



Australian Capital Territory

# Public Bathing Act 1956 (repealed)

A1956-12

**Republication No 10**

**Effective: 16 June 2017**

Republication date: 16 June 2017

As repealed by [A2017-17](#) s 4

## About this republication

### The republished law

This is a republication of the *Public Bathing Act 1956* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting this republished law to 16 June 2017.

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

### Kinds of republications

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

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

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

### Editorial changes

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

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

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

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Public Bathing Act 1956 (repealed)

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Australian Capital Territory

## Public Bathing Act 1956 (repealed)

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An Act relating to public bathing

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Public Bathing Act 1956*.

### 2 Dictionary

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

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

For example, the signpost definition '*public bathing convenience*, for part 5 (Public Bathing)—see section 28.' means that the term 'public bathing convenience' is defined in that section for part 5.

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

### 3 Notes

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

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

### 7 Inspectors

- (1) The director-general may appoint a public servant as an inspector.

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

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

- (2) A police officer is also an inspector.

## Part 5 Public Bathing

### 28 Definitions—pt 5

In this part:

*pool facility*—see the *Public Pools Act 2015*, section 10.

*public bathing convenience* means a dressing enclosure, or any other enclosure or building, provided by the Minister in a public place for the use of persons bathing in waters in the vicinity of the enclosure or building, but does not include an enclosure or building in any pool facility.

### 29 Offences in relation to public bathing conveniences

A person shall not—

- (a) loiter in a public bathing convenience unless he or she has a reasonable excuse for so doing; or
- (b) bring into, or deposit in, a public bathing convenience any filth, rubbish or other offensive matter; or
- (c) damage, disfigure or write upon a public bathing convenience; or
- (d) seek admission, by forcible or other improper means, to a public bathing convenience, or a part of a public bathing convenience, when that convenience or that part is occupied by another person.

Maximum penalty:

- (a) for paragraph (a)—1 penalty unit.
- (b) for paragraph (b), (c) or (d)—5 penalty units.

**31 Lifesaving apparatus in a public place**

Except in the course of attempting to save life, a person shall not, without lawful excuse, break, damage or interfere with any lifesaving apparatus provided by the Minister in a public place for use in saving persons from drowning.

Maximum penalty: 10 penalty units.

**32 Glass etc in public places**

A person shall not—

- (a) deposit, other than in a receptacle provided for the depositing of rubbish, any broken glass or earthenware, or any article of glass, earthenware or tin, in, or in a public place within 200 yards of the bank of, any river or creek in a public place; or
- (b) fail to collect and deposit in a safe place all parts of any article of glass or earthenware broken by him or her in, or in a public place within 200 yards of the bank of, any river or creek in a public place.

Maximum penalty: 5 penalty units.

**33 Removal of animals from public places**

- (1) When, in the opinion of an inspector, inconvenience or danger may be caused to bathers by the entry of an animal into waters in a public place, he or she may direct a person in charge of the animal to prevent it from entering, or to remove it from, the waters.
- (2) A person shall comply with a direction given to him or her by an inspector pursuant to subsection (1).

Maximum penalty: 5 penalty units.



**34 Prohibited bathing areas**

- (1) The Minister, if he or she thinks it necessary or desirable so to do, may, by a notice exhibited in a prominent place in the vicinity of any waters in a public place, prohibit bathing in those waters.
- (2) A person shall not bathe in waters in which bathing is prohibited under subsection (1).

Maximum penalty: 10 penalty units.

**35 Bathing in dangerous waters**

If, on any day, an inspector is of opinion that it is dangerous to bathe in any waters in a public place, he or she may warn a person in the vicinity of the waters that it is dangerous to bathe in the waters and a person so warned shall not, after receiving that warning, bathe in those waters on that day.

## Part 6 Miscellaneous

### 37 Determination of fees

- (1) The Minister may, in writing, determine fees for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### 38 Regulation-making power

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision for regulating—

- (a) bathing in a public place; and
- (b) the use of public bathing conveniences.

- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

## Dictionary

(see s 2)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- appoint
- director-general (see s 163)
- disallowable instrument (see s 9)
- Minister (see s 162)
- penalty unit (see s 133)
- person (see s 160)
- police officer.

*inspector* means an inspector under section 7.

*public bathing convenience*, for part 5 (Public Bathing)—see section 28.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

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

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

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

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

### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Public Baths and Public Bathing Ordinance 1956* A1956-12 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* A1989-21, s 5 on 11 May 1989 (self-government day). The Act was later renamed by the *Public Pools Act 2015* (see sch 2 pt 2.1).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

#### Legislation before becoming Territory enactment

##### **Public Bathing Act 1956 A1956-12**

notified 14 December 1956 (Cwlth Gaz 1956 No 75)  
commenced 24 December 1956 (Cwlth Gaz 1956 No 77)

as amended by

##### **Ordinances Revision Ordinance 1959 Ord1959-21 sch 1**

notified 23 December 1959 (Cwlth Gaz 1959 No 84)  
commenced 31 December 1959 (s 2)

##### **Public Baths and Public Bathing Ordinance 1961 Ord1961-6**

notified 18 May 1961 (Cwlth Gaz 1961 No 41)  
commenced 18 May 1961

##### **Public Baths and Public Bathing Ordinance 1964 Ord1964-10**

notified 21 August 1964 (Cwlth Gaz 1964 No 70)  
commenced 21 August 1964

##### **Ordinances Revision (Decimal Currency) Ordinance 1966 Ord1966-19 sch 1 (as am by Ord1967-36 s 4)**

notified 23 December 1966 (Cwlth Gaz 1966 No 109)  
commenced 23 December 1966

## Endnotes

3 Legislation history

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### **Ordinances Revision (Decimal Currency) Ordinance 1967 Ord1967-36 s 4**

notified 30 November 1967 (Cwlth Gaz 1967 No 102)  
commenced 23 December 1966 (s 2)

*Note* This Act only amends the [Ordinances Revision \(Decimal Currency\) Ordinance 1966](#) Ord1966-19

### **Public Baths and Public Bathing (Amendment) Ordinance 1988 Ord1988-83**

notified 19 December 1988 (Cwlth Gaz 1988 No S396)  
commenced 29 December 1988 (s 2 and Cwlth Gaz 1988 No S414)

### **Self-Government (Consequential Amendments) Ordinance 1989 Ord1989-38 s 38, sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)  
s 1, s 2 commenced 10 May 1989 (s 2 (1))  
s 38, sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

## **Legislation after becoming Territory enactment**

### **Statutory Offices (Miscellaneous Provisions) Act 1994 A1994-97 sch pt 1**

notified 15 December 1994 ([Gaz 1994 No S280](#))  
s 1, s 2 commenced 15 December 1994 (s 2 (1))  
sch pt 1 commenced 15 December 1994 (s 2 (2) and [Gaz 1994 No S293](#))

### **Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 A1996-26 sch pt 27**

notified 1 July 1996 ([Gaz 1996 No S130](#))  
commenced 1 July 1996 (s 2)

### **Uncollected Goods (Consequential Provisions) Act 1996 A1996-87 s 6**

notified 20 December 1996 ([Gaz 1996 No S328](#))  
s 1, s 2 commenced 20 December 1996 (s 2 (1))  
s 6 commenced 19 March 1997 (s 2 (2) and see [Gaz 1997 No S71](#))

**Public Health (Miscellaneous Provisions) Act 1997 A1997-70 sch 3**

notified 9 October 1997 ([Gaz 1997 No S300](#))  
ss 1-3 commenced 9 October 1997 (s 2 (1))  
sch 3 commenced 10 July 2001 (s 2 (2) and see [Gaz 2001 No S45](#))

**Statute Law Revision (Penalties) Act 1998 A1998-54 sch**

notified 27 November 1998 ([Gaz 1998 No S207](#))  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and [Gaz 1998 No 49](#))

**Public Health (Consequential Amendments) Act 1999 A1999-20 sch 1**

notified 14 April 1999 (Gaz No 1999 S16)  
commenced 10 July 2001 (s 2 and [A1997-70 s 2](#))

**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 308**

notified 26 July 2001 ([Gaz 2001 No 30](#))  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 308 commenced 12 September 2001 (s 2 (1) and see [Gaz 2001 No S65](#))

**Sexuality Discrimination Legislation Amendment Act 2004 A2004-2 sch 2 pt 2.7**

notified LR 18 February 2004  
s 1, s 2 commenced 18 February 2004 (LA s 75 (1))  
sch 2 pt 2.7 commenced 22 March 2004 (s 2 and [CN2004-4](#))

**Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.72**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.72 commenced 9 April 2004 (s 2 (1))

**Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.78**

notified LR 22 March 2007  
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))  
sch 3 pt 3.78 commenced 12 April 2007 (s 2 (1))

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.125**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.125 commenced 1 July 2011 (s 2 (1))

## Endnotes

3 Legislation history

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**Public Pools Act 2015 A2015-7 sch 2 pt 2.1**

notified LR 31 March 2015

s 1, s 2 commenced 31 March 2015 (LA s 75 (1))

sch 2 pt 2.1 commenced 1 July 2015 (s 2 and [CN2015-8](#))

as repealed by

**Red Tape Reduction Legislation Amendment Act 2017 A2017-17 s 4**

notified LR 14 June 2017

s 1, s 2 commenced 14 June 2017 (LA s 75 (1))

s 4 commenced 15 June 2017 (s 2 (3))



## 4 Amendment history

### Long title

long title sub [A2015-7](#) amdt 2.1

### Name of Act

s 1 sub [A2007-3](#) amdt 3.409; [A2015-7](#) amdt 2.2

### Dictionary

s 2 om [A2001-44](#) amdt 1.3346  
ins [A2007-3](#) amdt 3.413  
am [A2015-7](#) amdt 2.3

### Notes

s 3 om [A2001-44](#) amdt 1.3346  
ins [A2007-3](#) amdt 3.413

### Repeal and saving

s 4 am [Ord1959-21](#) sch 1  
om [A2001-44](#) amdt 1.3346

### Interpretation

s 5 defs reloc to dict [A2007-3](#) amdt 3.412  
om [A2007-3](#) amdt 3.413  
def *the manager* om [A2007-3](#) amdt 3.411

### Establishment etc of baths

s 6 om [A2015-7](#) amdt 2.4

### Inspectors

s 7 sub [A1994-97](#) sch; [A2007-3](#) amdt 3.414  
(3)-(5) exp 12 April 2008 (s 7 (5) (LA s 88 declaration applies))  
am [A2011-22](#) amdt 1.360

### Obstruction of inspectors

s 7A ins [A1994-97](#) sch  
am [A1998-54](#) sch  
om [A2004-15](#) amdt 2.150

### Public baths, other than leased public baths

pt 2 hdg om [A2015-7](#) amdt 2.5

### Meaning of *public baths* in pt 2

s 8 om [A2015-7](#) amdt 2.5

### Admission of public to baths

s 9 om [A2015-7](#) amdt 2.5

### Entitlement to admission

s 10 hdg sub [A2001-44](#) amdt 1.3347  
s 10 sub [Ord1964-10](#) s 2  
am [A2001-44](#) amdts 1.3348-1.3350  
om [A2015-7](#) amdt 2.5

## Endnotes

### 4 Amendment history

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#### **Exclusive use of public baths by schools**

s 11 am [A2001-44](#) amdt 1.3351, amdt 1.3352  
om [A2015-7](#) amdt 2.5

#### **Persons not entitled to be admitted to baths**

s 12 am [A1997-70](#) sch 3; [A1999-20](#) sch 1  
om [A2015-7](#) amdt 2.5

#### **Hire of articles etc**

s 13 am [Ord1964-10](#) s 3; [A1998-54](#) sch  
am [A2001-44](#) amdt 1.3353  
om [A2015-7](#) amdt 2.5

#### **Charges for admission and services**

s 13A ins [Ord1964-10](#) s 4  
om [A2001-44](#) amdt 1.3354

#### **No sale or hire without Minister's approval**

s 14 am [A1998-54](#) sch  
om [A2015-7](#) amdt 2.5

#### **Swimming coaches and instructors**

s 14A ins [Ord1961-6](#) s 2  
am [A1998-54](#) sch  
om [A2015-7](#) amdt 2.5

#### **Liability for loss of, or damage to, property**

s 15 am [Ord1989-38](#) sch 1  
om [A2015-7](#) amdt 2.5

#### **Public baths, including leased public baths**

pt 3 hdg om [A2015-7](#) amdt 2.5

#### **Definitions—pt 3**

s 15A ins [Ord1988-83](#) s 4  
sub [A2007-3](#) amdt 3.415  
om [A2015-7](#) amdt 2.5  
def **blind person** ins [A2007-3](#) amdt 3.415  
om [A2015-7](#) amdt 2.5  
def **blind person, deaf person, guide dog and hearing dog**  
ins [A1988-83](#) s 4  
om [A2007-3](#) amdt 3.415  
def **deaf person** ins [A2007-3](#) amdt 3.415  
om [A2015-7](#) amdt 2.5  
def **guide dog** ins [A2007-3](#) amdt 3.415  
om [A2015-7](#) amdt 2.5  
def **hearing dog** ins [A2007-3](#) amdt 3.415  
om [A2015-7](#) amdt 2.5

**Bathing dress**

s 16 am [A1998-54](#) sch  
om [A2015-7](#) amdt 2.5

**Offences**

s 17 am [Ord1961-6](#) s 3; [Ord1988-83](#) s 5; [A1997-70](#) sch 3;  
[A1998-54](#) sch; [A1999-20](#) sch 1  
om [A2015-7](#) amdt 2.5

**Segregation of sexes in public baths**

s 18 am [A1998-54](#) sch  
om [A2004-2](#) amdt 2.15

**Lifesaving apparatus in public baths**

s 19 am [Ord1966-19](#) sch 1; [A1998-54](#) sch  
om [A2015-7](#) amdt 2.5

**Power of removal**

s 20 am [Ord1988-83](#) s 6  
om [A2015-7](#) amdt 2.5

**Obstruction of baths staff**

s 21 am [A1998-54](#) sch  
om [A2015-7](#) amdt 2.5

**Suspected person to give his or her name and address**

s 22 am [A1998-54](#) sch  
om [A2015-7](#) amdt 2.5

**Lost property**

pt 4 hdg om [A1996-87](#) s 6

**Manager to have possession of lost property**

s 23 om [A1996-87](#) s 6

**Lost Property Register**

s 24 om [A1996-87](#) s 6

**Claims for lost property**

s 25 om [A1996-87](#) s 6

**Sale or disposal of unclaimed lost property**

s 26 am [Ord1989-38](#) sch 1; [A1996-26](#) sch pt 27  
om [A1996-87](#) s 6

**Protection to Commonwealth, managers and other persons**

s 27 am [Ord1989-38](#) s 38  
om [A1996-87](#) s 6

**Definitions—pt 5**

s 28 hdg sub [A2015-7](#) amdt 2.6  
s 28 def **pool facility** ins [A2015-7](#) amdt 2.7  
def **public bathing convenience** am [A2015-7](#) amdt 2.8

## Endnotes

4 Amendment history

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### Offences in relation to public bathing conveniences

s 29 am [A1998-54](#) sch

### Segregation of the sexes in a public bathing convenience

s 30 am [A1998-54](#) sch  
om [A2004-2](#) amdt 2.15

### Lifesaving apparatus in a public place

s 31 am [Ord1966-19](#) sch 1; [A1998-54](#) sch

### Glass etc in public places

s 32 am [Ord1961-6](#) s 4; [A1998-54](#) sch

### Removal of animals from public places

s 33 am [A1998-54](#) sch

### Prohibited bathing areas

s 34 am [A1998-54](#) sch

### Penalties not otherwise provided

s 36 am [Ord1966-19](#) sch 1  
om [A1998-54](#) sch

### Determination of fees

s 37 am [Ord1966-19](#) sch 1; [Ord1989-38](#) sch 1; [A1998-54](#) sch  
sub [A2001-44](#) amdt 1.3355

### Regulation-making power

s 38 ins [A2001-44](#) amdt 1.3355  
am [A2015-7](#) amdt 2.9, amdt 2.10

### Dictionary

dict ins [A2007-3](#) amdt 3.416  
am [A2011-22](#) amdt 1.361; [A2015-7](#) amdts 2.11-2.16  
def **blind person** ins [A2007-3](#) amdt 3.416  
om [A2015-7](#) amdt 2.17  
def **deaf person** ins [A2007-3](#) amdt 3.416  
om [A2015-7](#) amdt 2.17  
def **guide dog** ins [A2007-3](#) amdt 3.416  
om [A2015-7](#) amdt 2.17  
def **hearing dog** ins [A2007-3](#) amdt 3.416  
om [A2015-7](#) amdt 2.17  
def **inspector** sub [A1994-97](#) sch  
reloc from s 5 [A2007-3](#) amdt 3.412  
def **leased public baths** reloc from s 5 [A2007-3](#) amdt 3.412  
om [A2015-7](#) amdt 2.17  
def **manager** ins [A2007-3](#) amdt 3.416  
om [A2015-7](#) amdt 2.17

def **public bathing convenience** ins [A2007-3](#) amdt 3.416  
def **public baths** sub [A2007-3](#) amdt 3.410  
reloc from s 5 [A2007-3](#) amdt 3.412  
om [A2015-7](#) amdt 2.17

## Endnotes

5 Earlier republications

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### 5 Earlier republications

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

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	<a href="#">Ord1989-38</a>	31 July 1991
2	<a href="#">A1998-54</a>	31 December 1998
3	<a href="#">A2001-44</a>	12 September 2001
3 (RI)	<a href="#">A2001-44</a>	11 June 2003
4	<a href="#">A2004-2</a>	22 March 2004
5	<a href="#">A2004-15</a>	9 April 2004
6	<a href="#">A2007-3</a>	12 April 2007
7	<a href="#">A2007-3</a>	13 April 2008
8	<a href="#">A2011-22</a>	1 July 2011
9	<a href="#">A2015-7</a>	1 July 2015

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