

No. 65 of 1976

LAKES ORDINANCE 1976

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No. 65 of 1976

AN ORDINANCE

To provide for the Administration, Control and Use of Certain Lakes.

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this ninth day of December, 1976.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory.

LAKES ORDINANCE 1976

PART I—PRELIMINARY

1. This Ordinance may be cited as the *Lakes Ordinance 1976*.^{*} Short title.
2. This Ordinance shall come into operation on such date as is fixed by the Minister by notice published in the *Gazette*. Commencement.
3. The Ordinances set out in Schedule 1 are repealed. Repeal.
4. (1) In this Ordinance, unless the contrary intention appears— Interpretation.
 - “associated work” includes a wharf or jetty, the property of the Commonwealth, erected within a lake area;
 - “boat” includes launch, yacht, canoe, raft, pontoon and anything capable of carrying persons or goods through or on water;
 - “closed area” means a part of a lake declared by the Minister under section 22 to be a closed area;
 - “Dairy Bridge” means the bridge by which Dairy Road is carried across the Molonglo River;
 - “foreshores” means—
 - (a) in relation to Lake Ginninderra—the land described in Schedule 2; and

^{*} Notified in the *Australian Government Gazette* on 13 December 1976.

(b) in relation to any other lake—the area of land bounded by the level of the lake and an imaginary line drawn at a distance of 100 metres from the high water level of the lake, 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;

“inspector” means an inspector appointed under section 8;

“lake” means Lake Burley Griffin, Lake Ginninderra or any other body of water declared by the Minister under section 5 to be a lake;

“lake area” means the area comprising 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 lying between Scrivener Dam and Dairy Bridge;

“Lake Ginninderra” means that body of water lying within the land described in Schedule 2;

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

“Police Force” means police force of the Territory;

“power boat” means a boat propelled by mechanical power;

“prohibited area” means a part of a lake declared by the Minister under section 21 to be a prohibited area;

“sports club” means an association or body of persons, whether incorporated or not, established for sporting or athletic purposes;

“Superintendent” means the Lakes Superintendent appointed under section 6;

“this Ordinance” includes the Regulations;

“visible”, in relation to a light, means visible on a dark night with a clear atmosphere.

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

(3) For the purposes of this Ordinance—

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

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

Declaration
of area as
lake.

5. The Minister may, by notice published in the *Gazette*, declare an area to be a lake for the purposes of this Ordinance.

PART II—ADMINISTRATION

6. The Minister may, by writing under his hand, appoint a person to be Lakes Superintendent. Lakes 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 or 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 a lake area; and
- (b) give such reasonable directions to persons using a 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) Where a notice has been signed by the Minister for the purpose of sub-section 21 (1) but the notice has not been published in accordance with that sub-section, an inspector or a member of the Police Force 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 paragraph (1)(b) or sub-section (2), 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 a lake area and, when so doing, shall not be liable for the payment of any fare ordinarily chargeable for the hire or use of the vehicle or boat.

(4) An inspector 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 8(2), the inspector does not produce the certificate.

10. A person shall not, without lawful excuse— Obstruction of inspectors.

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

Penalty: \$200.

PART III—CONTROL OF A LAKE

Right to use,
&c., of water
in lake,
&c., vested
in the Com-
monwealth.

11. (1) The right to the use and flow and to the control of the water in a lake and of the waters of all rivers, streams and creeks flowing into a 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 a 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) Sub-section (1) does not affect the rights of an owner of land held from the Commonwealth under a lease for a term greater than 20 years, being land through which a river, stream or creek flowing into a lake passes.

Unautho-
rized taking
of water.

12. (1) A person shall not take water from a lake unless—

- (a) he has been authorized in writing by the Minister so to do; and
- (b) the taking is in accordance with the conditions and requirements, if any, specified in the authority given to him by the Minister.

Penalty: \$100.

(2) A person shall not take water from a river, stream or creek flowing into a lake unless—

- (a) the taking of the water is in pursuance of a right acquired by him by or under this Ordinance or any other law in force in the Territory; or
- (b) he has been authorized in writing by the Minister so to do and the taking is in accordance with the conditions and requirements, if any, specified in the authority given to him by the Minister.

Penalty: \$100.

(3) The Minister may, by notice published in the *Gazette*, declare that a specified period is, for the purposes of this sub-section, a period of emergency and, notwithstanding that a person has acquired by or under this Ordinance or any other law in force in the Territory the right to take water from a river, stream or creek flowing into a lake, such a person shall not, during the period of emergency, take water from a river, stream or creek flowing into the lake unless—

- (a) the Minister has given to him an authority in writing under this sub-section authorizing him to take water from the river, stream or creek; and
- (b) the taking is in accordance with the conditions and requirements, if any, specified in the authority given to him by the Minister.

13. (1) For the purposes of the maintenance and preservation of a lake and the maintenance, testing and preservation of associated works, the Minister may authorize—

Alterations
in water
level, &c.

- (a) a raising or lowering, by any means, of the level of water in a lake;
- (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 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 sub-section (1).

14. (1) Where any land is injuriously affected by the doing of an act authorized by the Minister under sub-section 13 (1), 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 sub-section (1) shall be determined by the Minister.

(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 A LAKE

Division 1—General

15. The Minister may, by a sign erected, placed or displayed in such manner as he thinks necessary within a lake area—

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.

Prohibitions
relating to
boats, &c.

16. A person shall not—

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

Penalty: \$40.

Prohibitions
relating to
swimming,
&c.

17. A person shall not—

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

Penalty: \$40.

Interference
with signs.

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

Penalty: \$40.

Approved
buoys,
wharves and
jetties.

19. (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 a lake or the erection of a wharf or jetty within a lake area.

(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 sub-section (1), anchor a buoy in a lake or erect or commence to erect a wharf or jetty within a lake area.

Penalty: \$40.

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

Penalty: \$40.

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

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

Penalty: \$40.

21. (1) Subject to sub-section (3), the Minister may, by notice published in a newspaper circulating in the Territory, prohibit entry to a lake area. Prohibition of use of lake area or part of lake.

(2) Subject to sub-section (3), the Minister may, by notice published in a newspaper circulating in the Territory, declare an area of a lake to be a prohibited area.

(3) The Minister shall not prohibit entry to a lake or declare an area of a lake to be a prohibited area unless—

- (a) the condition of the waters of a lake or that area, as the case may be, is such as to constitute a threat to the health of a person entering those waters;
- (b) the prohibition or declaration is reasonably necessary in connexion with the maintenance or preservation of a lake or the maintenance, preservation or testing of an associated work;
- (c) the Commissioner of Police 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 members of the Police Force of the Territory to carry out their duties in a lake or in a lake area;
- (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 thinks necessary.

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

Penalty: \$40.

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

Penalty: \$40.

(7) It is defence to a prosecution for an offence against subsection (5) or (6) for the defendant to prove that he was in the lake area or the prohibited area, as the case may be, with the consent in writing of the Minister and in accordance with the conditions (if any) subject to which that consent was given.

(8) Sub-sections (5) and (6) do not apply to—

- (a) a person concerned in, or employed or engaged in or in connexion with, the maintenance or preservation of a lake or the maintenance, preservation or testing of an associated work;
- (b) an officer or employee of the Capital Territory Health Commission;
- (c) an inspector; or
- (d) a member of the Police Force,

who enters a lake area or a prohibited area in the execution of his duty or for the purposes of his employment or engagement.

Closing of
parts of a
lake for
regattas, &c.

22. (1) The Minister may, by notice published in a daily newspaper circulating in the Territory, declare a part of a 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.

23. (1) Where an association of persons is, under section 22, 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: \$40.

(2) Sub-section (1) does not apply to—

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

- (b) an officer or employee of the Capital Territory Health Commission;
- (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.

24. (1) A person shall not anchor a boat on a lake between the hours of sunset and sunrise. Anchoring of boats.

Penalty: \$40.

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

25. (1) The Minister may, on payment of the prescribed fee, grant to a person a permit to moor a boat on a lake. Mooring of boats.

(2) A person shall not moor a boat on a lake unless—

- (a) the boat is moored within an area specified under section 15 as a mooring area; and
- (b) the person is the holder of a permit issued under sub-section (1).

Penalty: \$40.

26. (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 a lake— Use of power boats for special purposes.

- (a) by the holder of a licence under paragraph 34 (2) (c) 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 sub-section (1), 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 the authority; or
- (b) vary or revoke a condition on which the authority was given.

(3) Where the holder of a licence, sports club, or approved person, to whom an authority under sub-section (1) is granted—

- (a) fails to comply with a provision of this Ordinance; 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 holder of the licence, sports club or approved person, as the case may be, revoke the authority.

(4) A notice under this 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.

Restrictions
on use of
power boats.

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

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

Penalty: \$100.

(2) It is a defence to a prosecution for an offence against sub-section (1) 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 section 26; 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) 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) an officer or employee of the Capital Territory Health Commission;
- (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.

28. (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 a lake.

(2) A person shall not take part in water-skiing on a lake, unless—

- (a) he is the holder of a permit under sub-section (1); and
- (b) he complies with the conditions, if any, subject to which that permit was granted.

Penalty: \$40.

(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.

29. (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 a lake area. Restriction on use of hovercraft

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

- (a) he is the holder of a permit under sub-section (1) with respect to that lake area; and
- (b) he complies with the conditions, if any, subject to which that permit was granted.

Penalty: \$100.

30. (1) Where, in the opinion of an inspector or a member of the Police Force, a vehicle or boat in a lake area— Removal of vehicles and boats from a 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 sub-section (1) by reason of the absence of the owner or person in charge of the vehicle or boat; or
- (b) gives a direction under sub-section (1) 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 assistance, 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 sub-section (2), 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.

Houseboats
prohibited.

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

Penalty: \$40.

Camping,
&c.

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

Penalty: \$40.

Pollution
of a lake.

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

Penalty: \$200.

Selling or
hiring of
goods, &c.
in a lake
area.

34. (1) A person shall not, within a 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: \$40.

(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 a lake area.

(3) An application referred to in sub-section (2) shall—

- (a) contain details of the business proposed to be carried on; and
- (b) be accompanied by a fee of \$2.

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

(5) Where a person to whom a licence under this section is granted—

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

(b) fails to comply with the conditions (if any) subject to which the licence is granted,
the Minister may cancel the licence—

(c) by notice published in the *Gazette*; or

(d) by notice in writing given 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 a lake area or a part of a 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 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 sub-section (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.

Division 2—Provisions Relating to Particular Lakes

36. A person shall not bathe or swim in, or dive into, that part of Lake Burley Griffin between Commonwealth Avenue Bridge and King's Avenue Bridge. Lake Burley Griffin.

Penalty: \$40.

PART V—RULES FOR PREVENTING COLLISIONS ON A LAKE

Division 1—Lighting Rules

37. Where a boat that is under way or anchored on a 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 \$40.

Lights to be
carried on
large power
boats.

38. (1) This section applies to and in relation to a power boat that is—

- (a) 5 or more metres long; and
- (b) under way, or anchored, on a lake between the hours of sunset and sunrise.

(2) A boat to which this section applies shall show, in the fore-part of the boat where it can best be seen, not less than 2 metres above the gunwale, a bright white light that shows an unbroken light, visible at a distance of not less than 5 kilometres, over an arc of the horizon of 20 points of the compass, or 225 degrees, from right ahead to 2 points of the compass, or $22\frac{1}{2}$ degrees, abaft the beam on each side of the boat.

(3) A boat to which this section applies shall show, on the starboard side, a green light that shows an unbroken light, visible at a distance of not less than 1.50 kilometres, over an arc of the horizon of 10 points of the compass, or $112\frac{1}{2}$ degrees, from right ahead to 2 points of the compass, or $22\frac{1}{2}$ degrees, abaft the beam on the starboard side.

(4) A boat to which this section applies shall show, on the port side, a red light that shows an unbroken light, visible at a distance of not less than 1.50 kilometres, over an arc of the horizon of 10 points of the compass, or $112\frac{1}{2}$ degrees, from right ahead to 2 points of the compass, or $22\frac{1}{2}$ degrees, abaft the beam on the port side.

(5) A boat to which this section applies shall show, at the stern of the boat, as nearly as practicable at the same level as the side lights referred to in sub-sections (2) and (3), or the combined lantern referred to in sub-section (6), as the case may be, a white light that shows an unbroken light, visible at a distance of not less than 3 kilometres, over an arc of the horizon of 12 points of the compass, or 135 degrees, from right aft to 6 points of the compass, or $67\frac{1}{2}$ degrees, from right aft on each side of the boat.

(6) It is sufficient compliance with sub-sections (2) and (3) if the green light and the red light specified in those sub-sections are shown together in a combined lantern not less than 0.50 metre below the bright white light specified in sub-section (1).

Light to be
carried by
other boats.

39. A boat, other than a boat to which section 38 applies, shall carry a white light visible, at a distance of not less than 1.50 kilometres, from all points of the compass.

Emergency
lights.

40. Where a boat that is under way or anchored on a 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 \$40.

Division 2—Rules of the Water

41. (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 close-hauled on the port tack shall keep out of the way of a boat that is close-hauled on the starboard tack;
- (b) when both boats are running free, with the wind on different sides, the boat that has the wind on the port side shall keep out of the way of the other boat; and
- (c) when both boats are running free, with the wind on the same side, the boat that is to windward shall keep out of the way of the boat that is to leeward.

(2) Where 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 47, where a power boat and a sailing boat are approaching one another, so as to involve risk of collision, the power boat shall keep out of the way of the sailing boat.

(5) Subject to section 47, where a boat propelled by oars and a sailing boat are approaching one another, so as to involve risk of collision, the boat propelled by oars shall keep out of the way of the sailing boat.

42. 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.

43. 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.

Power boats
to slacken
speed.

44. 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.

Overtaking
boats.

45. (1) A boat that is overtaking another boat shall keep out of the way of the other boat.

(2) A boat coming up with another boat from a direction more than 2 points of the compass, or $22\frac{1}{2}$ degrees, abaft that other boat's beam shall be deemed to be an overtaking boat.

Use of
channels.

46. Where the limits of a channel or fairway from one part of a lake to another part of the lake are defined by bearings, buoys or other means, a boat shall not go from that 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.

47. 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 person or association of persons controlling the race.

Division 3—General

Navigating
boat in
dangerous
manner, &c.

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

Penalty: \$100.

(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.

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

Penalty: \$40.

Navigation
of boat
while
intoxicated,
&c.

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

Penalty: \$40.

(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

51. (1) Application may be made to the Tribunal for a review of Appeals. a decision of the Minister—

- (a) making a determination under sub-section 14 (2);
- (b) revoking an authority under section 26; or
- (c) cancelling a licence under section 34.

(2) In sub-section (1), “Tribunal” means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975*.

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

53. 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.

54. The Minister may make regulations, not inconsistent with Regulations. 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—

- (a) the equipment to be carried on boats using a lake;
- (b) the qualifications of persons navigating power boats on a lake;
- (c) the forms to be used and the fees to be paid in respect of any matter arising under this Ordinance; and
- (d) the imposition of penalties not exceeding \$40 for breaches of the Regulations.

SCHEDULES

SCHEDULE 1

Section 3

Lake Burley Griffin Ordinance 1965

Lake Burley Griffin Ordinance 1968

Lake Burley Griffin Ordinance (No. 2) 1975

Lake Burley Griffin Ordinance 1976

Lake Ginninderra (Temporary Control) Ordinance 1973.

SCHEDULE 2

Section 4

All that land in the Australian Capital Territory containing an area of 191.2 hectares 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 of Titles 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 degrees 18 minutes 40 metres thence on the south by the northern boundary of that Block 1 and a line bearing in all 270 degrees 249.67 metres thence on the east by a line bearing 180 degrees 81 metres thence on the north by a line bearing 90 degrees 4 metres 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 of Titles Canberra Deposited Plan 3810 bearing in all 180 degrees 19.255 metres to the intersection of the western boundary of that Block 2 and the easterly prolongation of a line parallel to and 5 metres southerly from a stone retaining wall thence generally on the southwest by lines approximately parallel to and distant 5 metres generally southwesterly from that stone retaining wall bearing successively 270 degrees 6 minutes 4 seconds 53.9 metres 180 degrees 17 minutes 4 seconds 7.2 metres 269 degrees 12 minutes 4 seconds 11.65 metres 309 degrees 34 seconds 60.87 metres 350 degrees 15 minutes 34 seconds 89.34 metres 90 degrees 17 minutes 4 seconds 7.00 metres 350 degrees 13 minutes 4 seconds 14.32 metres 335.82 metres of the arc of a circle of radius 305.9 metres the chord of which lies to the southwest and bears 318 degrees 48 minutes 12 seconds 319.21 metres 287 degrees 21 minutes 12 seconds 7.48 metres 199 degrees 29 minutes 54 seconds 24.85 metres 269 degrees 5 minutes 24 seconds 77.91 metres 2 degrees 35 minutes 4 seconds 44.73 metres 269 degrees 35 minutes 4 seconds 78.36 metres and 181 degrees 25 minutes 44 seconds 55.25 metres 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 degrees 180.604 metres thence generally on the south west by a line being 20.99 metres of an arc of a circle of radius 15 metres the chord of which lies to the north east and bears 306 degrees 5 minutes 19.315 metres to the north eastern side of Cohen Drive thence by part of that side of Cohen Drive bearing 346 degrees 10 minutes 351.05 metres thence by lines bearing successively 64 degrees 20 minutes 51.47 metres 352 degrees 42 minutes 54.52 metres 358 degrees 6 minutes 73.24 metres 16 degrees 33 minutes 30 seconds 103.31 metres 348 degrees 8 minutes 124.05 metres 279 degrees 35 minutes 46.82 metres 232 degrees 28 minutes 78.13 metres and 264 degrees 23 minutes 58.42 metres to a point on the north eastern side of Cohen Drive aforesaid thence on the south west by that side of Cohen Drive being 342.26 metres of the arc of a circle of radius 705.38 metres the chord of which lies to the south west and bears 311 degrees 54 minutes 2 seconds 338.92 metres and a line bearing 298 degrees 21.375 metres thence on the south west by 23.86 metres of an arc of a circle of radius 15 metres the chord of which lies to the north east and bears 343 degrees 33 minutes 55 seconds 21.42 metres 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 22.63 metres of an arc of a circle of radius of 1174.485 metres the chord of which lies to the south east and bears 29 degrees 40 minutes 57 seconds 22.63 metres 30 degrees 14 minutes 5 seconds 144.01 metres 312.56 metres of an arc of a circle of radius 875.49 metres the chord of which lies to the west and bears 20 degrees 26 seconds 310.900 metres 9 degrees 46 minutes 47 seconds 133.35 metres and 59.17 metres of an arc of a circle of radius 1165.985 metres the chord of which lies to the east and bears 11 degrees 14 minutes 1 second 59.17 metres thence on the north west by a line bearing 57 degrees 1 minute 40 seconds 21.59 metres to a point on the southern side of Ginninderra Drive thence on the west by a line bearing 16 degrees 30 minutes 147.675 metres thence on the north and north east by lines bearing successively 92 degrees 7 minutes 20 seconds 517.3 metres and 129 degrees 25 minutes 141.8 metres 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 13.105 metres of an arc of a circle of radius 189.33 metres the chord of which lies to the west and bears 188 degrees 58 minutes 13.1 metres and 190 degrees 57 minutes 111.08 metres to a point on the southern side of Ginninderra Drive aforesaid thence on the north by that side of Ginninderra Drive bearing 110 degrees 24 minutes 30 seconds 79.5 metres thence generally on the east by lines bearing successively 222 degrees 45 minutes 30 seconds 104.8 metres 135 degrees 1 minute 42.42 metres 211 degrees 41 minutes 30 seconds 78.88 metres 140 degrees 52 minutes 30 seconds 138.06 metres 251 degrees 31 minutes 50 seconds 142.88 metres 180 degrees 25.17 metres 123 degrees 49 minutes 30 seconds 111.07 metres 208 degrees 30 minutes 30 seconds 77.6 metres 178 degrees 18 minutes 30 seconds 100.05 metres 112 degrees 6 minutes 30.83 metres 174 degrees 18 minutes 84.92 metres 111 degrees 59 minutes 70.42 metres 182 degrees 21 minutes 40.195 metres 179 degrees 39 minutes 35.475 metres 262 degrees 56 minutes 30 seconds 48.295 metres 212 degrees 7 minutes 30 seconds 47.78 metres 155 degrees 28 minutes 40 seconds 161.88 metres 94 degrees 39 minutes 47.65 metres and 93 degrees 4 minutes 35.94 metres thence generally on the west by lines bearing successively 44 degrees 15 minutes 30 seconds 100.92 metres 10 degrees 41.99 metres 333 degrees 39 minutes 10 seconds 108.63 metres 21 degrees 17 minutes 40 seconds 176.8 metres 52 degrees 39 minutes 81.09 metres 152 degrees 28 minutes 30

SCHEDULE 2—*continued*

seconds 109.78 metres and 62 degrees 48 minutes 190.12 metres 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 66.05 metres of an arc of a circle of 692.4 metres radius the chord of which lies to the north east and bears 329 degrees 23 minutes 30 seconds 66.03 metres and a line bearing 332 degrees 7 minutes 30 seconds 60.03 metres thence generally on the west by lines bearing successively 61 degrees 50 minutes 20 seconds 150.65 metres 2 degrees 56 minutes 47.11 metres and 309 degrees 26 minutes 122.03 metres 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 degrees 3 minutes 20 seconds 132.15 metres 43 degrees 11 minutes 30 seconds 145.82 metres 32 degrees 19 minutes 30 seconds 145.82 metres 11 degrees 27 minutes 66.63 metres 22 degrees 40 seconds 138.25 metres 26 degrees 17 minutes 80.52 metres 24 degrees 58 minutes 65.96 metres 22 degrees 52 minutes 47.92 metres and 37 degrees 28 minutes 40 seconds 24.94 metres 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 degrees 10 minutes 1.79 metres from the westernmost corner of that land thence on the north east by south western boundaries of that Block 190 176 degrees 10 minutes 392.76 metres and 131 degrees 30 minutes 20 seconds 255.13 metres thence on the east by lines bearing successively 206 degrees 15 minutes 93.92 metres 153 degrees 36 minutes 160.19 metres 246 degrees 12 minutes 129.21 metres 222 degrees 10 minutes 70.07 metres 312 degrees 27 minutes 64.56 metres 241 degrees 9 minutes 30 seconds 81.32 metres 243 degrees 47 minutes 30 seconds 91.41 metres 197 degrees 2 minutes 286.27 metres and 232 degrees 31 minutes 70.12 metres to a point on the south western side of Ginninderra Drive aforesaid and bounded thence generally on the east by lines bearing successively 229 degrees 46 minutes 300.23 metres 238 degrees 28 minutes 40 seconds 225.42 metres 180 degrees 151.42 metres 114 degrees 30 minutes 83 metres 90 degrees 103 metres 108 degrees 102 metres 114 degrees 48 minutes 84.78 metres 176 degrees 34 minutes 57 seconds 26.195 metres to a point on the western side of Cameron Avenue aforesaid thence by part of that side of Cameron Avenue bearing 196 degrees 33 minutes 2 seconds 303.11 metres to the point of commencement.