



Australian Capital Territory

# **Lakes Act 1976**

**A1976-65**

**Republication No 12**

**Effective: 1 March 2011 – 30 June 2011**

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Last amendment made by A2011-3

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 1 March 2011. It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 March 2011.

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

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Lakes Act 1976

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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.

### 4 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.



**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:
  - (a) section 16 (General restrictions on boats);
  - (b) section 17 (Restrictions on bathing, swimming and diving);
  - (c) section 18 (Interference etc with signs);
  - (d) section 19 (Approved buoys, wharves and jetties);
  - (e) section 20 (Restrictions on mooring);
  - (f) section 21 (Prohibition of use of lake area or parts of lake);
  - (g) section 22 (Closing of parts of lake for certain events);
  - (h) section 24 (Anchoring boats at night);
  - (i) section 25 (Mooring of boats);
  - (j) section 27 (Restrictions on use of power boats);
  - (k) section 29 (Restriction on use of hovercraft);
  - (l) 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 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 give an inspector (other than a police officer) an identity card stating the person's name and that the person is an inspector.
- (2) The identity card must show—
  - (a) a recent photograph of the person; and
  - (b) the card's date of issue and expiry; and
  - (c) anything else prescribed by regulation.
- (3) A person commits an offence if—
  - (a) the person stops being an inspector; and

- (b) the person does not return the person's identity card to the chief executive as soon as practicable, but no later than 7 days after the day the person stops being an inspector.

Maximum penalty: 1 penalty unit.

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

## **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, is not 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 Contravention of inspector's direction**

A person must take all reasonable steps to comply with a direction given to the person by an inspector.

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 must 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) must 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) is to be determined by the Minister.

**Part 3** Control of a lake

Section 14

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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
  - (iv) a swimming area; or
  - (v) an area within which embarkation on to, or disembarkation from, a boat is not permitted; or
  - (vi) 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
  - (vii) an area within which the landing of boats is not permitted; or
  - (viii) an area within which bathing or swimming in, or diving into, the lake is not permitted; or
- (b) give information or warning to people using the lake area.

### 16                      General restrictions on boats

- (1) A person must not—
  - (a) put a boat in a lake, or take a boat from a lake, at a place that is not a launching area under section 15; or

- (b) moor a boat on a lake at a place that is not in a mooring area under section 15; or
- (c) beach, clean or repair a boat in a lake area at a place that is not a beaching area under section 15; or
- (d) embark on, or disembark from, a boat on a lake in contravention of a sign under section 15; or
- (e) land a boat on a lake shore, or an island in a lake, in contravention of a sign under section 15.

Maximum penalty: 30 penalty units.

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

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

- (1) A person must not—
  - (a) bathe or swim in a lake directly under a bridge; or
  - (b) dive into a lake from, or directly under, a bridge; or
  - (c) bathe or swim in a lake, or dive into a lake, in contravention of a sign under section 15.

Maximum penalty: 5 penalty units.

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

## **18 Interference etc with signs**

- (1) A person commits an offence if the person interferes with, changes or removes a sign under section 15.

Maximum penalty: 5 penalty units.

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



**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 commits an offence if—
- (a) the person anchors a buoy in a lake; and
  - (b) the anchoring is not approved under subsection (1).

Maximum penalty: 5 penalty units.

- (3) A person commits an offence if—
- (a) the person erects a wharf or jetty in a lake area; and
  - (b) the erection is not approved under subsection (1).

Maximum penalty: 5 penalty units.

- (4) A person commits an offence if—
- (a) the person moors a boat in a mooring area under section 15; and
  - (b) the boat is moored to something other than—
    - (i) a buoy anchored in accordance with an approval under subsection (1); or
    - (ii) a wharf or jetty erected in accordance with an approval under subsection (1).

Maximum penalty: 5 penalty units.

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

**20 Restrictions on mooring**

- (1) The Minister may, by a sign installed at or near a wharf or jetty in a lake area, restrict the mooring of boats to the wharf or jetty to boats of a kind indicated by the sign.
- (2) A person must not moor a boat to a wharf or jetty in contravention of a sign under subsection (1).

Maximum penalty: 5 penalty units.

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

**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 must 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 commits an offence if—
- (a) the person enters, or remains in, a lake area; and
  - (b) entry to the area is prohibited under subsection (1); and
  - (c) an inspector has told the person that entry to the area is prohibited.

Maximum penalty: 50 penalty units.

- (6) A person commits an offence if—
- (a) the person enters, or remains in, a prohibited area of a lake; and
  - (b) an inspector has told the person that—
    - (i) the area is a prohibited area; and
    - (ii) the person must not enter, or remain in, the area.

Maximum penalty: 50 penalty units.

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

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

- (1) The Minister may, by notice published in a daily newspaper, 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 commits an offence if—
- (a) the person enters the closed area during the period stated in the notice; and

- (b) if subsection (2) applies—the entry is not authorised by the entity authorised by the notice.

Maximum penalty: 50 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) In this section:

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

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

The Minister must 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 boats at night**

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

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) It is a defence to a prosecution for an offence against this section if the defendant proves that—
  - (a) the boat was anchored to allow fishing by a hand-held rod and line; and
  - (b) the defendant or someone else was fishing by a hand-held rod and line for most of the time the boat was anchored.

**25 Mooring of boats**

- (1) The Minister may give a person a written permit to moor a boat in a mooring area under section 15.

*Note 1* A fee may be determined under s 54 for this provision.

*Note 2* If a form is approved under s 55 for this provision, the form must be used.

- (2) The permit remains in force for the period, no longer than 12 months, stated in the permit.
- (3) A person commits an offence if the person—
- (a) moors a boat on a lake; and
  - (b) does not have a permit for the mooring.

Maximum penalty: 50 penalty units.

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

**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 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) A person commits an offence if—
  - (a) the person is in charge or in control of a power boat on a lake; and
  - (b) the use of the boat on the lake is not authorised under section 25A or section 26.

Maximum penalty: 50 penalty units.

- (2) A person commits an offence if—
  - (a) the person is a passenger in a power boat on a lake; and
  - (b) the use of the boat on the lake is not authorised under section 25A or section 26.

Maximum penalty: 10 penalty units.

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

## **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 commits an offence if the person—
  - (a) uses a hovercraft in or over a lake area; and

(b) does not have a permit for the use.

Maximum penalty: 50 penalty units, imprisonment for 6 months 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**

- (1) A person must not use a boat as a houseboat or place of living in a lake area.

Maximum penalty: 30 penalty units.

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

**32 Camping and caravanning**

- (1) A person must not camp, or keep a caravan, in a lake area at night.

Maximum penalty: 30 penalty units.

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

**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 Commercial activities in lake area**

- (1) A person commits an offence if—

- (a) the person undertakes a commercial activity in a lake area; and
- (b) the activity is not undertaken in accordance with an agreement under section 33.

Maximum penalty: 30 penalty units.

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

**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 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**

#### **36**              **Meaning of *operator* for div 5.1**

In this division:

*operator*, of a boat, means—

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

#### **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 shows a light as required under this division.

Maximum penalty: 10 penalty units.

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

#### **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°, from right ahead to 2 points of the compass, or 22.5°, 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°, from right ahead to 2 points of the compass, or 22.5° 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°, from right aft to 6 points of the compass, or 67.5°, 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 to be shown under this division fails—show the light of the torch or lantern instead of the failed light.

Maximum penalty: 30 penalty units.

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

**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 must 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 must 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 must 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 must alter course to starboard so that each boat must 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 must 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 must 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 must 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 must 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 must, 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 must, 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 must 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 must 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 Reckless or negligent operation of boat**

- (1) A person commits an offence if—
  - (a) the person operates, or takes part in the operation of, a boat on a lake; and
  - (b) the operation gives rise to the danger of—
    - (i) harm or death to someone else; or
    - (ii) damage to property; and

- (c) the person is reckless or negligent about the operation giving rise to that danger.

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

- (2) In this section:

*harm*—see the Criminal Code, dictionary.

#### **49 Causing unreasonable interference**

- (1) A person commits an offence if the person operates a boat on a lake in a way that causes unreasonable interference to someone else's use or enjoyment of the lake.

Maximum penalty: 30 penalty units.

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

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

- (1) A person must not operate a boat on a lake while under the influence of intoxicating liquor.

Maximum penalty: 50 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) A person arrested for an offence under this section is entitled, on 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 must provide all reasonable facilities for the holding of the examination.



## Part 6 Notification and review of decisions

### 51 Meaning of *reviewable decision*—pt 6

In this part:

***reviewable decision*** means a decision of the Minister mentioned in schedule 2, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

### 51AA Reviewable decision notices

If the Minister makes a reviewable decision, the Minister must give a reviewable decision notice to each entity mentioned in schedule 2, column 4 in relation to the decision.

*Note 1* The Minister must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 51AB Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 2, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

## Part 7                      Miscellaneous

### 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.

## **54 Determination of fees**

- (1) The Minister may 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 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 dict, def *lake*)

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

successively 64° 20' 51.47 m 352° 42' 54.52m 358° 6' 73.24m 16° 33' 30" 103.31m 348° 8' 124.05m 279° 35' 46.82m 232° 28' 78.13m and 264° 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° 54' 2" 338.92m and a line bearing 298° 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° 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° 40' 57" 22.63m 30° 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° 26" 310.900m 9° 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° 14' 1" 59.17m thence on the north west by a line bearing 57° 1' 40" 21.59m to a point on the southern side of Ginninderra Drive thence on the west by a line bearing 16° 30' 147.675m thence on the north and north east by lines bearing successively 92° 7' 20" 517.3m and 129° 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° 58' 13.1m and 190° 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° 24' 30" 79.5m thence generally on the east by lines bearing successively 222° 45' 30" 104.8m 135° 1" 42.42m 211° 41' 30" 78.88m 140° 52' 30" 138.06m 251° 31' 50" 142.88m 180° 25.17m 123° 49' 30" 111.07m 208° 30' 30" 77.6m 178° 18' 30" 100.05m 112° 6' 30.83m 174° 18' 84.92m 111° 59' 70.42m 182° 21' 40.195m 179° 39' 35.475m 262° 56' 30" 48.295m 212° 7' 30" 47.78m 155° 28' 40" 161.88m 94° 39' 47.65m and 93° 4' 35.94m thence generally on the west by lines bearing

successively 44° 15' 30" 100.92m 10° 41.99m 333° 39' 10" 108.63m 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.

## Schedule 2 Reviewable decisions

(see pt 6)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	14 (2)	make determination of compensation	owner of land
2	19 (1)	refuse to approve anchoring of buoy or erecting of wharf or jetty	applicant for approval
3	19 (1)	impose conditions on approval to anchor buoy or erect wharf or jetty	applicant for approval
4	25	refuse to grant permit to moor boat	applicant for permit
5	26 (1)	refuse to authorise use of power boat	applicant for authorisation
6	26 (1)	impose conditions on power boat authorisation	applicant for authorisation
7	26 (2)	impose further conditions on power boat authorisation	entity that holds authorisation
8	26 (2)	vary or revoke condition imposed on power boat authorisation	entity that holds authorisation
9	26 (2)	refuse to vary or revoke condition imposed on power boat authorisation	applicant for variation or revocation



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column 1 item	column 2 section	column 3 decision	column 4 entity
10	26 (3)	revoke power boat authorisation	entity that has authorisation revoked
11	29 (1)	refuse to grant permit to use hovercraft	applicant for permit
12	29 (1)	impose conditions on permit to use hovercraft	applicant for permit

## 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:

- ACAT
- contravene
- daily newspaper
- doctor
- entity
- exercise
- function
- night
- penalty unit (see s 133)
- public employee
- reviewable decision notice
- 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.

***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 Sylvia Curley bridge.

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

***operator***, for division 5.1 (Lighting rules)—see section 36.

***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.

***reviewable decision***, for part 6 (Notification and review of decisions)—see section 51.

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

***Sylvia Curley bridge*** means the bridge by which Dairy Road is carried across the Molonglo River.

***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

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

## Endnotes

3 Legislation history

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### 3 Legislation history

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

## Endnotes

3 Legislation history

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

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

**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))

**Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.27**

notified LR 27 October 2005  
s 1, s 2 commenced 27 October 2005 (LA s 75 (1))  
sch 1 pt 1.27 commenced 24 November 2005 (s 2)

## Endnotes

4 Amendment history

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### **ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.59**

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.59 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

### **Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.45**

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

sch 3 pt 3.45 commenced 22 September 2009 (s 2)

### **Statute Law Amendment Act 2011 A2011-3 sch 3 pt 3.27**

notified LR 22 February 2011

s 1, s 2 commenced 22 February 2011 (LA s 75 (1))

sch 3 pt 3.27 commenced 1 March 2011 (s 2)

## 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

### **Offences against Act—application of Criminal Code etc**

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  
ins A2005-54 amdt 1.180  
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  
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; A2005-54 amdt 1.181

**Declaration of area as lake**

s 5 sub 2001 No 44 amdt 1.2309  
 am A2011-3 amdt 3.266

**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  
 sub 2002 No 49 amdt 3.61; A2005-54 amdt 1.182

## Endnotes

### 4 Amendment history

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#### **Powers of inspectors etc**

s 9 am 1978 No 4 s 4; 1991 No 89 sch; 1994 No 97 sch pt 1;  
A2011-3 amdt 3.267

#### **Contravention of inspector's direction**

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  
sub A2005-54 amdt 1.183

#### **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;  
A2011-3 amdt 2.268

#### **Compensation for damage**

s 14 am 1989 No 38 sch 1; A2011-3 amdt 3.268, amdt 3.269

#### **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; pars renum R9 LA

#### **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  
sub A2005-54 amdt 1.184

#### **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  
sub A2005-54 amdt 1.184

#### **Interference etc with signs**

s 18 am 1987 No 49 sch; 1991 No 89 sch; 1994 No 81 sch  
sub A2005-54 amdt 1.184

#### **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; A2005-54  
amdt 1.185

**Restrictions on mooring**

s 20 am 1987 No 49 sch; 1994 No 81 sch  
sub A2005-54 amdt 1.186

**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; A2005-54 amdt 1.187; A2011-3  
amdt 3.270

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

s 22 am 1991 No 89 sch  
sub 2002 No 49 amdt 3.70  
am A2005-54 amdt 1.188; A2009-20 amdt 3.105

**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)  
am A2011-3 amdt 3.270

**Anchoring boats at night**

s 24 am 1987 No 49 sch; 1991 No 89 sch; 1994 No 81 sch; 2002  
No 49 amdt 3.73  
sub A2005-54 amdt 1.189

**Mooring of boats**

s 25 am 1978 No 4 s 6; 1987 No 49 sch; 1994 No 81 sch; 2001  
No 44 amdt 1.2313-1.2316  
sub A2005-54 amdt 1.190

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

s 25A ins 2002 No 46 s 5  
am A2011-3 amdt 3.271

**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

## Endnotes

4 Amendment history

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### **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) sub A2005-54 amdt 1.191

### **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; A2005-54 amdt 1.192

### **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  
sub A2005-54 amdt 1.193

### **Camping and caravanning**

s 32 am 1987 No 49 sch; 1994 No 81 sch  
sub 2002 No 49 amdt 3.78; A2005-54 amdt 1.194

### **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

### **Commercial activities in lake area**

s 34 am 1983 No 31 s 9  
sub 1987 No 49 s 6  
am 1989 No 39 sch; 1994 No 81 sch  
sub A2005-54 amdt 1.195

### **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

### **Lighting rules**

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

**Meaning of operator for div 5.1**

s 36 am 1987 No 49 sch  
om 1991 No 89 s 4  
ins A2005-54 amdt 1.196

**Compliance with lighting rules**

s 37 am 1998 No 54 sch  
sub 2002 No 49 amdt 3.81; A2005-54 amdt 1.197

**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; A2005-54 amdt 1.198

**Rules of the water**

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

**Sailing and steering rules generally**

s 41 am A2011-3 amdt 3.272

**Course and speed to be kept**

s 42 am 2002 No 49 amdt 3.87; A2011-3 amdt 3.272

**Restriction on crossing ahead**

s 43 am 2002 No 49 amdt 3.87; A2011-3 amdt 3.272

**Power boats to slacken speed**

s 44 am 2002 No 49 amdt 3.87; A2011-3 amdt 3.272

**Overtaking boats**

s 45 am 2002 No 49 amdt 3.88; A2011-3 amdt 3.272

**Use of channels**

s 46 am A2011-3 amdt 3.272

**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

**Reckless or negligent operation 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  
sub A2005-54 amdt 1.199

## Endnotes

4 Amendment history

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### **Causing unreasonable interference**

s 49 am 1987 No 49 sch; 1994 No 81 sch  
sub A2005-54 amdt 1.200

### **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; A2005-54 amdt 1.201, amdt 1.202;  
A2011-3 amdt 3.273, amdt 3.274

### **Notification and review of decisions**

pt 6 hdg sub A2008-37 amdt 1.260

### **Meaning of *reviewable decision*—pt 6**

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  
sub A2008-37 amdt 1.260

### **Reviewable decision notices**

s 51AA ins A2008-37 amdt 1.260

### **Applications for review**

s 51AB ins A2008-37 amdt 1.260

### **Miscellaneous**

pt 7 hdg ins A2008-37 amdt 1.260

### **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  
om A2005-54 amdt 1.203

### **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  
am A2011-3 amdt 3.275

### **Approved forms**

s 55 ins 2001 No 44 amdt 1.2321  
am 2002 No 49 amdt 3.95; A2011-3 amdt 3.275

### **Regulation-making power**

s 56 ins 2001 No 44 amdt 1.2321



**Schedule 1**

sch 1 hdg sub A2005-54 amdt 1.204  
 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 as sch 1 2001 No 44 amdt 1.2323

**Reviewable decisions**

sch 2 prev sch 2 renum as sch 1  
 ins A2008-37 amdt 1.261

**Dictionary**

dict ins 2002 No 49 amdt 3.96  
 am A2008-37 amdt 1.262; A2009-20 amdt 3.106  
 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  
 om A2009-20 amdt 3.107  
 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  
 sub A2009-20 amdt 3.108  
 def **Lake Ginninderra** ins 2002 No 49 amdt 3.96  
 def **operator** ins A2005-54 amdt 1.205  
 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 **reviewable decision** ins A2008-37 amdt 1.263  
 def **sports club** ins 2002 No 49 amdt 3.96  
 def **Sylvia Curley Bridge** ins A2009-20 amdt 3.109  
 def **under way** ins 2002 No 49 amdt 3.96  
 def **visible** ins 2002 No 49 amdt 3.96

## Endnotes

5 Earlier republishings

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### 5 Earlier republishings

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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
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
8	A2004-15	9 April 2004
9*	A2005-54	24 November 2005
10	A2008-37	2 February 2009
11	A2009-20	22 September 2009

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