

APPENDIX A

PROGRESS REPORT AS AT 31 AUGUST 1998

This Attachment deals with the status of all legislation listed for review under the Government's Legislation Review Program (LRP). Acts that have been repealed or that are expected to be repealed are included, but have been listed separately.

A number of reviews scheduled to commence in 1998 had not commenced at 31 August 1998. This is in line with the LRP where reviews of Acts may commence at any time during the year in which they are scheduled to be reviewed. This provides agencies with greater flexibility in managing their review programs. Where there are no comments in the status column, no progress had been made on that review at 31 August 1998. It should be noted that a review is considered to have commenced once the Terms of Reference have been approved by the Minister for Finance and the relevant Portfolio Minister.

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Adoption Act 1988	DCHS	1998	1998	A minor review of this Act has been completed and the restrictive provisions have been justified as being in the public benefit.
Ambulance Service Act 1982	DCHS	1997	1997	A minor review of this Act has been completed.
Child Welfare Act 1960	DCHS	1996	1997	The Children, Young Persons and Their Families Bill was passed by Parliament in 1997. The Bill deals with assistance and intervention in relation to children at risk of abuse or neglect which were previously contained in the Child Welfare Act. The childcare provisions contained in the Child Welfare Act will be retained and the Act is expected to be transferred to the Department of Education, Community and Cultural Development.
Dental Act 1982	DCHS	NAT	1998	A review of this Act is currently being undertaken and new legislation is expected to be developed. It will be assessed under the LRP gatekeeper requirements.
HIV/AIDS Preventative Measures Act 1993	DCHS	1998	1998	Preliminary work is underway for this review.
Hospitals Act 1918	DCHS	1996	1997	The review of the <i>Hospitals Act 1918</i> commenced in 1997 and will be progressed as two separate reviews. These will cover broader issues than would be required by the LRP.
Medical Practitioners Registration Act 1996	DCHS	NAT	1998	Preliminary work is underway for this review.
Mental Health Act 1996	DCHS	1999	1999	
Nursing Act 1995	DCHS	NAT	1998	Preliminary work is underway for this review.
Optometrists Registration Act 1994	DCHS	NAT	1998	Preliminary work is underway for this review.
Physiotherapists Registration Act 1951	DCHS	NAT	1997	New physiotherapists registration legislation is currently being drafted which is intended to replace the existing Act. The new legislation is being progressed under the LRP gatekeeper requirements.

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Podiatrists Registration Act 1995	DCHS	NAT	1998	Preliminary work is underway for this review.
Poisons Act 1971	DCHS	NAT	NAT	Victoria is developing the draft Terms of Reference for a national review of this regulatory area. The Department of Community and Health Services is drafting legislation to replace the <i>Poisons Act 1971</i> with two separate Bills dealing with licit drug use and illicit drug use. These Bills are being progressed under the LRP gatekeeper requirements.
Radiation Control Act 1977	DCHS	1996	NAT	New radiation control legislation is currently being drafted and will be assessed under the LRP gatekeeper requirements.
Sale of Condoms Act 1987	DCHS	1998	1998	Preliminary work is underway for this review.
School Dental Therapy Service Act 1965	DCHS	1997	1998	The requirement for this legislation is being assessed as part of the review of the <i>Dental Act 1982</i> .
Ben Lomond Skifield Management Authority Act 1995	DELM	1998	1998	The commencement of this review is pending the outcome of the minor review of the <i>National Parks and Wildlife Act 1970</i> .
Botanical Gardens Act 1950	DELM	1996	1996	A review of the by-laws has been completed and the review of the Act will be finalised during 1998.
Environmental Management and Pollution Control Act 1994	DELM	1998	1998	A major review of this Act has commenced.
Historic Cultural Heritage Act 1995	DELM	1998	1999	
Land Surveyors Act 1909	DELM	NAT	1998	A major review of this Act has commenced.
Land Use Planning and Approvals Act 1993	DELM	1999	1999	
Land Valuation Act 1971	DELM	1997	1997	A major review of this Act has been completed and the recommendations will soon be provided to the Government. The review was undertaken in conjunction with a LRP review of the <i>Valuers Registration Act 1974</i> .
National Parks and Wildlife Act 1970	DELM	1997	1997	A minor review of this Act is underway.
Survey Co-ordination Act 1944	DELM	1997	1998	Any restrictions on competition are to be repealed as part of a review of the <i>Land Surveyors Act 1909</i> .
Threatened Species Protection Act 1995	DELM	1999	1999	
Valuers Registration Act 1974	DELM	NAT	1997	A major review of this Act has been completed and the recommendations will soon be provided to the Government. The review has been undertaken in conjunction with a LRP review of the <i>Land Valuation Act 1971</i> .
Wellington Park Act 1993	DELM	1998	1998	The commencement of this review is pending the outcome of the minor review of the <i>National Parks and Wildlife Act 1970</i> .
Whales Protection Act 1988	DELM	NAT	1998	Preliminary work is underway for this review.
Inland Fisheries Act 1995	DELM - IFC	1996	1997	A major review of this Act has commenced.
Building and Construction Industry Training Fund Act 1990	DETCCD	1997	1998	The review of this Act has been deferred until 1998 in order to fully identify the anti-competitive restrictions contained in the Act.
Christ College Act 1926	DETCCD	1999	1999	
Education Act 1994	DETCCD	1999	1999	
Education Providers Registration (Overseas Students) Act 1991	DETCCD	NAT	1999	A State-based review of this Act will commence in 1999.

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Hutchins School Act 1911	DETCCD	1999	1999	
Universities Registration Act 1995	DETCCD	NAT	1998	A State-based review of this Act will commence in 1998.
Business Names Act 1962	DOJ	NAT	1998	A minor review of this Act has been completed and the restrictive provisions have been justified as being in the public benefit.
Companies (Acquisition of Shares) (Application of Laws) Act 1981	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Companies (Acquisition of Shares) (Tasmania) Code	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Companies (Application of Laws) Act 1982	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Companies (Tasmania) Code	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Companies and Securities (Interpretation and Miscellaneous Provisions) (Tasmania) Code	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Companies and Securities (Miscellaneous Amendments) Act (No. 2) 1982	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Companies and Securities Legislation (Miscellaneous Amendments) Act 1982	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Companies Auditors and Liquidators Disciplinary Board Act 1982	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Corporations (Tasmania) Act 1990	DOJ	NAT	NAT	A review of all areas of corporations law is being undertaken by a Commonwealth review body. New legislation will replace this Act.
Futures Industry (Application of Laws) Act 1987	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Futures Industry (Tasmania) Code	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Legal Profession Act 1993	DOJ	NAT	NAT	The three references recommended by COAG's Legal Profession Reform Working Group are with the Commonwealth Treasurer awaiting referral to an appropriate review body. Other issues are being progressed at State level.
Partnership Act 1891	DOJ	1998	1998	A minor review of this Act has been completed and the restrictive provisions have been justified as being in the public benefit.
Securities Industry (Application of Laws) Act 1981	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .
Securities Industry (Tasmania) Code	DOJ	NAT	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. This Act currently has no effect except in relation to breaches that occurred prior to the introduction of the <i>Corporations (Tasmania) Act 1990</i> .

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Stock, Wool, and Crop Mortgages Act 1930	DOJ	1998	1998	This Act is being considered in accordance with a general review of the <i>Bill of Sales Act 1930</i> . It is likely that the Act will be repealed and replaced by new legislation that will be assessed under the LRP gatekeeper requirements.
Auctioneers and Real Estate Agents Act 1991	DOJ - OCA	NAT	1998	A State-based review of this Act will commence in 1998.
Classification (Publications, Films and Computer Games) Enforcement Act 1995	DOJ - OCA	NAT	1999	A minor review of this Act has been completed and the restrictive provisions have been justified as being in the public benefit.
Commercial and Inquiry Agents Act 1974	DOJ - OCA	NAT	1999	A State-based review of this Act will commence in 1999.
Door to Door Trading Act 1986	DOJ - OCA	1999	1999	
Fair Trading Act 1990	DOJ - OCA	1997	1998	A minor review of this Act has commenced.
Flammable Clothing Act 1973	DOJ - OCA	NAT	1998	A minor review of this Act has been completed and the restrictive provisions have been justified as being in the public benefit.
Goods (Trade Descriptions) Act 1971	DOJ - OCA	NAT	1998	A minor review of this Act has been completed and the restrictive provisions have been justified as being in the public benefit, with the exception of one provision, which is being further assessed.
Housing Indemnity Act 1992	DOJ - OCA	1998	1998	This Act is likely to be repealed and replaced by new building legislation which will be assessed under the LRP gatekeeper requirements.
Sale of Hazardous Goods Act 1977	DOJ - OCA	NAT	1999	A State-based review of this Act will commence in 1999.
Second-hand Dealers and Pawnbrokers Act 1994	DOJ - OCA	1999	1999	
Travel Agents Act 1987	DOJ - OCA	NAT	NAT	The Terms of Reference for this review have been approved by the Ministerial Council on Consumer Affairs and the review is underway.
Firearms Act 1996	DOPPS	1999	1999	
Petroleum Products Emergency Act 1994	DOPPS	1998	REM	This Act has been removed from the LRP timetable. The legislation requires that any restrictions must be justified in the public benefit, therefore no further justification was considered necessary.
Police Offences Act 1935	DOPPS	1997	1998	New legislation is to be developed to replace this Act. It will be assessed under the LRP gatekeeper requirements.
Air Navigation Act 1937	DOT	NAT	NAT	The anti-competitive elements will be considered as part of the Industry Commission's review of the International Air Services Agreement.
Burnie to Waratah Railway Act 1939	DOT	1997	1998	Review of this Act has been deferred pending proclamation of the <i>Rail Safety Act 1997</i> . It is considered that the safety and access provisions in this Bill will negate the need for this legislation.
Don River Tramway Act 1974	DOT	1997	1998	Review of this Act has been deferred pending proclamation of the <i>Rail Safety Act 1997</i> . It is considered that the safety and access provisions in this Bill will negate the need for this legislation.
Emu Bay Railway Act 1976	DOT	1997	1998	Review of this Act has been deferred pending proclamation of the <i>Rail Safety Act 1997</i> . It is considered that the safety and access provisions in this Bill will negate the need for this legislation.
Railways Clauses Consolidation Act 1901	DOT	1996	1998	Review of this Act has been deferred pending proclamation of the <i>Rail Safety Act 1997</i> . It is considered that the safety and access provisions in this Bill will negate the need for this legislation.
Roads and Jetties Act 1935	DOT	1998	1998	

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Taxi Industry Act 1995	DOT	NAT	1998	A review of this Act has commenced.
Traffic Act 1925	DOT	1996	1996	This Act has been substantially reviewed in terms of the restrictive provisions of Part III, by the independent Committee of Review into Public Vehicle Licensing in Tasmania, chaired by Mr David Burton (the "Burton Review"). The anti-competitive provisions in Part III will be replaced by the <i>Passenger Transport Act 1997</i> , the <i>Passenger Transport (Consequential and Transitional) Act 1997</i> and the <i>Traffic Amendment (Accreditation and Miscellaneous) Act 1997</i> . A Bill which will replace the remainder of the Traffic Act will be progressed under the LRP gatekeeper requirements during 1998.
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1895	DOT	1997	1998	Review of this Act has been deferred pending proclamation of the <i>Rail Safety Act 1997</i> . It is considered that the safety and access provisions in this Bill will negate the need for this legislation.
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1896	DOT	1997	1998	Review of this Act has been deferred pending proclamation of the <i>Rail Safety Act 1997</i> . It is considered that the safety and access provisions in this Bill will negate the need for this legislation.
Van Dieman's Land Company's Waratah and Zeehan Railway Act 1948	DOT	1997	1998	Review of this Act has been deferred pending proclamation of the <i>Rail Safety Act 1997</i> . It is considered that the safety and access provisions in this Bill will negate the need for this legislation.
Wee Georgie Wood Steam Railway Act 1977	DOT	1997	1998	Review of this Act has been deferred pending proclamation of the <i>Rail Safety Act 1997</i> . It is considered that the safety and access provisions in this Bill will negate the need for this legislation.
Agricultural and Veterinary Chemicals (Control of Use) Act 1995	DPIF	NAT	NAT	The Commonwealth is consulting with the States on the Terms of Reference for national reviews of the agricultural and veterinary based Acts and will develop its own Terms of Reference for a national review of industrial chemicals legislation.
Agricultural and Veterinary Chemicals (Tasmania) Act 1994	DPIF	NAT	NAT	The Commonwealth is consulting with the States on the Terms of Reference for national reviews of the agricultural and veterinary based Acts and will develop its own Terms of Reference for a national review of industrial chemicals legislation.
Animal Farming (Registration) Act 1994	DPIF	1998	1998	Terms of Reference are being developed for this review.
Animal Health Act 1995	DPIF	NAT	1999	A State-based review of this Act will commence in 1999.
Animal Welfare Act 1993	DPIF	1999	1999	
Apiaries Act 1978	DPIF	1996	1996	A LRP review of this Act has been undertaken and the recommendations will soon be presented to the Government.
Apple and Pear Industry (Crop Insurance) Act 1982	DPIF	1996	1996	A LRP review of this Act has been undertaken and the recommendations will soon be presented to the Government.
Biological Control Act 1986	DPIF	NAT	REM	This Act has been removed from the LRP timetable. Advice from the National Competition Council, dated 28 July 1997, states that this Act does not contain restrictions on competition and therefore does not need to be reviewed.
Fertilizers Act 1993	DPIF	1996	1999	
Irrigation Clauses Act 1973	DPIF	1999	1998	This Act is being reviewed as part of the implementation of the COAG reform agenda for the Australian water industry. As announced in the 1997-98 Budget Speech, the Government will introduce a Bill to replace the <i>Water Act 1957</i> and associated legislation which will provide much needed reforms. This legislation will be assessed under the LRP gatekeeper requirements.
Living Marine Resources Management Act 1995	DPIF	1999	1999	
Marine Farming Planning Act 1995	DPIF	NAT	1999	
Meat Hygiene Act 1985	DPIF	1996	1998	A major review of this Act has commenced.
Primary Industry Activities Protection Act 1995	DPIF	1999	1999	

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Seeds Act 1985	DPIF	NAT	1999	
Sewers and Drains Act 1954	DPIF	1998	1998	This Act is being reviewed as part of the implementation of the COAG reform agenda for the Australian water industry. As announced in the 1997-98 Budget Speech, the Government will introduce a Bill to replace the <i>Water Act 1957</i> and associated legislation which will provide much needed reforms. This legislation will be assessed under the LRP gatekeeper requirements.
Stock (Brands and Movement) Act 1984	DPIF	NAT	1999	
Thomas Owen and Co. (Australia) Limited Act 1948	DPIF	1998	1998	This Act is being reviewed as part of the implementation of the COAG reform agenda for the Australian water industry. As announced in the 1997-98 Budget Speech, the Government will introduce a Bill to replace the <i>Water Act 1957</i> and associated legislation which will provide much needed reforms. This legislation will be assessed under the LRP gatekeeper requirements.
Vernin Destruction Act 1950	DPIF	NAT	1999	
Veterinary Surgeons Act 1987	DPIF	NAT	1999	
Water Act 1957	DPIF	1996	1998	This Act is being reviewed as part of the implementation of the COAG reform agenda for the Australian water industry. As announced in the 1997-98 Budget Speech, the Government will introduce a Bill to replace the <i>Water Act 1957</i> and associated legislation which will provide much needed reforms. This legislation will be assessed under the LRP gatekeeper requirements.
Waterworks Clauses Act 1952	DPIF	1996	1998	This Act is being reviewed as part of the implementation of the COAG reform agenda for the Australian water industry. As announced in the 1997-98 Budget Speech, the Government will introduce a Bill to replace the <i>Water Act 1957</i> and associated legislation which will provide much needed reforms. This legislation will be assessed under the LRP gatekeeper requirements.
Egg Industry Act 1988	DPIF - EMB	NAT	1998	A major review of this Act has commenced.
Grain Reserve Act 1950	DPIF - TGEB	1997	1998	
Racing Act 1983	DPIF - TRA	NAT	1998	A State-based review of this Act will commence in 1998.
Forest Practices Act 1985	FPB	NAT	1998	A minor review of this Act has commenced.
Florentine Valley Paper Industry Act 1935	FT	1997	1998	This Act is being reviewed as part of the implementation of the COAG reform agenda for the Australian water industry. As announced in the 1997-98 Budget Speech, the Government will introduce a Bill to replace the <i>Water Act 1957</i> and associated legislation which will provide much needed reforms. This legislation will be assessed under the LRP gatekeeper requirements.
Forestry Act 1920	FT	1997	1998	A minor review has been completed and the majority of the restrictions on competition are to be removed from the Act. The remainder of the restrictions were justified during the Regional Forestry Agreement process.
Wesley Vale Pulp and Paper Industry Act 1961	FT	1997	1998	This Act is being reviewed as part of the implementation of the COAG reform agenda for the Australian water industry. As announced in the 1997-98 Budget Speech, the Government will introduce a Bill to replace the <i>Water Act 1957</i> and associated legislation which will provide much needed reforms. This legislation will be assessed under the LRP gatekeeper requirements.
Motor Accidents (Liabilities and Compensation) Act 1973	MAIB	1997	1997	A LRP review of this Act has been undertaken and the Government has agreed to the recommendations of the review body.
Electricity Supply Industry Act 1995	OEPC	1999	1999	
Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995	OEPC	1997	1998	This Act is being reviewed as part of the implementation of the COAG reform agenda for the Australian water industry. As announced in the 1997-98 Budget Speech, the Government will introduce a Bill to replace the <i>Water Act 1957</i> and associated legislation which will provide much needed reforms. This legislation will be assessed under the LRP gatekeeper requirements.
Architects Act 1929	P&C - LGO	NAT	1999	The commencement of a State-based review has been deferred to 1999, pending the commencement of a national review.

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Dog Control Act 1987	P&C - LGO	1996	1997	A minor review of this Act has been completed and the restrictive provisions have been justified as being in the public benefit.
Local Government (Building and Miscellaneous Provisions) Act 1993 - (except in relation to health issues)	P&C - LGO	NAT	NAT	The LGO intends to introduce new building legislation to replace the building provisions of the existing <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> . The new legislation will be assessed under the LRP gatekeeper requirements. In relation to the Building Code of Australia (and the model Building Act), the Committee on Regulatory Reform is considering the scope of a national review in this area with respect to National Competition Policy issues.
Local Government (Highways) Act 1982	P&C - LGO	1997	1998	A review of this Act was deferred due to the large legislative review program being undertaken by the LGO in 1997.
Local Government Act 1993	P&C - LGO	1996	1998	A review of this Act has been delayed pending the outcome of the Government's intention to pursue council amalgamations. Preliminary work is now underway for this review.
Port Arthur Historic Site Management Authority Act 1987	PAHSMA	1997	1998	A review of this Act has been deferred until 1998 following considerable changes undertaken by the new Board in the management of the Authority during 1997. Preliminary work is now underway for this review.
Casino Company Control Act 1973	T&F	1998	1998	A minor review of this Act has commenced as part of a review of the State's gaming legislation.
Co-operative Housing Societies Act 1963	T&F	1998	REM	This Act will not be subject to review under the LRP as it does not restrict competition per se. It currently has no effect except in relation to existing loans under the Act and will be repealed following expiry of these loans.
Debits Tax Transfer Act 1990	T&F	EXC	EXC	
Financial Institutions Duty Act 1986	T&F	EXC	EXC	
Friendly Societies Act 1888	T&F	NAT	NAT	New nationally uniform friendly societies legislation is being prepared. It is being progressed under the LRP gatekeeper requirements.
Gaming Control Act 1993	T&F	1998	1998	A minor review of this Act has commenced as part of a review of the State's gaming legislation.
Land and Income Taxation Act 1910	T&F	EXC	EXC	
Land Tax Act 1995	T&F	EXC	EXC	
Pay-roll Tax Act 1971	T&F	EXC	EXC	
Petroleum Products Business Franchise Licences Act 1981	T&F	EXC	EXC	
Stamp Duties Act 1931	T&F	EXC	EXC	
Tasmanian Government Insurance Act 1919	T&F	1997	1999	This Act is expected to be repealed once the transitional issues associated with the sale of the TGIO's business are completed. This is expected to occur after 1 July 1999.
Tasmanian Public Finance Corporation Act 1985	T&F	1997	1998	A minor review of this Act has commenced.
The Hellyer Mine Agreement Ratification Act 1987	T&F	EXC	EXC	
Tobacco Business Franchise Licences Act 1980	T&F	EXC	EXC	
Trustee Act 1898	T&F	1998	1998	
Trustee Banks Act 1985	T&F	1998	1998	Terms of Reference are currently being drafted for this review.

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
TT-Line Gaming Act 1993	T&F	1998	1998	A minor review of this Act has commenced as part of a review of the State's gaming legislation.
Liquor and Accommodation Act 1990	T&F - LC	1996	1996	This review is nearing completion.
Racing and Gaming Act 1952 (except in relation to totalisator betting)	T&F/DPIF-TRA	1997	1998	The gaming components are to be reviewed in conjunction with a minor review of the State's gaming legislation. Racing components will form part of a major review of racing legislation which will commence in November 1998 and will be conducted by the TRA and an independent panel.
Racing and Gaming Act 1952 (in so far as it relates to totalisator betting)	T&F/DPIF-TRA	1997	1999	The TAB components will be reviewed following completion of a minor review of the State's gaming legislation.
Financial Management and Audit Act 1990	TAO	1997	1998	A minor review of this Act has been completed and the recommendations of the review body will soon be provided to the Government.
Dairy Industry Act 1994	TDIA	NAT	1998	A major review of this Act has commenced.
Copper Mines of Tasmania Pty Ltd (Agreement) Act 1994	TDR	EXC	EXC	
Goldamere Pty Ltd (Agreement) Act 1996	TDR	EXC	EXC	
Groundwater Act 1985	TDR	1997	1998	This Act is being reviewed as part of the implementation of the COAG reform agenda for the Australian water industry. As announced in the 1997-98 Budget Speech, the Government will introduce a Bill to replace the <i>Water Act 1957</i> and associated legislation which will provide much needed reforms. This legislation will be assessed under the LRP gatekeeper requirements.
Iron Ore (Savage River) Agreement Act 1965	TDR	EXC	EXC	
Iron Ore (Savage River) Arrangements Act 1996	TDR	EXC	EXC	
Iron Ore (Savage River) Deed of Variation Act 1990	TDR	EXC	EXC	
Mineral Resources Development Act 1995	TDR	1996	1998	Terms of Reference for this review have been drafted.
Fire Service Act 1979	TFS	1998	1998	Terms of Reference have been drafted for this review.
Construction Industry (Long Service) Act 1997	WSA	1999	1999	This Act, which contains an anti-competitive provision, was passed without complying with the LRP. As a result, it has been added to the LRP timetable.
Hairdressers' Registration Act 1975	WSA	1997	1998	
Plumbers and Gas-fitters Registration Act 1951	WSA	1997	1997	The review of this Act is nearing completion.
Shop Trading Hours Act 1984	WSA	1998	1999	The review of this Act has been deferred to coincide with Government commitments made in relation to shop trading hours.
Workers' (Occupational Diseases) Relief Fund Act 1954	WSA	1996	REM	This Act was mistakenly assessed as imposing a restriction on competition as at 1 July 1996. The restriction on competition initially identified was repealed by the <i>Workers' Compensation Legislation Amendment Act 1993</i> on 1 February 1994.
Workers' Rehabilitation and Compensation Act 1988	WSA	1996	1998	The Tasmanian Parliament established a Joint Select Committee to examine the further reform of this legislation. The Committee submitted its final report in May 1998 and as a result it is likely that new legislation will be developed which will be assessed under the LRP gatekeeper requirements. In addition, Heads of Government have agreed to consider the development of nationally consistent workers' compensation arrangements. The Labour Ministers' Council is responsible for co-ordinating this task. In light of these developments, the scheduled review of this Act has been deferred.

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Workplace Health and Safety Act 1995	WSA	1998	NAT	The Labour Ministers' Council has undertaken a review of the National Occupational Health and Safety Commission (NOHSC). On 30 May 1997, the Labour Ministers' Council agreed on a new direction for the NOHSC and a new role for the Council in approving any new occupational health and safety standards. Review options will be developed following an appraisal of the reforms to NOHSC.

REPEALS AND EXPECTED REPEALS AT 31 AUGUST 1998

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Chiropractors Registration Act 1982	DCHS	NAT	REP	This Act was repealed and replaced by the <i>Chiropractors and Osteopaths Registration Act 1997</i> . It was assessed under the LRP gatekeeper requirements as imposing minor restriction on competition which were justified as being in the public benefit.
Local Government (Building and Miscellaneous Provisions) Act 1993 - (in so far as it relates to health issues)	DCHS	1996	REP	The relevant sections of this Act are expected to be repealed. The repealing Acts will be assessed under the LRP gatekeeper requirements.
Medical Act 1959	DCHS	NAT	REP	This Act was repealed on 21 August 1996. The repealing Act, the <i>Medical Practitioners Registration Act 1996</i> , is included on the LRP timetable in place of a review of this Act.
Mental Health Act 1963	DCHS	1996	REP	This Act will be repealed when the <i>Mental Health Act 1996</i> is proclaimed.
Nursing Act 1987	DCHS	NAT	REP	This Act was repealed on 1 July 1996. The repealing Act, the <i>Nursing Act 1995</i> , is included on the LRP timetable in place of a review of this Act.
Pharmacy Act 1908	DCHS	NAT	REP	The Commonwealth has proposed a national review, in conjunction with a review of the Commonwealth's Community Pharmacy Agreement, to be undertaken in 1999. A State-based review was completed in January 1998. This review did not encompass the ownership issues to be considered as part of the national review. It is expected that this Act will be replaced by new legislation which will be assessed under the LRP gatekeeper requirements.
Podiatrists Registration Act 1974	DCHS	NAT	REP	This Act was repealed on 1 July 1996. The repealing Act, the <i>Podiatrists Registration Act 1995</i> , is included on the LRP timetable in place of a review of this Act.
Psychologists Registration Act 1976	DCHS	NAT	REP	New psychologists registration legislation has been drafted to replace the existing Act and is being progressed under the LRP gatekeeper requirements.
Public Health Act 1962	DCHS	NAT	REP	This Act is to be repealed and replaced by the <i>Public Health Act 1997</i> and <i>Food Act 1998</i> . The Commonwealth is consulting with the States on national reviews relating to food regulation, including a review of the Australia and New Zealand Food Authority Council Act and the Model Food Act.
Radiographers Registration Act 1971	DCHS	NAT	REP	New radiographers registration legislation (radiation technologists) is proposed to replace the existing Act and is being progressed under the LRP gatekeeper requirements.
Substandard Housing Control Act 1973	DCHS	1996	REP	This Act is expected to be repealed. The repealing Acts will be assessed under the LRP gatekeeper provisions.

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Therapeutic Goods and Cosmetics Act 1976	DCHS	NAT	REP	This Act is expected to be replaced by a new Therapeutic Goods Bill which will be progressed for Parliament in 1998 and will complement the existing Commonwealth Act relating to this matter. The new Bill will be assessed under the LRP gatekeeper requirements.
Tobacco Products (Labelling) Act 1987	DCHS	1998	REP	This Act was repealed by the <i>Public Health Act 1997</i> .
Environment Protection (Sea Dumping) Act 1987	DELM	NAT	REP	This Act is being reviewed as part of the State-based review of the <i>Environmental Management and Pollution Control Act 1994</i> . It is expected that the Act will be repealed.
Ida Bay Railway Act 1977	DELM	1997	REP	This Act will be repealed following the proclamation of the <i>Railway Management Act (Repeal) Act 1997</i> , which repeals the <i>Railway Management Act 1935</i> .
Renison Limited (Zeehan Lands) Act 1970	DELM	1997	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Vocational Education and Training Act 1994	DETCCD	NAT	REP	This Act is expected to be replaced by new legislation as a result of a recent review of TAFE and Adult Education. The new legislation will be assessed under the LRP gatekeeper requirements.
Australia and New Zealand Banking Group Act 1970	DOJ	1998	REP	This Act does not restrict competition per se. It deals with mergers and the rights of stakeholders and will eventually be repealed.
Bank of Adelaide (Merger) Act 1980	DOJ	1998	REP	This Act does not restrict competition per se. It deals with mergers and the rights of stakeholders and will eventually be repealed.
Co-operative Industrial Societies Act 1928	DOJ	1998	REP	New co-operatives legislation will repeal and replace this Act. The repealing legislation will be based on a model Bill agreed by the Standing Committee of Attorneys-General in 1996 and will be assessed under the LRP gatekeeper requirements.
Commercial Bank of Australia Limited (Merger) Act 1982	DOJ	1998	REP	This Act does not restrict competition per se. It deals with mergers and the rights of stakeholders and will eventually be repealed.
Commercial Banking Company of Sydney Limited (Merger) Act 1982	DOJ	1998	REP	This Act does not restrict competition per se. It deals with mergers and the rights of stakeholders and will eventually be repealed.
Evidence Act 1910	DOJ	1997	REP	This Act will be repealed and replaced by the <i>Uniform Evidence Bill 1998</i> . The Bill will be assessed under the LRP gatekeeper requirements.
Hobart Town Gas Company's Act 1854	DOJ	1997	REP	This Act is expected to be repealed following the wind-up of the Company.
Hobart Town Gas Company's Act 1857	DOJ	1997	REP	This Act is expected to be repealed following the wind-up of the Company.
Launceston Gas Company Act 1982	DOJ	1997	REP	This Act is likely to be repealed.
Launceston Savings Investment and Building Society Act 1955	DOJ	1996	REP	This Act was repealed by the <i>Legislation Repeal Bill 1996</i> .
Pawnbrokers Act 1857	DOJ	1999	REP	This Act was repealed on 1 June 1996. The repealing Act, the <i>Second-hand Dealers and Pawnbrokers Act 1994</i> , was included on the LRP timetable in place of a review of this Act.
Printers and Newspapers Act 1911	DOJ	1997	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Rules Publication Act 1953	DOJ	1997	REP	The restrictive provision in this Act were repealed and replaced by the <i>Legislation Publication Act 1996</i> which was proclaimed in early 1998. The repealing legislation was assessed under the gatekeeper requirements as not restricting competition or impacting on business.
Second-hand Dealers Act 1905	DOJ	1999	REP	This Act was repealed on 1 June 1996. The repealing Act, the <i>Second-hand Dealers and Pawnbrokers Act 1994</i> , was included on the LRP timetable in place of a review of this Act.

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Trustee Companies Act 1953	DOJ	NAT	REP	This Act will be repealed and replaced by new uniform trustee companies legislation which is being drafted by the Commonwealth. It will be assessed in accordance with NCP principles.
Hire-Purchase Act 1959	DOJ - OCA	1998	REP	This Act does not restrict competition per se. It has been replaced by the Consumer Credit Code and only relates to hire purchase contracts taken out prior to the introduction of the Code. It may eventually be repealed.
Lending of Money Act 1915	DOJ - OCA	1998	REP	This Act does not restrict competition per se. It has been replaced by the Consumer Credit Code and only relates to money lending contracts taken out prior to the introduction of the Code. It will eventually be repealed.
Mock Auctions Act 1973	DOJ - OCA	1998	REP	It is likely that this Act will be repealed.
Weights and Measures Act 1934	DOJ - OCA	NAT	REP	This Act will be repealed and replaced by State-based uniform trade measurement legislation. This legislation will be assessed under the LRP gatekeeper requirements.
Guns Act 1991	DOPPS	1998	REP	This Act was repealed on 13 November 1996. The repealing Act, the <i>Firearms Act 1996</i> , has been included on the LRP timetable in place of a review of this Act.
Devonport Airport (Special Provisions) Act 1980	DOT	1998	REP	This Act was repealed by the <i>Port Companies Act 1997</i> .
Hobart Bridge Act 1958	DOT	1996	REP	This Act was repealed by the <i>Legislation Repeal Bill 1996</i> .
Merchant Seamen Act 1935	DOT	NAT	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Mount Dundas and Zeehan Railway Act 1890	DOT	1997	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Mount Dundas and Zeehan Railway Act 1891	DOT	1997	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Mount Lyell and Strahan Railway Act 1892	DOT	1996	REP	This Act was repealed by the <i>Legislation Repeal Bill 1996</i> .
Mount Lyell and Strahan Railway Act 1893	DOT	1996	REP	This Act was repealed by the <i>Legislation Repeal Bill 1996</i> .
Mount Lyell and Strahan Railway Act 1896	DOT	1996	REP	This Act was repealed by the <i>Legislation Repeal Bill 1996</i> .
Mount Lyell and Strahan Railway Act 1898	DOT	1996	REP	This Act was repealed by the <i>Legislation Repeal Bill 1996</i> .
Mount Lyell and Strahan Railway Act 1900	DOT	1996	REP	This Act was repealed by the <i>Legislation Repeal Bill 1996</i> .
North Mount Lyell and Macquarie Harbour Railway Act 1897	DOT	1996	REP	This Act was repealed by the <i>Legislation Repeal Bill 1996</i> .
North Mount Lyell Mining and Railway Act 1901	DOT	1996	REP	This Act was repealed by the <i>Legislation Repeal Bill 1996</i> .
Railway Management Act 1935	DOT	1997	REP	This Act is awaiting repeal following proclamation of the <i>Rail Safety Bill 1997</i> . It relates to the control and management of Government owned and operated railways. Since the Government no longer owns or operates any railways, this Act has become redundant.
Railways (Transfer to Commonwealth) Act 1975	DOT	1997	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> . It has become redundant following the sale of Tasrail to the Commonwealth and the return to State ownership of railway land in accordance with the Railways Agreement between the Commonwealth and State Government.
Wynyard Airport (Special Provisions) Act 1982	DOT	1998	REP	This Act was repealed by the <i>Port Companies Act 1997</i> .

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Marine Act 1976	DOT - MAST	NAT	REP	This Act was repealed on 30 July 1997 and has been replaced by the <i>Marine and Safety Authority Act 1997</i> , the <i>Port Companies Act 1997</i> and the <i>Marine (Consequential Amendments) Act 1997</i> . These Acts have been assessed under the LRP gatekeeper requirements.
Metropolitan Transport Act 1954	DOT - MTT	1998	REP	This Act has been replaced by the <i>Metro Tasmania Act 1997</i> and <i>Metro Tasmania (Transitional and Consequential Provisions) Act 1997</i> . The new legislation has been assessed under the LRP gatekeeper requirements.
Clyde Water Act 1898	DPIF	1996	REP	This Act will be repealed by the new <i>Water Management Bill 1998</i> , which will be assessed under the LRP gatekeeper requirements.
Hobart Regional Water Act 1984	DPIF	1996	REP	This Act was repealed on 1 January 1997. The repealing Act, the <i>Hobart Regional Water (Arrangements) Act 1996</i> , has been assessed under the LRP gatekeeper requirements.
North Esk Regional Water Act 1960	DPIF	1996	REP	This Act was repealed by the <i>Northern Regional Water (Arrangements) Act 1997</i> .
North-West Regional Water Act 1987	DPIF	NAT	REP	This Act will be repealed by the <i>North West Regional Water (Arrangements) Act 1997</i> , which is due to commence in the later half of 1998. This Act was assessed under the LRP gatekeeper requirements.
Noxious Insects and Molluscs Act 1951	DPIF	NAT	REP	This Act was repealed and replaced by the <i>Plant Quarantine Act 1997</i> which was assessed under the LRP gatekeeper requirements.
Noxious Weeds Act 1964	DPIF	NAT	REP	The <i>Noxious Weeds Act 1964</i> is expected to be repealed and replaced by a dedicated Act which is currently being developed and will be progressed under the LRP gatekeeper requirements.
Pesticides Act 1968	DPIF	NAT	REP	This Act was repealed on 1 January 1997. The repealing Act, the <i>Agricultural and Veterinary Chemicals (Control of Use) Act 1995</i> , was included on the LRP timetable in place of a review of this Act.
Plant Diseases Act 1930	DPIF	NAT	REP	This Act was repealed and replaced by the <i>Plant Quarantine Act 1997</i> which was assessed under the LRP gatekeeper requirements.
Plant Protection Act 1994	DPIF	NAT	REP	The <i>Plant Protection Act 1994</i> was passed by Parliament in 1994, but not proclaimed due to inadequacies which later came to light. The Act is expected to be repealed and replaced by new legislation which will be progressed under the LRP gatekeeper requirements.
Rossarden Water Act 1954	DPIF	1996	REP	This Act will be repealed by the new <i>Water Management Bill 1998</i> , which will be assessed under the LRP gatekeeper requirements.
Salt-water Salmonid Culture (Supplementary Agreements Validation) Act 1992	DPIF	1998	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Salt-water Salmonid Culture Act 1985	DPIF	1998	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Stock Act 1932	DPIF	NAT	REP	This Act was repealed on 1 September 1996 and replaced with the <i>Animal Health Act 1995</i> , which was included on the LRP timetable in place of a review of this Act.
Veterinary Medicines Act 1987	DPIF	NAT	REP	This Act was repealed on 1 January 1997. The repealing Act, the <i>Agricultural and Veterinary Chemicals (Control of Use) Act 1995</i> , was included on the LRP timetable in place of a review of this Act.
Tasmanian Harness Racing Board Act 1976	DPIF - TRA	NAT	REP	This Act has been repealed and replaced by the <i>Racing Amendment Act 1997</i> , which resulted from the recent Racing Industry Review. This legislation was assessed under the LRP gatekeeper requirements as not restricting competition or impacting on business.

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Fisheries Act 1959	DPIF/DELM-IFC	1996	REP	This Act was repealed on 31 May 1996. The repealing Acts, the <i>Inland Fisheries Act 1995</i> , <i>Living Marine Resources Management Act 1995</i> and the <i>Marine Farming Planning Act 1995</i> , were included on the LRP timetable in place of this Act.
Henry Jones Limited (Huon Pine) Agreement Act 1978	FT	1998	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Huon Valley Pulp and Paper Industry Act 1959	FT	1997	REP	This Act was repealed by the <i>Legislation Repeal Act 1996</i> .
Pulpwood Products Industry (Eastern and Central Tasmania) Act 1968	FT	1996	REP	This Act was repealed by the <i>Legislation Repeal Act 1995</i> .
Hydro-Electric Commission (Doubts Removal) Act 1972	HEC	1997	REP	This Act was repealed on 6 November 1996. The repealing Acts were included on the LRP timetable in place of a review of these Acts. The repealing Acts consist of the <i>Electricity Supply Industry Act 1995</i> and the <i>Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995</i> .
Hydro-Electric Commission (Doubts Removal) Act 1982	HEC	1997	REP	This Act was repealed on 6 November 1996. The repealing Acts were included on the LRP timetable in place of a review of these Acts. The repealing Acts consist of the <i>Electricity Supply Industry Act 1995</i> and the <i>Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995</i> .
Hydro-Electric Commission Act 1944	HEC	1997	REP	This Act was repealed on 6 November 1996. The repealing Acts were included on the LRP timetable in place of a review of these Acts. The repealing Acts consist of the <i>Electricity Supply Industry Act 1995</i> and the <i>Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995</i> .
Loan (Hydro-Electric Commission) Act 1957	HEC	1997	REP	This Act was repealed on 6 November 1996. The repealing Acts were included on the LRP timetable in place of a review of these Acts. The repealing Acts consist of the <i>Electricity Supply Industry Act 1995</i> and the <i>Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995</i> .
Cremation Act 1934	P&C - LGO	1997	REP	Following the commencement of a minor review, a decision was made to repeal and replace this Act with new legislation to include matters related to burial. This new legislation will be assessed under the LRP gatekeeper requirements.
Aluminium Industry Act 1960	T&F	1997	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Electricity Consumption Levy Act 1986	T&F	EXC	REP	This Act was repealed by the <i>Hydro Electric Corporation (Consequential and Miscellaneous Provisions) Act 1996</i> .
Friendly Societies Act 1888	T&F	NAT	REP	New friendly societies legislation will be introduced that will be consistent with a national legislative model. This legislation will be assessed under the LRP gatekeeper requirements.
Port Huon Wharf Act 1955	T&F	-	REP	This Act contained a legislated restriction on competition, but was not listed on the LRP timetable. The Act was to be added to the LRP timetable, but was repealed on 30 July 1997.
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1985	T&F	1996	REP	This Act was repealed by the <i>Legislation Repeal Act 1996</i> .
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1987	T&F	1996	REP	This Act was repealed by the <i>Legislation Repeal Act 1996</i> .
The Mount Lyell Mining and Railway Company Limited (Continuation of Operations) Act 1992	T&F	1997	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> , as the relevant Company has met its environmental rehabilitation and management obligations as specified under the Act.
Trustee (Insured Housing Loans) Act 1970	T&F	1997	REP	This Act was repealed by the <i>Trustee Amendment (Investment Powers) Act 1997</i> .
Australian Titan Products Act 1945	TDR	1997	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .

Primary Act	Administering Agency	Original Review Date	Current Review Date	Status
Mining Act 1929	TDR	1997	REP	This Act was repealed on 1 July 1996. The repealing Act, the <i>Mineral Resources Development Act 1995</i> , was included on the LRP timetable in place of a review of this Act.
Mount Cameron Water Race Act 1926	TDR	-	REP	This Act contained a legislated restriction on competition, but was not originally listed on the LRP timetable. The Act provides, <i>inter alia</i> , for water rights to the Rushy Lagoon property. It will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Mount Read and Rosebery Mines Limited Leases Act 1916	TDR	1998	REP	It is likely that this Act will be repealed.
Petroleum (Submerged Lands) Act 1982	TDR	NAT	REP	This Act will be repealed and replaced by new nationally uniform legislation that is being developed by the Commonwealth. It will be subject to assessment in accordance with National Competition Policy principles.
United Milk Products Ltd (Amalgamation) Act 1981	TDR	1998	REP	This Act will be repealed by the <i>Legislation Repeal Bill 1998</i> .
Bank Holidays Act 1919	WSA	1997	REP	This Act is expected to be repealed and replaced with new public holidays legislation, which will be assessed under the LRP gatekeeper requirements
Dangerous Goods Act 1976	WSA	NAT	REP	This Act is expected to be repealed and replaced by new dangerous goods legislation. The new legislation is based on the National Road Transport Commission's legislative model for transport of dangerous goods by road, which has been expanded to include the use, storage and handling of dangerous goods. The new legislation has been assessed under the LRP gatekeeper requirements.
Gas Franchises Act 1973	WSA	1996	REP	This Act is expected to be repealed and replaced by new gas legislation which will be assessed under the LRP gatekeeper requirements.
Sunday Observance Act 1968	WSA	1997	REP	This Act is expected to be repealed.

Appendix B

THE NATIONAL COMPETITION POLICY AGREEMENTS

In October 1992, following the agreement of all Australian governments, the Prime Minister established a Committee of Inquiry to investigate and report on a recommended course of action to achieve consistent competition rules across Australia. The Committee was chaired by Professor Fred Hilmer and its final Report was released in August 1993.

The Hilmer Report recommended that a number of steps be taken to achieve universal application of Part IV of the Commonwealth's *Trade Practices Act 1974* (TPA) to both private and public business enterprises and that a series of "additional policy elements" be implemented by governments. These additional policy elements covered areas such as:

- the structural reform of public monopolies;
- the application of competitive neutrality principles to public sector businesses;
- processes for reviewing anti-competitive legislation;
- the establishment of State-based prices oversight regimes to apply to public sector monopolies; and
- guaranteed third party access to the services provided by essential infrastructure facilities.

The Report also recommended the establishment of two new national bodies to oversee the administration of the national competition policy framework - namely, the Australian Competition and Consumer Commission (ACCC) and the National Competition Council (NCC).

The recommendations contained in the Hilmer Report were the subject of discussion and negotiation between Commonwealth, State and Territory governments for nearly two years. Finally, at the COAG meeting on 11 April 1995, the parties agreed on the elements of a National Competition Policy (NCP) which are to be progressively implemented over time in order to boost the competitiveness and growth prospects of the national economy.

Three inter-governmental Agreements were signed at the April 1995 COAG meeting. These were

- the *Conduct Code Agreement* (relating to the TPA extension);
- the *Competition Principles Agreement* (relating to the "additional policy elements"); and
- the *Agreement to Implement the National Competition Policy and Related Reforms* (relating to the sharing of the financial benefits expected to flow from the implementation of NCP).

The NCP Agreements entered into by Heads of Government are summarised below.

THE CONDUCT CODE AGREEMENT (CCA)

The CCA provides for:

- the wider application of the restrictive trade practice provisions of Part IV of the Commonwealth's *Trade Practices Act 1974* (TPA) to encompass all private and public sector business activities. This included the removal of the 'Shield of the Crown' protection for certain State business activities, which previously did not have to comply with the requirements of Part IV of the TPA; and
- the establishment of the Australian Competition and Consumer Commission (ACCC), which is charged with administering the TPA and the *Prices Surveillance Act 1983*.

THE COMPETITION PRINCIPLES AGREEMENT (CPA)

The CPA effectively commits all Australian governments to progressing, over the next few years, micro-economic reforms in a wide range of areas in accordance with a set of well-defined principles.

The principles included in the Agreement require:

Monopoly Prices Oversight

- consideration to be given to the introduction of a regime to oversee the prices charged by GBEs that are monopoly, or near monopoly, suppliers of goods or services;

Competitive Neutrality

- government businesses to operate such that they do not enjoy any net competitive advantage simply as a result of their public ownership;

Reform of Public Monopolies

- the conduct of an independent review before either privatising, or introducing competition to, a traditional monopoly;

Legislation Review

- the review and, where governments consider it appropriate, the reform of all legislation that restricts competition by the year 2000; and

Access to Services Provided by Significant Infrastructure Facilities

- consideration to be given to introducing a legislated right for third parties to negotiate access to services provided by means of significant infrastructure facilities.

The CPA also makes all Australian governments responsible for the application of these principles to local government, establishes the National Competition Council (NCC) and sets out the consultative processes to be followed in relation to appointments to the NCC and the establishment of its work program.

THE AGREEMENT TO IMPLEMENT THE NATIONAL COMPETITION POLICY AND RELATED REFORMS

This Agreement provides for a sharing of the financial benefits flowing to the Commonwealth as a result of the States and Territories implementing the proposed reforms. It also requires each State and Territory to effectively implement COAG and other Agreements on:

- the establishment of a competitive national electricity market (for relevant jurisdictions);
- the establishment of a national framework for free and fair trade in gas (for relevant jurisdictions);
- a strategic framework for the efficient and sustainable reform of the Australian water industry; and
- an agreed package of road transport reforms.

This Agreement provides that the NCC is responsible for assessing Tasmania's progress in implementing NCP and related reforms for the purpose of recommending to the Commonwealth Treasurer whether the conditions for each tranche of NCP payments have been met.

Under the Agreement, the Commonwealth will firstly maintain the real per capita guarantee on Financial Assistance Grants (FAGs) on a rolling three year basis. This means that each year, the guarantee will be extended for a further year, providing the States and Territories with a continuous, guaranteed FAG pool for three years ahead. The real per capita guarantee was introduced at the 1994 Premiers' Conference and, under the terms of the Agreement, was also to apply to Commonwealth general purpose payments to local government.

In addition to this guarantee, the Agreement provides for additional 'competition' payments to be made to the States and Territories. These will be provided in three 'tranches' which, together with the per capita guarantee component of the FAG pool, will be dependent on the States and Territories implementing the agreed reforms. If a State or Territory has not undertaken the required action within the specified time frame, its share of the per capita guarantee on FAGs and of the NCP payments will be forfeited to the Commonwealth.

Each of the three NCP payment tranches is a cumulative, annual indexed payment of approximately \$216 million to the States and Territories (in 1998-99 prices) and will be distributed between the States and Territories on a per capita basis. The first tranche payments commenced in 1997-98, the second in 1999-2000 and the third in 2001-2002. After the third tranche is paid, the annual value to

Tasmania of the NCP 'competition' payments component will be approximately \$15.8 million (in 1998-99 prices). However, the exact size of Tasmania's payment in each year will depend on Tasmania's share of the national population over time.

ANTICIPATED NATIONAL COMPETITION POLICY PAYMENTS
(in 1998-99 prices)

Year	Per Capita FAG Guarantee*		Competition Payments		
	National Total	Tasmania's Share*	National Total	Tasmania's Share	Cumulative Total Tas. Payments
	\$m	\$m	\$m	\$m	\$m
1997-98	166.5	6.5	216.5	5.5	12.0
1998-99	347.2	13.4	216.5	5.4	18.9
1999-2000	516.0	19.7	433.0	10.7	30.3
2000-2001	681.2	25.5	433.0	10.5	36.0
2001-2002	840.8	31.5	649.5	15.7	47.2
2002-2003	999.6	37.5	649.5	15.7	53.2
2003-2004	1 154.2	43.3	649.5	15.7	59.0
2004-2005	1 304.8	48.9	649.5	15.7	64.6
2005-2006	1 451.3	54.4	649.5	15.7	70.1

* Based on constant national CPI and population growth and a constant share of the FAG pool to Tasmania for the years 1999-2000 and beyond.

It is important to note that the competition payments arising from the State's adherence to its NCP obligations do not represent 'compensation' to the States or Territories for the costs involved in undertaking reforms. Rather, they represent a sharing of the anticipated benefits arising from the implementation of NCP reforms. The structure of the payments to the States and Territories is based on the existence of vertical fiscal imbalance (VFI) regarding the revenue raising capacity and spending responsibilities of the Commonwealth and State and Territory Governments.

Specifically, VFI relates to the fact that, under the framework imposed by the Australian Constitution, the Commonwealth has the majority of the revenue raising responsibilities and the States and Territories have the bulk of the expenditure responsibilities. Consequently, the Commonwealth is expected to gain extra taxation revenue from the increased economic activity that accompanies NCP reforms. The NCP payments structure is designed to hand a proportion of this revenue gain back to the States and Territories.