



## Publishing of Delegated Legislation and Statewide Public Notices Policy

Responsible Officer

Chief Executive Officer

### Objective

To ensure all delegated legislation and Statewide public notices are dealt with in a consistent manner, with all relevant documents being accessible from the same location for convenience of reference.

### Scope

This policy applies to all delegated legislation and Statewide public notices created by the Shire.

### Policy

#### **Publication of Delegated Legislation**

All delegated legislation of the Shire is to be published as Notifiable Instruments on the Federal Register of Legislation, as the official record of all legislative documents. No delegated legislation is to be published in the *Western Australian Government Gazette* or the *Indian Ocean Territories Government Gazette*, which replaced the Christmas Island and Cocos Keeling Islands Gazettes.

All delegation legislation published as Notifiable Instruments on the Federal Register of Legislation will be available on the Shire's website.

#### **Publication of Statewide public notices**

When the Shire is required to give Statewide public notice such as per s1.8 of the *Local Government Act (WA)(CKI)*, the notice will be published within The Atoll Newsletter. Publishing the notice within The Atoll Newsletter will in itself constitute Statewide public notice as consistent with the definition of "state" contained in the *Interpretations Act 1984 (WA)(CKI)*.

### Definitions

Shire - Shire of Cocos (Keeling) Islands.

Delegated legislation - matters adopted by Council under the authority of legislation, which are legally enforceable in a Court of law, and includes -

- Local Laws
- Local Planning Scheme, etc

Federal Register of Legislation - The Federal Register of Legislation (the Legislation Register) is the authorised whole-of-government website for Commonwealth legislation and related documents. It contains the full text and details of the lifecycle of individual laws and the relationships between them. The Legislation Register is managed by the Office of Parliamentary Counsel in accordance with the Legislation Act 2003.

Notifiable instruments - Notifiable instruments are laws on matters of detail made by a person or body authorised to do so by enabling legislation. Under the Legislation Act 2003 all notifiable instruments and their compilations must be registered on the Legislation Register.

Statewide public notice - As defined in s1.8 of the *Local Government Act 1995 (WA)(CKI)*, or other legislation includes -

- advising of intention to adopt or confirmation of adoption of a matter in accordance with legislation, etc; and
- Inviting submissions for public comment, tenders for acquisition or disposal etc.

Legal advice has been received (Department of Local Government and Community, 30 June 2015), that -

Noting that the definition of “state” as contained in the Interpretation Act 1984 (WA)(CKI) (below) means the Territory, the advice was that the Shire may advertise those elections notices requiring Statewide public notice in a newspaper that circulates generally in the Territory. The department considers that the Shire’s publication the Atoll Newsletter would meet this requirement.

**the State, this State or Western Australia:**

- (a) when used in a geographical sense - means the Territory; and
- (b) when used in any other sense - means the Territory unless the context precludes that meaning.

Relevant Legislation/Local Law
<i>Local Government Act 1996 (WA)(CKI)</i>
<i>Planning and Development Act 2005 (WA) (CKI)</i>
<i>Interpretations Act 1984 (WA)(CKI)</i>

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	8/11/2017	Resolution #	1117/08
Reviewed/Modified	<b>Date</b>		Resolution #	
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