



Australian Capital Territory

# **Lakes Act 1976**

**A1976-65**

**Republication No 8**

**Effective: 9 April 2004 – 23 November 2005**

Republication date: 9 April 2004

Last amendment made by A2004-15

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Lakes Act 1976* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 9 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 9 April 2004.

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 or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

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

### Penalties

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

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



Australian Capital Territory

# Lakes Act 1976

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Lakes Act 1976  
Effective: 09/04/04-23/11/05

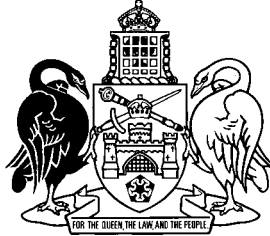
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Australian Capital Territory

## Lakes Act 1976

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An Act to provide for the administration, control and use of certain lakes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Lakes Act 1976*.

### 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 words and expressions used in this Act.

*Note 2* A definition in the dictionary 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 Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

### 4A Application

This Act applies only in relation to Territory land.

### 4B Application of Act to Territory

- (1) The following provisions do not bind the Territory:
- section 16 (General restrictions on boats)
  - section 17 (Restrictions on bathing, swimming and diving)
  - section 18 (Interference with signs)
  - section 19 (2) and (3) (Approved buoys, wharves and jetties)
  - section 20 (2) (Restrictions on mooring)
  - section 24 (Anchoring of boats)
  - section 25 (3) (Mooring of boats)



- section 29 (2) (Restriction on use of hovercraft)
  - section 32 (Camping and caravanning).
- (2) This section has effect despite the *Legislation Act 2001*, section 121 (Binding effect of Acts).

## **5 Declaration of area as lake**

- (1) The Minister may, in writing, declare an area to be a lake for this Act.
- (2) A declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

## Part 2 Administration

### 6 Delegate for lakes

The chief executive must appoint a public servant as the Delegate for Lakes.

*Note 1* For the making of appointments (including acting appointments), see 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 s 207).

### 7 Inspectors

- (1) The chief executive may appoint a public servant as an inspector for this Act.

*Note* See the notes to s 6. Also, a person may be appointed for a particular provision of the Act (see Legislation Act, s 7 (3)).

- (2) The delegate for lakes and police officers are also inspectors.

### 8 Identity cards

- (1) The chief executive must issue the delegate for lakes and an inspector (other than a police officer) with an identity card that states the person is an inspector for this Act, or stated provisions of this Act, and shows—
- (a) a recent photograph of the person; and
  - (b) the name of the person; and
  - (c) the date of issue of the card; and
  - (d) a date of expiry for the card; and
  - (e) anything else prescribed under the regulations.

- (2) A person who ceases to be an inspector must return his or her identity card to the chief executive as soon as practicable, but no later than 7 days after ceasing to be an inspector.

Maximum penalty (subsection (2)): 1 penalty unit.

## **9 Powers of inspectors etc**

- (1) For the purposes of this Act, an inspector may—
- (a) where he or she has reasonable grounds for believing that an offence against this Act is being, or has been, committed, enter and inspect any place, premises, vehicle or boat in a lake area; and
  - (b) give such reasonable directions to persons using a lake area and associated works as are in his or her opinion necessary for the safe and proper use of the lake area and associated works.
- (2) Where a notice has been signed by the Minister for the purpose of section 21 (1) but the notice has not been published in accordance with that subsection, an inspector may, on production of a copy of the notice, direct a person who is in the lake area of the lake specified in the notice to leave that area.
- (3) For the purposes of subsection (1) (b) or (2), an inspector may drive a vehicle or navigate a boat or use, ride upon or cause himself or herself to be carried or drawn on a vehicle or boat within a lake area and, when so doing, shall not be liable for the payment of any fare ordinarily chargeable for the hire or use of the vehicle or boat.
- (4) An inspector (other than a police officer) who enters any place, premises, vehicle or boat in pursuance of this Act is not authorised to remain in or on the place, premises, vehicle or boat if, on request by the occupier or person in charge of the place, premises, vehicle or boat for production of his or her identity card, the inspector does not produce the card.

**10 Failing to comply with direction by inspector**

A person must not, without reasonable excuse, contravene a direction given by an inspector under this Act.

Maximum penalty: 50 penalty units.

## Part 3 Control of a lake

### 13 Alterations in flow and water level

- (1) For the purposes of the maintenance and preservation of a lake and the maintenance, testing and preservation of associated works, the Minister may authorise—
  - (a) a raising or lowering, by any means, of the level of water in a lake; or
  - (b) stopping the flow, or reducing the rate of flow, of water from a lake; or
  - (c) the flow, or an increase in the rate of flow, of water from a lake.
- (2) The Minister must ensure that any action necessary to minimise any detriment, inconvenience and damage that may result from doing something under subsection (1) is taken.
- (3) The Minister shall not authorise the doing of an act under subsection (1) without first consulting with the environment protection authority.

### 14 Compensation for damage

- (1) Where any land is injuriously affected by the doing of an act authorised by the Minister under section 13 (1), the owner of the land—
  - (a) shall be paid compensation by the Territory; and
  - (b) is not entitled to any other remedy or relief;in respect of the injurious affection of the land.
- (2) Compensation referred to in subsection (1) shall be determined by the Minister.

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- (3) This section does not exclude or limit any liability of the Territory or a person apart from this section in respect of a matter in relation to which compensation is not payable under this section.

## Part 4 Use of a lake

### 15 Erection of signs

The Minister may, by a sign erected or displayed within a lake area—

- (a) specify an area in the vicinity of, and defined in, the sign as—
  - (i) a launching area; or
  - (ii) a mooring area; or
  - (iii) a beaching area; or
  - (iiia) a swimming area; or
  - (iv) an area within which embarkation on to, or disembarkation from, a boat is not permitted; or
  - (v) an area within which the embarkation on to, or disembarkation from, a boat other than a boat of a kind specified in the sign is not permitted; or
  - (vi) an area within which the landing of boats is not permitted; or
  - (vii) an area within which bathing or swimming in, or diving into, the lake is not permitted; or
- (b) convey information or warning to persons using the lake area.

### 16 General restrictions on boats

A person shall not—

- (a) place a boat in or take a boat from, or cause or permit a boat to be placed in or taken from, a lake except within an area specified under section 15 as a launching area; or

- (b) moor a boat, or cause or permit a boat to be moored, on a lake except within an area specified under section 15, as a mooring area; or
- (c) beach, clean or repair a boat, or cause or permit a boat to be beached, cleaned or repaired, within a lake area except within an area specified under section 15, as a beaching area; or
- (d) embark or permit another person to embark on to, or disembark or permit another person to disembark from, a boat within an area specified under section 15, as an area within which embarkation on to, or disembarkation from, that boat is not permitted; or
- (e) land a boat, or cause or permit a boat to be landed, on the shore of a lake, or an island in a lake, within an area specified under section 15 as an area within which the landing of boats is not permitted.

Maximum penalty: 30 penalty units.

## **17 Restrictions on bathing, swimming and diving**

A person shall not—

- (a) bathe or swim in, or dive into, a part of a lake that is directly underneath a bridge; or
- (b) dive into the waters of a lake from a bridge; or
- (c) bathe or swim in, or dive into, a part of a lake that is within an area, specified by a sign erected, placed or displayed under section 15, as an area within which bathing or swimming in, or diving into, a lake is prohibited.

Maximum penalty: 5 penalty units.



**18 Interference with signs**

A person shall not remove, move, damage, deface, obscure, cover up, or otherwise interfere with a sign erected, placed or displayed within a lake area under section 15 unless he or she is acting under the authority of the Minister.

Maximum penalty: 5 penalty units.

**19 Approved buoys, wharves and jetties**

- (1) The Minister may, upon application made to him or her in writing, approve, subject to such conditions (if any) as he or she thinks necessary, the anchoring of a buoy in a lake or the erection of a wharf or jetty within a lake area.

*Note* A fee may be determined under s 54 (Determination of fees) for an application under this subsection.

- (2) A person shall not, except with the approval of the Minister and in accordance with the conditions (if any) imposed by the Minister under subsection (1), anchor a buoy in a lake or erect or commence to erect a wharf or jetty within a lake area.

Maximum penalty: 5 penalty units.

- (3) Subject to section 20, a person shall not moor a boat or permit a boat to be moored within an area specified under section 15 as a mooring area except to a buoy, the anchoring of which, or to a wharf or jetty, the erection of which, has been approved by the Minister under subsection (1).

Maximum penalty: 5 penalty units.

**20 Restrictions on mooring**

- (1) The Minister may, by a sign erected, placed or displayed on or near a wharf or jetty belonging to the Commonwealth within a lake area, restrict the mooring of boats to the wharf or jetty to boats of a kind specified in the sign.

- (2) Where a sign is, under subsection (1), erected, placed or displayed on or near a wharf or jetty, a person shall not moor, or cause or permit to be moored, to the wharf or jetty a boat other than a boat of a kind specified in the sign.

Maximum penalty: 5 penalty units.

## **21 Prohibition of use of lake area or parts of lake**

- (1) Subject to subsection (3), the Minister may, by notice published in a newspaper circulating in the Territory, prohibit entry to a lake area.
- (2) Subject to subsection (3), the Minister may, by notice published in a newspaper circulating in the Territory, declare an area of a lake to be a prohibited area.
- (3) The Minister shall not prohibit entry to a lake or declare an area of a lake to be a prohibited area unless—
- (a) the condition of the waters of a lake or that area, as the case may be, is such as to constitute a threat to the health of a person entering those waters; or
  - (b) the prohibition or declaration is reasonably necessary in connection with the maintenance or preservation of a lake or the maintenance, preservation or testing of an associated work; or
  - (c) the chief police officer has given to the Minister a certificate in writing stating that the prohibition or declaration, as the case may be, is reasonably necessary to enable police officers to carry out their duties in a lake or in a lake area; or
  - (d) by reason of an emergency in a lake or a lake area, it is necessary or desirable to do so; or
  - (e) to do so is otherwise in the public interest.
- (4) The Minister may cause a boundary of a prohibited area to be defined by such means as he or she thinks necessary.

- (5) A person shall not, while a notice under subsection (1) is in force in respect of a lake area, enter, or remain in that lake area after he or she has been informed by an inspector that a notice under subsection (1) is in force in respect of that lake area and that entry to that lake area is prohibited.

Maximum penalty: 50 penalty units.

- (6) A person shall not enter, or remain in, an area of a lake that is a prohibited area after he or she has been informed by an inspector that that area is a prohibited area and that it is an offence to enter, or remain in, that area.

Maximum penalty: 50 penalty units.

- (7) It is defence to a prosecution for an offence against subsection (5) or (6) for the defendant to prove that he or she was in the lake area or the prohibited area, as the case may be, with the consent in writing of the Minister and in accordance with the conditions (if any) subject to which that consent was given.
- (8) Subsections (5) and (6) do not apply to a public employee, or someone else, who is authorised by the Territory to exercise a function in relation to a lake.

## 22 Closing of parts of lake for certain events

- (1) The Minister may, by notice published in a daily newspaper circulating in the ACT, declare a part of a lake to be a closed area for the period stated in the notice.
- (2) The Minister may also, by the notice, authorise an entity to conduct a stated event in the closed area during the stated period.

*Note* **Entity** includes an unincorporated body, see Legislation Act, dict, pt 1.

- (3) A person must not enter the closed area during the period stated in the notice unless, in a case to which subsection (2) applies, the person is authorised by the entity to enter the area.

Maximum penalty: 50 penalty units.

(4) Subsection (3) does not apply to a public employee, or someone else, who is authorised by the Territory to exercise a function in relation to the lake.

(5) In this section:

*event* means a regatta, exhibition, sporting contest or other display.

### **23 Access to leased or occupied land**

The Minister shall not—

(a) in a notice under section 21, prohibit entry to or declare to be a prohibited area; or

(b) in a notice under section 22, declare to be a closed area;

part of a lake area that provides access to land held under lease from the Commonwealth or occupied with the authority of the Territory or the Commonwealth or by virtue of a law in force in the Territory.

### **24 Anchoring of boats**

(1) A person must not anchor a boat on a lake at night.

Maximum penalty: 50 penalty units.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant satisfies the court that the boat was anchored for the purpose of fishing by means of rod and line held in the hand and that he or she or another person was engaged in fishing by that means for the greater part of the time during which the boat was anchored.

### **25 Mooring of boats**

(1) The Minister may grant to a person a permit to moor a boat on a lake.

*Note* A fee may be determined under s 54 (Determination of fees) for a permit or renewal under this section.

- (2) A permit issued under this section remains in force for such period, not exceeding 1 year, as is specified in the permit and may be renewed.
- (3) A person shall not moor a boat on a lake unless—
  - (a) the boat is moored within an area specified under section 15 as a mooring area; and
  - (b) the person is the holder of a permit issued under this section.

Maximum penalty: 50 penalty units.

### **25A Use of power boats—interstate licence holders**

- (1) This section applies to a person who holds a licence or permit (however described) under the law of a State that authorises the person to use a power boat.
- (2) The person is authorised to use a power boat in or on a lake if the person complies with—
  - (a) any conditions or restrictions (however described) to which the person's licence or permit is subject; and
  - (b) any conditions determined, in writing, by the Minister for this section.

#### **Example for par (a)**

If a licence authorises a person to operate a power boat of up to a stated engine capacity, the person is authorised to use a power boat of not more than that engine capacity in or on a lake.

- (3) A determination under subsection (2) (b) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

### **26 Use of power boats—other people**

- (1) The Minister may, on such conditions (if any) as he or she thinks fit, authorise, by notice in writing, the use of a power boat in or on a lake—

(b) by a sports club in connection with the training of persons for or the conduct of a competition in an aquatic sport; or

(c) by such other persons for such purposes as he or she approves.

*Note* A fee may be determined under s 54 (Determination of fees) for an authorisation under this subsection.

(2) At any time after an authority is given under subsection (1), the Minister may, by notice in writing to the sports club or approved person, as the case may be—

(a) impose further conditions on the authority; or

(b) vary or revoke a condition on which the authority was given.

(3) Where a sports club or approved person, to whom an authority under subsection (1) is granted—

(a) fails to comply with a provision of this Act; or

(b) fails to comply with the conditions (if any) subject to which the authority is granted;

the Minister may, by notice in writing to the sports club or approved person, as the case may be, revoke the authority.

(4) A notice under this section may be served on a sports club—

(a) by giving a copy of the notice to a member of the governing body of the club; or

(b) by sending it by prepaid post, addressed to the governing body of the club, at the club's last-known address.

*Note* For other ways of serving documents, see Legislation Act, pt 19.5.

## **27 Restrictions on use of power boats**

(1) Subject to this section, a person shall not be in charge or control of a power boat on a lake.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subject to this section, a person shall not be in a power boat on a lake.

Maximum penalty: 10 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (1) or (2) if the defendant satisfies the court that, at the time of the offence—
- (a) the use of the power boat in or on the lake was authorised under section 25A (2) or section 26 (1); and
  - (b) the power boat was being used for a purpose for which, and in accordance with the conditions (if any) on which, its use in or on the lake was so authorised.
- (4) Subsections (1) and (2) do not apply to a public employee, or someone else, who is authorised by the Territory to exercise a function in relation to the lake.

## **29 Restriction on use of hovercraft**

- (1) The Minister may, subject to such conditions (if any) as he or she thinks fit, grant to a person a permit to use a hovercraft within or above a lake area.

*Note* A fee may be determined under s 54 (Determination of fees) for an application under this subsection.

- (2) A person shall not use, or cause or permit to be used, a hovercraft within or above a lake area, unless—
- (a) he or she is the holder of a permit under subsection (1) with respect to that lake area; and
  - (b) he or she complies with the conditions (if any) subject to which that permit was granted.

Maximum penalty: 50 penalty units, 6 months imprisonment or both.

**30 Removal of vehicles and boats from a lake etc**

- (1) Where, in the opinion of an inspector, a vehicle or boat in a lake area—
  - (a) is obstructing or is likely to obstruct the free passage of any person, vehicle or boat in the lake area; or
  - (b) should, in the interests of safety or of the public, be moved;the inspector may direct the owner or person in charge of the vehicle or boat to move it to another place in, or to remove it from, the lake area.
- (2) Where an inspector—
  - (a) is unable to give a direction under subsection (1) by reason of the absence of the owner or person in charge of the vehicle or boat; or
  - (b) gives a direction under subsection (1) and the owner or person in charge of the vehicle or boat contravenes the direction;the inspector may, with such assistance (if any) and by such means, as he or she thinks necessary, move the vehicle or boat to another place in, or remove it from, the lake area.
- (3) Where an inspector, in the exercise of his or her powers under subsection (2), moves or removes a vehicle or boat, the Territory may recover the cost of the moving or removing, as the case may be, of the vehicle or boat as a debt in a court of competent jurisdiction.
- (4) An inspector is not liable for any damage that he or she may cause to a vehicle or boat in the proper exercise of his or her powers under this section.

**31 Houseboats prohibited**

A person shall not use a boat as a houseboat or place of living within a lake area.

Maximum penalty: 30 penalty units.



**32 Camping and caravanning**

A person must not camp, or allow a caravan to stand, in a lake area at night.

Maximum penalty: 30 penalty units.

**33 Agreements for use of lake areas**

The Minister may, on behalf of the Territory, enter into agreements with persons with respect to the undertaking of commercial activities by those persons within a lake area.

**34 Selling or hiring of goods etc**

A person shall not undertake a commercial activity within a lake area except in accordance with an agreement referred to in section 33.

Maximum penalty: 30 penalty units.

**35 Power to charge for admission**

- (1) The Minister may, on any day or part of a day, authorise the delegate for lakes to make a charge for admission to a lake area or a part of a lake area and, when he or she is so authorised, the delegate for lakes may exclude from the lake area or the part of the lake area, as the case may be, a person who does not pay the admission charge.
- (2) The Minister may, in writing, grant to a person the exclusive right to occupy and use a part of a lake area specified in the instrument for the period, for the purpose and on the conditions (if any) specified in the instrument.
- (3) Where the Minister, under subsection (2), grants to a person an exclusive right of occupation and use of a part of a lake area, the person may make a charge, not exceeding an amount approved by the Minister, for admission to that part of the lake area during the

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period in respect of which that right is granted and may exclude any other person who does not pay the admission charge.

## **Part 5**                      **Rules for preventing collisions on a lake**

### **Division 5.1**              **Lighting rules**

#### **37**                      **Compliance with lighting rules**

- (1) The operator of a boat that is under way, or anchored, on a lake at night must ensure that the boat carries a light as required by this division.

Maximum penalty: 10 penalty units.

- (2) In this section:

*operator* means—

- (a) the person in charge of the boat; or
- (b) if no-one is in charge—each person on the boat; or
- (c) if no-one is on the boat—the owner.

#### **38**                      **Lights to be carried on large power boats**

- (1) This section applies to and in relation to a power boat that is—
  - (a) 5m or more long; and
  - (b) under way, or anchored, on a lake at night.
- (2) The boat must show, in the forepart of the boat where it can best be seen, not less than 2m above the gunwale, a bright white light that shows an unbroken light, visible at a distance of not less than 5km, over an arc of the horizon of 20 points of the compass, or 225°, from right ahead to 2 points of the compass, or 22.5°, abaft the beam on each side of the boat.
- (3) The boat must show, on the starboard side, a green light that shows an unbroken light, visible at a distance of not less than 1.5km, over

an arc of the horizon of 10 points of the compass, or  $112.5^{\circ}$ , from right ahead of 2 points of the compass, or  $22.5^{\circ}$ , abaft the beam on the starboard side.

- (4) The boat must show, on the port side, a red light that shows an unbroken light, visible at a distance of not less than 1.5km, over an arc of the horizon of 10 points of the compass, or  $112.5^{\circ}$ , from right ahead to 2 points of the compass, or  $22.5^{\circ}$  abaft the beam on the port side.
- (5) The boat must show, at the stern of the boat, as nearly as practicable at the same level as the side lights referred to in subsections (3) and (4), or the combined lantern referred to in subsection (6), as the case may be, a white light that shows an unbroken light, visible at a distance of not less than 3km, over an arc of the horizon of 12 points of the compass, or  $135^{\circ}$ , from right aft to 6 points of the compass, or  $67.5^{\circ}$ , from right aft on each side of the boat.
- (6) It is sufficient compliance with subsections (3) and (4) if the green light and the red light specified in those subsections are shown together in a combined lantern not less than 0.5m below the bright white light specified in subsection (2).

### **39 Light to be carried by small power boats**

- (1) This section applies to a power boat that is less than 5m long.
- (2) If the boat is under way, or anchored, on a lake at night, the boat must show a white light that is visible at a distance of 1.5km.

### **39A Lights to be carried by sailing vessels**

Section 38 (3), (4), (5) and (6) apply in relation to a sailing vessel that is under way, or anchored, on a lake at night as if that vessel were a boat to which section 38 applies.

## **40 Emergency lights**

- (1) The operator of a boat that is under way, or anchored, on a lake at night must—
  - (a) carry an electric torch or ignited lantern ready for immediate use; and
  - (b) if a light required by this division fails—show the light of the torch or lantern in place of the failed light.

Maximum penalty: 30 penalty units.

- (2) In this section:

*operator* means—

- (a) the person in charge of the boat; or
- (b) if no-one is in charge—the owner.

## **Division 5.2 Rules of the water**

### **41 Sailing and steering rules generally**

- (1) Where 2 sailing boats are approaching one another, so as to involve risk of collision—
  - (a) a boat that is close-hauled on the port tack shall keep out of the way of a boat that is close-hauled on the starboard tack; and
  - (b) when both boats are running free, with the wind on different sides, the boat that has the wind on the port side shall keep out of the way of the other boat; and
  - (c) when both boats are running free, with the wind on the same side, the boat that is to windward shall keep out of the way of the boat that is to leeward.
- (2) Where 2 power boats are approaching one another end on, so as to involve risk of collision, each boat shall alter course to starboard so that each boat shall pass on the port side of the other boat.

- (3) Where 2 power boats are crossing, so as to involve risk of collision, the boat that has the other boat on its own starboard side shall keep out of the way of that other boat.
- (4) Subject to section 47, where a power boat and a sailing boat are approaching one another, so as to involve risk of collision, the power boat shall keep out of the way of the sailing boat.
- (5) Subject to section 47, where a boat propelled by oars and a sailing boat are approaching one another, so as to involve risk of collision, the boat propelled by oars shall keep out of the way of the sailing boat.

**42 Course and speed to be kept**

Where 1 of 2 boats is, under this division, to keep out of the way of the other boat, that other boat shall keep its course and speed until the boats are clear of one another, unless to do so would involve risk of collision

**43 Restriction on crossing ahead**

A boat that is required under this division to keep out of the way of another boat shall, if practicable, keep from crossing ahead of the other boat.

**44 Power boats to slacken speed**

A power boat that is required under this division to keep out of the way of another boat shall, on approaching that other boat, if necessary to avoid collision, slow down, stop or reverse.

**45 Overtaking boats**

- (1) A boat that is overtaking another boat shall keep out of the way of the other boat.
- (2) A boat coming up with another boat from a direction more than 2 points of the compass, or 22.5°, abaft that other boat's beam is taken to be an overtaking boat.

**46 Use of channels**

Where the limits of a channel or fairway from a part of a lake to another part of the lake are defined by bearings, buoys or other means, a boat shall not go from that firstmentioned part of the lake to that other part of the lake except within the limits of the channel or fairway as so defined.

**47 Racing rules**

A boat on a lake taking part in a boat race is not required to observe, in relation only to another boat taking part in the race, a provision of this division that conflicts with a rule relating to the running of the race approved by the entity controlling the race.

**Division 5.3 General**

**48 Unsafe navigation of boat**

- (1) A person shall not navigate or take part in the navigation of a boat on a lake in a negligent or reckless way or at a speed or in a way dangerous to persons using the lake.

Maximum penalty: 50 penalty units, 6 months imprisonment or both.

- (2) In considering whether an offence has been committed under this section, the court shall have regard to all the circumstances of the case, including conditions affecting visibility on the lake, the limitations of the boats involved and the number of boats that was or might reasonably have been expected to have been on the lake at that time.

**49 Careless navigation**

A person shall not navigate or take part in the navigation of a boat on a lake without due care and attention or without reasonable consideration for other persons using the lake.

Maximum penalty: 30 penalty units.

**50 Navigation of boat while intoxicated**

- (1) A person shall not navigate or take part in the navigation of a boat on a lake while he or she is under the influence of intoxicating liquor.

Maximum penalty: 50 penalty units.

- (2) A person arrested for an offence under this section shall be entitled, upon request made by him or her or on his or her behalf, to be examined by a doctor and, where any such request is made, the person making the arrest shall afford all reasonable facilities for the holding of the examination.



## Part 6                      Miscellaneous

### 51                      Review of decisions by AAT

- (1) Application may be made to the administrative appeals tribunal for a review of a decision of the Minister—
  - (a) making a determination under section 14 (2); or
  - (b) refusing to approve the anchoring of a buoy or the erection of a wharf or jetty under section 19 (1); or
  - (c) imposing conditions on an approval under section 19 (1); or
  - (d) refusing to grant or renew a permit to moor a boat under section 25; or
  - (e) refusing to authorise the use of a power boat under section 26 (1); or
  - (f) imposing conditions, or varying a condition imposed, on an authority under section 26 (2); or
  - (g) revoking an authority under section 26 (3); or
  - (h) refusing to grant a permit to use a hovercraft under section 29 (1); or
  - (i) imposing conditions on the grant of a permit under section 29 (1).
- (2) Where the Minister makes a decision referred to in subsection (1), the Minister shall cause notice in writing of the decision to be given to the person whose interests are affected by the decision.
- (3) A notice under subsection (2) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

**51A        Acts and omissions of representatives**

- (1) In this section:

*person* means an individual.

*Note*        See the Criminal Code, pt 2.5 for provisions about corporate criminal responsibility.

*representative*, of a person, means an employee or agent of the person.

*state of mind*, of a person, includes—

- (a) the person’s knowledge, intention, opinion, belief or purpose; and
  - (b) the person’s reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.
- (3) If it is relevant to prove a person’s state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative’s actual or apparent authority; and
  - (b) the representative had the state of mind.
- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative’s actual or apparent authority is also taken to have been done or omitted to be done by the person.
- (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.

- (6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

## **52 Evidence**

Unless the contrary is proved, evidence that a sign referred to in section 15 was erected, placed or displayed within a lake area or on Scrivener Dam is evidence that it was erected, placed or displayed, as the case may be, by or by the authority of the Minister.

## **53 Offence due to accident etc**

A person is not liable to be convicted of an offence against or a contravention of a provision of this Act if he or she satisfies the court—

- (a) that the offence or contravention could not have been avoided by any reasonable efforts on his or her part; or
- (b) that the action he or she took was reasonable in the circumstances and intended to evade a dangerous situation that had arisen through no fault or negligence on his or her part.

## **54 Determination of fees**

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

*Note* The Legislation Act 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.

## **55 Approved forms**

- (1) The Minister may, in writing, approve forms for this Act.

- (2) If the Minister approves a form for a particular purpose, the form must be used for that purpose.

*Note* For other provisions about forms, see Legislation Act, s 255.

- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

## **56 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.

- (2) The regulations may make provision in relation to—

- (a) the equipment to be carried on boats using a lake; and
- (b) the qualifications of people navigating power boats on a lake.

- (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.

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## Schedule 1

(see s 4)

All that land in the Australian Capital Territory containing an area of 191.2ha more or less but excluding the body of water known as Lake Ginninderra: commencing at the easternmost corner of block 1 section 65 division of Bruce district of Belconnen shown in plan catalogued in the Office of the Registrar-General Canberra deposited plan 3584 being a point on the western side of Cameron Avenue and bounded thence on the south west by the north eastern boundary of that block 1 bearing  $300^{\circ} 18' 40''$  thence on the south by the northern boundary of that block 1 and a line bearing in all  $270^{\circ} 249.67\text{m}$  thence on the east by a line bearing  $180^{\circ} 81\text{m}$  thence on the north by a line bearing  $90^{\circ} 4\text{m}$  thence on the east by a line and part of the western boundary of block 2 of section 65 as shown in plan catalogued in the Office of the Registrar-General Canberra deposited plan 3810 bearing in all  $180^{\circ} 19.255\text{m}$  to the intersection of the western boundary of that block 2 and the easterly prolongation of a line parallel to and 5m southerly from a stone retaining wall thence generally on the southwest by lines approximately parallel to and distant 5m generally southwesterly from that stone retaining wall bearing successively  $270^{\circ} 6' 4'' 53.9\text{m}$   $180^{\circ} 17' 4'' 7.2\text{m}$   $269^{\circ} 12' 4'' 11.65\text{m}$   $309^{\circ} 34'' 60.87\text{m}$   $350^{\circ} 15' 34'' 89.34\text{m}$   $90^{\circ} 17' 4'' 7.00\text{m}$   $350^{\circ} 13' 4'' 14.32\text{m}$   $335.82\text{m}$  of the arc of a circle of radius 305.9m the chord of which lies to the southwest and bears  $318^{\circ} 48' 12'' 319.21\text{m}$   $287^{\circ} 21' 12'' 7.48\text{m}$   $199^{\circ} 29' 54'' 24.85\text{m}$   $269^{\circ} 5' 24'' 77.91\text{m}$   $2^{\circ} 35' 4'' 44.73\text{m}$   $269^{\circ} 35' 4'' 78.36\text{m}$  and  $181^{\circ} 25' 44'' 55.25\text{m}$  to the intersection of that line with the northern side of Emu Bank thence on the south by that side of Emu Bank bearing  $266^{\circ} 180.604\text{m}$  thence generally on the south west by a line being 20.99m of an arc of a circle of radius 15m the chord of which lies to the north east and bears  $306^{\circ} 5' 19.315\text{m}$  to the north eastern side of Cohen Drive thence by part of that side of Cohen Drive bearing  $346^{\circ} 10' 351.05\text{m}$  thence by lines bearing

## Schedule 1

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successively  $64^{\circ} 20'$  51.47 m  $352^{\circ} 42'$  54.52m  $358^{\circ} 6'$  73.24m  $16^{\circ} 33' 30''$  103.31m  $348^{\circ} 8'$  124.05m  $279^{\circ} 35'$  46.82m  $232^{\circ} 28'$  78.13m and  $264^{\circ} 23'$  58.42m to a point on the north eastern side of Cohen Drive aforesaid thence on the south west by that side of Cohen Drive being 342.26m of the arc of a circle of radius 705.38m the chord of which lies to the south west and bears  $311^{\circ} 54' 2''$  338.92m and a line bearing  $298^{\circ}$  21.375m thence on the south west by 23.86m of an arc of a circle of radius 15m the chord of which lies to the north east and bears  $343^{\circ} 33' 55''$  21.42m to a point on the south eastern side of Coulter Drive thence on the west by that side of Coulter Drive being lines bearing successively 22.63m of an arc of a circle of radius of 1174.485m the chord of which lies to the south east and bears  $29^{\circ} 40' 57''$  22.63m  $30^{\circ} 14' 5''$  144.01m 312.56m of an arc of a circle of radius 875.49m the chord of which lies to the west and bears  $20^{\circ} 26''$  310.900m  $9^{\circ} 46' 47''$  133.35m and 59.17m of an arc of a circle of radius 1165.985m the chord of which lies to the east and bears  $11^{\circ} 14' 1''$  59.17m thence on the north west by a line bearing  $57^{\circ} 1' 40''$  21.59m to a point on the southern side of Ginninderra Drive thence on the west by a line bearing  $16^{\circ} 30'$  147.675m thence on the north and north east by lines bearing successively  $92^{\circ} 7' 20''$  517.3m and  $129^{\circ} 25'$  141.8m to a point on the western side of William Webb Drive and thence on the east by parts of that side of William Webb Drive and its southerly prolongation being lines bearing successively 13.105m of an arc of a circle of radius 189.33m the chord of which lies to the west and bears  $188^{\circ} 58'$  13.1m and  $190^{\circ} 57'$  111.08m to a point on the southern side of Ginninderra Drive aforesaid thence on the north by that side of Ginninderra Drive bearing  $110^{\circ} 24' 30''$  79.5m thence generally on the east by lines bearing successively  $222^{\circ} 45' 30''$  104.8m  $135^{\circ} 1''$  42.42m  $211^{\circ} 41' 30''$  78.88m  $140^{\circ} 52' 30''$  138.06m  $251^{\circ} 31' 50''$  142.88m  $180^{\circ} 25.17m$   $123^{\circ} 49' 30''$  111.07m  $208^{\circ} 30' 30''$  77.6m  $178^{\circ} 18' 30''$  100.05m  $112^{\circ} 6'$  30.83m  $174^{\circ} 18'$  84.92m  $111^{\circ} 59'$  70.42m  $182^{\circ} 21'$  40.195m  $179^{\circ} 39'$  35.475m  $262^{\circ} 56' 30''$  48.295m  $212^{\circ} 7' 30''$  47.78m  $155^{\circ} 28' 40''$  161.88m  $94^{\circ} 39'$  47.65m and  $93^{\circ} 4'$  35.94m thence generally on the west by lines bearing successively  $44^{\circ} 15' 30''$  100.92m  $10^{\circ} 41.99m$   $333^{\circ} 39' 10''$  108.63m

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21° 17' 40" 176.8m 52° 39' 81.09m 152° 28' 30" 109.78m and 62° 48' 190.12m to a point on the north eastern side of Ginninderra Drive aforesaid thence on the south west by parts of the north eastern side of Ginninderra Drive being 66.05m of an arc of a circle of 692.4m radius the chord of which lies to the north east and bears 329° 23' 30" 66.03m and a line bearing 332° 7' 30" 60.03m thence generally on the west by lines bearing successively 61° 50' 20" 150.65m 2° 56' 47.11m and 309° 26' 122.03m to a point on the south eastern side of William Slim Drive thence on the north west by parts of that side of William Slim Drive being lines bearing successively 60° 3' 20" 132.15m 43° 11' 30" 145.82m 32° 19' 30" 145.82m 11° 27' 66.63m 22° 40" 138.25m 26° 17' 80.52m 24° 58' 65.96m 22° 52' 47.92m and 37° 28' 40" 24.94m to a point on the boundary of land formerly known as block 190 Canberra City District shown on plan held by the Australian Survey Office MS 756 bearing 176° 10' 1.79m from the westernmost corner of that land thence on the north east by south western boundaries of that block 190 176° 10' 392.76m and 131° 30' 20" 255.13m thence on the east by lines bearing successively 206° 15' 93.92m 153° 36' 160.19m 246° 12' 129.21m 222° 10' 70.07m 312° 27' 64.56m 241° 9' 30" 81.32m 243° 47' 30" 91.41m 197° 2' 286.27m and 232° 31' 70.12m to a point on the south western side of Ginninderra Drive aforesaid and bounded thence generally on the east by lines bearing successively 229° 46' 300.23m 238° 28' 40" 225.42m 180° 151.42m 114° 30' 83m 90° 103m 108° 102m 114° 48' 84.78m 176° 34' 57" 26.195m to a point on the western side of Cameron Avenue aforesaid thence by part of that side of Cameron Avenue bearing 196° 33' 2" 303.11m to the point of commencement.

## Dictionary

(see s 2)

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

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

- contravene
- doctor
- entity
- exercise
- function
- night
- penalty unit (see s 133)
- public employee
- Territory land
- the Territory.

***associated work*** includes a wharf or jetty, owned by the Territory or the Commonwealth, erected in a lake area.

***boat*** includes launch, yacht, canoe, raft, pontoon and anything else that can carry people or goods through or on water.

***commercial activities*** means—

- (a) selling, or offering for sale, food, drink or other things; or
- (b) letting, or offering to let, on hire bicycles, boats or other things; or
- (c) carrying, or offering to carry, passengers or things in or on a boat for fee or reward; or
- (d) carrying, or offering to carry, passengers or things in or on a horse-drawn vehicle; or
- (e) carrying on the business of boat repair; or



(f) undertaking any other activities prescribed under the regulations for this definition.

**dairy bridge** means the bridge over which Dairy Road is carried across the Molonglo River.

**delegate for lakes** means the Delegate for Lakes appointed under section 6.

**foreshores** means—

- (a) for Lake Ginninderra—the land described in schedule 1; and
- (b) for any other lake—the area of land bounded by the level of the lake and an imaginary line drawn at a distance of 100m from the high water level of the lake;

other than land held under lease from the Commonwealth or occupied with the authority of the Territory or the Commonwealth or under a law in force in the ACT.

**inspector** means a person who is an inspector under section 7.

**lake** means Lake Burley Griffin, Lake Ginninderra or any other area declared by the Minister under section 5 to be a lake.

**lake area** means the area consisting of a lake, the foreshores of the lake and the islands (if any) in the lake.

**Lake Burley Griffin** means the waters of the Molonglo River between Scrivener Dam and dairy bridge.

**Lake Ginninderra** means the body of water inside the land described in schedule 1.

**owner**, of land, includes anyone with an interest in the land.

**power boat** means a boat propelled by mechanical power, and includes a boat under both power and sail.

**prohibited area** means a part of a lake declared by the Minister under section 21 to be a prohibited area.

**sports club** means an entity established for sporting or athletic purposes.

**under way**—a boat is **under way** unless it is anchored, moored, aground, or made fast to the shore or a jetty.

**visible**, for a light, means visible on a dark night with a clear atmosphere.

## Endnotes

### 1 About the endnotes

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

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

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

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

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

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

### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Lakes Ordinance 1976* No 65 (Cwlth).

## Endnotes

### 3 Legislation history

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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* No 21, s 5 on 11 May 1989 (self-government day).

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

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

### Legislation before becoming Territory enactment

#### **Lakes Act 1976 No 65**

notified 13 December 1976 (Gaz 1976 No S225)

commenced 15 December 1976 (Gaz 1976 No S228)

as amended by

#### **Lakes (Amendment) Ordinance 1978 No 4**

notified 2 February 1978 (Gaz 1978 No S17)

commenced 2 February 1978

#### **Commonwealth Functions (Statutes Review) Act 1981, Cwlth No 74 pt 2, div 7**

assented to 18 June 1981

pt 2, div 7 commenced 18 August 1981 (Gaz 1981 No S171)

#### **Lakes (Amendment) Ordinance 1983 No 31**

notified 29 September 1983 (Gaz 1983 No S226)

commenced 1 October 1983

#### **Lakes (Amendment) Ordinance 1985 No 15**

notified 4 April 1985 (Gaz 1985 No S114)

commenced 4 April 1985

**Lakes (Amendment) Ordinance 1987 No 49**

notified 16 September 1987 (Gaz 1987 No S236)  
commenced 16 September 1987

**Lakes (Amendment) Ordinance 1988 No 67**

notified 21 September 1988 (Gaz 1988 No GN35)  
commenced 21 September 1988

**Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

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

**National Land Ordinance 1989 No 39 sch**

notified 10 May 1989 (Gaz 1989 No S160)  
commenced 11 May 1989 (s 2 (2) and Gaz 1989 No S164)

**Legislation after becoming Territory enactment****Lakes (Amendment) Act 1991 No 89**

notified 24 December 1991 (Gaz 1991 No S155)  
commenced 24 December 1991

**Lakes Amendment Ordinance 1992 No 1**

notified 11 March 1992 (Gaz 1992 No GN10)  
commenced 11 March 1992

**Acts Revision (Position of Crown) Act 1993 No 44 sch 1**

notified 27 August 1993 (Gaz 1993 No S165)  
sch 1 commenced 27 August 1993 (s 2)

**Registrar-General (Consequential Provisions) Act 1993 No 64 sch 1**

notified 6 September 1993 (Gaz 1993 No S172)  
s 1, s 2 commenced 6 September 1993  
sch 1 commenced 1 October 1993 (s 2 (2) and Gaz 1993 No S207)

**Statute Law Revision Act 1994 No 26 sch**

notified 31 May 1994 (Gaz 1994 No S93)  
sch commenced 31 May 1994 (s 2)

## Endnotes

3 Legislation history

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### **Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

### **Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

### **Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1**

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

### **Statute Law Revision Act 1995 No 46 sch**

notified 18 December 1995 (Gaz 1995 No S306)  
sch commenced 18 December 1995 (s 2)

### **Statute Law Revision (Penalties) Act 1998 No 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)

### **Water Resources Act 1998 No 63 s 82**

notified 11 December 1998 (Gaz 1998 No S209)  
s 1, s 2 commenced 11 December 1998 (s 2 (1))  
s 82 commenced 4 March 1999 (s 2 (2) and Gaz 1999 No S11)

### **Domestic Animals Act 2000 No 86 s 158**

notified 21 December 2000 (Gaz 2000 No S69)  
s 1, s 2 commenced 21 December 2000 (IA s 10B)  
s 158 commenced 21 June 2001 (s 2)

### **Legislation (Consequential Amendments) Act 2001 No 44 pt 205**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 205 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Legislation Amendment Act 2002 No 11 pt 2.30**

notified LR 27 May 2002  
 s 1, s 2 commenced 27 May 2002 (LA s 75)  
 pt 2.30 commenced 28 May 2002 (s 2 (1))

**Lakes Amendment Act 2002 No 46**

notified LR 2 December 2002  
 s 1, s 2 commenced 2 December 2002 (LA s 75)  
 remainder commenced 3 December 2002 (s 2)

**Statute Law Amendment Act 2002 (No 2) No 49 pt 3.10**

notified LR 20 December 2002  
 s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))  
 pt 3.10 commenced 31 December 2002 (s 2 (2))

**Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 1 pt 1.26, sch 2 pt 2.47**

notified LR 26 March 2004  
 s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
 sch 1 pt 1.26, sch 2 pt 2.47 commenced 9 April 2004 (s 2 (1))

**4 Amendment history****Name of Act**

s 1 sub 2002 No 49 amdt 3.59

**Dictionary**

s 2 om 2001 No 44 amdt 1.2304  
 ins 2002 No 49 amdt 3.59

**Notes**

s 3 om 2001 No 44 amdt 1.2304  
 ins 2002 No 49 amdt 3.59

**Interpretation for Act**

s 4 am 1983 No 31 s 4; 1989 No 38 sch 1; 2001 No 44 amdt 1.2307, amdt 1.2308  
 om 2002 No 49 amdt 3.59  
 def **associated work** am 1989 No 38 sch 1  
 om 2002 No 49 amdt 3.59  
 def **boat** om 2002 No 49 amdt 3.59  
 def **closed area** om 2002 No 49 amdt 3.59  
 def **commercial activities** ins 1987 No 49 s 3  
 om 2002 No 49 amdt 3.59

## Endnotes

### 4 Amendment history

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def **dairy bridge** om 2002 No 49 amdt 3.59  
def **delegate for lakes** ins 1994 No 97 sch pt 1  
om 2002 No 49 amdt 3.59  
def **delegate of the Minister** ins Cwlth Act 1987 No 74 s 42  
om 1994 No 97 sch pt 1  
def **foreshores** am 1978 No 4 s 3; 1989 No 38 sch 1; 2001  
No 44 amdt 1.2305  
om 2002 No 49 amdt 3.59  
def **inspector** sub 1994 No 97 sch pt 1  
om 2002 No 49 amdt 3.59  
def **lake** om 2002 No 49 amdt 3.59  
def **lake area** om 2002 No 49 amdt 3.59  
def **Lake Burley Griffin** om 2002 No 49 amdt 3.59  
def **Lake Ginninderra** am 2001 No 44 amdt 1.2305  
om 2002 No 49 amdt 3.59  
def **owner** om 2002 No 49 amdt 3.59  
def **police force** om 1994 No 97 sch pt 1  
def **power boat** om 2002 No 49 amdt 3.59  
def **prohibited area** om 2002 No 49 amdt 3.59  
def **sports club** om 2002 No 49 amdt 3.59  
def **superintendent** om Cwlth Act 1981 No 74 s 42  
def **this Act** om 2001 No 44 amdt 1.2306  
def **visible** om 2002 No 49 amdt 3.59

#### **Application**

s 4A ins 1989 No 38 sch 1

#### **Application of Act to Territory**

s 4B ins 1993 No 44 sch 1  
sub 2002 No 11 amdt 2.64  
am 2002 No 49 amdt 3.60

#### **Declaration of area as lake**

s 5 sub 2001 No 44 amdt 1.2309

#### **Power of Minister to determine fees**

s 5A ins 1983 No 31 s 5  
om 2001 No 44 amdt 1.2310

#### **Delegate for lakes**

s 6 sub Cwlth Act No 74, 1981 s 43  
am 1991 No 89 sch  
sub 1994 No 97 sch pt 1; 2002 No 49 amdt 3.61

#### **Inspectors**

s 7 sub Cwlth Act No 74, 1981 s 43  
am 1991 No 89 sch  
sub 1994 No 97 sch pt 1; 2002 No 49 amdt 3.61



**Identity cards**

s 8 am 1991 No 89 sch  
sub 1994 No 97 sch pt 1  
am 1998 No 54 sch  
2002 No 49 amdt 3.61

**Powers of inspectors etc**

s 9 am 1978 No 4 s 4; 1991 No 89 sch; 1994 No 97 sch pt 1

**Failing to comply with direction by inspector**

s 10 hdg sub A2004-15 amdt 2.102  
s 10 am 1987 No 49 sch; 1991 No 89 sch  
sub 1994 No 81 sch; 2002 No 49 amdt 3.62  
am A2004-15 amdt 2.103, amdt 2.104

**Rights in lake waters etc**

s 11 am 1989 No 38  
om 1998 No 63 s 82

**Unauthorised taking of water**

s 12 am 1987 No 49 sch; 1991 No 89 sch; 1994 No 81 sch  
om 1998 No 63 s 82

**Alterations in flow and water level**

s 13 hdg sub 2002 No 49 amdt 3.63  
s 13 am 1998 No 63 s 82; 2002 No 46 s 4; 2002 No 49 amdt 3.64

**Compensation for damage**

s 14 am 1989 No 38 sch 1

**General**

pt 4 div 1 hdg om 1995 No 46 sch

**Erection of signs**

s 15 am 1991 No 89 sch; 2000 No 86 s 158; 2002 No 49 amdt 3.65

**General restrictions on boats**

s 16 hdg sub 2002 No 49 amdt 3.66  
s 16 am 1987 No 49 sch; 1994 No 81 sch

**Restrictions on bathing, swimming and diving**

s 17 hdg sub 2002 No 49 amdt 3.67  
s 17 am 1987 No 49 s 4; 1994 No 81 sch

**Interference with signs**

s 18 am 1987 No 49 sch; 1991 No 89 sch; 1994 No 81 sch

**Approved buoys, wharves and jetties**

s 19 am 1983 No 31 s 6; 1987 No 49 sch; 1991 No 89 sch; 1994  
No 81 sch; 2001 No 44 amdt 1.2311, amdt 1.2312

**Restrictions on mooring**

s 20 am 1987 No 49 sch; 1994 No 81 sch

## Endnotes

### 4 Amendment history

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#### **Prohibition of use of lake area or parts of lake**

s 21 am 1987 No 49 sch; 1989 No 39 sch; 1991 No 89 sch; 1994 No 26 sch; 1994 No 81 sch; 1994 No 97 sch pt 1; 2002 No 49 amdt 3.68, amdt 3.69

#### **Closing of parts of lake for certain events**

s 22 am 1991 No 89 sch  
sub 2002 No 49 amdt 3.70

#### **Access to leased or occupied land**

s 22A renum as s 23

#### **Access to leased or occupied land**

s 23 orig s 23 am 1987 No 49 sch; 1989 No 39 sch; 1991 No 89 sch; 1994 No 26 sch; 1994 No 81 sch; 1994 No 97 sch pt 1  
om 2002 No 49 amdt 3.72  
(prev s 22A) ins 1978 No 4 s 5  
am 1989 No 38 sch 1  
renum R7 LA (see 2002 No 49 amdt 3.71)

#### **Anchoring of boats**

s 24 am 1987 No 49 sch; 1991 No 89 sch; 1994 No 81 sch; 2002 No 49 amdt 3.73

#### **Mooring of boats**

s 25 am 1978 No 4 s 6; 1987 No 49 sch; 1994 No 81 sch; 2001 No 44 amdts 1.2313-1.2316

#### **Use of power boats—interstate licence holders**

s 25A ins 2002 No 46 s 5

#### **Use of power boats—other people**

s 26 hdg sub 2002 No 46 s 6  
s 26 am 1987 No 49 s 5; 1991 No 89 s 3 and sch; 2001 No 44 amdt 1.2317, amdt 1.2318; 2002 No 49 amdt 3.74

#### **Restrictions on use of power boats**

s 27 am 1987 No 49 sch; 1988 No 67 s 2; 1989 No 38 sch 1; 1989 No 39 sch; 1991 No 89 sch; 1994 No 26 sch; 1994 No 81 sch; 1994 No 97 sch pt 1; 2002 No 46 s 7; 2002 No 49 amdt 3.75; ss renum R7 LA (see 2002 No 49 amdt 3.76)

#### **Restriction on waterskiing**

s 28 am 1983 No 31 s 7  
om 1991 No 89 s 4

#### **Restriction on use of hovercraft**

s 29 am 1983 No 31 s 8; 1987 No 49 sch; 1991 No 89 sch; 1994 No 81 sch; 2001 No 44 amdt 1.2319, amdt 1.2320

#### **Removal of vehicles and boats from a lake etc**

s 30 am 1989 No 38 sch 1; 1991 No 89 sch; 1994 No 97 sch pt 1; 2002 No 49 amdt 3.77

**Houseboats prohibited**

s 31 am 1987 No 49 sch; 1994 No 81 sch

**Camping and caravanning**

s 32 am 1987 No 49 sch; 1994 No 81 sch  
sub 2002 No 49 amdt 3.78

**Agreements for use of lake areas**

s 33 om 1985 No 15 s 2  
ins 1987 No 49 s 6  
am 1989 No 38 sch 1

**Selling or hiring of goods etc**

s 34 am 1983 No 31 s 9  
sub 1987 No 49 s 6  
am 1989 No 39 sch; 1994 No 81 sch

**Power to charge for admission**

s 35 Cwlth Act No 74, 1981 s 44; am 1983 No 31 s 10; 1991 No 89  
sch; 1994 No 97 sch pt 1; 2002 No 49 amdt 3.79, amdt 3.80

**Provisions relating to particular lakes**

pt 4 div 2 hdg om 1995 No 46 sch

**Lake Burley Griffin**

s 36 am 1987 No 49 sch  
om 1991 No 89 s 4

**Lighting rules**

div 5.1 hdg (prev pt 5 div 1 hdg) renum R4 LA

**Compliance with lighting rules**

s 37 am 1998 No 54 sch  
sub 2002 No 49 amdt 3.81

**Lights to be carried on large power boats**

s 38 am 1991 No 89 s 5; 2002 No 49 amdt 3.82, amdt 3.83

**Light to be carried by small power boats**

s 39 sub 1991 No 89 s 6; 2002 No 49 amdt 3.84

**Lights to be carried by sailing vessels**

s 39A ins 1991 No 89 s 6  
am 2002 No 49 amdt 3.85

**Emergency lights**

s 40 am 1987 No 49 s 7; 1994 No 81 sch  
sub 2002 No 49 amdt 3.86

**Rules of the water**

div 5.2 hdg (prev pt 5 div 2 hdg) renum R4 LA

**Course and speed to be kept**

s 42 am 2002 No 49 amdt 3.87

## Endnotes

### 4 Amendment history

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#### **Restriction on crossing ahead**

s 43 am 2002 No 49 amdt 3.87

#### **Power boats to slacken speed**

s 44 am 2002 No 49 amdt 3.87

#### **Overtaking boats**

s 45 am 2002 No 49 amdt 3.88

#### **Racing rules**

s 47 am 2002 No 49 amdt 3.89

#### **General**

div 5.3 hdg (prev pt 5 div 3 hdg) renum R4 LA

#### **Unsafe navigation of boat**

s 48 hdg sub 2002 No 49 amdt 3.90

s 48 am 1987 No 49 sch; 1994 No 81 sch; 2002 No 49 amdt 3.91

#### **Careless navigation**

s 49 am 1987 No 49 sch; 1994 No 81 sch

#### **Navigation of boat while intoxicated**

s 50 am 1987 No 49 s 8; 1991 No 89 sch; 1994 No 81 sch; 2002  
No 49 amdt 3.92

#### **Review of decisions by AAT**

s 51 hdg sub 2002 No 49 amdt 3.93

s 51 am 1987 No 49 s 9; 1989 No 38 sch 1; 1991 No 89 s 7; 1994  
No 60 sch 1

#### **Acts and omissions of representatives**

s 51A ins 1987 No 49 s 10

sub 2002 No 49 amdt 3.94; A2004-15 amdt 1.30

#### **Offence due to accident etc**

s 53 am 1991 No 89 sch

#### **Determination of fees**

s 54 am 1983 No 31 s 11; 1989 No 38 sch 1; 1994 No 81 sch; 1995  
No 46 sch

sub 2001 No 44 amdt 1.2321

#### **Approved forms**

s 55 ins 2001 No 44 amdt 1.2321

am 2002 No 49 amdt 3.95

#### **Regulation-making power**

s 56 ins 2001 No 44 amdt 1.2321

**Schedule 1**

sch 1 orig sch 1 am 1978 No 4 s 7  
om 2001 No 44 amdt 1.2322  
(prev sch 2) am 1993 No 64 sch 1  
renum 2001 No 44 amdt 1.2323

**Schedule 2**

sch 2 renum as sch 1

**Dictionary**

dict ins 2002 No 49 amdt 3.96  
def **associated work** ins 2002 No 49 amdt 3.96  
def **boat** ins 2002 No 49 amdt 3.96  
def **commercial activities** ins 2002 No 49 amdt 3.96  
def **dairy bridge** ins 2002 No 49 amdt 3.96  
def **delegate for lakes** ins 2002 No 49 amdt 3.96  
def **foreshores** ins 2002 No 49 amdt 3.96  
def **inspector** ins 2002 No 49 amdt 3.96  
def **lake** ins 2002 No 49 amdt 3.96  
def **lake area** ins 2002 No 49 amdt 3.96  
def **Lake Burley Griffin** ins 2002 No 49 amdt 3.96  
def **Lake Ginninderra** ins 2002 No 49 amdt 3.96  
def **owner** ins 2002 No 49 amdt 3.96  
def **power boat** ins 2002 No 49 amdt 3.96  
def **prohibited area** ins 2002 No 49 amdt 3.96  
def **sports club** ins 2002 No 49 amdt 3.96  
def **under way** ins 2002 No 49 amdt 3.96  
def **visible** ins 2002 No 49 amdt 3.96

**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. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1992 No 1	31 March 1992
2	Act 1994 No 97	28 February 1995
3	Act 1995 No 46	30 April 1998

## Endnotes

### 5 Earlier republications

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<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
4	Act 2001 No 44	26 October 2001
5	Act 2002 No 11	3 June 2002
6	Act 2002 No 46	3 December 2002
7	A2002-49	31 December 2002

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