therapists Regulation 1981.
- Physiotherapists Act 1964 & Physiotherapists Regulation 1965.
- Podiatrists Act 1969 & Podiatrists By-Law 1988.
- Psychologists Act 1977 & Psychologists By-Law 1993.
- Speech Pathologists Act 1979 & Speech Pathologists By-Law 1982.
- Medical Act 1939, Medical Regulation 1990, Medical Call Service By-Law 1984 & Medical Board of Queensland By-Law 1990.
- Dental Act 1971 & Dental By-Law 1988.
- Pharmacy Act 1976 & Pharmacy By-Laws 1985.
- Optometrists Act 1974 & Optometrists By-Law 1984.
- Chiropractors and Osteopaths Act 1979 & Chiropractors and Osteopaths By-Law 1990.

APPENDIX B

Profession	Type of Control					
	Company structure with controlling interest by registrants	Practice in own name or in association of like practitioners with practice name approved by board	Company name only approved by board	Registrant only ownership & no provision for incorporation or company structures	Registrant only ownership with provision for company ownership provided all company members are registrants	No statutory controls
Chiropractic & Osteopathy	X					
Dental Technology & Prosthetics	X					
Occupational Therapy		X				
Speech Pathology		X				
Podiatry*		X				
Psychology			X			
Medicine			X			
Dentistry			X			
Pharmacy				X		
Optometry					X	
Physiotherapy						X

* The Podiatry Act also contains a specific provision prohibiting the opening of a podiatry practice by a person who is not a podiatrist.

Portfolio/Department: Training & Industrial Relations

Legend	PR - pricing restrictions	BC - business conduct restrictions
OP - outright prohibition	PS - preferred supplier/customer	MB - measures that confer a benefit
SM - statutory monopoly	LR - licensing or registration	NR - natural resources permits/licenses
LR - licensing or registration	QE - quantitative entitlements	RO - restrictions on out-of-State parties
QE - quantitative entitlements	QT - quality/technical standards	

Legislation	Nature of Restriction										Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO
Workers' Compensation Act 1990 & Workers' Compensation Regulation 1992		✓				✓		✓				1999-2000 (both for the current and for any replacement legislation)
<p><i>Provision for a statutory monopoly relates to issuing of workers' accident insurance only by the Workers' Compensation Board. Other States also have legislation to govern the operation of their respective workers' comp schemes with the Heads of Workers' Compensation Authorities currently working towards national consistency between the individual jurisdictions. The Queensland Government has recently (8/7/96) announced that it has endorsed the recommendations of the Kennedy Inquiry into Workers' Compensation Arrangements in Queensland which includes the retention of the current monopoly accident insurance arrangements for a three years with a further review at the end of that time.</i></p>												

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Workplace Health and Safety Act 1995 & Workplace Health and Safety Regulation 1995			✓				✓						1998-1999 for Act, 1996-1997 for Reg.
	<i>WH&S Regulation sunsetted to 30/6/97. Part 4 of Reg (licensing/registration requirements for persons engaging in particular business activities) embodies an agreed national scheme for certification of users and operators of industrial equipment developed by the National Occupational Health and Safety Commission. Work proceeding on the development of various compliance standards to underpin the operation of the Act and to replace current heavily prescriptive arrangements.</i>												
Trading (Allowable Hours) Act 1990 & Trading (Allowable Hours) Regulation 1994							✓						1998-1999
	<i>Legislation regulates the allowable trading hours of different types of shops (especially retail outlets) including provisions for certain closures (eg. Anzac Day and bank holidays) and was subject to extensive review process during 1993-1994. Queensland Government has commissioned a review of the matter of extended (night) shopping hours in the retail sector. The outcome of this review exercise may influence the timing of the NCP review of Act. Trading hours restrictions apply in most other jurisdictions.</i>												
Private Employment Agencies Act 1983 & Private Employment Agencies Regulation 1989			✓							✓			1998-1999
	<i>Legislation provides for licensing and operational requirements regarding private employment agencies, including restrictions on fees that can be charged to employees. New legislation awaiting introduction into the Parliament also provides for regulation of the industry in a similar manner. NSW, SA and WA also have legislation in regard to private employment agents (and Victoria in regard to nursing agencies).</i>												

Legislation	Nature of Restriction										Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO
Vocational Education, Training and Employment Act 1991 & Vocational Education, Training and Employment Regulation 1991	✓	✓	✓						✓			1998-1999
<p><i>Creation of a statutory monopoly relates to State Training Council in regard to administration of apprenticeship and traineeship schemes and Accreditation Council in regard to certain courses and training programs. A review of the Act is currently underway. Other jurisdictions have broadly similar legislation to give effect, as with the Qld Act, to the National Vocational Education and Training Statement which forms part of a national scheme for training (Australian National Training Authorities Agreement) as provided for under the Australian National Training Authority Act.</i></p>												

Portfolio/Department: Justice

Legend	
PR - pricing restrictions	BC - business conduct restrictions
OP - outright prohibition	PS - preferred supplier/customer
SM - statutory monopoly	MB - measures that confer a benefit
LR - licensing or registration	NR - natural resources permits/licenses
QE - quantitative entitlements	RO - restrictions on out-of-State parties
QT - quality/technical standards	

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Legal Practitioners Act 1995	✓	✓	✓			✓							1998-1999
<p><i>This Act consolidates relevant provisions from other legislation namely the Supreme Court Acts 1867 and 1921 (relating respectively to prohibiting conveyancing other than by barristers, solicitors and certified conveyancers, and registration requirements for persons wishing to be admitted as barristers and solicitors), the Legal Assistance Act 1965 (contains certain restrictions on the conduct of a legal business), the Costs Act 1867 (prescribes a process for determining maximum prices to be charged for legal services by solicitors) and the Legal Practitioners Act Amendment Acts 1938 and 1968 (respectively relating to restricted practising requirements for solicitors and barristers, and registration requirements for solicitors and barristers including qualifications and administrative procedures). Review timing and extent will be influenced by general review of the legal profession by COAG Working Group.</i></p>													
Queensland Law Society Act 1952, Queensland Law Society Rule 1987, Qld Law Society (Indemnity) Rule 1987 & Continuing Legal Education Rule	✓	✓					✓						1998-1999 (for Act)
<p><i>Legislation requires annual practising certificates for persons directly or indirectly practising law (ie. a solicitor) which can only be issued by the Queensland Law Society. Certain business conduct requirements also prescribed (inc. practitioners required to pay an annual levy into a fidelity guarantee fund, to undertake various educational programs and practice courses and to take out indemnity insurance with QLS Master Policy or an insurer approved by QLS). Law Society Rules expire 1/7/97. Review timing and extent will be influenced by the outcome of the current review of the legal profession by a COAG Working Group.</i></p>													

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Trustee Companies Act 1968					✓	✓			✓				1997-1998
<p><i>Legislation restricts access into a particular market, namely by limiting 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 (ie. those cited in a schedule to the Act) and also prescribes a maximum commission chargeable against the estate. New uniform trustee companies legislation has been approved by the Standing Committee of Attorneys-General.</i></p>													

Portfolio/Department: Mines & Energy

Legend	PR - pricing restrictions
OP - outright prohibition	BC - business conduct restrictions
SM - statutory monopoly	PS - preferred supplier/customer
LR - licensing or registration	MB - measures that confer a benefit
QE - quantitative entitlements	NR - natural resources permits/licenses
QT - quality/technical standards	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO
Electricity Act 1994 & Electricity Regulation 1994			✓		✓	✓	✓	✓	✓			1996-1997 for Act, 1998-1999 for Regs
<p><i>Legislation contains extensive provisions relating to the conduct of the industry including the issuing of authorities for generation, transmission and supply entities; powers (inc "reserve Ministerial powers") about electricity pricing and restrictions on the trading activities of transmission and generation authorities and supply entities. Review needs to be in the context of the draft National Electricity Code, and co-ordinated with requirements under the COAG agreements on the establishment of a national electricity market and moves towards a national grid and national market for electricity. Regulation provides for the licensing of electrical workers (such as electricians) and electrical contractors. All jurisdictions have legislation pertaining to the particular circumstances of their electricity industry.</i></p>												

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Gas Act 1965 & Gas Regulations 1989		✓	✓	✓	✓	✓	✓		✓				1996-1997 for Act, 1998-1999 for Regs
	<p><i>Provisions of 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 requirement for Government approval for large gas contracts establishes a virtual statutory monopoly situation. Legislation also enables quantitative restrictions to be placed on supply of gas in certain (emergency) situations while Gas Tribunal has the power to recommend price restrictions. Gas Act and Regs are to be reviewed as part of the COAG agreement on free and fair trade in gas. Other jurisdictions have legislation pertaining to the particular circumstances of their gas industry. A common provision, as per Qld Gas Regs, is the licensing of persons engaged in gas installation and servicing which is considered essential for public safety.</i></p>												
Gas Suppliers (Shareholdings) Act 1972	✓						✓						1997-1998
	<p><i>Prohibition relates to a statutory limitation on level of ownership of shares in a nominated gas supplier (ie to prevent a corporate takeover) and hence restricts ownership of a gas utility although it only relates to one company at present. Similar restriction understood to apply in regard to same company in NSW.</i></p>												
Explosives Act 1952 & Explosives Regulation 1955	✓		✓										1998-1999
	<p><i>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.</i></p>												

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Coal Industry (Control) Act 1948 & Orders made under that Act				✓		✓	✓	✓					1996-1997
<p><i>Legislation contains a range of essentially "reserve powers" relating to the regulation of the industry by the Queensland Coal Board, most of which are currently dormant and have been for some time (including, for example, powers to compulsory acquire coal, to regulate prices for the sale, purchase or resale of coal and to regulate the opening, closing and abandonment of coal mines). Only one identified "live" restriction, namely certain Orders issued under the Act requiring certain users of coal to only purchase from specific coal mines (but which only relates to 3 small mines in the South-east of the State and therefore does not affect the major export coal mining operations). Legislation currently under review.</i></p>													
Liquid Fuel Supply Act 1984				✓			✓			✓			1997-1998
<p><i>Purpose of Act is to regulate the distribution of liquid fuels (petrol, diesel, LPG) in times of shortage/emergency but, to date, has never been activated. Similar legislation exists in the other States. At present the Qld legislation does not have any practical impact on commercial business activities.</i></p>													

Portfolio/Department: Natural Resources

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Land Act 1994							✓						1996-1997
	<p><i>Legislation provides for the administration and management of non-freehold lands and the legal creation of freehold land. Only one potential restriction identified, namely prohibition on corporations holding perpetual leases for grazing or agricultural purposes. Provision currently subject to review by Qld Government.</i></p>												
Surveyors Act 1977 and Surveyors Regulation 1992			✓								✓		1996-1997
	<p><i>Act provides for regulation of the practice of surveying and for registration of surveyors. Legislation currently subject to review in conjunction with the Valuers Registration Act. Regulation of cadastral surveyors considered essential in view of long standing practice of the Crown guaranteeing title to land based on cadastral surveys.</i></p>												
Valuers Registration Act 1992 and Valuers Registration Regulation 1992			✓								✓		1996-1997
	<p><i>Act provides for registration of valuers and for a Code of Professional Conduct. Currently subject to review in conjunction with the Surveyors Act.</i></p>												

Legislation	Nature of Restriction											Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO			
Metropolitan Water Supply and Sewerage Act 1909, Sewerage and Water Supply Act 1949 & the Standard Sewerage and Water Supply Laws		✓	✓				✓							1997-1999
	<p><i>Legislation prescribes requirements relating to water supply plumbing, sanitary plumbing and drainage, sewer installation and the management of water supply, sewerage and drainage utilities. Licensing requirements relate to persons undertaking plumbing and drainage work. Standard Sewerage and Water Supply Laws are administered by local governments. National plumbing and drainage codes are in the process of being adopted in all jurisdictions. MWS & S Act also provides for the control and supply of water in the Brisbane metropolitan area to be the sole responsibility of the Brisbane City Council and prescribes the purposes that domestic water can be used for. Legislation to be reviewed in conjunction with the implementation of the agreed COAG water reforms.</i></p>													
Water Resources Act 1989, Water Resources (Watercourse Protection) Regulation 1993, Water Resources (Rates and Charges) Regulation 1992, South East Queensland Water Board Act 1979, Gladstone Area Water Board Act 1984 and Townsville/Thuringowa Water Supply Board Act 1987			✓			✓	✓				✓			1997-1999
	<p><i>Legislation contains provisions relating to regulating the flow and control of water and for the construction and maintenance of dams and other water works. Water Resources Act includes requirements for transfer of water allocations and licensing of artesian bore drillers. Legislation to be reviewed in conjunction with the implementation of the agreed COAG water reforms. This process will also include both the Water Resources Act and the separate legislation providing for the administration and control of bulk water supply to major users (inc local governments) in certain defined areas of the State (namely South East Qld, the Gladstone area and Townsville-Thuringowa). Review of this legislation will need to be co-ordinated with review of relevant provisions of the Local Government Act relating to the operation of joint local government water supply boards and other water-related local government functions.</i></p>													

Portfolio/Department: Premier & Cabinet

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO
South Bank Corporation 1989, South Bank Corporation By-law 1992, South Bank Corporation Regulation 1992 & other relevant subordinate legislation							✓		✓			1998-1999
<p><i>Primary purpose of the legislation is the development and provision of public parkland and facilities within the declared Southbank area. To that end, various provisions in the Act modify or exclude the operation of certain other statutes (eg, the Southbank 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 Southbank compared to competitors outside the declared area.</i></p>												
Parliamentary Contributory Superannuation Act 1970	Act administered jointly with Treasury - refer entry under Treasury Acts for details.											

Portfolio/Department: Primary Industries

Legend	
PR - pricing restrictions	BC - business conduct restrictions
OP - outright prohibition	PS - preferred supplier/customer
SM - statutory monopoly	MB - measures that confer a benefit
LR - licensing or registration	NR - natural resources permits/licenses
QE - quantitative entitlements	RO - restrictions on out-of-State parties
QT - quality/technical standards	

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Agricultural Chemicals Distribution Control Act 1966 & Agricultural Chemicals Distribution Control Regulations 1970			✓		✓		✓						1998-1999
<p><i>Legislation regulates the distribution of agricultural chemicals from the air and from ground equipment. A national review of all Commonwealth and State/Territory agricultural and veterinary chemicals legislation, as recommended by the Commonwealth's Council on Business Regulation, is proposed under the auspices of the Agricultural and Veterinary Chemicals Policy Committee of the Standing Committee on Agriculture and Resource Management which in turn answers to the Agricultural and Resources Ministerial Council of Australia and New Zealand.</i></p>													
Chemical Usage (Agricultural and Veterinary) Control Act 1988 & Chemical Usage (Agricultural and Veterinary) Control Regulation 1989					✓								1998-1999
<p><i>Legislation designed to control the use of certain chemicals and the use of substances with chemical residues (notably declaration of hormone growth promotants usage for stock sales). A national working party is investigating the introduction of uniform legislation adopting national standards. HGP declarations required by EC for access to European beef markets. This legislation also included in the review of agricultural and veterinary chemicals legislation referred to above.</i></p>													
Chicken Meat Industry Committee 1976						✓							1996-1997
<p><i>Legislation provides a mechanism for negotiations and agreements between chicken meal producers and processors, including contract growing fees. Similar provisions in NSW, WA and Victorian legislation.</i></p>													

Legislation	Nature of Restriction											Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO			
City of Brisbane Market Act 1960 & City of Brisbane Market Regulation (formerly By-law) 1982	✓						✓						1997-1998	
<i>Legislation provides for the establishment and operation of the central wholesale fruit and vegetable market and provides for exclusive operation of such a market within the Brisbane metropolitan area by the Brisbane Market Authority. Broadly similar arrangements for capital city wholesale markets exist under NSW, WA and Victorian legislation.</i>														
Dairy Industry Act 1993, Dairy Industry (Market Milk Prices) Order 1995, Dairy Industry Regulation 1993 & Dairy Industry Standard 1993	✓	✓		✓		✓	✓						1997-1998	
<i>Legislation regulates various aspects of the dairy industry including delivery entitlements, quality control, licensing of manufacturers and the pricing of certain dairy products. Act sunsets "post farm gate" regulation on 31/12/98, similar regulatory regimes exist in other States with those States generally moving towards "post farm gate" deregulation. Regular pricing orders made to authorise price changes. Provisions for vesting of milk in Qld Dairy Authority current dormant.</i>														
Egg Industry (Restructuring) Act 1993	✓			✓									1997-1998	
<i>Act provides for the restructuring of the egg industry marketing and regulatory arrangements and includes transitional regulation of the production and marketing of eggs. Operation of the statutory monopoly (ie. the vesting of eggs) suspended with a proposal before the Qld Government for the repeal of these provisions. Other regulatory provisions (ie. hen quotas) currently sunsetted to 31/12/98. Egg production and marketing arrangements already deregulated in NSW, SA and Victoria.</i>														
Farm Produce Marketing Act 1964 & Farm Produce Marketing Regulation 1984		✓				✓	✓						1997-1998	
<i>Legislation regulates commercial arrangements for the sale of fruit and vegetables between producers and wholesalers (agents and merchants) and provides for licensing of agents and merchants and business conduct requirements. Conditions to qualify for licenses (eg. posting of fidelity bonds) and restrictions on the business practices of license holders (eg. regulation of maximum rates of commission) would be the principal areas for review. Act currently sunsetted to 31/12/99. Similar legislation exists in NSW and Victoria.</i>														

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Fisheries Act 1994 & Fisheries Regulation 1995				✓							✓		1998-1999
	<p><i>New legislation developed after extensive consultation with industry and designed to provide for the management, use and protection of fisheries resources and fish habitats and the management of the aquaculture industry. To that end, regulations provide for various types of management measures which, with one possible exception, are not considered to be restrictions on competition using the criteria in the Queensland guidelines used to identify such measures, but rather are considered to be legitimate resource management measures. Potential restrictions on competition in regard to output controls that apply for certain fisheries have been identified for review. Fisheries management legislation also exists in the other jurisdictions but differs significantly in scope and content to the Queensland legislation.</i></p>												
Forestry Act 1959 & Forestry Regulation 1987							✓				✓		1996-1997
	<p><i>Legislation provides for the management of the forest estate and contains a range of measures related to the management of that resource (including the regulation of both commercial forestry and recreational activities in State forest), most of which are not considered to be restrictions on competition using the criteria in the Queensland guidelines used to identify such measures. The only identified restriction on competition relates to a funding mechanism for industry research and development purposes which may be discriminatory in its application.</i></p>												
Fruit Marketing Organisation Act 1923		✓			✓		✓						1997-1998
	<p><i>The identified provisions in relation to the marketing of fruit and vegetables are either dormant or have expired. Remaining provisions relating to a statutory producer representative organisation in the fruit and vegetable industry are not considered to contain any measures that restrict competition. To be reviewed in conjunction with the other fruit marketing legislation (ie the Farm Produce Marketing Act and the City of Brisbane Market Act).</i></p>												

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Grain Industry (Restructuring) Act 1993		✓											Underway
	<p><i>Legislation provided for the restructuring of the previously statutory grain industry organisations and for certain transitional regulatory measures. Statutory monopoly powers relate to vesting arrangements for 3 grains only (wheat and barley State-wide and grain sorghum produced in Central Qld), currently sunsetted to 30/6/97. Review of vesting arrangements currently underway by a Government - industry review committee.</i></p>												
Meat Industry Act 1993 & Meat Industry Standard 1994					✓								Not proposed
	<p><i>Principal purpose of legislation is to provide a regulatory framework, based on quality assurance accreditation, for the hygienic slaughtering of livestock and the sale of wholesome meat to the public. The 1993 legislation in Qld represented a major move away from traditional heavily prescriptive regulatory arrangements towards a QA-based accreditation regime. Other jurisdictions also have legislation relating to the meat industry but there are significant differences in scope and content in some areas. While the Queensland legislation does prescribe quality and technical standards, these are not considered to represent a restriction on competition and, in any event, adopt national standards negotiated via the Agricultural and Resources Ministerial Council of Australia and New Zealand.</i></p>												
Primary Producers' Organisation and Marketing Act 1926 and Orders in Council pertaining to the commodity tobacco leaf		✓											1996-1997
	<p><i>Legislation provides for the constitution, powers, and functions of statutory commodity marketing boards and statutory producer representative bodies. Sole remaining marketing board (for tobacco leaf) is sunsetted to 31/12/96, but provisions setting out the procedure by which marketing boards could be established for various commodities remain in place. Provisions relating to statutory producer representative organisations are not considered to contain any measures that restrict competition. Act contains a review clause which effectively requires a review of the entire Act (not just for NCP purposes) by October 1997.</i></p>												

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Tobacco Industry Stabilisation Act 1965				✓									Not proposed
	<i>Act effectively dormant due to cessation of national tobacco industry stabilisation arrangements (and, consequentially, of State-based leaf quota schemes) as at 31/12/94. Act likely to be repealed depending on timing of restructuring arrangements in the tobacco industry.</i>												
Sawmills Licensing Act 1936 & Sawmills Licensing Regulation 1965			✓				✓						1996-1997
	<i>Provides for the licensing of sawmills and plywood and veneer mills. Currently being reviewed as part of the development of new and consolidated natural resources legislation.</i>												
Sugar Industry Act 1991, Sugar Industry Regulation 1991, Sugar Industry (Assignment Grant) Guideline 1995		✓		✓			✓						Underway, to be completed by end 1996
	<i>Legislation enacts significant statutory marketing arrangements. Queensland Sugar Corporation has vesting powers (for raw sugar) and also allocates cane production entitlements. A comprehensive review of this legislation, which is intended to satisfy NCP legislation review requirements, is being undertaken by a review committee comprising Commonwealth, State and industry representatives in accordance with terms of reference agreed to by the Commonwealth and Queensland Governments.</i>												
Sugar Milling Rationalisation Act 1991							✓						As above
	<i>Act intended to provide a framework for rationalisation of milling operations but may in fact give rise to unintended restrictions on development of new mills. Being reviewed in conjunction with the review of the Sugar Industry Act.</i>												

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Veterinary Surgeons Act 1936, Veterinary Surgeons Regulation 1991 & Orders in Council (various) under the Veterinary Surgeons Act			✓				✓						1998-1999
<i>Legislation provides for licensing and conduct requirements for veterinary surgeons. Provisions relating to advertising and ownership of practices are the areas proposed for review.</i>													

Portfolio/Department: Tourism, Small Business & Industry

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Wine Industry Act 1994 & Wine Industry Regulation 1995			✓				✓						1998-1999
<p>The other States have licensing provisions for wine producers in the relevant liquor licensing legislation. Current Qld legislation introduced in Nov 1994 following extensive review of previous Act and contains mandatory review clause. Outcome of the National Inquiry into the Winegrape and Wine Industry may also impact on this legislation.</p>													
Indy Car Grand Prix Act 1990 & Indy Car Grand Prix Regulations 1990								✓					1996-1997
<p>Act provides for a nominated promoter as sole participant in the business activity of promoting the Indy Grand Prix with certain other exclusive rights attached (ie sale of film and television rights and sale of goods with the GP insignia and sale of other goods in a declared area during a declared period (ie the race days). Act currently sunsetted 31/12/96.</p>													
Liquor Act 1992 & Liquor Regulation 1992			✓					✓					1998-1999
<p>All States and Territories have liquor outlet licensing legislation. Most Liquor Acts, inc the Qld statute, define certain categories of licences, prescribe the relevant fee structure (including the payment of premiums for certain categories of licences) and provide restrictions on how liquor is sold and to whom. Not all jurisdictions have the same categories of licences with some other provisions tailored to particular circumstances. Qld and Tasmania are the only States which restrict take-away liquor sales to hotels and associated premises. Qld is only State with specific regulation for "detached bottle shops" with approvals for these restricted to general licence holders (ie hotels) with further restrictions as to the number any one hotel can establish and the distance from the hotel.</p>													

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Retail Shop Leases Act 1994 and Retail Shop Leases Regulation 1994									✓				1998-1999
<p><i>Act provides protection to leases 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. Review clause in Act requires review of entire statute by 28/10/99.</i></p>													
Industrial Development Act 1963							✓						1996-1997
<p><i>Only identified restriction relates to acquisition and use of land for industrial purposes (ie, in industrial estates) thereby precluding other uses (but only in a defined area).</i></p>													

Portfolio/Department: Office of Racing (Police Portfolio)

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LK - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO
Racing and Betting Act 1980, Racing and Betting Regulation 1981, Racing and Betting Act Notifications & Rules of Greyhound Racing, Racing and Betting Act & subordinate legislation	✓	✓	✓			✓						1997-1998
<p><i>All States regulate racing and betting with extensive regulatory arrangements to ensure the proper conduct of the industry and the probity of operators (such as bookmakers). Statutory monopoly provisions in Qld legislation relate to establishment of TAB to control totalisator betting and of control bodies for horse racing (Qld Principal Club), harness racing (Harness Racing Board) and greyhound racing (Greyhound Authority). Registration requirements apply for race, trotting and greyhound clubs while licensing requirements apply in respect of bookmakers (and their clerks) and totalisators. Matters such as recording of bets and conduct of betting, drug sampling and analysis, advertising and standard of facilities at race clubs are also prescribed. 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. Regs will expire in 1/7/97.</i></p>												
Racing Venues Development Act 1982							✓					1998-1999
<p><i>Act prescribes terms that apply to leases granted by trustees of racing venues and not considered to impose any significant restrictions on competition.</i></p>												

Portfolio/Department: Transport and Main Roads

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Transport Operations (Marine Safety) Act 1994 & Transport Operations (Marine Safety) Regulation 1995			✓					✓					1996-1997
<p><i>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). Only identified restriction on competition beyond the uniform standards relate to holding of licenses for piloting a ship. Review of Regulation prescribing sole provider of pilotage services in port of Brisbane to commence before 1/1/97.</i></p>													
State Transport Act 1960 & State Transport Regulation 1987	✓		✓					✓					1996-1997
<p><i>Restrictions apply in regard to carriage of goods by road. Currently, carriage of majority of goods by road allowed but certain goods excluded (eg. coal, coke, LPG, grain, etc) other than for short distances or if a permit is held for particular journeys. Act to be repealed upon proclamation of certain sections of the Transport (Road Use Management) Act (which will be no later than 1/7/97). Some matters may then be by way of regulation under that Act. Most provisions of State Transport Act and Regs have been reviewed in recent times, and in some cases repealed, as a result of development of new transport legislation and adoption of nationally agreed regime of regulations for heavy and light vehicles being developed by the National Road Transport Commission. Remaining provisions to be reviewed prior to expiry of Act.</i></p>													
State Transport (People-movers) Act 1989			✓									✓	1996-1997
<p><i>Provides for licensing and agreements for installation of people movers and also contains provisions which can override local government planning schemes. Provisions are scheduled for incorporation into the Transport Infrastructure Act during 1996-1997.</i></p>													

Legislation	Nature of Restriction											Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO			
Motor Vehicles Control Act 1975 & Motor Vehicles Control Regulation 1989			✓											Not proposed
Transport Operations (Passenger Transport) Act 1994 & Transport Operations (Passenger Transport) Regulation 1994		✓		✓		✓	✓	✓	✓					1998-1999
Transport Infrastructure Act 1994, Transport Infrastructure (State Controlled Roads) Regulation 1994, Transport Infrastructure (Railways) Regulation 1994 and Transport Infrastructure (Ports) Regulation 1994		✓	✓		✓				✓					1998-1999
	<p>Legislation deals with the development and management of transport infrastructure strategies and programs in regard to road transport, rail transport and ports. Identified restrictions (actual and potential) on competition of Queensland Rail's monopoly on haulage of export coal (ie, effectively a statutory monopoly for 5 years before access provisions apply (consistent with provisions of Commonwealth Competition Policy Reform Act 1995 re access regimes), accreditation requirement for the managers, and/or operation of a railway (with automatic interim accreditation provided for QR and other existing rail operators/managers), 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.</p>													

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Tow-truck Act 1973 & Tow-truck Regulation 1988			✓				✓						1997-1998
<p><i>Similar regulatory arrangements for the licensing of tow truck operators operate in the other jurisdictions. Nature of the industry is such that it is considered that a degree of regulation is required to protect the public against undesirable practices revealed in a number of recent inquiries, including CJC probes and the Commission of Inquiry into Operation Trident.</i></p>													
Carriage of Dangerous Goods by Road Act 1984 & Carriage of Dangerous Goods by Road Regulations 1989			✓				✓						Not proposed
<p><i>Legislation provides for a licensing regime for the carriage of certain goods and specific conditions which must be satisfied in the interests of public safety. To be repealed.</i></p>													
Motor Vehicle Safety Act 1980 and Motor Vehicle Safety Regulation 1994			✓				✓						Not proposed
<p><i>Legislation provides for the appointment of "approved examiners" (for the purpose of motor vehicle inspections) and "authorised officers" (for the purpose of carrying out certification of alterations or modification of vehicles). To be repealed on date fixed by proclamation under the Transport Operations (Road Use Management) Act 1995 (which will be no later than 1/7/97).</i></p>													
Motor Vehicle Driving Instruction School Act 1969 & Motor Vehicle Driving Instruction School Regulation 1988			✓				✓						Not proposed
<p><i>Legislation currently proposed for repeal in line with recommendation from Systematic Review of Business Legislation and Regulations program to deregulate the industry.</i></p>													

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
Transport Infrastructure (Roads) Act 1991, Transport Infrastructure (Roads) Regulation 1991 & Transport Infrastructure (State-controlled Roads) Regulation 1994			✓		✓		✓						Not proposed
<p><i>Legislation provides for various matters in regard to development and management of road transport infrastructure, including (by regulation) the issue of permits for heavy indivisible vehicles and loads and for over-dimension vehicles, the registration of vehicles (including conditions of registration such as registration fees and transfer requirements) and the operation of State-controlled roads. To be repealed on date fixed by proclamation under the Transport Operations (Road Use Management) Act 1995 (which will be no later than 1/7/97). Some matters currently prescribed by regulations under T.I. (Roads) Act may subsequently be prescribed by regulation under the T.O. (R.U.M.) Act in accordance with national standards developed via the National Road Transport Commission.</i></p>													

Portfolio/Department: Treasury

Legend	
OP - outright prohibition	PR - pricing restrictions
SM - statutory monopoly	BC - business conduct restrictions
LR - licensing or registration	PS - preferred supplier/customer
QE - quantitative entitlements	MB - measures that confer a benefit
QT - quality/technical standards	NR - natural resources permits/licenses
	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Superannuation (Government and Other Employees) Act 1988, Superannuation (State Public Sector) Act 1990, State Service Superannuation Act 1972, Parliamentary Contributory Superannuation Act 1970 and Police Superannuation Acts 1968 & 1974		✓											1996-1997
<p><i>Each Act provides for the operation of a contributory superannuation scheme. Statutory monopoly provision in each Act relates to requirement that Queensland Investment Corporation be the sole funds manager for the superannuation fund established under the Act.</i></p>													
Tobacco Products (Licensing) Act 1988 & Tobacco Products (Licensing) Regulation 1993			✓				✓						1998-1999
<p><i>Legislation provides for the licensing of tobacco wholesalers and retailers and requires premises used for these purposes to be specified by licensees. Also requires the keeping of sales records (ie. for the purposes of calculating the quantum of fees payable by a licensee).</i></p>													
Mortgages (Secondary Market) Act 1984 & Mortgages (Secondary Market) Regulations 1984			✓				✓						Not proposed
<p><i>Legislation in a transitional phase to deregulation. Act expires on 1/1/98 (or earlier if prescribed). NCP review considered unnecessary.</i></p>													

Legislation	Nature of Restriction											Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO			
Co-operative Housing Societies Act 1958			✓				✓							Not proposed
Friendly Societies Act 1991			✓				✓							Not proposed
Building Societies Act 1985			✓				✓							Not proposed
Financial Intermediaries Bill			✓				✓							1998-1999 (for Act)
<p><i>Act provides for the legislation and regulation of co-operative housing societies but is to be replaced by the proposed Financial Intermediaries Act (legislation in Bill form currently before Parliament).</i></p> <p><i>Work currently underway to establish a national scheme for the supervision and regulation of friendly societies with current intention for national scheme to commence 1/1/97.</i></p> <p><i>Act largely superseded by the Financial Institutions Scheme and now only applies to a limited number of "terminating building societies". Regulation of these remaining bodies to be transferred to proposed Financial Intermediaries Act.</i></p> <p><i>Bill currently before Parliament. Intended to replace Co-operative Housing Societies Act and remaining "live" provisions of Building Societies Act. Bill provides for a prudentially based supervisory system for societies in place of current heavily prescriptive regulatory regime.</i></p>														

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Motor Accident Insurance Act 1994			✓			✓							1998-1999
<i>Act contains review clause. Review currently scheduled to commence on 1/9/99. Each State has legislative provisions, in various forms, pertaining to compulsory third party (CTP) insurance, including licensing of insurers. Current Qld CTP scheme commenced 1/9/94 following extensive community consultation.</i>													
Lotteries Act 1994 & Regulations and Rules previously in force under the repealed Lotto Act 1981, Soccer Football Pools Act 1979 and Golden Casket Art Unions Act 1978	✓	✓											1998-1999
<i>Legislation establishes the Golden Casket Corporation with the sole right to conduct lotteries (conduct of lotteries otherwise prohibited by the Gaming Laws). Corporation a potential candidate for application of NCP competitive neutrality principles.</i>													
Gaming Machine Act 1991 & Gaming Machine Regulation 1991	✓	✓	✓		✓		✓						1997-1998
<i>Legislation provides for Government to have sole right to purchase gaming machines with Director of Machine Gaming, as agent of the Crown, being sole provider of gaming machines to licensed premises (limited to certain categories of liquor licence holders ie. hotels and clubs), subject to prescribed conditions (such as maximum number at individual sites). Under the Act, the possession and playing of gaming machines, which would otherwise be illegal, is made lawful at a licensed site. White paper on gaming machine regulation in process of preparation for consideration by Qld. Govt.</i>													
Casino Control Act 1982 & Casino Control Regulation 1984			✓		✓		✓						1998-1999
<i>Legislation provides for the granting of casino licenses by the Queensland Government subject to prescribed probity, structural, financial, etc qualifications and prescribes subsequent restrictions on 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. Separate "Agreement Acts" relate to each licensed casino, these effectively being contractual arrangements between the State and the respective licensees.</i>													

Legislation	Nature of Restriction										Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR		RO	
Art Unions and Public Amusements Act 1992 & Art Unions and Public Amusements Regulation 1992			✓		✓		✓						1998-1999
<p><i>Legislation currently subject to internal review with consideration being given to deregulation of public amusements. Current legislation provides for a range of licence, permit and approval requirements in regard to the conduct of art unions, bingo and other public amusements. Similar legislation exists in the other States.</i></p>													
Keno Bill 1996	✓												1996-1997
<p><i>Proposed legislation to permit the holder of a keno license 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). NCP issues to be resolved prior to introduction of Bill.</i></p>													

Portfolio/Department: Public Works & Housing

Legend	PR - pricing restrictions
OP - outright prohibition	BC - business conduct restrictions
SM - statutory monopoly	PS - preferred supplier/customer
LR - licensing or registration	MB - measures that confer a benefit
OE - quantitative entitlements	NR - natural resources permits/licenses
QT - quality/technical standards	RO - restrictions on out-of-State parties

Legislation	Nature of Restriction											Proposed Review Timing	
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO		
State Housing Act 1945, State Housing (Freeholding of Land) Act 1957, State Housing Regulation 1986 & Interest Rate Orders under these Acts						✓			✓				1996-1997
<p><i>Legislation contains various provisions that confer advantages or privileges on Qld Housing Commission that are not available to other housing providers (eg, Commission land not rateable, securities executed under the Acts not subject to stamp duty. Commission not subject to planning legislation). Extensive review of this legislation underway and at an advanced stage. NCP issues will be taken into account in finalising recommendations to Qld. Government. 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.</i></p>													
Queensland Building Services Authority Act 1991, Queensland Building Services Authority Regulation 1992 & Queensland Building Services Authority Policy 1995	✓		✓						✓				1997-1998
<p><i>Most jurisdictions regulate the building industry in some form (ie, licensing of contractors carrying out defined building work). Licensing requirements under QBSA Act & Regs cover a wide range of building occupations. Statutory monopoly in QBSA Act relates to the compulsory scheme of insurance, administered by the QBSA, against default of a licensed builder to rectify defects in new residential construction work. Scheme is seen as ancillary but essential to the principal regulatory function of licensing. The matter of a consistent national approach to licensing and warranty issues presently being considered by National Council of Licensing and Home Warranty Authorities and by a National Task Force established by the previous Prime Minister.</i></p>													

Legislation	Nature of Restriction											Proposed Review Timing		
	OP	SM	LR	QE	QT	PR	BC	PS	MB	NR	RO			
Residential Tenancies Act 1994 & Residential Tenancies Regulation 1995		✓					✓							Underway
<i>Act currently subject to review, NCP issues will be addressed during this exercise. Statutory monopoly provisions relate to Residential Tenancies Authority as sole body authorised to manage rental bonds. Similar requirements exist in most other jurisdictions.</i>														
Architects Act 1985 & Architects Regulation 1985			✓				✓							1998-1999
<i>Act provides for the registration of architects and for approved architectural companies. A draft discussion paper on the future of these arrangements has been prepared by the Board of Architects.Reg will expire on 1/7/97.</i>														
Professional Engineers Act 1988 & Professional Engineers Regulation 1992			✓				✓							1998-1999
<i>Act provides for the registration of professional engineers (in various divisions of the profession, ie. civil, mechanical, metallurgical, etc), professional engineering companies and professional engineering units within a company. A non-registered entity is prohibited from undertaking professional engineering services for fee or reward. Act also requires that, to be registered, an engineer must have a specified period of experience (5 years) which may be greater than that applying in the other States or nationally and which may therefore represent a relatively greater restriction on entry into the profession.</i>														
Libraries and Archives Act 1988		✓												Not proposed
<i>Act arguably contains a minor statutory monopoly provision in providing that public records of a "public authority" can only be disposed of by being deposited for storage with the State Archivist unless certain condition are met. New legislation dealing with archives has been drafted which will remove the current restriction relating to storage and disposal of public records.</i>														