



Mareeba
SHIRE COUNCIL

Mareeba Shire Council

Review of Anti-Competitive Provisions *Amending Subordinate Local Law No. 3 (Community and Environmental Management) 2021*

Contents

Preliminary Assessment	3
Step 1 – Identification of Anti-Competitive Provisions	4
Barriers to Entering the Market	4
Restricting Competition in the Market	4
Application.....	4
Step 2 – Determination of Exclusions	4
Application.....	5
Conclusion	5

Anti-Competitive Provisions in proposed Local Laws 2018: Introduction

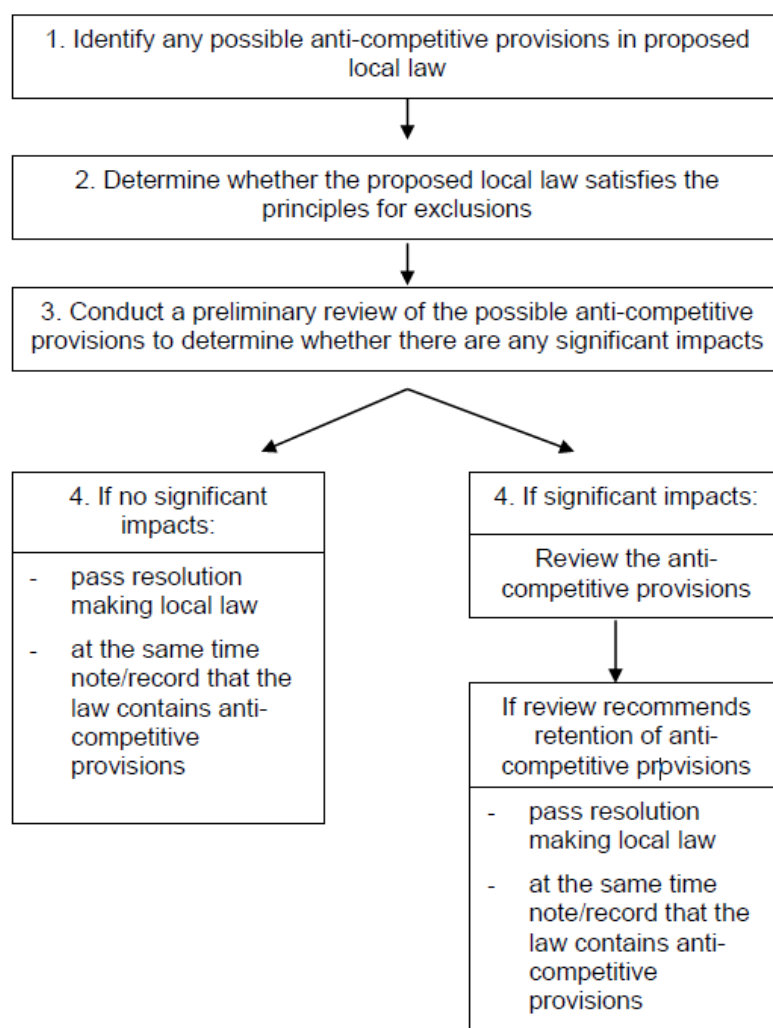
Preliminary Assessment

Regulation 15 of the *Local Government Regulation 2012* (“Regulation”) requires Council to undertake a review of its local laws regarding anti-competitive provisions in accordance with the “National Competition Policy – Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws – Version 1”, (“Guidelines”).

An anti-competitive provision in Local Laws (“anti-competitive provision”) means provision that a regulation identifies as creating barriers to –

- (a) Entry to a market; or
- (b) Competition within a market.¹

The process for undertaking a review of anti-competitive provisions in a local law is set out in the Guidelines and shown below.



¹ *Local Government Act 2009* (Qld), Schedule 4 – Dictionary

Step 1 – Identification of Anti-Competitive Provisions

Barriers to Entering the Market

This type of anti-competitive provision in a local law involves either prohibiting particular business activities or placing obligations on the operators of business activities.

Restricting Competition in the Market

This type of anti-competitive provision in a local law involves giving some benefit or imposing some hindrance on particular business operators.

Application

Amending Subordinate Local Law No. 3 (Community and Environmental Management) 2021 (“Amending Local Law”) will amend Local Law No. 3 (Community and Environmental Management) 2018 by:

1. amending schedule 1;

Local Law No. 3 (Community and Environmental Management) 2018 was adopted in 2018 where an anti-competitive review was undertaken.

Declaring Amazon Frogbit (*Limnobium laevigatum*) a local pest could create a barrier for some businesses to enter the market of selling or propagating this plant for sale.

Step 2 – Determination of Exclusions

In some cases, a local law that is considered necessary has some unintended impact on businesses that inadvertently create barriers from entering the market or restricts competition. Depending on the nature of the local law, in some cases, the local government may not be required to conduct a review of any anti-competitive provisions.

The particular types of local laws excluded from the review of anti-competitive provisions are: -

1. Local Laws regulating the behaviour of individuals;
2. Local Laws dealing solely with internal administrative procedures of a local government;
3. Local Laws intended as a legitimate measure to combat the spread of pest and disease;
4. Local Laws to ensure accepted public health and safety standards are met; and
5. Repealing Local Laws.

Application

Declaring Amazon Frogbit (*Limnobium laevigatum*) a local pest is intended as a legitimate measure to combat the spread of the plant to pest proportions and is excluded from the review under this part.

Conclusion

The Amending Local Law could be considered anti-competitive, but is excluded under step 2 .