

Council of Council of Gold Coast

Public Interest Test Plan

Parks and Reserves (Amendment) Local Law (No. 1) 2015 and Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2015

1. Introduction

In accordance with its obligations under section 38 of the *Local Government Act 2009* (Qld), the Council of the City of Gold Coast (**Council**) is conducting a public interest test on possible anti-competitive provisions identified in proposed *Parks and Reserves (Amendment) Local Law (No. 1) 2015* and *Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2015*.

The public interest test process was instituted as a result of the National Competition Policy reforms which commenced in the mid-1990s. The test will be conducted against the principles and objectives set by the Competition Principles Agreement (**CPA**) which was entered into between the States and Territories and the Commonwealth of Australia as part of those reforms.

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

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

Under clause 5(9) of the CPA, a public interest test of legislation (including local laws) that restricts competition is required to:

- 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.

This public interest test plan has been prepared in accordance with the *National Competition Policy Guidelines for conducting reviews on anti-competitive provisions in local laws*, version 1 (**the Guidelines**), issued by the Queensland Department of Local Government, Community Recovery and Resilience (as it was at the time the Guidelines were issued) and called-up under the *Local Government Regulation 2012*. The Guidelines set out the criteria for identifying possible anti-competitive provisions and the process for conducting reviews of those provisions.

In preparing this public interest test plan, Council has also had regard to the *Public Benefit Test Guidelines* dated October 1999 issued by Queensland Treasury.

This public interest test plan details the activities to be conducted during the test and identifies the depth of analysis to be carried out on the possible anti-competitive provisions.

2. Definitions

The following expressions used in this plan have the following meanings:

- **Council** means the Council of the City of Gold Coast.
- **Amending LL9** means the proposed *Parks and Reserves (Amendment) Local Law (No. 1) 2015*.
- **Amending SLL9.1** means the proposed *Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2015*.
- **LL9** means Council's existing *Local Law No. 9 (Parks and Reserves) 2008*, which Amending LL9 will amend.
- **SLL9.1** means Council's existing *Subordinate Local Law No. 9.1 (Parks and Reserves) 2008*, which Amending SLL9.1 will amend.
- **SLL9.2** means Council's existing *Subordinate Local Law No. 9.2 (Public Camping Areas) 2008*, which Amending SLL9.1 will amend (however only to update references to changed section numbers).

3. Objective of Amending LL9 and Amending SLL9.1

Section 2 of Amending LL9 provides that its objects are to:

“...amend *Local Law No. 9 (Parks and Reserves) 2008* to—

- (a) *provide the local government with appropriate powers to effectively regulate the carrying out of commercial fitness activities in parks and reserves;*
- (b) *make minor changes to amend references to legislation;*
- (c) *insert and amend definitions of terms that are necessary for the implementation of the provisions of the local law; and*
- (d) *ensure consistency with State legislation, the local government's administrative procedures and the local government's other local laws and correct grammatical or typographical errors and other inconsistencies.”*

Section 2 of Amending SLL9.1 provides that its objects are to:

“...amend—

- (a) *Subordinate Local Law No. 9.1 (Parks and Reserves) 2008 to—*
 - (i) *assist in implementation of the regime for the effective regulation of commercial fitness activities in parks and reserves contained in the amended Local Law No. 9 (Parks and Reserves) 2008; and*
 - (ii) *identify the prescribed criteria applicable to a permit for the operation of a commercial fitness activity; and*
 - (iii) *make minor changes to amend references to legislation;*
 - (iv) *insert and amend definitions of terms that are necessary for the implementation of the provisions of the subordinate local law; and*
 - (v) *ensure consistency with State legislation, the local government's administrative procedures and the local government's other local laws and correct grammatical or typographical errors and other inconsistencies.*
- (b) *Subordinate Local Law No. 9.2 (Public Camping Areas) 2008 to—*
 - (i) *ensure consistency with the provisions of the amended Local Law No. 9 (Parks and Reserves) 2008 by updating references to provisions in that local law.*
 - (ii) *correct grammatical or typographical errors and other inconsistencies."*

4. Details of anti-competitive provisions

The possible anti-competitive provisions which have been identified in Amending LL9 and Amending SLL9.1 are identified in the table which forms **Attachment 'A'** to this plan.

5. Current environment

LL9 and its subordinate local laws (SLL9.1 and SLL9.2) regulate the 'regulated activities' in Council's parks and reserves for which Council requires operators to hold a permit. They also set out the regulatory framework to provide for the application for, grant of and management of permits. The objects of LL9 are to ensure that public access and use of parks and reserves is in accordance with the preservation of public safety and amenity and does not have an adverse effect on the surrounding community; and the protection of the environment and facilities in parks and reserves.

SLL9.1 assists in the implementation of the permit system under LL9 by (amongst other things) identifying the particular types of business activities for which a permit may be issued, and setting out the requirements for the applications for, grant of, conditions of and renewal of permits. SLL9.2 assists by setting out the particular regulatory requirements relating to Council's public camping areas. No substantive amendments are proposed to SLL9.2, and none of the proposed amendments are anti-competitive.

LL9 currently restricts commercial activity in parks to particular types of 'permitted businesses'. SLL9.1 identifies the 'permitted businesses' for which a permit can be obtained. A 'permitted business' is currently defined as a business or commercial activity which:

- "(a) is conducted on a continuous, regular or periodic basis; and*
- (b) in the opinion of the local government, promotes health, including physical or mental well-being."*

Certain types of advertisements are also permitted businesses.

A permit can therefore be sought only for a business which is of a type that, in Council's opinion, promotes health, including physical or mental well-being. Council has wide powers to issue, amend, cancel and impose conditions on permits to operate permitted businesses, but may only issue permits for businesses which fall within the above definition, which is limited in its scope.

The primary objective of the proposed amendments is to introduce a regime that applies specifically to the operators of commercial fitness activities in Council's parks and reserves. This is intended to allow operators to utilise parks, whilst ensuring that the use does not negatively impact on park users or neighbours. The amendments will also give Council the power to issue permits for a limited range of other commercial activities in Council's parks and reserves by extending the definition of 'permitted business' to allow other types of businesses that do not detract from the purpose or amenity of Council's parks to operate within them. The amendments aim to maintain the rights of the community to the quiet enjoyment of Council's parks and reserves, whilst allowing a limited amount of commercial activity in circumstances where it does not detract from the amenity of the parks and provides an overall benefit to the community.

It must be noted at the outset that 'commercial fitness activities' (as defined in the proposed amended SLL9.1) are likely to be a permitted business under the current regulatory framework, given that they will generally be a business that promotes health and well-being. Operators of such businesses are therefore currently required to hold a permit in order to lawfully operate in parks and reserves. Accordingly, whilst the proposed amendments introduce specific regulations aimed at properly regulating the operation of those businesses in parks, they do not seek to impose a new permit requirement where one does not presently exist. For that reason, the impacts of the proposed amendments on competition are unlikely to have significant or detrimental impacts on operators.

Commercial Fitness Activities

Many of Council's parks and reserves are heavily utilised by commercial fitness providers who run organised fitness activities including 'boot camp' style personal training sessions, yoga and pilates, and organised running and group training activities.

Whilst that practice has significant community and economic benefits, and encourages competition amongst operators it also has the potential to cause negative impacts on the amenity of parks for both other park users and neighbouring properties. Negative impacts include increased noise, monopolisation of park facilities and open space, and the potential for accidents and injury caused by reckless operators and their clients.

The proposed amendments will introduce a regulatory framework that applies specifically to commercial fitness activities. The new regulations will provide greater clarity and transparency about the conditions under which commercial fitness operators are permitted to operate in Council's parks and reserves. This is achieved by introducing a new category of 'permitted business' called a 'commercial fitness activity'.

Key features of the proposed regulatory framework are as follows:

- Operators of commercial fitness activities will be required to apply for a permit to lawfully operate in parks and reserves throughout the city.
- Permit holders will be required to comply with the 'prescribed criteria' which are set out in section 15 of the amended SLL9.1 (refer section 11 of Amending SLL9.1). Those criteria effectively act as an enforceable code of conduct for commercial fitness operators operating in parks. The prescribed criteria will be reflected in the conditions of permits issued to operators.
- Permits will authorise operators to operate in various parks and reserves throughout the city, and will not limit operators to one particular park or reserve.
- Council will have the ability to designate parks, or parts of parks, as 'excluded parks' in which commercial fitness activities or other types of permitted businesses are prohibited (see sections 14 and 15 of the amended LL9). That power is essential to allow Council to prevent the operation of

commercial fitness activities (and other types of businesses) in parks which are not suitable for that purpose. Council will be required to maintain a register of excluded parks which will be available for public inspection.

- Permits will be required to be held by individuals, rather than any corporate entity which they own or are employed by. They will also not be transferrable to other operators.
- There will be a 3 month transitional period, during which commercial fitness operators currently operating in parks and reserves may continue to operate whilst they apply for a permit, provided they comply with the prescribed criteria in section 15 of SLL9.1 (discussed above).

Other Types Permitted Businesses

Further amendments are proposed to the definition of 'permitted business' to ensure that certain, limited, types of businesses that either enhance or do not detrimentally affect the amenity of parks, and which contribute to the community and cultural values that Council espouses are able to operate, subject to the requirement to obtain a permit. The additional businesses to be included in the definition of 'permitted business' are:

- an entertainment venue (which will allow the temporary activities such as fetes, fairs and amusement rides);
- a promotional event which is of economic significance to the area (which could include events such as product launches or charity events);
- a sporting event of local, State, regional or national significance (including a life-saving competition);
- film production;
- a temporary broadcast of a radio or television program;
- still photography, where undertaken for a commercial purpose (for example, wedding photography);
- the sale of food or drink (or both) from a mobile or temporary premises, or a vehicle (for example, food vans or vending machines, which could be operated in conjunction with a sporting event); and
- aircraft operations (for example, hot air ballooning).

Discussion

The proposed amendments to be made by Amending LL9 and Amending SLL9.1 are likely to promote competition amongst business operators with associated benefits to operators, users of parks and reserves and the local economy. By extending the definition of 'permitted business', the amendments will allow a limited increase in commercial activities in parks which is limited to circumstances and operations which will enhance the amenity and functionality of parks rather than detract from it.

In respect of the regulation of commercial fitness activities, the new regulations are not unduly onerous and generally reflect the standards of behaviour and conduct that responsible operators would ordinarily be expected to adhere to. The new regulations will provide a positive benefit to operators in that they will impose better controls over the activity of operators which has the opportunity to reduce disturbance from other operators, allow freedom of movement without limiting activities to any specific park or reserve (other than an excluded park or reserve), and generally aim to provide a 'level playing field' in which all operators are afforded the opportunity to prosper.

Further, and as noted above, operators commercial fitness activities are already required to hold a permit, meaning that entry to the market is already restricted by the operation of the current regulatory framework.

For those reasons, the proposed amendments to LL9 and SLL9.1:

- are unlikely to have a significant impact on the size, distribution or participation of businesses which are required to apply for a permit. Operators of commercial fitness activities are already required to hold a permit. The proposed amendments will provide greater clarity regarding obligations, and allow access to parks and reserves throughout the city, subject to conditions and other restrictions imposed by Council as required. Other types of permitted businesses will be given the opportunity to apply for permits to operate in parks and reserves where such an opportunity does not presently exist.
- are unlikely to have a significant impact on the consumer price or cost of production. The overhead costs of compliance with the new regulatory regime will be minimal, and are unlikely to be significantly higher than compliance with the current regime.
- may have a minor impact on business behaviour, given that some operators (particularly of commercial fitness activities) may need to adjust their practices to ensure compliance with the prescribed criteria. However any impacts are unlikely to be significant enough to cause a detrimental overall outcome.
- are unlikely to have any negative impact on product service or quality.
- are unlikely to have a significant impact on business ownership, structure or form. It is not considered that businesses will have to make any significant adjustments to their current structure or form in order to comply with the new regulatory regime.

6. Confirm sections are anti-competitive

At this stage, the possible anti-competitive provisions that have been identified are still considered to be anti-competitive. The provisions will be reviewed again at the conclusion of the public consultation process.

7. Determination of exclusions

Amending LL9 and Amending SLL9.1 are not excluded from the review of anti-competitive provisions under the Guidelines.

8. Preliminary assessment

A preliminary assessment has been conducted in accordance with the Guidelines. Council is not presently satisfied that there will not be any significant impacts from the possible anti-competitive provisions. Accordingly, the review process will be conducted in accordance with the principles set out in the Guidelines.

9. Realistic regulatory and non-regulatory alternatives

The objects of LL9 and its subordinate local laws include ensuring that public access and use of parks and reserves is in accordance with the preservation of public safety and amenity and does not have an adverse effect on the surrounding community; and the protection of the environment and facilities in parks and reserves. Those objects are achieved through the imposition of a conventional permit system, whereby applicants wishing to operate a regulated activity apply for a permit and Council assesses the application and grants permits in accordance with the regulatory framework.

Regulation is considered to be an effective and appropriate means of achieving the objectives of LL9 and SLL9.1.

The other regulatory and non-regulatory alternatives available to the local government which may achieve the objectives of LL9 and its subordinate local laws are identified below. Those alternatives have been analysed with a view to determining whether any are potentially viable alternatives to the

current system of regulation. Following that analysis, it has been concluded that the following alternatives are not considered to be viable:

- self-regulation;
- no-regulation;
- master licensing;
- public information and education program;
- economic incentives;
- industry accreditation; and
- empowering consumers.

The following alternatives were, however, considered to be potentially viable and were chosen for further consideration.

Co-Regulation

The legal instruments and administrative arrangements involved with co-regulation are much the same as with local government regulation. The difference is that the rules are drafted in close consultation and co-operation with affected parties. For example, the regulation of local business (e.g. business hours) are developed through the joint endeavours of administrators, business, and representatives of the relevant chambers of commerce. The chances of compliance (with or without enforcement) are therefore increased because those directly affected make the rules, in part.

In a co-regulation environment, the role of local government is that of ‘senior partner’ in relation to product/service providers and consumers.

Negative Licensing

Under a negative licensing system, operators are presumed to have the right to be in business and prepared to ‘play by the rules’, provided they know what the rules are. Participants are fined heavily and immediately for breaches of the rules, and complaints are responded to quickly.

Whilst a change to negative licensing may be capable of achieving the stated objectives of LL9 and Amending LL9 and its Subordinate Local Laws, it would substantially increase the burden of enforcing the requirements of the local law on Council. That cost would ultimately be passed on to ratepayers.

10. Key stakeholders affected by the current situation and by a move to alternative arrangements

The following key stakeholders and broad impacts have been identified as potentially being affected by the proposed amendments to LL9 and SLL9.1:

Stakeholder	Approximate size of group	Distribution of group	Impact Rating and Rationale
Council	One Council	Local Government area	<p>High positive</p> <p>Greater regulatory control over operators of commercial fitness activities, leading to a higher standard of operation, less disturbance to park users, fewer complaints and better utilisation of park facilities.</p> <p>Appropriate powers to permit certain commercial activities in parks and reserves in appropriate circumstances.</p>

Stakeholder	Approximate size of group	Distribution of group	Impact Rating and Rationale
Existing and potential businesses	2000	Local Government area	<p>Moderate positive</p> <p>Greater opportunities for businesses to operate in parks and reserves.</p> <p>More focused and transparent regulation of commercial fitness activities will provide a level playing field for operators and ensure fairness and consistency of application of the local law.</p> <p>Low negative</p> <p>Some adjustment in behaviour and business practices required to comply with new regulations.</p>
Consumers	20,000	Local Government area	<p>Moderate positive</p> <p>Improvement in product quality and business standards as a result of compliance with regulations, without accompanying increase in consumer price.</p> <p>Greater range of products and services available in parks and reserves.</p>
Users of Parks and Reserves	750,000	Local Government area	<p>Moderate positive</p> <p>Increased regulation of business (and particularly commercial fitness activities) will lead to reduced disturbance and increased amenity of parks and reserves.</p> <p>Low negative</p> <p>Potential for a minor increase in commercial activity in parks and reserves.</p>
Gold Coast's Chambers of Commerce and/or Industries	Nine	Local Government area	<p>Low positive</p> <p>Increased opportunities for commercial activity, and consistent standards applying to operators.</p> <p>Low negative</p> <p>Potential for complaints about increased regulation.</p>
Fitness Industry Associations	Five	Local Government area	<p>Moderate positive</p> <p>Increased regulation leading to higher standards amongst commercial fitness operators, with positive benefits for the reputation of the industry.</p>

The following stakeholders and broad impacts that would result from a change to **co-regulation** are:

Stakeholder	Approximate size of group	Distribution of group	Impact Rating and Rationale
Council	One Council	Local Government area	<p>Low positive</p> <p>Increased regulation of commercial activities in parks and reserves consistent with current objectives of LL9 and subordinates.</p> <p>Low negative</p> <p>Means of regulation not as effective as under local laws, and approach inconsistent with regulation of other business activities throughout the city, leading to potential confusion.</p>
Existing and potential businesses	2000	Local Government area	<p>Moderate positive</p> <p>Greater input into regulatory and enforcement framework and potential for reduced regulation</p> <p>Low negative</p> <p>Potential for inconsistent application of laws and reduced certainty, reducing effectiveness of proposed outcomes.</p>
Consumers	20,000	Local Government area	<p>Low positive</p> <p>Potential for some improvement in product quality and business standards caused by introduction of new regulations.</p> <p>Greater range of products and services available in parks and reserves.</p>
Users of Parks and Reserves	750,000	Local Government area	<p>Low negative</p> <p>Outcomes considered to be inferior to those achieved by regulation. The current level of disturbance by operators is maintained and likely increased as a result of increased commercial activity.</p>
Gold Coast's Chambers of Commerce and/or Industries	Nine	Local Government area	<p>Low positive</p> <p>Reduction in complaints about over regulation of business.</p>
Fitness Industry Associations	Five	Local Government area	<p>Low positive</p> <p>Opportunity to have greater input into regulatory framework.</p> <p>Low negative</p> <p>Potential for reduced regulation of commercial fitness activities and associated impact on industry reputation.</p>

The following stakeholders and broad impacts that would result from a change to **negative licensing** are:

Stakeholder	Approximate size of group	Distribution of group	Impact Rating and Rationale
Council	One Council	Local Government area	High negative Increased enforcement costs to Council without associated benefits of regulation. Increased disturbance to users of parks leading to more complaints and potential public liability issues.
Existing and potential businesses	2000	Local Government area	Low positive Reduced regulation and work involved in compliance with regulatory regime. Moderate negative Increase in number operators and less stringent regulatory framework than regulation will lead to increased competition and reduced certainty and standards. Potential for immediate and substantial fines for breaches, without the opportunity to rectify non-compliance. Overall less consistent approach to industry regulation than proposed amendments to local laws and the potential for confusion.
Consumers	20,000	Local Government area	Low positive Potential for greater choice by the entry of new operators into the market Low negative Reduction in product quality, standards and service.
Users of Parks and Reserves	750,000	Local Government area	Moderate negative Increased disturbance from commercial operations in parks and reserves and reduced ability of Council to properly manage commercial activity leading to a loss of amenity.
Gold Coast's Chambers of Commerce and/or Industries	Nine	Local Government area	Moderate positive Greater ability of business to operate in parks and reduced complaints from business about over regulation. Low negative Increased complaints about enforcement of regulations and fines imposed.
Fitness Industry Associations	Five	Local Government area	Low negative Potential for reduced regulation of commercial fitness activities and associated impact on industry reputation.

11. Type of assessment and level of resources required

The assessment will comply with the following principles set out in the Guidelines:

1. Meaningful consultation with relevant businesses about the anti-competitive provisions;
2. Examination of the reasonable alternatives to the anti-competitive provisions;
3. A cost benefit analysis that involves calculating the value of the impacts, both positive and negative, of the anti-competitive provisions including:
 - (i) the local government's costs in implementing and enforcing the provisions;
 - (ii) the costs of compliance for business;
 - (iii) comparison of the total costs for each of the reasonable alternatives;
 - (iv) the benefits to the community from the anti-competitive provisions.
4. Determining whether on balance the anti-competitive provisions should be retained in the proposed local law in the overall public interest.

In conducting the assessment Council will also have regard to the Public Benefit Test Guidelines dated October 1999 by Queensland Treasury. The assessment will be conducted by Council as a minor assessment. The emphasis will be on qualitative analysis with key impacts expressed in monetary terms where data is available.

The review will be conducted in-house by a team of Council officers.

12. Extent of consultation to be conducted

Consultation will be conducted by giving public notice of the review in the local newspaper and inviting submissions. Public notices will also be posted on the public notice boards in Council's chambers and on Council's website, and letters will be sent to representative bodies of existing operators advising of the review and inviting submissions. The public notice will also advise that the consultation on anti-competitive provisions is being conducted with the public consultation for Amending LL9 and Amending SLL9.1.

The public interest test plan and copies of Amending LL9 and Amending SLL9.1 will be open to inspection at Council's public office and copies will be available for purchase.

13. Determine time-frame for conducting the public interest test

The time-frames for conducting the public interest test will be as follows:

Commence public interest test	October 2015
Estimate of time for completing public interest test	2 months, including consultation period.
Consultation period	Minimum of 3 weeks (21 days)
Target date for presenting report to local government	The Council meeting to be convened by Council 2 months after the commencement of the public interest test.

14. Determine content of the public interest test report

The public interest test report will provide:

- a summary of the consultation process including a list of affected groups consulted and the outcomes of consultation;
- a statement of alternatives which are assessed to be not viable;
- a summary of the positive and negative impacts associated with the alternatives compared to the existing environment;
- a summary of the net impacts (positive or negative) associated with the alternatives; and
- recommendations.

15. Public interest test plan approval

This decision has been delegated by Council to the Chief Executive Officer. The *Local Government Act 2009* allows this decision to be delegated by Council. Council will not delegate any decision in respect of recommendations contained in the actual public interest test report.

Approved by:



Dale Dickson
Chief Executive Officer, Council of the City of Gold Coast

Dated: 24 / 1 / 2015

ATTACHMENT A

Council of Council of Gold Coast
*Parks and Reserves (Amendment) Local Law (No. 1) 2015 and
Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2015*
Anti-Competitive Provisions

Name of Local Law	Brief description of object/purpose of local law	Anti-competitive provisions identified*	Type of anti-competitive provision	Reasons, or basis, for identifying provision as anti-competitive
Parks and Reserves (Amendment) Local Law (No. 1) 2015 (Amending LL9)	To amend <i>Local Law No. 9 (Parks and Reserves) 2008</i> to— (a) provide the local government with appropriate powers to effectively regulate the carrying out of commercial fitness activities in parks and reserves; (b) make minor changes to amend references to legislation; (c) insert and amend definitions of terms that are necessary for the implementation of the provisions of the local law; and (d) ensure consistency with State legislation, the local government’s administrative procedures and the local government’s other local laws and correct grammatical or typographical errors and other inconsistencies.	Section 6 (Amendment of section 14 (Regulation of business))	Barrier to entering the market	Requires businesses to obtain approval (in the form of a permit) from the local government before operating. Places restrictions on the conduct of a business including where businesses may operate and the hours of operation.
		Section 8 (insertion of new sections 15 and 16) Proposed new section 15 (Designation of excluded parks and reserves)	Barrier to entering the market	Places restrictions on the conduct of a business including where businesses may operate and the hours of operation.
		Section 8 (insertion of new sections 15 and 16) Proposed new section 16 (Register of excluded parks and reserves)	Barrier to entering the market	Places restrictions on the conduct of a business including where businesses may operate and the hours of operation.
		Section 11 (Amendment of section 22 (Application for a permit))	Barrier to entering the market	Requires businesses to obtain approval (in the form of a permit) from the local government before operating and places restrictions on who can apply for a permit.

Name of Local Law	Brief description of object/purpose of local law	Anti-competitive provisions identified*	Type of anti-competitive provision	Reasons, or basis, for identifying provision as anti-competitive
		Section 12 (Amendment of section 23 (Grant of a permit))	Barrier to entering the market	Requires businesses to obtain approval (in the form of a permit) from the local government before operating and places restrictions on who can apply for a permit.
		Section 14 (Amendment of section 28 (Amendment, renewal or transfer of a permit))	Barrier to entering the market Restricting competition within a market	Requires businesses to obtain approval (in the form of a permit) from the local government before operating and places restrictions on who can apply for a permit.
		Section 16 (Amendment of section 33 (Subordinate local laws))	Barrier to entering the market	Requires businesses to obtain approval (in the form of a permit) from the local government before operating. Places restrictions on the conduct of a business including where businesses may operate and the hours of operation.
		Section 17 (Insertion of new Part 9 (Transitional provisions)) Proposed new section 35 (Transitional provision for the designation of prohibited permitted businesses and prohibited regulated activities)	Restricting competition within a market	Gives a benefit to businesses operating commercial fitness activities at the time the section commences, in that they will be allowed to operate without a permit for a specific period, subject to the conditions specified in the section.
		Section 17 (Insertion of new Part 9 (Transitional provisions)) Proposed new section 36 (Transitional provision for the designation of prohibited businesses)	Barrier to entering the market	Requires businesses to obtain approval (in the form of a permit) from the local government before operating. Places restrictions on the conduct of a business including where businesses may operate and the hours of operation.

Name of Local Law	Brief description of object/purpose of local law	Anti-competitive provisions identified*	Type of anti-competitive provision	Reasons, or basis, for identifying provision as anti-competitive
		and prohibited regulated activities)		
Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2015 (Amending SLL9.1)	to amend— (a) Subordinate <i>Local Law No. 9.1 (Parks and Reserves) 2008</i> to— (i) assist in implementation of the regime for the effective regulation of commercial fitness activities in parks and reserves contained in the amended Local Law No. 9 (Parks and Reserves) 2008; and (ii) identify the prescribed criteria applicable to a permit for the operation of a commercial fitness activity; and (iii) make minor changes to amend references to legislation; and (iv) insert and amend definitions of terms that are necessary for the implementation of the provisions of the subordinate local law; and (v) ensure consistency with State legislation, the local government's administrative procedures and the local government's other local laws and correct grammatical or typographical errors and other inconsistencies; and (b) Subordinate <i>Local Law No. 9.2 (Public Camping Areas) 2008</i> to— (i) ensure consistency with the provisions of the amended Local Law No. 9 (Parks and Reserves) 2008 by updating references to provisions in that local law; and (ii) correct grammatical or typographical errors	Section 7 (Amendment of section 11 (Public places other than a park))	Restricting competition within a market	Gives a benefit to particular business operators, being operators of permitted business other than commercial fitness activities. The provision removes the application of section 11 to commercial fitness activities, meaning that LL9 authorises commercial fitness activities only in parks and reserves, not other public places.
		Section 9 (Amendment of section 13 (Application for a permit for a permitted business))	Restricting competition within a market	Gives a benefit to particular business operators, namely commercial fitness activities, in that it excludes commercial fitness operators from the requirement to provide a plan or map of the area in which they will operate and other information (thought rationale for that is that commercial fitness activities are able to operate in multiple locations in the city)
		Section 10 (Amendment of section 14 (Assessment criteria for a permitted business))	Restricting competition within a market	Gives a benefit to particular business operators, namely operators of council endorsed activities (which are exempt from the assessment criteria) and commercial fitness activities (which are exempt from the criteria in 14(h)).
		Section 11 (Insertion of a new section 15 (Prescribed criteria for a permitted business))	Barrier to entering the market	Places restrictions on the conduct of a business including where businesses may operate and the hours of operation.
		Section 13 (Amendment of section 17 (Conditions of a permit))	Barrier to entering the market	Proposed new subsection 17(4) places restrictions on the conduct of a business, including where businesses may operate and the hours of operation.
		Section 14 (Amendment of Schedule 2 (Dictionary))	Barrier to entering the market	Places restrictions on the conduct of a business including where businesses may operate and the hours of operation.

Name of Local Law	Brief description of object/purpose of local law	Anti-competitive provisions identified*	Type of anti-competitive provision	Reasons, or basis, for identifying provision as anti-competitive
	and other inconsistencies.	Proposed new definition of 'commercial fitness activity'		
		Section 14 (Amendment of Schedule 2 (Dictionary)) Proposed new definition of 'permitted business'	Restricting competition within a market	Gives a benefit to particular business operators (commercial fitness activities and council endorsed activities)