

LAKE BURLEY GRIFFIN (TEMPORARY CONTROL).

No. 20 of 1963.

An Ordinance to make Temporary Provisions in relation to the Control and Use of Lake Burley Griffin.

Short title. 1. This Ordinance may be cited as the *Lake Burley Griffin (Temporary Control) Ordinance 1963.**

Interpretation. 2.—(1.) In this Ordinance, unless the contrary intention appears—

“boat” includes launch, yacht, canoe, raft, pontoon and any other thing capable of carrying persons or goods through or on water;

“owner”, in relation to land, includes any person having an estate or interest in that land;

“the Lake” means Lake Burley Griffin.

(2.) For the purposes of this Ordinance, Lake Burley Griffin is that part of the City of Canberra shown in blue colour on the copy of the plan of the City of Canberra having endorsed on it the words “Plan of the City of Canberra prepared for the purposes of the *Lake Burley Griffin (Temporary Control) Ordinance 1963.*” and signed on the twenty-first day of October, One thousand nine hundred and sixty-three, by the Minister of State for the Interior.

Right to use, &c., of water in the Lake, &c., vested in the Commonwealth. 3.—(1.) The right to the use and flow and to the control of the water in the Lake and of the waters of all rivers, streams and creeks flowing into the Lake is vested in the Commonwealth.

(2.) The last preceding sub-section does not affect the rights of an owner of land held from the Commonwealth under a lease for a term greater than twenty years, being land through which a river, stream or creek that flows into the Lake passes.

Alterations in water level, &c. 4.—(1.) For the purpose of the construction, testing and maintenance of the Lake and associated works, the Minister may authorize—

(a) a raising or lowering, by any means, of the level of water in the Lake;

* Made on 28th October, 1963; notified in the *Commonwealth Gazette* and commenced on 31st October, 1963.

- (b) stopping the flow, or reducing the rate of flow, of water from the Lake; or
- (c) the flow, or an increase in the rate of flow, of water from the Lake.

(2.) The Minister shall cause such action to be taken as is necessary to minimize detriment, inconvenience and damage that may result from the doing of an act authorized under the last preceding sub-section.

5.—(1.) Where any land is injuriously affected by the doing of an act authorized by the Minister under sub-section (1.) of the last preceding section, the owner of the land—

Compensation for damage.

(a) shall be paid compensation by the Commonwealth; and

(b) is not entitled to any other remedy or relief, in respect of the injurious affection to the land.

(2.) Compensation referred to in the last preceding sub-section shall be determined by agreement between the owner and the Minister or, in the absence of agreement, by action by the owner against the Commonwealth.

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

6. A person shall not, without the written consent of the Minister and except in accordance with such conditions, if any, as the Minister, in his discretion, imposes—

Prohibition on use of the Lake.

- (a) enter or be in or on the water in the Lake;
- (b) enter or be upon the land that forms the bed of the Lake;
- (c) launch, use, moor, or be in, a boat in or on the water in the Lake;
- (d) drive, use, or be in or on, a vehicle in or on the water in the Lake or on the land that forms the bed of the Lake;
- (e) fish in the water of the Lake; or
- (f) deposit in or on, or discharge into or on to, the water in the Lake any thing.

Penalty: Twenty-five pounds.

7. The last preceding section does not apply to—

- (a) a person concerned in, or employed or engaged in or in connexion with, the construction, testing or maintenance of the Lake or an associated work;

Exemption of contractors, workmen, &c.

(b) a person employed in the Department of Health; or

(c) a member of the Police Force,

who does an act referred to in that section in the execution of his duty or the terms of his employment or engagement.

Pollution of
the Lake, &c.

8. A person shall not pollute the water or any part of the water in the Lake or in a river, stream or creek that flows into the Lake.

Penalty: One hundred pounds.
