



Australian Capital Territory

Australian Capital Tourism Corporation Act 1997

A1997-5

Republication No 5

Effective: 26 August 2005 – 31 December 2005

Republication date: 26 August 2005

Last amendment made by A2004-42
(republication for commenced expiry)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Australian Capital Tourism Corporation Act 1997* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 26 August 2005. It also includes any amendment, repeal or expiry affecting the republished law to 26 August 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Australian Capital Tourism Corporation Act 1997

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26/08/05

Australian Capital Tourism Corporation Act 1997
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Australian Capital Territory

Australian Capital Tourism Corporation Act 1997

An Act to establish the Australian Capital Tourism Corporation, and for related purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Australian Capital Tourism Corporation Act 1997*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act or in other legislation.

For example, the signpost definition '*business plan*, in relation to a financial year, for part 4 (Management)—see section 20.' means that the term 'business plan' is defined in that section and the definition applies to the part.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Corporate status

Division 2.1 Establishment, functions and powers

4 Establishment

- (1) The Australian Capital Tourism Corporation is established.
- (2) The corporation—
 - (a) is a body corporate; and
 - (b) must have a common seal.

5 Functions

The functions of the corporation are—

- (a) to market the ACT to local, interstate and international travellers; and
- (b) to identify tourism opportunities for the ACT; and
- (c) to encourage the ecologically sustainable development of the tourist and travel industry; and
- (d) to establish and operate tourist events and festivals; and
- (e) to construct and operate tourist facilities; and
- (f) to provide tourism, travel information and booking services; and
- (g) to advise the tourist and travel industry on reducing the environmental impact of tourism related activities; and
- (h) to undertake activities in cooperation with other people where appropriate for the purpose of discharging its other functions; and

- (i) to advise the Minister on matters relating to tourism and the tourism industry of the ACT; and
- (j) to exercise any other functions given to the corporation by or under this Act or another territory law.

6 Powers of corporation

The corporation has the same capacity as an individual.

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

7 Companies, partnerships and joint ventures

- (1) The corporation must not, without the written approval of the Minister—
 - (a) form, or participate in the formation of, a company; or
 - (b) subscribe for, or purchase, company shares or securities; or
 - (c) enter into a partnership; or
 - (d) participate in a joint venture.
- (2) The Minister's approval—
 - (a) must be given particularly, not generally; and
 - (b) may be expressed to be subject to conditions specified in the approval.
- (3) If the corporation enters into a partnership or participates in a joint venture, the Minister must—
 - (a) prepare a statement setting out particulars of, and the reasons for, the partnership or joint venture; and
 - (b) present a copy of the statement to the Legislative Assembly with the next report given to him or her under section 28 (1).

Division 2.2 Membership

8 Constitution

The corporation consists of the following members:

- (a) 7 members appointed under section 9 (1);
- (b) the chief executive officer;
- (c) a public servant appointed under section 9 (5).

9 Appointment of members

- (1) The Minister must appoint 7 people as members (the ***appointed members***) of the corporation.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) Before appointing an appointed member, the Minister must consider the suitability of the person for appointment having regard to the person's expertise and knowledge.
- (3) An appointed member must not be appointed for a term of longer than 3 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def ***appoint***).

- (4) An appointed member holds the position on the conditions not provided by this Act or another territory law that are stated in the instrument of appointment.
- (5) The Minister must also appoint a public servant as a member of the corporation.

10 Chairperson and deputy chairperson

- (1) The Minister must appoint a member to be the chairperson of the corporation.
- (2) The members must elect another member to be the deputy chairperson of the corporation.

11 Ending of appointments

- (1) The Minister may end the appointment of an appointed member for—
 - (a) misbehaviour; or
 - (b) physical or mental incapacity.
- (2) The Minister must end the appointment of an appointed member if the member—
 - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
 - (b) is absent, except on leave, for 3 consecutive meetings; or
 - (c) contravenes section 15 (Disclosure of interest) without reasonable excuse; or
 - (d) is convicted in Australia or elsewhere of an offence punishable by imprisonment for 1 year or longer.

Note A person's appointment also ends if the person resigns (see Legislation Act, s 210).

Division 2.3 Meetings

12 Calling meetings

- (1) The chairperson or, if the chairperson is unable to do so, the deputy chairperson must call the meetings of the corporation—

- (a) that the chairperson or the deputy chairperson considers necessary for the efficient exercise of its functions; or
 - (b) that the Minister directs by written notice given to the chairperson or the deputy chairperson.
- (2) The chief executive officer may call a meeting of the corporation at the request of 3 members.

13 Procedure

- (1) The chairperson presides at all meetings of the corporation at which he or she is present.
- (2) If the chairperson is not present at a meeting, the deputy chairperson presides.
- (3) If the chairperson and the deputy chairperson are both absent from a meeting, the members present must elect 1 of their number to preside.
- (4) The member presiding at a meeting may give directions regarding the procedure to be followed in connection with the meeting.
- (5) Questions arising at a meeting are decided by a majority of the votes of the members present and voting.
- (6) The member presiding at a meeting has a deliberative vote and, in the event of an equality of votes, a casting vote.
- (7) The corporation must keep minutes of its proceedings.
- (8) The corporation may call or hold a meeting by means of instantaneous communication.
- (9) In subsection (8):

instantaneous communication means communication by means of telephone, television or any other device that permits instantaneous audio communication with or without instantaneous visual communication.

14 Quorum

At a meeting of the corporation, a majority of the members of the corporation constitutes a quorum.

15 Disclosure of interest

- (1) A member who has a direct or indirect financial or personal interest in a matter that has been submitted for consideration by the corporation must disclose the nature of the interest at a meeting of the corporation as soon as practicable after the relevant facts have come to the member's knowledge.
- (2) The member presiding at a meeting at which an interest is disclosed must cause that disclosure to be recorded in the minutes of the meeting.
- (3) A member disclosing an interest must not, unless the Minister or the corporation determines otherwise—
 - (a) be present during any deliberation of the corporation in relation to the relevant matter; or
 - (b) take part in any decision of the corporation in relation to that matter.
- (4) A member disclosing an interest must not—
 - (a) be present during any deliberation of the corporation in relation to a determination referred to in subsection (3); or
 - (b) take part in any decision of the corporation in relation to such a determination.
- (5) The chairperson must give a written report to the Minister about any determination of the corporation under subsection (3) specifying the nature of the interest disclosed and the reasons for the determination.

Part 3 Chief executive officer, staff and consultants

Division 3.1 Chief executive officer

16 Appointment of chief executive officer

The chief executive must appoint a public servant as the chief executive officer of the corporation.

Note For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

17 Functions of chief executive

The functions of the chief executive are to manage the corporation's affairs in accordance with the general directions of the corporation.

Division 3.2 Staff and consultants

18 Staff

The corporation's staff are to be employed under the *Public Sector Management Act 1994*.

19 Consultants

- (1) The corporation may engage consultants.
- (2) Subsection (1) does not give the corporation a power to enter into a contract of employment.

Part 4 Management

20 Meaning of *business plan* for pt 4

In this part:

business plan, in relation to a financial year, means the business plan of the corporation as in force in relation to that year, and includes any modification of that plan.

21 Management focus

The functions of the corporation must be discharged—

- (a) in accordance with sound business practice; and
- (b) so as to achieve the business plan of the corporation.

22 Business plans

- (1) The business plan of the corporation in relation to a financial year, must contain—
 - (a) the statement of intent provided in accordance with the *Financial Management Act 1996*, section 58 in relation to that financial year; and
 - (b) a description of the main undertakings of the corporation in relation to that financial year and each of the next 2 financial years; and
 - (c) a description of the business and corporate strategies of the corporation in relation to that financial year and each of the next 2 financial years.
- (2) The business plan of the corporation may include any other information that the Minister, in writing, may have requested the corporation to include.

23 Development of business plans

- (1) The object of this section is to provide for the development by the corporation, in consultation with the Minister, of an annual business plan for the corporation within, as far as practicable, the first 2 months of each financial year.
- (2) The corporation must, as far as practicable within 1 month after the beginning of each financial year, submit to the Minister a draft business plan in relation to that financial year.
- (3) The draft must contain the statement, and descriptions of the type, referred to in section 22 (1).
- (4) The Minister must, in writing, as soon as practicable after receipt of the draft—
 - (a) provide comments to the corporation on the draft; or
 - (b) advise the corporation that he or she proposes to make no comments.
- (5) If the Minister advises the corporation that he or she proposes to make no comments, the provisions of the draft shall be the business plan of the corporation in relation to that financial year.
- (6) As soon as practicable after receipt of any comments by the Minister the corporation must—
 - (a) consider the comments; and
 - (b) consult with the Minister on any of the comments with which the corporation does not agree with a view, as far as practicable, to reaching agreement; and
 - (c) give the Minister a revised version of the business plan that, as far as practicable, gives effect to the Minister's comments and other matters agreed on during consultations with the Minister.
- (7) If the corporation gives to the Minister a revised version of the business plan, the provisions of that plan must be the business plan of the corporation in relation to that financial year.

- (8) The Minister must, within 3 sitting days of a business plan coming into effect, present a copy of the plan to the Legislative Assembly.

24 Modification of business plans

- (1) Subject to this section and section 22 (1), the corporation may modify the business plan of the corporation in relation to a financial year.
- (2) The corporation may submit to the Minister a proposal to modify its business plan.
- (3) The Minister must, in writing, as soon as practicable after receipt of the proposal—
 - (a) provide comments to the corporation on the proposal; or
 - (b) advise the corporation that he or she proposes to make no comments.
- (4) If the Minister advises the corporation that he or she proposes to make no comments, the business plan shall be modified in accordance with the provisions of the proposal.
- (5) As soon as practicable after receipt of any comments by the Minister, the corporation must—
 - (a) consider the comments; and
 - (b) consult with the Minister on any of the comments with which the corporation does not agree with a view, as far as practicable, to reaching agreement; and
 - (c) give the Minister a revised version of the proposal that, as far as practicable, gives effect to the Minister's comments and other matters agreed on during consultations with the Minister.
- (6) If the corporation gives the Minister a revised version of the proposal, the business plan must be modified in accordance with the provisions of the proposal.

- (7) If a business plan is modified in accordance with a proposal or a revised proposal, the Minister must present a copy of the proposal or revised proposal to the Legislative Assembly with the next report given to him or her under section 28 (1).

25 Application of Financial Management Act, pt 8

- (1) Funds must not be invested, or money borrowed, for the purposes of the corporation except in accordance with the *Financial Management Act 1996*, part 8 (Financial provisions relating to Territory authorities).
- (2) Subsection (1) does not limit the application of the *Financial Management Act 1996*, part 8 in relation to the corporation.

Part 5 Miscellaneous

26 Provision of information

The corporation must give the Minister the information relating to its operations that the Minister requires.

27 Ministerial directions

- (1) The Minister may give written directions to the corporation in relation to the exercise of its functions, either generally or in relation to a particular matter.
- (2) The corporation must give effect to any direction under subsection (1).
- (3) The Minister must present a copy of a direction to the Legislative Assembly within 5 sitting days after it is given to the corporation.
- (4) The Territory must pay to the corporation the reasonable costs of complying with a direction.
- (5) The amount payable under subsection (4) is be the amount agreed between the corporation and the Treasurer or, failing agreement, as decided by the Chief Minister.

28 Quarterly reports

- (1) The corporation must, as soon as practicable after the end of each quarter, prepare and give to the Minister a report on the operations of this Act and of the corporation during that quarter.

Note For the meaning of **quarter**, see the Legislation Act, dict, pt 1.

- (2) The Minister must present a copy of each report given to the Minister under subsection (1) to the Legislative Assembly within 6 sitting days after the day the Minister receives the report.

29 Corporation's annual report

A report prepared by the corporation under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—

- (a) a copy of any direction given under section 27 (Ministerial directions) during the year; and
- (b) a statement by the corporation about action taken during the year to give effect to any direction given (whether before or during the year) under that section.

Note **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

30 Vesting of assets

- (1) If the Minister is satisfied—

- (a) that an asset of the Territory, other than an interest in land—
 - (i) has been made available for use, or has been used, in connection with; or
 - (ii) otherwise relates or substantially relates to; the operations of the corporation; and
 - (b) that it would be appropriate to divest the asset from the Territory and transfer the asset to the corporation; and
 - (c) that the corporation, in writing, consents to the transfer;
- the Minister must, in writing, divest and transfer the asset accordingly.

- (2) If the ACT is—

- (a) a party to a contract or an agreement; or
- (b) subject to an obligation;

that relates to an asset referred to in subsection (1), the Minister may in the instrument referred to in that subsection or in another

instrument declare that the corporation is substituted for the ACT in relation to that contract, agreement or obligation.

- (3) If the contract, agreement or obligation relates to an asset as well as to other property, the corporation is taken to be substituted for the ACT to the extent to which the contract, agreement or obligation relates to the asset.
- (4) An instrument made by a Minister under this section takes effect according to its terms.

31 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Dictionary

(see s 2)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 In particular, the Legislation Act, dict, pt 1, defines the following terms:

- appoint
- financial year
- Legislative Assembly
- public servant
- quarter
- sitting day.

appointed member—see section 9 (1).

business plan, in relation to a financial year, for part 4 (Management)—see section 20.

corporation means the Australian Capital Tourism Corporation.

member means a member of the corporation.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

The *Australian Capital Tourism Corporation Act 1997* was originally the *Canberra Tourism and Events Corporation Act 1997*. It was renamed by the

Canberra Tourism and Events Corporation Amendment Act 2003 A2003-33 (see s 5).

Australian Capital Tourism Corporation Act 1997 No 5

notified 22 April 1997 (Gaz 1997 No S92)
s 1, s 2 commenced 22 April 1997 (s 2 (1))
remainder commenced 1 July 1997 (s 2 (2) and Gaz 1997 No S203)

as amended by

Legislation (Consequential Amendments) Act 2001 No 44 pt 53

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 53 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Canberra Tourism and Events Corporation Amendment Act 2003-33

notified LR 30 June 2003
s 1, s 2 commenced 30 June 2003 (LA s 75 (1))
remainder commenced 1 July 2003 (s 2)

Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.4

notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
sch 1 pt 1.4 commenced 13 April 2004 (s 2 and see Annual Reports (Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

Statute Law Amendment Act 2004 A2004-42 sch 3 pt 3.3

notified LR 11 August 2004
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))
sch 3 pt 3.3 commenced 25 August 2004 (s 2 (1))

4 Amendment history

Title

title sub A2003-33 s 4

Name of Act

s 1 sub A2003-33 s 5

Dictionary

s 2 om 2001 No 44 amdt 1.533
ins A2004-42 amdt 3.3

Endnotes

4 Amendment history

Notes

- s 3 sub A2004-42 amdt 3.3
def **corporation** sub A2003-33 s 6
om A2004-42 amdt 3.3
def **member** om A2004-42 amdt 3.3
def **Public Sector Management Act** om A2004-42 amdt 3.3

Establishment, functions and powers

- div 2.1 hdg (prev pt 2 div 1 hdg) renum R1 LA

Establishment

- s 4 am A2003-33 s 7

Functions

- s 5 pars renum R1 LA

Powers of corporation

- s 6 sub A2004-42 amdt 3.4

Membership

- div 2.2 hdg (prev pt 2 div 2 hdg) renum R1 LA

Constitution

- s 8 am A2003-33 s 8
sub A2004-42 amdt 3.5

Appointment of members

- s 9 sub A2004-42 amdt 3.6

Chairperson and deputy chairperson

- s 10 sub A2004-42 amdt 3.6

Ending of appointments

- s 11 sub A2004-42 amdt 3.7

Meetings

- div 2.3 hdg (prev pt 2 div 3 hdg) renum R1 LA

Disclosure of interest

- s 15 am A2004-42 amdt 3.8

Chief executive officer

- div 3.1 hdg (prev pt 3 div 1 hdg) renum R1 LA

Appointment of chief executive officer

- s 16 sub A2004-42 amdt 3.9
(2)-(4) exp 25 August 2005 (s 16 (4))

Functions of chief executive

- s 17 sub A2004-42 amdt 3.9

Staff and consultants

- div 3.2 hdg (prev pt 3 div 2 hdg) renum R1 LA

Staff

s 18 sub A2004-42 amdt 3.10

Meaning of *business plan* for pt 4

s 20 hdg sub A2004-42 amdt 3.11

s 20 def ***Financial Management Act*** om A2004-42 amdt 3.12**Business plans**

s 22 am A2004-42 amdt 3.13

Application of *Financial Management Act*, pt 8

s 25 sub A2004-42 amdt 3.14

Quarterly reports

s 28 am A2004-42 amdt 3.15; ss renum R4 LA (see A2004-42 amdt 3.16)

Corporation's annual report

s 29 sub A2004-9 amdt 1.4

Vesting of assetss 30 orig s 30 reloc and renum as s 31
(prev s 31) reloc and renum A2004-42 amdt 3.18**Regulation-making power**s 31 orig s 31 reloc and renum as s 30
(prev s 30) sub 2001 No 44 amdt 1.534
reloc and renum A2004-42 amdt 3.17**Development of first business plan**

s 32 om R1 LA

Appointment and terms and conditions of appointed members

sch 1 hdg (prev sch hdg) renum R1 LA

sch 1 om A2004-42 amdt 3.19

Dictionarydict ins A2004-42 amdt 3.20
def ***appointed member*** ins A2004-42 amdt 3.20
def ***business plan*** ins A2004-42 amdt 3.20
def ***corporation*** ins A2004-42 amdt 3.20
def ***member*** ins A2004-42 amdt 3.20**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications

Endnotes

5 Earlier republications

are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	A2001-44	23 April 2001
2	A2003-33	1 July 2003
3	A2004-9	13 April 2004
4	A2004-42	25 August 2004

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