



Australian Capital Territory

# Red Tape Reduction Legislation Amendment Act 2015

A2015-33

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Australian Capital Territory

# Red Tape Reduction Legislation Amendment Act 2015

**A2015-33**

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An Act to amend legislation for red tape reduction, and other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Red Tape Reduction Legislation Amendment Act 2015*.

**2 Commencement**

This Act commences on the 14th day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended—schs 1–3**

This Act amends the legislation mentioned in schedules 1 to 3.

**4 Legislation repealed**

(1) The following legislation is repealed:

- [Hawkers Act 2003](#) (A2003-10)
- [Hawkers Regulation 2003](#) (SL2003-46)
- [Magistrates Court \(Hawkers Infringement Notices\) Regulation 2003](#) (SL2003-37).

(2) All other legislative instruments under the [Hawkers Act 2003](#) are repealed.

*Note* The transitional provisions inserted into the [Public Unleased Land Act 2013](#) by this Act provide that certain licences under the [Hawkers Act 2003](#) are taken to be permits under the [Public Unleased Land Act 2013](#) and continue in force.



## **Schedule 1**      **Amendments relating to public notification**

(see s 3)

### **Part 1.1**                      **Aboriginal and Torres Strait Islander Elected Body Act 2008**

#### **[1.1]      Schedule 1, part 1.5, modification 1.73, section 191 (1A)**

*substitute*

- (1A) If the commissioner is satisfied that it is practicable to fill the vacancy under section 194, the commissioner must give public notice of the vacancy.

*Note*      **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **Part 1.2**                      **ACT Teacher Quality Institute Act 2010**

#### **[1.2]      Section 60 (1)**

*omit*

publish in a newspaper circulating in the ACT a notice

*substitute*

give public notice

**[1.3] Section 60 (1), new note**

*insert*

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## **Part 1.3 Administration and Probate Act 1929**

**[1.4] Section 87C (5)**

*substitute*

- (5) The public trustee must give public notice of each election filed under this section, and public notice in relation to an estate is conclusive evidence that the public trustee is entitled to administer the estate of the deceased person.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.5] Section 93**

*substitute*

### **93 Notice of order to be published**

Within 1 month after any order to collect and administer has been granted, the public trustee must, unless the Supreme Court otherwise orders, twice give public notice of the fact that the order has been granted.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## **Part 1.4                      Agents Act 2003**

### **[1.6]                      Section 28 (1)**

*substitute*

- (1) A person who intends to apply for a licence must give public notice of the person's intention to apply for the licence.

*Note*        **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.7]                      Section 52 (1)**

*substitute*

- (1) A person who intends to apply for registration must give public notice of the person's intention to apply for registration.

*Note*        **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.8]                      Section 123 (3)**

*substitute*

- (3) The commissioner for fair trading must give additional public notice as soon as practicable after preparing the notice.

*Note*        **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.9] Section 150 (1) and (2)**

*substitute*

- (1) The commissioner for fair trading may give public notice inviting people entitled to claim compensation under this division in relation to a stated licensed agent to make claims within the period (the *claim period*) stated in the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

- (2) The public notice must be given twice with an interval of at least 1 month between the giving of each notice.

**[1.10] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.5 Animal Diseases Act 2005

**[1.11] Section 15 (4)**

*substitute*

- (4) The Minister must give additional public notice of the declaration.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

**[1.12] Section 19 (3)**

*substitute*

- (3) The Minister must give additional public notice of the declaration.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

**[1.13] Section 23 heading**

*substitute*

**23 Quarantine notices**

**[1.14] Dictionary, note 2**

*omit*

- daily newspaper

**[1.15] Dictionary, definition of *required media*, paragraph (a)**

*omit*

daily newspaper

*substitute*

public notice

## Part 1.6 Animal Welfare Act 1992

### [1.16] Section 24 (1)

*substitute*

- (1) The authority must, on or before the date of effect of an approval under section 22 or section 23, give public notice of the approval—
- (a) stating the date on which the approval takes effect; and
  - (b) giving details of where a copy of the approved code of practice may be purchased; and
  - (c) giving details of where a copy of the approved code of practice may be inspected during office hours; and
  - (d) containing a statement that the approval is subject to disallowance by the Legislative Assembly under the [Legislation Act](#).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## Part 1.7 Architects Regulation 2004

### [1.17] Section 10 (1)

*omit*

publish a notice in a daily newspaper

*substitute*

give public notice

### [1.18] Section 10 (1), new note

*insert*

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.19] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.8 Associations Incorporation Act 1991**

**[1.20] Section 83 (1) (e)**

*substitute*

- (e) give public notice in relation to the association.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.21] Section 83 (6) (d)**

*substitute*

- (d) give a further public notice in relation to the association.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.22] Section 93 (1) (h)**

*substitute*

- (h) give public notice in relation to the association.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## Part 1.9 Building Act 2004

### [1.23] Section 137 (1)

*substitute*

- (1) The construction occupations registrar must give additional public notice of the notification of each Australian Capital Territory Appendix to the Building Code of Australia made by the Minister under section 136.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (1) is in addition to the requirement under s 136 for notification on the legislation register as a disallowable instrument.

### [1.24] Dictionary, note 2

*omit*

- daily newspaper

## Part 1.10 Casino Control Act 2006

### [1.25] Section 69 (2) and note

*substitute*

- (2) If the casino licensee changes the operating times, the casino licensee must, at least 24 hours before the change happens—
  - (a) give the commission written notice of the changed operating times; and
  - (b) give public notice about the changed operating times; and



- (c) place a sign stating the changed operating times in a prominent position outside each public entrance to the casino.

*Note 1* If a form is approved under the [Control Act](#), s 53D for giving public notice, the form must be used.

*Note 2* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.26] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.11 Civil Law (Wrongs) Act 2002**

**[1.27] Schedule 4, section 4.5 (1)**

*substitute*

- (1) Before approving a scheme, the council must give public notice—
- (a) explaining the nature and significance of the scheme; and
  - (b) stating where a copy of the scheme can be obtained or inspected; and
  - (c) inviting comments and submissions within a stated time at least 21 days after the day the notice is published.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.28] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.12 Clinical Waste Act 1990

### [1.29] Section 15 (2)

*substitute*

- (2) The Minister must give additional public notice of the making of the manual.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (2) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

### [1.30] Dictionary, note 2

*omit*

- daily newspaper

## Part 1.13 Cooperatives Act 2002

### [1.31] Section 140 (4) (b)

*substitute*

- (b) give public notice to that effect.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.32] Section 462 (2) and note

*substitute*

- (2) The document may be served by giving public notice of the document, if—
- (a) the cooperative is a non-trading cooperative; or

(b) the member's address for service is unknown to the cooperative; or

(c) the registrar permits service to members by public notice.

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* For other ways of serving documents on members of cooperatives, see the [Legislation Act](#), pt 19.5.

## Part 1.14 Cooperatives Regulation 2003

### [1.33] Section 10

*substitute*

#### 10 How to notify member of membership cancellation—Act, s 131 (1)

The board of a cooperative may give public notice of its intention to cancel the membership of a member whose whereabouts are unknown.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.34] Section 21

*substitute*

#### 21 Advertising change of name—Act, s 256 (2)

Within 28 days after the day the registrar registers a change of name, the registrar must give public notice of the change of name.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.35] Schedule 1, section 1.5 (1) (b) (ii)**

*substitute*

- (ii) if the amount required to be paid to the person because of the cancellation is more than \$50 and public notice was given under section 10 (How to notify member whose whereabouts unknown of membership cancellation—Act, s 131 (1))—the date of the public notice and the name of website or newspaper that published the notice;

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## Part 1.15 Coroners Act 1997

**[1.36] Section 38**

*substitute*

### 38 Notice relating to conduct of hearing

A coroner must, where practicable, not less than 14 days before conducting a hearing, give public notice of the date, time and place of the hearing.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.37] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.16                      Dangerous Substances Act 2004**

### **[1.38]            Section 72 (1), examples of publication, new example**

*insert*

4    a public notice

### **[1.39]            Section 72 (1), new note**

*insert*

*Note 1*    **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.40]            Section 182 (3)**

*substitute*

- (3) As soon as practicable after an emergency order mentioned in subsection (1) (b) is made, the Minister must give public notice of the order in a way that, in the Minister's opinion, will be most likely to bring the order to the attention of the people to be bound by it.

*Note*        **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.41]            Section 197 (2), examples of publication, new example**

*insert*

4    a public notice

### **[1.42]            Section 197 (2), new note**

*insert*

*Note 1A*    **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## Part 1.17 Dangerous Substances (Explosives) Regulation 2004

### [1.43] Section 316 (1)

*substitute*

- (1) The permit-holder must, within the notification period, give public notice of the date, time, duration and location of the proposed fireworks display.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.44] Dictionary, note 2

*omit*

- daily newspaper

## Part 1.18 Domestic Animals Act 2000

### [1.45] Section 81 (4)

*substitute*

- (4) The Minister must give additional public notice of the making of a declaration under this section.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

### [1.46] Dictionary, note 2

*omit*

- daily newspaper

## **Part 1.19                      Education Act 2004**

### **[1.47]      Section 20 (5) (d) and example and note**

*substitute*

- (d) give public notice of—
- (i) a proposal to close or amalgamate the school; and
  - (ii) details of where a copy of the report mentioned in paragraph (b) can be obtained;

**Example**

a website operated by the administrative unit responsible for this Act

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 1* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

### **[1.48]      Section 20 (6) (a)**

*substitute*

- (a) give public notice of the final decision; and

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.49]      Section 83 (5)**

*substitute*

- (5) The director-general must give public notice of the making of an application under this section.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.50] Section 83 (6)**

*omit*

notice

*substitute*

public notice

**[1.51] Section 85 (4)**

*substitute*

- (4) The director-general must give public notice of the making of an application under this section.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.52] Section 87 (3)**

*substitute*

- (3) The director-general must give public notice of the making of an application under this section.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.53] Section 88A (3)**

*substitute*

- (3) The director-general must give public notice of the making of an application under this section.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).



**[1.54] Section 89 (3)**

*substitute*

- (3) The director-general must give public notice of the making of an application under this section.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.55] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.20 Electoral Act 1992**

**[1.56] Section 41 (3)**

*substitute*

- (3) The redistribution committee must give additional public notice of the notice mentioned in subsection (1).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.57] Section 44 (3)**

*substitute*

- (3) The redistribution committee must give additional public notice of—
- (a) the maps mentioned in subsection (1) (a); and

- (b) the notice mentioned in subsection (1) (c).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### [1.58] Section 91 (4)

*substitute*

- (4) The commissioner must give additional public notice of the notice required under this section.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### [1.59] Section 119 (3)

*substitute*

- (3) During a pre-election period, the commissioner—
- (a) must give additional public notice of the particulars of each polling place for the election; and

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

- (b) may publish notice of the particulars of each polling place for the election by any other means the commissioner determines.

**[1.60] Section 159 (3)**

*substitute*

- (3) The commissioner must give additional public notice of the notice required under this section.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.61] Section 191**

*substitute*

**191 Notice of casual vacancy**

- (1) This section applies if—
- (a) the Speaker notifies the commissioner, in writing, that the seat of an MLA has become vacant otherwise than because of—
    - (i) the dissolution of the Assembly; or
    - (ii) the expiry of the term for which MLAs were elected at an election; or
    - (iii) the failure or partial failure of an election; and
  - (b) the commissioner is satisfied that it is practicable to fill the vacancy in accordance with section 194.
- (2) The commissioner must give public notice of the following—
- (a) that there is a casual vacancy in the Assembly;
  - (b) that a person may apply to be a candidate in accordance with section 192;
  - (c) in accordance with section 192—the time and day applications close;

- (d) if required under section 194—the time and place for a recount of the ballot papers counted for the former MLA at the last election at which he or she was elected.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

- (3) The commissioner must, so far as practicable, give a copy of the public notice to any person who, in the opinion of the commissioner, may be entitled to make an application under section 192 in relation to the vacancy.
- (4) The commissioner must tell the Speaker if the commissioner is not satisfied that it is practicable to fill the vacancy in accordance with section 194.

#### **[1.62] Section 192 (2) (b) and note**

*substitute*

- (b) reach the commissioner before noon on the 10th day after the day on which public notice of the vacancy was given under section 191 (2).

*Note 1* If a form is approved under s 340A (Approved forms) for an application, the form must be used.

*Note 2* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

#### **[1.63] Section 263 (3)**

*substitute*

- (3) An applicant is not entitled to make a leave application unless notice of the applicant's intention to do so has been given—
- (a) by public notice; and
- (b) to the commissioner; and

(c) to each of the respondents to the relevant election application.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

#### **[1.64] Section 263 (9) (d)**

*substitute*

(d) the person, or his or her personal representative, must—

- (i) give public notice that the person ceases to be a respondent; and
- (ii) give a copy of the public notice to the registrar; and

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## **Part 1.21 Electricity Safety Act 1971**

#### **[1.65] Section 28 (4)**

*substitute*

(4) The construction occupations registrar must give additional public notice of a notice under subsection (1).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

#### **[1.66] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.22 Emergencies Act 2004

### [1.67] Section 75 (3)

*substitute*

- (3) The Minister must give additional public notice of the consultation notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### [1.68] Section 115 (1) (b)

*substitute*

- (b) given in a public notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.69] Dictionary, note 2

*omit*

- daily newspaper

## Part 1.23 Environment Protection Act 1997

### [1.70] Section 21B (4)

*substitute*

- (4) The authority must give additional public notice of the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.71] Section 25 (3)**

*substitute*

- (3) The authority must give additional public notice of the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.72] Section 28 (2)**

*substitute*

- (2) If an environment protection policy is made, public notice must be given of the following:
- (a) a brief description of the policy;
  - (b) a statement of when the policy takes effect;
  - (c) a statement of where the policy may be inspected.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.73] Section 32**

*substitute*

**32 Public notice of accredited codes of practice**

- (1) Within 10 working days after the day an accredited code of practice is notified under the [Legislation Act](#), the Minister must give additional public notice of the accreditation.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (1) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

- (2) A public notice under subsection (1) must state where a copy of the accredited code of practice is available for public inspection in accordance with section 19.

**[1.74] Section 41 (3) and (4)**

*substitute*

- (3) Within 10 working days after the day an environmental protection agreement is notified under the [Legislation Act](#), the authority must give additional public notice of the accreditation.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.75] Section 48 (4) and (5)**

*substitute*

- (4) Within 10 working days after the day the notice mentioned in subsection (1) is notified under the [Legislation Act](#), the authority must give additional public notice of the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.76] Section 59 (3) and (4)**

*substitute*

- (3) Within 10 working days after the day the notice mentioned in subsection (1) is notified under the [Legislation Act](#), the authority must give additional public notice of the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.



**[1.77] Section 110 (2)**

*substitute*

- (2) If a notice is given under subsection (1) the authority must, at the same time, give public notice that a person who has a legal or equitable interest in the thing to be disposed may tell the authority about why it should not be disposed of.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.78] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.24 Environment Protection Regulation 2005**

**[1.79] Section 11 (4)**

*substitute*

- (4) The declaration must be—
- (a) notified in a public notice; or
  - (b) broadcast in the ACT by a national or commercial broadcasting service.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.80] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.25 Fair Trading (Fuel Prices) Act 1993

### [1.81] Section 4 (4)

*substitute*

- (4) The Minister must give additional public notice of the determination.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

## Part 1.26 Financial Management Act 1996

### [1.82] Section 53A (5)

*substitute*

- (5) The director-general must give additional public notice of the statement.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (5) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

## **Part 1.27                      Firearms Act 1996**

### **[1.83]      Section 31 (4)**

*substitute*

- (4) The registrar must give additional public notice of the declaration.

*Note*      **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### **[1.84]      Section 38 (3)**

*substitute*

- (3) The Minister must give additional public notice of the declaration.

*Note*      **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### **[1.85]      Section 52 (7)**

*substitute*

- (7) The registrar must give additional public notice of the declaration.

*Note*      **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (7) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

### **[1.86]      Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.28 Fisheries Act 2000

### [1.87] Section 7 (3)

*substitute*

- (3) The conservator must give additional public notice of the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### [1.88] Section 8A (4)

*substitute*

- (4) The conservator must give additional public notice of the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### [1.89] Dictionary, definition of *newspaper*

*omit*

## Part 1.29 Food Act 2001

### [1.90] Section 41 (3) and (4)

*substitute*

- (3) As soon as practicable after an emergency order mentioned in subsection (1) (b) is made, the Minister must give public notice of the order in a way that, in the Minister's opinion, will be most likely to bring the order to the attention of the people to be bound by it.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

- (4) The public notice must set out—
- (a) the terms of the emergency order; and
  - (b) the people to be bound by it.

**[1.91] Section 146 (3)**

*substitute*

- (3) The chief health officer—
- (a) must publish a notice about the conviction, or finding of guilt, on a register kept by the chief health officer; and
  - (b) if the chief health officer considers it in the public interest— may give public notice about the conviction, or finding of guilt.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## **Part 1.30 Gaming Machine Act 2004**

**[1.92] Section 13 (2)**

*omit everything before paragraph (a), substitute*

- (2) The applicant must give public notice of the application, stating that—

**[1.93] Section 13 (2) (a)**

*omit*

advertisement

*substitute*

public notice

**[1.94] Section 13 (2), notes**

*substitute*

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* If a form is approved under the [Control Act](#), s 53D for a public notice, the form must be used.

**[1.95] Section 13 (3) (b)**

*omit*

advertisement

*substitute*

public notice

**[1.96] Section 13 (4) (a)**

*omit*

the advertisement is published

*substitute*

the public notice is given

**[1.97] Dictionary, note 2**

*insert*

- public notice

## Part 1.31 Gaming Machine Regulation 2004

**[1.98] Section 17 (3) (b) (i)**

*substitute*

- (i) public notice is given under section 18 (a); and

**[1.99] Section 18**

*substitute*

**18 Public notice of ballot**

At least 3 weeks before the voting close date for the ballot, the club secretary must—

- (a) give public notice of the ballot; and
- (b) display a copy of the public notice in each premises to which the ballot relates.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.100] Dictionary, note 2**

*insert*

- public notice

## **Part 1.32 Gas Safety Act 2000**

**[1.101] Section 27 (4)**

*substitute*

- (4) The construction occupations registrar must give additional public notice of the prohibition.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.102] Section 29 (3)**

*substitute*

- (3) A direction to recall a gas appliance may require the trader to give—
- (a) written notice of the recall to people to whom the trader sold, or may have sold, a gas appliance to which the direction relates; or
  - (b) public notice of the recall.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.103] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.33 Gene Technology Act 2003

**[1.104] Section 52 (4)**

*substitute*

- (4) The regulator must give additional public notice of the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.



## Part 1.34 Health Records (Privacy and Access) Act 1997

### [1.105] Schedule 1, principle 11, paragraph 2 and note

*substitute*

- 2 Not later than 30 days before the proposed relocation or closure, the provider must—
  - (a) give public notice of the relocation or closure (a *transfer notice*); and
  - (b) take other practicable steps to inform each consumer who has attended the health service practice of the matters mentioned in the transfer notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## Part 1.35 Heritage Act 2004

### [1.106] Section 14 (6) and note

*substitute*

- (6) The notice under subsection (5) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (6A) The Minister must give additional public notice of the notice under subsection (5).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (6A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.107] Section 26 (2) and note**

*substitute*

- (2) The consultation notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (2A) The council must, as soon as practicable, give additional public notice of the consultation notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (2A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.108] Section 26A (5)**

*substitute*

- (5) An extension notice that is not opposed by the Minister—

- (a) is a notifiable instrument; and  
(b) must be notified under the [Legislation Act](#) within 5 working days of the last day on which the Minister could have opposed the extension notice.

- (5A) The council must, as soon as practicable, give additional public notice of the extension notice under subsection (5).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (5A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.109] Section 34 (2)**

*substitute*

- (2) A notice under subsection (1)—
- (a) is a notifiable instrument; and
  - (b) must be notified under the [Legislation Act](#) within 5 working days after the day the decision under section 32 (1) is made.
- (2A) The council must, as soon as practicable, give additional public notice of the notice under subsection (1).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (2A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.110] Section 35 (5)**

*substitute*

- (5) An extension notice that is not opposed by the Minister—
- (a) is a notifiable instrument; and
  - (b) must be notified under the [Legislation Act](#) within 5 working days of the last day on which the Minister could have opposed the extension notice.
- (5A) The council must, as soon as practicable, give additional public notice of the extension notice under subsection (5).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (5A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.111] Section 40 (3)**

*substitute*

- (3) A notice under this section—
- (a) is a notifiable instrument; and
  - (b) must be notified under the [Legislation Act](#) within 5 working days after the day the decision is made; and
  - (c) must include the following information:
    - (i) the registration details of the place or object;
    - (ii) the reasons for the council's decision;
    - (iii) for a decision to register a place or object—the date registration takes effect; and
  - (d) must not include restricted information.
- (3A) The council must, as soon as practicable, give additional public notice of the notice under subsection (3).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.112] Section 44 (2)**

*substitute*

- (2) A notice under subsection (1)—
- (a) is a notifiable instrument; and
  - (b) must be notified under the [Legislation Act](#) within 5 working days after the day the proposal is given to the council.

- (2A) The council must, as soon as practicable, give additional public notice of the notice under subsection (1).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (2A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

#### **[1.113] Section 49 (4)**

*substitute*

- (4) A notice under subsection (1)—
- (a) is a notifiable instrument; and
  - (b) must be notified under the [Legislation Act](#) within 5 working days after the day the decision is made.
- (4A) The council must, as soon as practicable, give additional public notice of a notice under subsection (1).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

#### **[1.114] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.36 Independent Competition and Regulatory Commission Act 1997

### [1.115] Section 18 (3)

*substitute*

- (3) The commission must give additional public notice of the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### [1.116] Section 24K (3) (b)

*substitute*

- (b) give public notice of the application.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.117] Section 33 (4), new note

*insert*

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.118] Dictionary, note 2

*omit*

- daily newspaper

## **Part 1.37                      Intoxicated People (Care and Protection) Act 1994**

### **[1.119]    Section 33 heading**

*substitute*

### **33            Publication of standard**

#### **[1.120]    Section 33 (1)**

*omit*

publish in the principal daily newspaper

*substitute*

give public notice

#### **[1.121]    Section 33 (1), new note**

*insert*

*Note*    **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

#### **[1.122]    Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.38 Lakes Act 1976

### [1.123] Section 21 (1) and (2)

*substitute*

- (1) The Minister may declare one or both of the following:
  - (a) that entry to a lake area is prohibited;
  - (b) that an area of a lake is a prohibited area.
- (2) A declaration under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (2A) The Minister must give additional public notice of a declaration.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (2A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### [1.124] Section 22 (1) and (2) and note

*substitute*

- (1) The Minister may declare one or both of the following:
  - (a) that part of a lake is a closed area for the period stated in the declaration; and
  - (b) that an entity is authorised to conduct a stated event in the closed area during the stated period.
- (2) A declaration is a notifiable instrument.

*Note* **Entity** includes an unincorporated body (see [Legislation Act](#), dict, pt 1).

*Note* A notifiable instrument must be notified under the [Legislation Act](#).



(2A) The Minister must give additional public notice of a declaration.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (2A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.125] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.39 Lands Acquisition Act 1994**

**[1.126] Section 20 (1)**

*substitute*

- (1) As soon as practicable after making a pre-acquisition declaration, the Executive must—
- give public notice of the declaration; and
  - give a copy of the declaration to the registrar-general.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.127] Section 21 (6)**

*substitute*

- (6) The Executive may give additional public notice of the certificate.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The discretion in s (6) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.128] Section 33 (4)**

*substitute*

- (4) The Executive must give additional public notice of the declaration.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.129] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.40 Land Titles Act 1925

**[1.130] Dictionary, note 2**

*omit*

- daily newspaper

**[1.131] Dictionary, new definition of *daily newspaper***

*insert*

***daily newspaper*** means a daily newspaper circulating generally in the ACT.

## **Part 1.41                      Legal Profession Act 2006**

### **[1.132]    Section 333 (3) (b)**

*after*

each jurisdiction

*insert*

other than the ACT

### **[1.133]    New section 333 (3) (ba)**

*insert*

(ba) if the law practice has, or at any relevant time had, an office in the ACT—in a public notice; and

### **[1.134]    Section 333 (3), new note**

*insert*

*Note*    **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.135]    Section 333 (7), definition of *protected person*, paragraph (c)**

*after*

newspaper

*insert*

or public notice

**[1.136] Section 583 (1)**

*substitute*

- (1) The council or councils proposing to make a legal profession rule under this division must give public notice—
- (a) explaining the object of the proposed rule; and
  - (b) advising where or how a copy of the proposed rule may be accessed, obtained or inspected; and
  - (c) inviting comments and submissions within a stated period of not less than 21 days after the date of first publication of the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.137] Dictionary, note 2**

*omit*

- daily newspaper

**[1.138] Dictionary, note 2**

*insert*

- public notice

## Part 1.42 Legislation Act 2001

**[1.139] Dictionary, part 1, definition of *daily newspaper***

*omit*

**[1.140] Dictionary, part 1, new definition of *public notice***

*insert*

***public notice***, if required by a Territory law, means—

- (a) a dated notice on an ACT government website; or
- (b) notice in a daily newspaper circulating generally in the ACT.

## **Part 1.43                      Liquor Act 2010**

**[1.141] Section 34 (1) (b)**

*substitute*

- (b) give public notice about the application.

*Note*     ***Public notice*** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.142] Section 36 (2) and note**

*substitute*

- (2) The commissioner may give public notice to extend the public consultation period for an application.

*Note 1*     ***Public notice*** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2*     The commissioner may extend the public consultation period after it has ended (see [Legislation Act](#), s 151C).

## Part 1.44 Liquor Regulation 2010

### [1.143] Section 21 (1) (m)

*omit*

and publish in the public notices of a daily newspaper

*substitute*

and give public notice

### [1.144] Section 21 (1), new note

*insert*

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.145] Dictionary, note 2

*omit*

- daily newspaper

## Part 1.45 Major Events Act 2014

### [1.146] Section 6 (6)

*substitute*

- (6) The Executive must give additional public notice of the major event declaration.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (6) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

**[1.147] Section 8 (4)**

*substitute*

- (4) The Minister must give additional public notice of the major event declaration variation.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

**[1.148] Section 9 (5)**

*substitute*

- (5) The Minister must give additional public notice of the important sporting event notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (5) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

**[1.149] Section 26 (5)**

*substitute*

- (5) The Minister must give additional public notice of the notice under subsection (4).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (5) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.150] Section 32 (4)**

*substitute*

- (4) The Minister must give additional public notice of the notice under subsection (3).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.151] Section 39 (4)**

*substitute*

- (4) The Minister must give additional public notice of the notice under subsection (3).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.152] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.46 Nature Conservation Act 2014

**[1.153] Section 256 (5) and note**

*substitute*

- (5) If the conservator makes an activities declaration for a reserve, the conservator must—
- (a) give additional public notice about the declaration; and



- (b) display a notice about the declaration in a conspicuous place at the reserve.

*Note 1* The power to make a declaration includes the power to amend or repeal the declaration (see [Legislation Act](#), s 46).

*Note 2* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (5) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

#### **[1.154] Section 259 (4) and note**

*substitute*

- (4) If the conservator makes a closed reserve declaration, the conservator must—
- (a) give additional public notice about the declaration; and
- (b) display a notice about the declaration in a conspicuous place at the reserve.

*Note 1* The power to make a declaration includes the power to amend or repeal the declaration (see [Legislation Act](#), s 46).

*Note 2* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

#### **[1.155] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.47 Notaries Public Act 1984

### [1.156] Section 5 (5)

*substitute*

- (5) An applicant must give public notice of the making of an application under this section not later than 7 days after the day the application was filed.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.157] Dictionary, note 2

*omit*

- daily newspaper

## Part 1.48 Nudity Act 1976

### [1.158] Section 3

*substitute*

#### 3 Public notice of declaration

- (1) Within 7 days after making a declaration under section 2, the Minister must give additional public notice of the declaration.
- (2) A declaration is not invalid if the Minister does not comply with subsection (1).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (1) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

## **Part 1.49 Partnership Act 1963**

### **[1.159] Sections 42 and 43**

*substitute*

#### **42 Right of partners to notify dissolution**

On the dissolution of a partnership or the retirement of a partner, a partner in the firm—

- (a) may give public notice that the partnership has been so dissolved or that the partner has so retired, as the case may be; and
- (b) may require the other partners in the firm to concur for that purpose in all necessary and proper acts (if any) which cannot be done without the concurrence of the other partners.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

#### **43 Public notice of dissolution or change**

Public notice of the dissolution, or a change in the constitution, of a firm is notice of the dissolution or change to a person who did not have dealings with the firm before the date of the dissolution or change.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.160] Section 78 (7) (b)**

*substitute*

- (b) if service cannot reasonably be made in accordance with paragraph (a)—by giving public notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.161] Section 80 (5)**

*substitute*

- (5) Within 10 days after the day the liquidator is appointed, the liquidator must give public notice of the liquidator's appointment.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.162] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.50 Pawnbrokers Act 1902

**[1.163] Section 15 (3)**

*substitute*

- (3) On 2 separate occasions at least 4 days before the proposed sale, the pawnbroker must give public notice about the sale.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## Part 1.51 Planning and Development Act 2007

**[1.164] Section 63 (5) (a)**

*substitute*

- (a) give public notice of the consultation notice and any extension notice; and

**[1.165] Section 63 (5), new note**

*insert*

*Note 2* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.166] Section 68 (5)**

*substitute*

- (5) The planning and land authority must also give public notice of the withdrawal of a draft plan variation on the same day, or as soon as practicable after, the authority prepares the withdrawal.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.167] Section 70 (4)**

*substitute*

- (4) The planning and land authority must give additional public notice of a public availability notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.168] Section 76 (8)**

*substitute*

- (8) The planning and land authority must give additional public notice of the notice under subsection (5).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (8) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.169] Section 82 (6)**

*substitute*

- (6) The planning and land authority must give additional public notice on the same day, or as soon as practicable after, the rejection is notified under the [Legislation Act](#).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (6) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.170] Section 83 (3)**

*substitute*

- (3) The planning and land authority must give public notice of—
- (a) the commencement notice under subsection (2); and
  - (b) where copies of the plan variation may be inspected or purchased.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.171] Section 83 (4)**

*omit*

published in the newspaper

*substitute*

publicly notified

**[1.172] Section 85 (1)**

*substitute*

- (1) The planning and land authority must give public notice of—
- (a) a rejection notice under section 84 (3); or

(b) a commencement notice under section 84 (5) (a) for a provision (an *approved provision*); or

(c) a withdrawal notice under section 84 (5) (b).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.173] Section 85 (2)**

*omit*

published under subsection (1) (a)

*substitute*

publicly notified under subsection (1)

**[1.174] Section 85 (3)**

*omit*

published in the newspaper

*substitute*

publicly notified

**[1.175] Section 85D (5) and note**

*substitute*

(5) The planning and land authority must give additional public notice of the consultation notice and any extension notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (5) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.176] Section 85G (7) and note**

*substitute*

- (7) The planning and land authority must give additional public notice of the notice under subsection (4).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (7) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.177] Section 85J (2) and note**

*substitute*

- (2) The planning and land authority must give public notice of—
- (a) each variation to the [territory plan](#) made by the special variation; and
  - (b) where copies of the plan variation may be inspected or purchased.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.178] Section 85J (3)**

*omit*

published in the newspaper

*substitute*

publicly notified



**[1.179] Section 89 (5)**

*substitute*

- (5) Not later than 5 working days after the day the plan variation is notified under the [Legislation Act](#), the planning and land authority must give additional public notice that—
- (a) describes the variation; and
  - (b) states the date of effect of the variation; and
  - (c) if the authority considers it necessary or helpful—states where the plan variation and information about the plan variation is available for inspection.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (5) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.180] Section 90 (2) and note**

*substitute*

- (2) The planning and land authority must give public notice that—
- (a) describes the proposed technical amendment; and
  - (b) states where a copy of the proposed plan variation and information about the amendment is available for inspection; and
  - (c) states how and when written comments (***consultation comments***) may be made on the amendment; and

- (d) states that a copy of any consultation comments made under paragraph (c) will be made available for inspection for at least 15 working days starting 10 working days after the period under paragraph (c) ends, at stated places.

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* Section 411 and s 412 apply to a person who makes consultation comments under this section.

#### **[1.181] Section 155 (1) (b) and note**

*substitute*

- (b) give public notice of the making of the application.

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* This section is subject to s 411 and s 412.

#### **[1.182] Section 156 (3) and notes**

*substitute*

- (3) The planning and land authority may give public notice to extend the public notification period.

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* The planning and land authority may extend the public notification period after it has ended (see [Legislation Act](#), s 151C).

**[1.183] Section 217**

*substitute*

**217 Public notification of draft EIS**

The planning and land authority *publicly notifies* a draft EIS by—

- (a) giving public notice stating—
  - (i) that the draft EIS is available for public inspection and for purchase at stated places and times; and
  - (ii) how and when representations may be made on the draft EIS; and
- (b) making 1 or more copies of the draft EIS available as stated in the public notice; and
- (c) if practicable, making a copy of the draft EIS available on the authority website.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.184] Section 219 (3) and note**

*substitute*

- (3) The planning and land authority may give public notice to extend the public consultation period.

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* The planning and land authority may extend the public notification period after it has ended (see [Legislation Act](#), s 151C).

**[1.185] Section 250 (4)**

*substitute*

- (4) If the planning and land authority does not know the home address of the person to whom the notice under subsection (2) is to be given, the authority may give public notice of the notice under subsection (2).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.186] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.52 Plant Diseases Act 2002

**[1.187] Dictionary, note 2**

*omit*

- daily newspaper

**[1.188] Dictionary, note 2**

*insert*

- public notice

**[1.189] Dictionary, definition of *required media*, paragraph (a)**

*omit*

daily newspaper

*substitute*

public notice

## **Part 1.53 Prohibited Weapons Act 1996**

**[1.190] Section 4L (4) and note**

*substitute*

- (4) The registrar must give additional public notice of the declaration.

*Note* **Public notice** means notice on an ACT Government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a disallowable instrument.

## **Part 1.54 Public Health Act 1997**

**[1.191] Section 118D (4)**

*substitute*

- (4) The water utility must—
- (a) give additional public notice of the public risk notice; and
  - (b) take all other reasonable measures to alert the public to the risk.

Maximum penalty: 2 000 penalty units.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) (a) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.192] Section 118J (4)**

*substitute*

- (4) The sewerage utility must—
- (a) give additional public notice of the public risk notice; and
  - (b) take all other reasonable measures to alert the public to the risk.

Maximum penalty: 2 000 penalty units.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) (a) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.193] Section 119 (6)**

*substitute*

- (6) The Minister must give additional public notice of an emergency declaration, and any extension of the period of a declaration, as soon as practicable after it is made.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (6) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.194] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.55                      Public Roads Act 1902**

### **[1.195]    Section 19 (5)**

*substitute*

- (5) The Minister must give additional public notice of a notice under subsection (4).

*Note*     **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (5) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### **[1.196]    Section 25 (4)**

*substitute*

- (4) The Minister must give additional public notice of a notice under subsection (3).

*Note*     **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### **[1.197]    Dictionary, definition of *local newspaper***

*omit*

## Part 1.56 Public Trustee Act 1985

### [1.198] Section 33 (1)

*substitute*

- (1) The public trustee may, in connection with the administration of a deceased estate, give public notice that any person who claims to be a creditor against the estate must notify the public trustee, in writing, of the claim within the period stated in the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.199] Section 33 (2) (a)

*omit*

causes a notice to be published

*substitute*

gives public notice

### [1.200] Section 36

*substitute*

#### 36 Public notice of appointment or election

As soon as practicable after making an application under section 34 or filing a notice of election under section 35, the public trustee must give public notice of the application or election.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).



**[1.201] Section 43 (7)**

*substitute*

- (7) Before selling or otherwise disposing of property under subsection (5), the public trustee must—
- (a) give public notice of the proposed sale or disposal; and
  - (b) if the last-known place of residence of the person lawfully entitled to the property is in another State or Territory—give notice of the proposed sale or disposal in a newspaper circulating in that State or Territory.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## **Part 1.57 Public Unleased Land Act 2013**

**[1.202] Section 10 (2)**

*substitute*

- (2) Before deciding whether to fix or change a level, the director-general must—
- (a) at least 30 days before the level is to be fixed or changed—twice give public notice about the proposal to fix or change the level; and
  - (b) give anyone interested in the proposal an opportunity to be heard about the proposal.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.203] Section 10 (3)**

*omit*

notice

*substitute*

public notice

**[1.204] Section 11 (2)**

*substitute*

- (2) Before closing a public road, the director-general must—
- (a) at least 7 days before the road is to be closed—give public notice about the proposal to close the road; and
  - (b) display a notice about the proposal to close the road in a conspicuous place at the road.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.205] Section 53 (2) (b)**

*substitute*

- (b) give public notice about the application.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.206] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.58**

# **Road Transport (Public Passenger Services) Regulation 2002**

### **[1.207] Section 84F (3)**

*substitute*

- (3) The road transport authority must give public notice of the notice at least 14 days before the day the ballot is to be conducted.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.208] Section 84J (3) (b)**

*substitute*

- (b) if public notice of a notice for the holding of another ballot for the kind of taxi licence to which the ballot related is given under section 84F (Notification of ballots)—when the public notice is given.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.209] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.59 Sale of Motor Vehicles Act 1977

### [1.210] Section 11B (2)

*substitute*

- (2) The relevant person must, within 7 days of applying under section 10 (1) or section 11 (1) give public notice of the application.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.211] Section 45 (1)

*substitute*

- (1) If a person (the **prospective executive officer**) intends becoming an executive officer of a corporate licensee, the person must give public notice of that intention.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.212] Dictionary, note 2

*omit*

- daily newspaper

## **Part 1.60**

# **Second-hand Dealers Regulation 2002**

### **[1.213] Section 11 (4)**

*substitute*

- (4) The chief police officer must give additional public notice of a direction under subsection (3).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### **[1.214] Section 12 (3)**

*substitute*

- (3) The chief police officer must give additional public notice of a direction under subsection (2).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### **[1.215] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.61 Stock Act 2005

### [1.216] Section 37 (2) (c)

*substitute*

- (c) if the owner is not identified—give public notice of the information mentioned in paragraph (b).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## Part 1.62 Supervised Injecting Place Trial Act 1999

### [1.217] Section 5 (4)

*substitute*

- (4) The Minister must give additional public notice of a declaration under subsection (3).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### [1.218] Section 8 (1)

*substitute*

- (1) The Minister must give public notice of the effect of an instrument made under section 7, as soon as practicable after the instrument is made.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.219] Dictionary, definition of *newspaper*

*omit*

## Part 1.63 Tree Protection Act 2005

### [1.220] Section 49 (4)

*substitute*

- (4) The conservator must also give public notice of a decision.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.221] Section 49 (6)

*omit*

the notice is published in a daily newspaper.

*substitute*

public notice is given under subsection (4).

### [1.222] Section 53 (4)

*substitute*

- (4) If the decision is to register the tree, the conservator must also give public notice of the decision.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.223] Section 56 (4)

*substitute*

- (4) The conservator must also give public notice of the proposed cancellation.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.224] Section 56 (6)**

*omit*

the notice is published in a daily newspaper.

*substitute*

public notice is given under subsection (4).

**[1.225] Section 59 (4)**

*substitute*

- (4) If the decision is to cancel the registration, the conservator must also give public notice of the decision.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.226] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.64 Trustee Act 1925

**[1.227] Section 60 (2)**

*omit*

a notice published in a newspaper printed and circulating in the ACT

*substitute*

a public notice



**[1.228] Section 60 (2), new note**

*insert*

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## **Part 1.65 Trustee Companies Act 1947**

**[1.229] Section 15 (1)**

*substitute*

- (1) A person who intends to apply for consent under section 14 must give public notice, at least 7 days before the day the application is made, of—
- (a) the intention to apply; and
  - (b) the intended date of the application.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.230] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.66 Unclaimed Money Act 1950**

**[1.231] Section 8 (3) (b) and note**

*substitute*

- (b) give public notice—
- (i) stating that it holds unclaimed amounts for the previous year; and

- (ii) explaining how people can find out details of the amounts and claim them.

*Note 1* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

*Note 2* If a form is approved under s 35 for a provision of this subsection, the form must be used.

## Part 1.67 Uncollected Goods Act 1996

### [1.232] Section 7 (3)

*substitute*

- (3) A request must—
  - (a) be sent to the owner’s last-known address; or
  - (b) if the possessor does not have an address for the owner and has not been able to find an address through reasonable inquiry—be given by public notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.233] Section 25 (1)

*substitute*

- (1) If uncollected goods are to be disposed of by public auction, the possessor must, at least 7 days before the auction, give public notice of—
  - (a) the time and place of the auction; and
  - (b) a general description of the goods to be sold.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.234] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.68 Utilities Act 2000**

**[1.235] Section 36 (1)**

*substitute*

- (1) Before ICRC makes a defined licence decision under this division, it may give public notice, and notice on the ICRC's website, about the matter to be decided and invite submissions about that matter from interested people.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.236] Section 36 (2) (a)**

*omit*

**[1.237] Section 46 (2)**

*substitute*

- (2) ICRC must give public notice of a proposed review

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.238] Section 46 (4) (a) and (5) (a)**

*omit*

newspaper notice

*substitute*

public notice

**[1.239] Section 46 (6) (b)**

*substitute*

- (b) give public notice of the findings of the review and the place where a record of the statement is available for public inspection.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.240] Section 60 (1) (a)**

*substitute*

- (a) give public notice that—
- (i) states that the draft code has been prepared; and
  - (ii) states the place or places where copies of the draft code may be inspected or obtained; and
  - (iii) invites interested people to make submissions to ICRC about the draft code within the period stated in the notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

**[1.241] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.69                      Utilities (Electricity Restrictions) Regulation 2004**

### **[1.242]    Section 10 (3)**

*substitute*

- (3) As soon as possible after imposing electricity restriction measures, the utility must—
- (a) ensure that notice of the imposition is broadcast in the ACT by television or radio; and
  - (b) give notice of the imposition on the utility’s internet website; and
  - (c) give public notice of the imposition.

*Note*    **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.243]    Section 14 (1) (c)**

*omit*

by public notice

### **[1.244]    Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.70 Utilities (Gas Restrictions) Regulation 2005

### [1.245] Section 10 (3)

*substitute*

- (3) As soon as possible after imposing gas restriction measures, the utility must—
- (a) ensure that notice of the imposition is broadcast in the ACT by television or radio; and
  - (b) give notice of the imposition on the utility’s internet website; and
  - (c) give public notice of the imposition.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.246] Section 14 (1) (c)

*omit*

by public notice

### [1.247] Dictionary, note 2

*omit*

- daily newspaper

## **Part 1.71**                      **Utilities (Water Conservation) Regulation 2006**

### **[1.248] Section 6 (1) (b)**

*substitute*

- (b) may give public notice of the details of the measures.

*Note*     **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.249] Section 13**

*substitute*

#### **13 Additional public notice of temporary water restrictions**

The utility must give additional public notice, and notice on the utilities website, of—

- (a) a declaration under section 12 (5); and  
(b) details of the temporary water restrictions in force under the declaration.

*Note*     **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in this section is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### **[1.250] Dictionary, note 3**

*omit*

- daily newspaper

## Part 1.72 Waste Minimisation Act 2001

### [1.251] Section 10 (1)

*substitute*

- (1) As soon as practicable after the Minister decides that an IWRP is to be prepared for an industry, the director-general—
- (a) must give public notice of the decision; and
  - (b) may give any other notice that the director-general considers appropriate.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### [1.252] Section 10 (2)

*omit*

advertisement

*substitute*

public notice

### [1.253] Section 17 (3)

*substitute*

- (3) If the Minister approves an IWRP under subsection (1), the director-general—
- (a) must give public notice of the approval; and
  - (b) may give any other notice that the director-general considers appropriate.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).



**[1.254] Section 17 (4)**

*omit*

notice

*substitute*

public notice

**[1.255] Dictionary, note 2**

*omit*

- daily newspaper

## **Part 1.73 Waste Minimisation Regulation 2001**

**[1.256] Section 6 (3)**

*substitute*

- (3) The director-general must give additional public notice of a direction under subsection (1).

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

**[1.257] Dictionary, note 2**

*omit*

- daily newspaper

## Part 1.74 Water and Sewerage Act 2000

### [1.258] Section 44E (1)

*substitute*

- (1) The construction occupations registrar must give public notice of the notification of each Australian Capital Territory Appendix to the Plumbing Code of Australia made by the Minister under section 44C.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

## Part 1.75 Water Resources Act 2007

### [1.259] Section 14 (3) and note

*substitute*

- (3) The consultation notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (3A) The authority must give additional public notice of the consultation notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3A) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### [1.260] Dictionary, note 2

*omit*

- daily newspaper

## **Part 1.76                      Wills Act 1968**

### **[1.261]    Section 12A (4)**

*omit*

by advertisement published in a daily newspaper, give notice

*substitute*

by public notice

### **[1.262]    Section 12A (4), new note**

*insert*

*Note*    **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

### **[1.263]    Dictionary, note 2**

*omit*

- daily newspaper

### **[1.264]    Dictionary, note 2**

*insert*

- public notice

## **Part 1.77                      Workers Compensation Act 1951**

### **[1.265]    Section 205 (2), examples of publication, new example**

*insert*

4    a public notice

### **[1.266]    Dictionary, note 2**

*insert*

- public notice

## Part 1.78 Work Health and Safety Act 2011

### [1.267] Section 274 (5)

*substitute*

- (5) The Minister must, as soon as practicable after approving a code of practice, give additional public notice of the approval.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (5) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

### [1.268] Dictionary, note 2

*omit*

- daily newspaper

## Schedule 2 Amendments relating to Access Canberra

(see s 3)

### Part 2.1 Public Sector Management Act 1994

#### [2.1] New division 3.6

*insert*

#### Division 3.6 Exercise of certain functions by head of Access Canberra

##### 37A Exercise of certain functions by head of Access Canberra

- (1) The Chief Minister may declare that a function given to a director-general under a territory law dealing with a relevant matter may be exercised by the head of Access Canberra (a *declared function*).

*Note 1* **Function** includes authority, duty and power (see [Legislation Act](#), dict, pt 1).

*Note 2* 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*).

- (2) A declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (3) The head of Access Canberra may exercise a declared function.
- (4) The head of Access Canberra may delegate a declared function to an employee or another person.

*Note* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

- (5) However, the head of Access Canberra may only delegate a declared function to the extent permitted by other territory laws.

**Example—extent permitted**

A declaration is made in relation to a function given to the director-general under the XYZ Act. That Act states that the director-general may only delegate the function to an employee. The head of Access Canberra may also only delegate the function to an employee.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (6) Nothing in this section limits the exercise of a declared function by the director-general given the function.
- (7) Anything done in the exercise of a declared function is not invalid only because of a defect or irregularity in or in relation to a declaration.
- (8) In this section:

***Access Canberra*** means the business unit in the directorate administered by the Chief Minister known as Access Canberra.

***head***, of Access Canberra, means the person occupying the position (however described) of head of Access Canberra.

***relevant matter*** means a matter mentioned in an administrative arrangement under the [Self-Government Act](#), section 43 (1)—

- (a) responsibility for which is allocated to the Chief Minister; and  
(b) relating to Access Canberra.

## **Schedule 3      Other amendments**

(see s 3)

### **Part 3.1                      Legislation Regulation 2003**

#### **[3.1]      Section 7 (2), example**

*substitute*

**Example—par (a) (i)**

an approved form with the heading ‘Application for disposal of a gaming machine’

### **Part 3.2                      Nature Conservation Act 2014**

#### **[3.2]      Section 261 (2) (a) (vi)**

*omit*

### **Part 3.3                      Public Unleased Land Act 2013**

#### **[3.3]      New section 9A**

*in part 1, insert*

#### **9A      Meaning of *carrying on business as a hawker***

For this Act, a person *carries on business as a hawker*—

- (a) if the person carries on an itinerant business selling—
  - (i) goods carried by the person, or by a vehicle used by the person; or
  - (ii) services provided by the person, or provided from a vehicle used by the person; or

- (b) if the person sells goods or services for a person mentioned in paragraph (a).

**[3.4] Section 41 (1), new example**

*insert*

- 8 a person carrying on business as a hawker sells goods from their van for more than 30 minutes

**[3.5] Section 43 (5)**

*substitute*

- (5) This section does not apply to a person—
  - (a) if the person carries on business as a hawker for not more than 30 minutes at a time in a single location; and
  - (b) if each location at which the person carries on business as a hawker is at least 180m away from commercial premises that sells similar goods or services to the goods or services available from the person carrying on business as a hawker.

**[3.6] Section 59 (2)**

*omit*

2 years

*substitute*

3 years



**[3.7] New section 99A**

*in subdivision 4.3.1, insert*

**99A Offence—hawkers obstructing or endangering public**

- (1) A person commits an offence if—
- (a) the person uses public unleased land to carry on business as a hawker; and
  - (b) the person—
    - (i) hinders or obstructs the free movement of people or vehicles in public unleased land; or
    - (ii) endangers the safety of members of the public in public unleased land.

Maximum penalty: 30 penalty units.

- (2) An offence against this section is a strict liability offence.

**[3.8] New part 21**

*insert*

**Part 21 Transitional—Red Tape  
Reduction Legislation  
Amendment Act 2015**

**206 Meaning of *commencement day*—pt 21**

In this part:

*commencement day* means the day the *Red Tape Reduction Legislation Amendment Act 2015*, section 4 commences.

*Note* The *Red Tape Reduction Legislation Amendment Act 2015*, s 4 repeals the *Hawkers Act 2003*.

**207 Hawkers licence**

- (1) This section applies if, immediately before the commencement day, a person holds a licence under the *Hawkers Act 2003*.
- (2) The licence is, on the commencement day, taken to be a public unleased land permit—
  - (a) in the same terms as the licence; and
  - (b) subject to the same conditions as the licence.
- (3) The public unleased land permit—
  - (a) is taken to expire on the day stated in the licence; and
  - (b) must not be transferred.

**208 Expiry—pt 21**

This part expires 3 years after the commencement day.

*Note* Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see *Legislation Act*, s 88).

## **Part 3.4 Workers Compensation Act 1951**

**[3.9] Section 8 (3) (b)**

*omit*

**[3.10] New section 155A**

*insert*

**155A Employer must notify insurer of certain corrected information**

- (1) This section applies if an employer has provided an employer's estimate under section 155 to an insurer for a particular period.

- (2) If the employer's estimate of total wages understates the correct amount by more than \$500 000 for the period, the employer must tell the insurer that information provided in the employer's estimate is incorrect.
- (3) The employer must—
- (a) tell the insurer about the incorrect information mentioned in subsection (2)—
    - (i) in writing; and
    - (ii) within 30 days after the day the employer becomes aware of the incorrect information; and
  - (b) include in the written notice to the insurer details of the correct estimate of the amount of total wages for the particular period.
- (4) The notice required under subsection (3) may be signed for the employer by any of the following:
- (a) if the employer is a corporation—an officer of the corporation authorised to sign the statement;
  - (b) in any other case—an owner of the employer's business.
- (5) A person commits an offence if the person—
- (a) is an employer; and
  - (b) is required under this section to tell an insurer about incorrect information; and
  - (c) fails to tell the insurer about the incorrect information within 30 days after the day the employer becomes aware of the incorrect information.
- Maximum penalty: 50 penalty units.
- (6) An offence against subsection (5) is a strict liability offence.

**[3.11]      Section 159**

*omit*

**[3.12]      Section 160 (3) (a)**

*substitute*

- (a) state the details given by the employer to the approved insurer under section 155 (Information for insurers on application for issue or renewal of policies); and

**[3.13]      Section 160 (3) (c)**

*omit*

not longer than 6 months

*substitute*

up to 12 months

**[3.14]      Section 162 (3) (d)**

*omit*

**[3.15]      section 163 (1)**

*omit*

- section 159 (Six-monthly information for insurers)

**[3.16]      Section 190 (6), definition of *related information*, paragraph (f)**

*omit*

**[3.17] Section 200A (1) (f)**

*omit*

**[3.18] Section 202 (1)**

*omit*

- section 159 (Six-monthly information for insurers)
- 

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 4 June 2015.

**2 Notification**

Notified under the [Legislation Act](#) on 30 September 2015.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Red Tape Reduction Legislation Amendment Bill 2015, which was passed by the Legislative Assembly on 15 September 2015.

Acting Clerk of the Legislative Assembly

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