

LAKE BURLEY GRIFFIN

No. 1 of 1965

An Ordinance to provide for the Administration,
Control and Use of Lake Burley Griffin.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Lake Burley Griffin Ordinance* 1965.* Short title.

2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.† Commence-
ment.

3. This Ordinance is divided into Parts, as follows:— Parts.

Part I.—Preliminary (Sections 1-5).

Part II.—Administration (Sections 6-10).

Part III.—Control of the Lake (Sections 11-13).

Part IV.—Use of the Lake (Sections 14-35).

Part V.—Rules for Preventing Collisions on the
Lake.

Division 1.—Lighting Rules (Sections 36-39).

Division 2.—Rules of the Water (Sections
40-46).

Division 3.—General (Sections 47-49).

Part VI.—Miscellaneous (Sections 50-52).

4. The *Lake Burley Griffin (Temporary Control) Ordinance* 1963 is repealed. Repeal.

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

“associated work” includes a wharf or jetty, the property
of the Commonwealth, erected within the Lake
area;

* Made on 4 February, 1965; notified in the *Commonwealth Gazette* on 18 February, 1965.

† The date fixed was 18 February, 1965; see *Commonwealth Gazette*, 18 February, 1965, p. 795.

- “boat” includes launch, yacht, canoe, raft, pontoon and any thing capable of carrying persons or goods through or on water;
- “closed area” means a part of the Lake declared by the Minister under section twenty-one of this Ordinance to be a closed area;
- “inspector” means an inspector appointed under section eight of this Ordinance;
- “owner”, in relation to land, includes any person having an estate or interest in that land;
- “power boat” means a boat propelled by mechanical power;
- “prohibited area” means a part of the Lake declared by the Minister under section twenty of this Ordinance to be a prohibited area;
- “sports club” means an association or body of persons, whether incorporated or not, established for sporting or athletic purposes;
- “the foreshores of the Lake” means the area of land bounded by the edge of the Lake and an imaginary line drawn at a distance of one hundred yards from that edge, but does not include land held under lease from the Commonwealth or occupied with the authority of the Commonwealth or by virtue of a law in force in the Territory;
- “the Lake” means Lake Burley Griffin;
- “the Lake area” means the area comprising the Lake, the foreshores of the Lake and the islands in the Lake;
- “the Superintendent” means the Superintendent of Lake Burley Griffin appointed under section six of this Ordinance;
- “this Ordinance” includes the Regulations;
- “visible”, in relation to a light, means visible on a dark night with a clear atmosphere.

(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 Ordinance 1965.*” and signed on the twenty-sixth day of January, One thousand nine hundred and sixty-five by the Minister of State for the Interior.

(3.) In this Ordinance, a reference to a part of the Lake area or an associated work by name is a reference to the part of the Lake or associated work so named by virtue of a determination under the *National Memorials Ordinance* 1928-1959.

(4.) For the purposes of this Ordinance—

(a) a boat that is under power and under sails shall be deemed to be a power boat; and

(b) a boat shall be deemed to be under way if it is not at anchor, moored, made fast to the shore or aground.

PART II.—ADMINISTRATION.

6. The Minister may, by writing under his hand, appoint a person to be the Superintendent of Lake Burley Griffin. The Superintendent.

7. The Superintendent has such powers as are conferred upon him by this Ordinance and, in addition, has all the powers of an inspector. Powers of Superintendent.

8.—(1.) The Minister may, by writing under his hand, appoint a person to be an inspector for the purposes of this Ordinance. Inspectors.

(2.) The Minister shall issue to an inspector a certificate stating that he is an inspector for the purposes of this Ordinance.

9.—(1.) For the purposes of this Ordinance, an inspector and a member of the Police Force may— Powers of inspectors, &c.

(a) at any time enter and inspect any place, premises, vehicle or boat in the Lake area; and

(b) give such reasonable directions to persons using the Lake area and associated works as are in his opinion necessary for the safe and proper use of the Lake area and associated works.

(2.) For the purposes of paragraph (b) of the last preceding sub-section, an inspector or member of the Police Force may drive a vehicle or navigate a boat or use, ride upon or cause himself to be carried or drawn on a vehicle or boat within the 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.

(3.) An inspector who enters any place, premises, vehicle or boat in pursuance of this Ordinance is not authorized 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 the certificate issued to him under sub-section (2.) of the last preceding section, the inspector does not produce the certificate.

Obstruction of
inspectors, &c.

10. A person shall not, without lawful excuse—

- (a) obstruct, hinder or molest an inspector or a member of the Police Force in the exercise of his powers under this Ordinance; or
- (b) refuse or fail to comply with a direction given by an inspector or a member of the Police Force in pursuance of this Ordinance.

Penalty: Twenty pounds.

PART III.—CONTROL OF THE LAKE.

Right to use,
&c., of water
in the Lake,
&c., vested in
the Common-
wealth.

11.—(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, subject to this Ordinance, vested in the Commonwealth and no right to the use and flow and to the control of the water in the Lake or those waters shall be acquired by a person except as provided by or under this Ordinance or any other law in force in the Territory.

(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 flowing into the Lake passes.

Alterations in
water level, &c.

12.—(1.) For the purpose of the maintenance and preservation of the Lake and the maintenance, testing and preservation of associated works, the Minister may authorize—

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

13.—(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 of 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.

PART IV.—USE OF THE LAKE.

14. The Minister may, by sign erected, placed or displayed in such manner as he thinks necessary within the Lake area or on Scrivener Dam—

Erection of
signs.

(a) specify an area in the vicinity of, and defined in, the sign as—

- (i) a launching area;
- (ii) a mooring area;
- (iii) a beaching area;
- (iv) an area within which embarkation on to, or disembarkation from, a boat is not permitted;
- (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;
- (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.

Regulation of
use of the
Lake area.

15. 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, the Lake except within an area specified, by sign erected, placed or displayed under the last preceding section, as a launching area;
- (b) moor a boat, or cause or permit a boat to be moored, on the Lake except within an area specified, by sign erected, placed or displayed under the last preceding section, as a mooring area;
- (c) beach, clean or repair a boat, or cause or permit a boat to be beached, cleaned or repaired, within the Lake area except within an area specified, by sign erected, placed or displayed under the last preceding section, as a beaching area;
- (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, by sign erected, placed or displayed under the last preceding section, 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 the Lake, or an island in the Lake, within an area specified by sign erected, placed or displayed under the last preceding section as an area within which the landing of boats is not permitted.

Penalty: Twenty pounds.

Prohibition of
swimming, &c.,
in specified
areas.

16. A person shall not—

- (a) bathe or swim in, or dive into, that part of the Lake between Commonwealth Avenue Bridge and King's Avenue Bridge;
- (b) bathe or swim in, or dive into, that part of the Lake directly underneath Commonwealth Avenue Bridge or King's Avenue Bridge;
- (c) dive into the waters of the Lake from Commonwealth Avenue Bridge or King's Avenue Bridge; or
- (d) bathe or swim in, or dive into, a part of the Lake within an area, specified by sign erected, placed or displayed under section fourteen of this Ordinance, as an area within which bathing or swimming in or diving into the Lake is prohibited.

Penalty: Twenty pounds.

17. A person shall not remove, move, damage, deface, obscure, cover up, or otherwise interfere with a sign erected, placed or displayed within the Lake area or on Scrivener Dam under section fourteen of this Ordinance unless he is acting under the authority of the Minister.

Interference
with signs.

Penalty: Twenty pounds.

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

Approved
buoys,
wharves and
jetties.

(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 the last preceding sub-section, anchor a buoy in the Lake or erect or commence to erect a wharf or jetty within the Lake area.

Penalty: Twenty pounds.

(3.) Subject to the next succeeding section, a person shall not moor a boat or permit a boat to be moored within an area specified by sign erected, placed or displayed under section fourteen of this Ordinance 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 sub-section (1.) of this section.

Penalty: Twenty pounds.

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

Restrictions on
mooring.

(2.) Where a sign is, under the last preceding sub-section, 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.

Penalty: Twenty pounds.

20.—(1.) The Minister may, by notice in the *Gazette*, declare an area of the Lake to be a prohibited area.

Prohibited
areas.

(2.) The Minister may cause a boundary of a prohibited area to be defined by such means as he thinks necessary.

(3.) A person shall not, without the written consent of the Minister and except in accordance with such conditions, if any, as the Minister imposes, enter or be in a prohibited area.

Penalty: Twenty pounds.

(4.) The last preceding sub-section does not apply to—

- (a) a person concerned in, or employed or engaged in or in connexion with, the maintenance or preservation of the Lake or the maintenance, testing or preservation of an associated work;
- (b) a person employed in the Department of Health;
- (c) an inspector; or
- (d) a member of the Police Force,

who enters or is in a prohibited area in the execution of his duty or the terms of his employment or engagement.

Closing of
parts of the
Lake for
regattas, &c.

21.—(1.) The Minister may, by notice published in a daily newspaper circulating in the Territory, declare a part of the Lake to be a closed area for the period specified in the notice.

(2.) The Minister may authorize the conduct of a function, being a regatta, exhibition, sporting contest or other display approved by him, within a closed area by an association of persons, whether incorporated or not.

Conduct of
regattas, &c.

22.—(1.) Where an association of persons is, under the last preceding section, authorized to conduct a function in a closed area, a person other than—

- (a) a member of the governing body of the association;
- (b) a person authorized by the governing body of the association to assist in the conduct of the function; or
- (c) a person taking part in or attending the function with the approval of the governing body of the association,

shall not enter or be in the closed area.

Penalty: Twenty pounds.

(2.) The last preceding sub-section does not apply to—

- (a) a person concerned in, or employed or engaged in or in connexion with, the maintenance or preservation of the Lake or the maintenance, testing or preservation of an associated work;
- (b) a person employed in the Department of Health;
- (c) an inspector; or
- (d) a member of the Police Force,

who enters or is in a closed area in the execution of his duty or the terms of his employment or engagement.

Anchoring of
boats.

23.—(1.) A person shall not anchor a boat on the Lake between the hours of sunset and sunrise.

Penalty: Twenty pounds.

(2.) It is a defence to a prosecution for an offence against the last preceding sub-section 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 another person was engaged in fishing by that means for the greater part of the time during which the boat was anchored.

24.—(1.) The Minister may, on such conditions, if any, as he thinks fit, authorize, by notice in writing, the use of a power boat in or on the Lake—

Use of power
boats for
special
purposes.

- (a) by the holder of a licence under paragraph (c) of sub-section (2.) of section thirty-four of this Ordinance for the purpose of carrying passengers for hire or reward;
- (b) by a sports club in connexion 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 approves.

(2.) At any time after an authority is given under the last preceding sub-section, the Minister may, by notice in writing to the holder of the licence, sports club or approved person, as the case may be—

- (a) impose further conditions on, or revoke, the authority; or
- (b) vary or revoke a condition on which the authority was given.

(3.) A notice under the last preceding sub-section may be given—

- (a) in the case of the holder of a licence or an approved person—
 - (i) by delivering it to him personally; or
 - (ii) by sending it by post addressed to him at his last-known place of business or residence; or
- (b) in the case of a sports club—
 - (i) by delivering it to a member of the governing body of the club personally; or
 - (ii) by sending it by post addressed to the governing body of the club at the last-known place of operations of the club.

25.—(1.) Subject to this section, a person shall not—

- (a) be in or use a power boat in or on the Lake; or
- (b) cause or permit a power boat to be or be used in or on the Lake.

Restrictions on
use of power
boats.

Penalty: Fifty pounds.

(2.) It is a defence to a prosecution for an offence against the last preceding sub-section 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 authorized under the last preceding section; 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 authorized.

(3.) Sub-section (1.) of this section does not apply to—

- (a) a person concerned in, or employed or engaged in or in connexion with, the maintenance or preservation of the Lake or the maintenance, testing or preservation of an associated work;
- (b) a person employed in the Department of Health;
- (c) an inspector; or
- (d) a member of the Police Force,

who, in the execution of his duty or the terms of his employment or engagement, is in or uses or causes or permits to be or be used in or on the Lake a power boat that is the property of the Commonwealth.

Restriction on
water-skiing.

26.—(1.) The Minister may, subject to such conditions, if any, as he thinks fit, grant to a person a permit to take part in water-skiing on the Lake.

(2.) A person shall not take part in water-skiing on the Lake, unless—

- (a) he is the holder of a permit under the last preceding sub-section; and
- (b) he complies with the conditions, if any, subject to which that permit was granted.

Penalty: Twenty pounds.

(3.) For the purposes of this section—

- (a) “water-skiing” includes aquaplaning; and
- (b) a person who is being towed, by any means, whether or not for sporting purposes, in such circumstances that the person is being towed in a manner similar to the manner in which a person is towed in water-skiing shall be deemed to be taking part in water-skiing.

Restriction on
use of
hovercraft.

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

(2.) A person shall not use, or cause or permit to be used, a hovercraft within or above the Lake area, unless—

- (a) he is the holder of a permit under the last preceding sub-section; and

- (b) he complies with the conditions, if any, subject to which that permit was granted.

Penalty: Fifty pounds.

28.—(1.) Where, in the opinion of an inspector or a member of the Police Force, a vehicle or boat in the Lake area—

Removal of
vehicles and
boats from the
Lake, &c.

- (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 or member 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 or member of the Police Force—

- (a) is unable to give a direction under the last preceding sub-section by reason of the absence of the owner or person in charge of the vehicle or boat;
or

- (b) gives a direction under the last preceding sub-section and the owner or person in charge of the vehicle or boat refuses or fails to comply with the direction,

the inspector or member may, with such assistants, if any, and by such means as he thinks necessary, move the vehicle or boat to another place in, or remove it from, the Lake area.

(3.) Where an inspector or member of the Police Force, in the exercise of his powers under the last preceding sub-section, moves or removes a vehicle or boat, the Commonwealth 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 or member of the Police Force is not liable for any damage that he may cause to a vehicle or boat in the proper exercise of his powers under this section.

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

Houseboats
prohibited.

Penalty: Twenty pounds.

30. A person shall not camp, or permit a caravan to stand, within the Lake area between the hours of sunset and sunrise.

Camping, &c.

Penalty: Twenty pounds.

31.—(1.) A person shall not, without lawful excuse, interfere with, damage or destroy any tree, shrub, flower, plant, grass, placard, notice, seat, gate, post, fence, tank, tap, pipe, building or other erection the property of the Commonwealth within the Lake area.

Damage to
trees, &c.

Penalty: Twenty pounds.

(2.) A person shall not, without lawful excuse—

- (a) cut or make a name, letter or mark on;
- (b) affix a bill, paper, document or notice to; or
- (c) otherwise deface,

a tree, seat, gate, post, fence, building or other erection the property of the Commonwealth within the Lake area.

Penalty: Twenty pounds.

**Depositing
rubbish.**

32. A person shall not leave any book, paper, fruit, peel, litter, waste food or refuse of any kind within the Lake area except in a place or receptacle provided for the purpose by the Minister or the Superintendent.

Penalty: Twenty pounds.

**Pollution of
the Lake, &c.**

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

Penalty: One hundred pounds.

**Selling or
hiring of
goods, &c.,
in the Lake
area.**

34.—(1.) A person shall not, within the Lake area—

- (a) sell or hire or offer for sale or hire an article or any goods;
- (b) hire or offer for hire a boat; or
- (c) carry or offer to carry passengers or goods in or on a boat for hire or reward,

unless he is the holder of a licence under this section authorizing him to do so.

Penalty: Twenty pounds.

(2.) The Minister may, upon application made to him in writing, grant, subject to such conditions, if any, as he thinks necessary, to a person a licence—

- (a) to sell or hire articles or goods;
- (b) to hire boats; or
- (c) to carry passengers or goods in or on a boat for hire or reward,

within the Lake area.

(3.) An application referred to in the last preceding subsection shall—

- (a) contain details of the business proposed to be carried on; and
- (b) be accompanied by a fee of One pound.

(4.) A licence under this section remains in force, unless sooner cancelled, for the period specified in the licence.

(5.) The Minister may, at any time, cancel a licence under this section—

- (a) by notice in the *Gazette*; or
- (b) by notice in writing to the holder of the licence.

35.—(1.) The Minister may, on any day or portion of a day, authorize the Superintendent to make a charge for admission to the Lake area or a part of the Lake area and, when he is so authorized, the Superintendent 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.

Power to
charge for
admission.

(2.) The Minister may, by instrument in writing, grant to a person the exclusive right to occupy and use a part of the 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 the last preceding subsection, grants to a person an exclusive right of occupation and use of a part of the 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 V.—RULES FOR PREVENTING COLLISIONS ON THE LAKE.

Division 1.—Lighting Rules.

36. Where a boat that is under way or anchored on the Lake between the hours of sunset and sunrise—

Observance of
lighting
rules.

- (a) does not carry a light required by this Division to be carried on that boat; or
- (b) does not carry a light required by this Division to be carried on that boat in the position in which that light is required by this Division to be carried,

the person in charge of the boat or, if there is no person in charge, each person on the boat or, if there is no person on the boat, the owner of the boat is guilty of an offence punishable on conviction by a fine not exceeding Twenty pounds.

37.—(1.) A power boat that is sixteen or more feet long and is under way or anchored on the Lake between the hours of sunset and sunrise shall show, in the forepart of the boat where it can best be seen, not less than six feet above the gunwale, a bright white light that shows an unbroken light, visible at a distance of not less than three miles, over an arc of the horizon of twenty points of the compass, or two hundred and twenty-five degrees, from right ahead to two points of the compass, or twenty-two and one-half degrees, abaft the beam on each side of the boat.

Lights to be
carried on
large power
boats.

(2.) A power boat referred to in the last preceding sub-section shall show, on the starboard side, a green light that shows an unbroken light, visible at a distance of not less than one mile, over an arc of the horizon of ten points of the compass, or one hundred and twelve and one-half degrees, from right ahead to two points of the compass, or twenty-two and one-half degrees, abaft the beam on the starboard side.

(3.) A power boat referred to in sub-section (1.) of this section shall show, on the port side, a red light that shows an unbroken light, visible at a distance of not less than one mile, over an arc of the horizon of ten points of the compass, or one hundred and twelve and one-half degrees, from right ahead to two points of the compass, or twenty-two and one-half degrees, abaft the beam on the port side.

(4.) A power boat referred to in sub-section (1.) of this section shall show, at the stern of the boat, as nearly as practicable at the same level as the side lights referred to in the last two preceding paragraphs, or the combined lantern referred to in the next succeeding sub-section, as the case may be, a white light that shows an unbroken light, visible at a distance of not less than two miles, over an arc of the horizon of twelve points of the compass, or one hundred and thirty-five degrees, from right aft to six points of the compass, or sixty-seven and one-half degrees, from right aft on each side of the boat.

(5.) It is sufficient compliance with sub-sections (2.) and (3.) of this section if the green light and the red light specified in those sub-sections are shown together in a combined lantern not less than two feet below the bright white light specified in sub-section (1.) of this section.

Lights to be
carried on
other boats.

38. A boat, other than a power boat referred to in the last preceding section, that is under way or anchored on the Lake between the hours of sunset and sunrise shall carry a white light visible, at a distance of not less than one mile, from all points of the compass.

Emergency
lights.

39. Where a boat that is under way or anchored on the Lake between the hours of sunset and sunrise—

(a) does not carry an electric torch or lighted lantern ready for immediate use; or

(b) on the failure of a light required by this Division to be carried on the boat, does not show, in place of that light, the light of an electric torch or lantern during the whole of the period for which the boat continues under way or anchored on the Lake between the hours of sunset and sunrise,

the person in charge of the boat or, if there is no person in charge, the owner of the boat is guilty of an offence punishable on conviction by a fine not exceeding Twenty pounds.

Division 2.—Rules of the Water.

40.—(1.) Where two sailing boats are approaching one another, so as to involve risk of collision—

Sailing and steering rules generally.

- (a) a boat that is running free shall keep out of the way of a boat that is close-hauled;
- (b) 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;
- (c) 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;
- (d) 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; and
- (e) a boat that has the wind aft shall keep out of the way of the other boat.

(2.) Where two 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 two 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 forty-four of this Ordinance, 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 forty-four of this Ordinance, 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.

41. Where one of two boats is, by a provision of 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.

Course and speed to be kept.

42. A boat that is required by a provision of this Division to keep out of the way of another boat shall, if practicable, keep from crossing ahead of the other boat.

Restriction on crossing ahead.

43. A power boat that is required by a provision of 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.

Power boats to slacken speed.

Overtaking
boats.

44.—(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 two points of the compass, or twenty-two and one-half degrees, abaft that other boat's beam shall be deemed to be an overtaking boat.

Use of
channels.

45. Where the limits of a channel or fairway from one part of the Lake to another part of the Lake are defined by bearings, buoys or other means, a boat shall not go from that first-mentioned part of the Lake to that other part of the Lake except within the limits of the channel or fairway as so defined.

Racing rules.

46. A boat on the 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 person or association of persons controlling the race.

Division 3.—General.

Navigating
boat in
dangerous
manner, &c.

47.—(1.) A person shall not navigate or take part in the navigation of a boat on the Lake in a negligent or reckless manner or at a speed or in a manner dangerous to persons using the Lake.

Penalty: Fifty pounds.

(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.

Careless
navigation.

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

Penalty: Twenty pounds.

Navigation of
boat while
intoxicated, &c.

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

Penalty: Twenty pounds.

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

PART VI.—MISCELLANEOUS.

50. Unless the contrary is proved, evidence that a sign referred to in section fourteen of this Ordinance was erected, placed or displayed within the 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. Evidence.

51. A person is not liable to be convicted of an offence against or a contravention of a provision of this Ordinance if he satisfies the court— Offence due to accident, &c.

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

52. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular for prescribing matters for or in relation to— Regulations.

- (a) the equipment to be carried on boats using the Lake;
 - (b) the qualifications of persons navigating power boats on the Lake;
 - (c) the forms to be used and the fees to be paid in respect of any matter arising under this Ordinance;
 - (d) the imposition of penalties not exceeding Twenty pounds for breaches of the Regulations.
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