

WOORABINDA ABORIGINAL SHIRE COUNCIL PUBLIC INTEREST TEST PLAN

1. BACKGROUND

In April 1995, the Commonwealth, State and local governments endorsed a package of legislative and administrative arrangements that underpin the National Competition Policy (**the NCP**). Under the NCP, all levels of government are committed to reviewing all legislation that contains measures that may restrict competition.

A Public Benefit Test (**PBT**) is the mechanism for conducting the legislation review process.

The NCP is implemented by an inter-governmental agreement signed by the Council of Australian Governments (**COAG**) and including the Competition Principles Agreement (**CPA**), which establishes the principles covering pro-competitive reform of government business enterprises and government regulation.

Under clause 5(1) of the CPA, all governments agreed to the principle that legislation should not restrict competition unless it can be demonstrated that:

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

The Public Interest Test (**PIT**) will be conducted against the principles and objectives set by the CPA.

In reviewing legislation that restricts competition, clause 5(9) of the CPA requires that the review should:

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

Without limiting the matters to be taken into account in a review, Clause 1(3) of the CPA sets out matters which should be taken into account, as follows:

- government legislation and policies relating to ecologically sustainable development;
- social welfare and equity considerations, including community service obligations;
- government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- economic and regional development, including employment and investment growth;
- the interests of consumers generally or of a class of consumers;

- the competitiveness of Australian businesses; and
- the efficient allocation of resources.

2. PROPOSED LOCAL LAWS

The Council is conducting a public interest test on possible anti-competitive provisions identified in the following proposed Local Laws and Subordinate Local Laws:

- Local Law No. 1 (Administration) 2014;
- Subordinate Local Law No. 1 (Administration) 2014;
- Local Law No. 2 (Animal Management) 2014;
- Subordinate Local Law No. 2 (Animal Management) 2014;
- Subordinate Local Law No. 3 (Community and Environmental Management) 2014;
- Local Law No. 4 (Indigenous Community Land Management) 2014; and
- Subordinate Local Law No. 4 (Indigenous Community Land Management) 2014.

A copy of the proposed Local Laws and Subordinate Local Laws can be accessed on Council's website:

- <http://www.woorabinda.qld.gov.au>,

or may be viewed at Council's offices at:

- 112 Munns Drive, Woorabinda, Queensland, 4713.

GENERAL

The Local Laws and Subordinate Local Laws introduce a number of potentially anti-competitive provisions including:

- prohibiting certain business;
- requiring approvals to carry on certain businesses;
- regulating the conduct of business;
- prescribing quality/technical standards to be observed in the conduct of certain businesses; and
- restricting access of businesses to the Woorabinda trust area.

3. ANTI-COMPETITIVE REVIEW OF LOCAL LAWS

Under section 38 of the *Local Government Act 2009*, a local government must not make a Local Law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions.

Section 15 of the *Local Government Regulation 2012* provides that an anti-competitive

provision is a provision that the local government identifies as creating:

- a barrier to entry into a market; or
- competition within a market,

after applying the Competition Policy Guidelines.

The Competition Policy Guidelines are identified in the document entitled '*National Competition Policy Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws*', Version ,1 published by the Department of Local Government, Community Recovery and Resilience in 2013.

TABLE OF PROVISIONS

The anti-competitive provisions identified in the proposed Local Laws and Subordinate Local Laws are outlined in the table in **Appendix 1**.

ALTERNATIVES TO PROPOSED ANTI-COMPETITIVE PROVISIONS

Alternatives available to local government which may achieve the objectives of the Local Laws and Subordinate Local Laws identified as anti-competitive are listed and include the following:

- Performance based regulation
- Codes of conduct
- Standards
- Education programs
- Economic incentives
- Industry accreditation
- Negative licensing

Woorabinda Aboriginal Shire Council has considered these alternatives but considers that the only viable alternative is regulation as provided for in the proposed Local Laws and Subordinate Local Laws.

Alternative arrangements requiring voluntary compliance by businesses fails, in the Council's view, to provide the level of environment and public health/safety standards Council is seeking, through the local laws, to implement and maintain.

4. TYPE OF REVIEW REQUIRED

The review of anti-competitive provisions in the Local Laws and Subordinate Local Laws will be conducted as a *minor* review on the basis that:

- The Local Laws and Subordinate Local Laws have been developed for social rather than economic objectives.
- The level of concern about the possible anti-competitive provisions are considered to be low and uncontroversial. The impact is on a very discrete number of possible local businesses and does not have state wide or national implications.

- The restrictions are introduced predominantly for health and safety reasons, for e.g. regulation of animals.
- A major review will have significant cost with little or no likely reform.
- The restrictions impact on the local market, but the impact on the participants is low.
- The number of stakeholders involved in the review is low and impacts on stakeholders are low.
- Public consultation with local residents and business will be conducted.
- The complexity of the issues relating to the review is considered to be low and the level of uncertainty as to the impacts the changes will have on stakeholders is also considered to be low.
- The review will be conducted in-house.

5. CONSULTATION PROCESS TO BE UNDERTAKEN

Consultation with the public will be conducted by giving public notice of the review in the Koori Mail and Rockhampton Morning Bulletin, on Council's website and by inviting submissions. Public notices will also be posted on notice boards in the Council's administration office in Woorabinda.

Letters will be sent to existing businesses in Woorabinda that may be affected, interest groups and to relevant State Government departments advising of the potentially anti-competitive provisions.

This PIT Plan, the proposed Local Laws and the Subordinate Local Laws will be available for inspection on the Council's website and at the Council's office in Woorabinda free of charge.

6. KEY STAKEHOLDERS AFFECTED BY THE CURRENT SITUATION

The following key stakeholders have been identified as being affected by the current situation.

Stakeholders	Size	Distribution	Impact, rating and rationale
Commercial operators <i>Existing and potential businesses</i> Retailers	Unknown	<i>Direct mail to be sent to those businesses that are known to operate locally, notifying of the potentially anti-competitive provision, e.g. local store, post office and café.</i>	Moderate/Negative - Increased burden of compliance and costs of licensing
State Government		<i>Direct mail to be sent to the State Departments that are known to operate locally, notifying of the potentially anti-competitive provisions</i>	Low/Negative – Increased compliance costs of regulation
Animal Welfare Groups/Veterinarians		<i>Direct mail to be sent to those businesses that are known to operate locally, notifying of the potentially anti-competitive provisions e.g. private veterinarian and RSPCA</i>	Low – Increased compliance costs of regulation
Public	Approx. 1,000 persons	<i>Public notification to occur in the newspapers, on Council's website and at Council's administration office in Woorabinda</i>	Low – potential for increased non compliance with minimum standards

7. TIMETABLE FOR CONDUCTING THE PUBLIC INTEREST TEST

Commence public interest test	1 December 2014
Estimate of time for completing public interest test	6 Weeks
Public Consultation period	6 Weeks

8. CONTENT OF THE PUBLIC INTEREST TEST REPORT

At the conclusion of the public consultation, the Council will propose a Public Interest Test Report to include the following:

- a summary of the consultation process including a list of stakeholders consulted and the outcomes of consultation;
- any alternatives to the existing anti-competitive provisions and whether they are viable;
- recommendations.

A copy of the Public Interest Test Report will be made available on the Council's website, www.woorabinda.qld.gov.au.

Appendix 1

Possible Anti-Competitive Provisions

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
Local Law No. 1 (Administration) 2014	The purpose of this Local Law is to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws and subordinate local laws.	Section 5(1) – A person must not undertake prescribed activity without an approval granted by the local government.	3. 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; 7. 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-specified operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	Having regard to the definition of 'prescribed activity', certain business operators are to obtain an approval as a condition of operation of the business, for e.g. an approval is required to carry out the following prescribed activities: • carrying out works on a road; • installation of temporary advertising devices; • keeping of animals; • operation of camping grounds; • operation of caravan parks; • operation of private cemeteries; • operation of a pet shop, cattery or kennel; • operation of a public swimming pool; • operation of shared facility

¹ An anti-competitive provisions means a provision that local government applying the Competition Policy Guidelines identifies as creating a barrier to:

- (a) entry to a market; or
- (b) competition within a market.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
				accommodation; - operation of temporary entertainment events; and - holding of a public place activity². The approval may include conditions which restrict the conduct of the business such as; size of the premises, provision of specified facilities, geographical area of operation, advertising, etc.

² Refer to Schedules 2 -25 of Subordinate Local Law No. 1 (Administration) 2014

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 8(1) – An approval may be granted on such conditions as the local government considers appropriate.	5. 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; 7. 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-specified operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	Having regard to the definition of 'prescribed activity', certain business operators are to obtain an approval as a condition of operation of the business, for e.g. an approval is required to carry out the following prescribed activities: • carrying out works on a road; • installation of temporary advertising devices; • keeping of animals; • operation of camping grounds; • operation of caravan parks; • operation of private cemeteries; • operation of a pet shop, cattery or kennel; • operation of a public swimming pool; • operation of shared facility accommodation; • operation of temporary entertainment events; and • holding of a public place activity³.

³ Refer to Schedules 2 -25 of Subordinate Local Law No. 1 (Administration) 2014

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
				The approval may include conditions which restrict the conduct of the business such as; size of the premises, provision of specified facilities, geographical area of operation, advertising, etc.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 14(1) – The local government may amend, cancel or suspend an approval.	1. An outright prohibition in regard to any particular business activity;	The local government may prevent businesses from carrying out activities if the local government reasonably considers it is necessary for the protection of public health and safety, or, to prevent environmental harm or for another purpose provided for in subsection 1.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 15(1) – A local government may immediately suspend an approval.	1. An outright prohibition in regard to any particular business activity;	The local government may prevent businesses from carrying out activities if the local government reasonably considers it is necessary for the protection of public health and safety, or, to prevent environmental harm or for another purpose provided for in subsection 1.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ⁴	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 22(1) – An authorised person may give a compliance notice requiring that the person remedy a contravention of the local laws, including the requirement to obtain an approval for certain prescribed activities.	3. 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; 5. 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; 7. 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-specified	Having regard to the definition of 'prescribed activity', certain business operators are to obtain an approval as a condition of operation of the business, for e.g. an approval is required to carry out the following prescribed activities: • carrying out works on a road; • installation of temporary advertising devices; • keeping of animals; • operation of camping grounds; • operation of caravan parks; • operation of private cemeteries; • operation of a pet shop, cattery or kennel; • operation of a public swimming pool; • operation of shared facility accommodation; • operation of temporary entertainment events; and • holding of a public place activity⁴.

⁴ Refer to Schedules 2 -25 of Subordinate Local Law No. 1 (Administration) 2014

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
			operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	The approval may include conditions which restrict the conduct of the business such as; size of the premises, provision of specified facilities, geographical area of operation, advertising, etc.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 24(1) – An authorised person may order a person to immediately stop a prescribed activity.	1. An outright prohibition in regard to any particular business activity;	The local government may prevent businesses from carrying out activities if the local government reasonably considers it is necessary for the protection of public health and safety, or, to prevent environmental harm or for another purpose provided for in subsection 1.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
Subordinate Local Law No. 1 (Administration) 2014	The purpose of the subordinate local law is to supplement Local Law No. 1 (Administration) 2014.	Section 10 – Prescribes activities which are the holding of public place activities.	3. 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;	Having regard to the definition of 'prescribed activity', certain business operators are to obtain an approval as a condition of operation of the business, for e.g. an approval is required to carry out the following prescribed activities: • carrying out works on a road; • installation of temporary advertising devices; • keeping of animals; • operation of camping grounds; • operation of caravan parks; • operation of private cemeteries; • operation of a pet shop, cattery or kennel; • operation of a public swimming pool; • operation of shared facility accommodation; • operation of temporary entertainment events; and holding of a public place activity⁵.

⁵ Refer to Schedules 2 -25 of *Subordinate Local Law No. 1 (Administration) 2014*

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ⁶	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 11, Schedules 2 – 25 – Sets out the matters for each prescribed activity.	3. 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;	Having regard to the definition of 'prescribed activity', certain business operators are to obtain an approval as a condition of operation of the business, for e.g. an approval is required to carry out the following prescribed activities: • carrying out works on a road; • installation of temporary advertising devices; • keeping of animals; • operation of camping grounds; • operation of caravan parks; • operation of private cemeteries; • operation of a pet shop, cattery or kennel; • operation of a public swimming pool; • operation of shared facility accommodation; • operation of temporary entertainment events; and holding of a public place activity⁶.

⁶ Refer to Schedules 2 -25 of *Subordinate Local Law No. 1 (Administration) 2014*

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
				The approval may include conditions which restrict the conduct of the business such as; size of the premises, provision of specified facilities, geographical area of operation, advertising, etc.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
Local Law No. 2 (Animal Management) 2014	The purpose of the Local Law is to regulate and manage the keeping and control of animals in the local government area.	Section 5(1) and (2) – The local government may prohibit the keeping of animals in prescribed circumstances.	1. An outright prohibition in regard to any particular business activity;	The prohibition of keeping of animals in prescribed circumstances may restrict the operation of businesses that involve keeping animals for instance, breeders, catteries and kennels.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 6(1) and (2) – Provides that the local government may, by subordinate local law, require an approval for keeping of animals in prescribed circumstances.	3. 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;	The prohibition of keeping of animals in prescribed circumstances may restrict the operation of businesses that involve keeping animals for instance, breeders, catteries and kennels.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 8(1) to (3) – The local government may specify minimum standards for the keeping of animals or a particular species or breed of animal.	7. 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-specified operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	The standards may include conditions which restrict the conduct of the business such as; size of the premises, provision of specified facilities, geographical area of operation, advertising, etc.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 41 – The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals for sale.	7. 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-specified operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	Provides for restrictions on the conduct of business, for example, the sale of animals by breeders or pet shops.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
Subordinate Local Law No. 2 (Animal Management) 2014	The purpose of the Subordinate Local Law is to supplement Local Law No. 2 (Animal Management) 2014.	Section 5 and Schedule 2 – Prescribes the animals that are prohibited to be kept.	1. An outright prohibition in regard to any particular business activity;	The prohibition of keeping of animals in prescribed circumstances may restrict the operation of businesses that involve keeping animals for instance, breeders, catteries and kennels.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 6 and Schedule 3 – Prescribes the circumstances in which an approval to keep animals is required.	3. 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; 7. 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-specified operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	Requires businesses that involve keeping animals to obtain an approval as a condition of operation of the business.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 8 – Prescribes the minimum standards for the keeping of animals.	7. 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-specified operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	Provides for restrictions on the conduct of businesses that involve keeping animals, for e.g. breeders, pet shops, catteries or kennels.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 17 and Schedule 11 – Prescribes the condition for the sale of animals.	7. 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-specified operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	Provides for restrictions on the conduct of businesses that involve the sale of animals, for e.g. by breeders or pet shops.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
Local Law No. 3 (Community and Environmental Management) 2011	The purpose of the Local Law is to protect the environment and public health, safety and amenity within the local government's area.	Section 11 – Prohibits the sale of a declared local pest. Section 12 – Prohibits introducing, propagating or breeding of a declared local pest.	1. An outright prohibition in regard to any particular business activity;	The prohibition on the sale or introduction of declared local pests may prevent the operation of businesses that involve the sale of animals or plants that become declared local pests.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 21 – Entitles the local government to, by subordinate local law, prescribe noise standards.	2. 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;	The prescription of noise standards may restrict the operation of businesses that emit noise that are regulated by the standards.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
Subordinate Local Law No. 3 (Community and Environmental Management) 2014	The purpose of the Subordinate Local Law is to supplement Local Law No. 3 (Community and Environment Management) 2011.	Section 11 – Entitles the local government to prescribe noise standards.	5. 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;	The prescription of noise standards may restrict the operation of businesses that emit noise that are regulated by the standards.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
Local Law No. 4 (Indigenous Community Land Management) 2014	The purpose of the Local Law is to enable the local government with jurisdiction over the trust area under the <i>Aboriginal and Torres Strait Islander Communities (Justice, Land And Other Matters) Act 1984</i> , to regulate the use of that area.	Sections 5 and 6 – The local government may, by subordinate local law, authorise only certain classes of persons to be within the trust area and/or require an approval to enter a trust area.	3. 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;	The restriction upon persons who may enter the trust area may restrict the operation of businesses in the trust area.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 13 – The local government may, by subordinate local law, prohibit or restrict activities within the local government controlled area or road.	1. An outright prohibition in regard to any particular business activity; 7. 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-specified operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	The restriction or prohibition of activities within the local government controlled area or road may prevent or restrict the operation of businesses that carry out activities within a local government controlled area or road.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 14 – The local government may declare vehicles to be prohibited, or, to otherwise restrict access to motor vehicle access areas.	1. An outright prohibition in regard to any particular business activity; 2. 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-specified operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	The prohibition or restriction of vehicles on motor vehicle access areas may prevent or restrict the carrying on of businesses.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
Subordinate Local Law No. 4 (Indigenous Community Land Management) 2014	The purpose of the Subordinate Local Law is to supplement Local Law No. 4 (Indigenous Community Land Management) 2014.	Sections 5 – 6 and Schedule 2 – The local government may authorise persons to be within the trust area.	3. 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;	The restriction upon persons who may enter the trust area may restrict the operation of businesses in the trust area.

Proposed Law	Object/Purpose of Local Law	Possible Anti-Competitive Provisions ¹	Type of Anti-Competitive Provision/Criteria	Reasons/Basis for Inclusion
		Section 9 – The local government may prohibit or restrict activities in a local government controlled area or road.	1. An outright prohibition in regard to any particular business activity; 7. 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-specified operation (e.g. retail vs. wholesale), type of good or service allowed to be offered for sale, etc.;	The prohibition or restriction of vehicles on motor vehicle access areas may prevent or restrict the carrying on of businesses.