



Australian Capital Territory

# Lakes Act 1976

A1976-65

**Republication No 18**

**Effective: 5 March 2019 – 13 November 2019**

Republication date: 5 March 2019

Last amendment made by [A2018-42](#)  
(republishing for amendments by [A2018-7](#),  
[A2018-42](#) and general renumbering)

## 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 5 March 2019. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 5 March 2019.

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 includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 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.

## 5 Application

This Act applies only in relation to Territory land.

*Note 1* This Act applies in relation to lakes and lake areas in the Territory and the lake area of Lake Burley Griffin to the extent that it is territory land (see dict, def **lake** and **lake area**). The *Lakes Ordinance 1976* (Cwlth) applies to the remaining area of Lake Burley Griffin that is national land (see [Legislation Act](#), dict, def **national land**).

*Note 2* This Act applies to a domestic commercial vessel operating on a lake and operates concurrently with the Marine Safety (Domestic Commercial Vessel) National Law to the extent described in the [Marine Safety \(Domestic Commercial Vessel\) National Law Act 2012](#) (Cwlth), s 6.

## 6 Application of Act to inspectors

An offence in part 4 (Use of a lake) does not apply to an inspector exercising a function of the inspector under this Act.

*Note 1* An inspector includes the delegate for lakes and a police officer (see s 89).

*Note 2* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

*Note 3* The defendant has an evidential burden in relation to the matters mentioned in this section (see [Criminal Code](#), s 58).

## 7 Application of Act in emergencies

- (1) This Act (other than part 6 (Drug and alcohol offences)) does not apply to—
- (a) the exercise or purported exercise by a relevant person of a function under the [Emergencies Act 2004](#) for the purpose of—
    - (i) protecting life or property; or
    - (ii) controlling, extinguishing or preventing the spread of a fire; and

- (b) action by an authorised officer to prevent, minimise or remedy serious or material environmental harm under the *Environment Protection Act 1997*, division 11.3 (Emergency powers).

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (1) (see *Criminal Code*, s 58).

- (2) In this section:

***authorised officer*** means—

- (a) an authorised officer under the *Environment Protection Act 1997*, section 14; and  
(b) a person acting under the direction of an authorised officer.

*Note* An authorised officer includes the Environment Protection Authority (see *Environment Protection Act 1997*, s 14 (2)).

***relevant person*** means—

- (a) a member of the ambulance service; or  
(b) a member of the fire and rescue service; or  
(c) a member of the rural fire service; or  
(d) a member of the SES; or  
(e) any other person under the control of—  
(i) the chief officer (ambulance service); or  
(ii) the chief officer (fire and rescue service); or  
(iii) the chief officer (rural fire service); or  
(iv) the chief officer (SES); or  
(f) a police officer.

## 8 Relationship to environmental and health laws

- (1) This Act must be construed and administered in a way that is consistent with an environmental law or a health law unless the contrary intention appears from this Act or that law.
- (2) This Act is taken to be consistent with an environmental law or a health law to the extent that it is capable of operating concurrently with that law.
- (3) In this section:

*environmental law* means a territory law that has the protection of the environment as one of its objects or purposes.

*health law* means a territory law that has the protection of public health as one of its objects or purposes.

## Part 2 Administration

### 9 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](#).

### 10 Delegate for lakes

The director-general 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).

## **Part 3                      Control of a lake**

### **11                      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.

### **12                      Compensation for damage**

- (1) Where any land is injuriously affected by the doing of an act authorised by the Minister under section 11 (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.

- (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.
- (4) In this section:  
*owner*, of land, includes anyone with an interest in the land.



## Part 4                      Use of a lake

### 13            **Meaning of *operate*—pt 4**

In this part (other than in section 20 and section 21):

*operate*, in relation to a person who is an owner of a boat, includes causing or allowing someone else to operate the boat.

### 14            **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.

## **15 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 14; or
  - (b) moor a boat on a lake at a place that is not in a mooring area under section 14; or
  - (c) beach, clean or repair a boat in a lake area at a place that is not a beaching area under section 14; or
  - (d) embark on, or disembark from, a boat on a lake in contravention of a sign under section 14; or
  - (e) land a boat on a lake shore, or an island in a lake, in contravention of a sign under section 14.

Maximum penalty: 30 penalty units.

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

## **16 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 14.

Maximum penalty: 5 penalty units.

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

**17 Interference etc with signs**

- (1) A person commits an offence if the person interferes with, changes or removes a sign under section 14.

Maximum penalty: 5 penalty units.

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

**18 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 120 (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 14; 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.

## **19 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.

## **20 Speed limits**

- (1) The Minister may, by a sign placed in a lake area, state the speed limit for operating a boat on the lake in the lake area.
- (2) A person commits an offence if—
  - (a) the person operates a boat on a lake; and
  - (b) the boat is operated at a speed greater than the speed limit that applies for operating a boat on the lake.

Maximum penalty: 20 penalty units.

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

## **21 Restrictions on kinds of boats**

- (1) The Minister may, by a sign placed in a lake area, state—
  - (a) the kinds of boats that may be operated on the lake in the lake area; and

- (b) the purposes for which a kind of boat may be operated on the lake in the lake area.
- (2) A person commits an offence if—
  - (a) the person operates a boat on a lake; and
  - (b) the boat—
    - (i) is not a kind of boat that may be operated on the lake; or
    - (ii) is not operated for a purpose for which that kind of boat may be operated on the lake.

Maximum penalty: 20 penalty units.

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

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

- (1) The Minister may declare one or both of the following:
  - (a) that entry to a lake area is prohibited;
  - (b) that an area of a lake is a prohibited area.

- (2) A declaration under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (3) The Minister must give additional public notice of a declaration.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

- (4) 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.
- (5) The Minister may cause a boundary of a prohibited area to be defined by such means as he or she thinks necessary.
- (6) 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.

- (7) 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.

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

## 23 Closing of parts of lake for certain events

- (1) The Minister may declare one or both of the following:
- (a) that part of a lake is a closed area for the period stated in the declaration; and
  - (b) that an entity is authorised 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).

- (2) A declaration is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (3) The Minister must give additional public notice of a declaration.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

- (4) A person commits an offence if—

- (a) the person enters the closed area during the period stated in the declaration; and
- (b) if subsection (1) (b) applies—the entry is not authorised by the entity authorised by the declaration.

Maximum penalty: 50 penalty units.

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

- (6) In this section:

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

**24 Access to leased or occupied land**

The Minister must not—

- (a) in a declaration under section 22, prohibit entry to or declare to be a prohibited area; or
- (b) in a declaration under section 23, 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.

**25 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.

**26 Mooring of boats**

- (1) The Minister may give a person a written permit to moor a boat in a mooring area under section 14.  
*Note 1* A fee may be determined under s 120 for this provision.  
*Note 2* If a form is approved under s 121 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.

## **27 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 or the Commonwealth that authorises the person to operate a power boat.

### **Example**

A licence or permit includes a certificate of competency under the Marine Safety (Domestic Commercial Vessel) National Law.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) The person is authorised to operate a power boat 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—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 operate a power boat of not more than that engine capacity on a lake.

*Note* A land management plan under the [Planning and Development Act 2007](#) may restrict or prohibit certain activities 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](#).

## 28 Power boats operated under 10 knots

- (1) A person may operate a power boat on a lake if—
- (a) the power boat is not a personal watercraft; and
  - (b) the power boat is operated at a speed of less than 10 knots; and
  - (c) the person complies with any condition determined by the Minister.

*Note* A land management plan under the [Planning and Development Act 2007](#) may restrict or prohibit the use of a power boat on a lake.

- (2) A determination is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (3) In this section:

***personal watercraft*** means a power boat that—

- (a) has a fully enclosed hull; and
- (b) does not retain water that is taken on if it capsizes; and
- (c) is designed to be operated by a person lying, standing, sitting astride, or kneeling on the boat but not seated within the boat.

### **Examples**

- a jet ski
- a jet powered surfboard

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**29 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 operation of a power boat on a lake—
- (a) by a sports club in connection with the training of persons for or the conduct of a competition in an aquatic sport; or
  - (b) by such other persons for such purposes as he or she approves.

*Note* A fee may be determined under s 120 (Determination of fees) for an authorisation under this subsection.

- (2) Before authorising the operation of a power boat on Kingston Harbour or Molonglo Reach under subsection (1), the Minister must give a copy of the draft authorisation to the Commonwealth Minister for comment.
- (3) In deciding whether to authorise the operation of a power boat on Kingston Harbour or Molonglo Reach under subsection (1), the Minister must take into account the Commonwealth Minister's comments (if any) received within 15 days from the day the Commonwealth Minister was given a copy of the draft authorisation.
- (4) 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.
- (5) 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.

- (6) 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.

- (7) An authorisation under the *Lakes Ordinance 1976* (Cwlth), section 26 is taken to be an authorisation under this section to operate a power boat on Kingston Harbour and Molonglo Reach on the conditions (if any) imposed on the authorisation.

### 30 Restrictions—power boats

- (1) A person commits an offence if—
  - (a) the person operates a power boat on a lake; and
  - (b) the person is not allowed to operate the power boat on the lake under section 27, section 28 or section 29.

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) another person, who is not allowed to operate the power boat on the lake under section 27, section 28 or section 29, operates the power boat; and

- (c) the person knows the other person is not allowed to operate the power boat.

Maximum penalty: 10 penalty units.

- (3) An offence against subsection (1) is a strict liability offence.

*Note* An authorisation under the *Lakes Ordinance 1976* (Cwlth), s 26 is taken to be an authorisation under s 29 of this Act to operate a power boat on Kingston Harbour and Molonglo Reach (see s 29 (7)).

### **31 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 120 (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.

### **32 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.

### **33 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.

### **34 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.

**35 Agreements for use of lake areas**

- (1) The Minister may enter into an agreement with a person to undertake a commercial activity in a lake area.
- (2) Before entering into an agreement under subsection (1) in relation to the lake area of Lake Burley Griffin, the lake area of Kingston Harbour, or the lake area of Molonglo Reach the Minister must give a copy of the draft agreement to the Commonwealth Minister for comment.

*Note* This Act applies to the lake area of Lake Burley Griffin to the extent that it is territory land (see s 5).

- (3) In deciding whether to enter into the agreement under subsection (1), the Minister must take into account the Commonwealth Minister's comments (if any) received by the Minister within 15 days from the day the Commonwealth Minister was given a copy of the draft agreement.
- (4) An agreement to undertake a commercial activity in a lake area under the *Lakes Ordinance 1976* (Cwlth), section 33 is taken to be an agreement under this section to undertake a commercial activity on the lake area of—

- (a) Lake Burley Griffin; and

*Note* This Act applies to the lake area of Lake Burley Griffin to the extent that it is territory land (see s 5).

- (b) Kingston Harbour; and
- (c) Molonglo Reach.

### **36 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 35.

Maximum penalty: 30 penalty units.

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

*Note* An agreement to undertake a commercial activity in a lake area under the *Lakes Ordinance 1976* (Cwlth), s 33 is taken to be an agreement under this Act to undertake a commercial activity in the lake area of Lake Burley Griffin, the lake area of Kingston Harbour, and the lake area of Molonglo Reach (see s 35 (4)).

### **37 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                      Safety**

### **Division 5.1              Safe operation of boats**

#### **38              Operating unsafe boats**

A person commits an offence if—

- (a) the person operates a boat on a lake; and
- (b) the boat is unsafe.

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

*Note*      *Unsafe*—see the dictionary.

#### **39              Reckless or negligent operation of boats**

(1) A person commits an offence if—

- (a) the person operates 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 the danger.

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

(2) In this section:

*harm*—see the [Criminal Code](#), dictionary.

## 40                      Climbing onto boats

- (1) A person commits an offence if—
- (a) the person climbs onto, or attaches themselves to, a boat on a lake; and
  - (b) the person in charge of the boat has not allowed the person to climb onto, or attach themselves, to the boat.

Maximum penalty: 50 penalty units.

- (2) In this section:

*person in charge*, of a boat, means the owner or master of the boat.

## Division 5.2                      Lifejackets

### 41                      Meaning of *appropriate lifejacket*—div 5.2

In this division:

*appropriate lifejacket*—

- (a) means a lifejacket that meets any of the following standards:
  - (i) a performance standard 50S, 50, 100, 150 or 275 of AS 4758 (Lifejackets) as in force from time to time;

*Note*        The standard may be purchased at [www.standards.org.au](http://www.standards.org.au).
  - (ii) any standard or specifications approved, from time to time, by RMS for lifejackets to be carried on recreational vessels; but

*Note*        RMS approves lifejackets under the [Marine Safety Regulation 2016](#) (NSW).
- (b) does not include a lifejacket that—
  - (i) relies solely on oral inflation for buoyancy; or
  - (ii) is not the correct size for the wearer; or

- (iii) was acquired, or serviced, more than 12 months (or more, if indicated by the manufacturer's instructions) before the date it is being worn by a person or carried on a boat.

## **42 Children under 12 years**

- (1) A person commits an offence if—
  - (a) the person operates a recreational boat on a lake; and
  - (b) the boat is under 8m in length and under way; and
  - (c) a child under 12 years old is—
    - (i) in an open area on the boat; and
    - (ii) not wearing an appropriate lifejacket.

Maximum penalty: 30 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 the defendant took all reasonable steps to ensure that the child was wearing an appropriate lifejacket.

*Note* The defendant has a legal burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 59).

## **43 Recreational boats under 4.8m and off-the-shore boats**

- (1) A person commits an offence if—
  - (a) the person is on a recreational boat or off-the-shore boat on a lake; and
  - (b) the person is not wearing an appropriate lifejacket.

Maximum penalty: 30 penalty units.

- (2) A person commits an offence if—
  - (a) the person operates a recreational boat or off-the-shore boat on a lake; and

- (b) another person on the boat is not wearing an appropriate lifejacket.

Maximum penalty: 30 penalty units.

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

***off-the-shore boat***—

- (a) means a sailing boat; but  
(b) does not include the following:  
    (i) a boat that is ballasted;  
    (ii) a boat that has a cabin or fixed keel;  
    (iii) a boat that has an engine;  
    (iv) a sailboard.

**Examples—par (a)**

- laser
- hobie cat
- skiff
- catamaran

*Note*        An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

***recreational boat***—

- (a) means a boat under 4.8m; but  
(b) does not include the following:  
    (i) a kiteboard;  
    (ii) a paddleboard;

- (iii) a sailboard;
- (iv) a surfboard.

#### **44 Directions by master to wear lifejackets**

- (1) A person commits an offence if—
  - (a) the person is on a recreational boat on a lake; and
  - (b) the master of the boat directs the person to wear an appropriate lifejacket on the boat; and
  - (c) the person fails to comply with the direction.Maximum penalty: 30 penalty units.
- (2) An offence against subsection (1) is a strict liability offence.

#### **45 Failure to wear lifejackets—defence**

It is a defence to a prosecution for an offence against section 43 or section 44 if the defendant proves that—

- (a) the defendant was not operating the boat; and
- (b) there was no available or appropriate lifejacket on the boat when the defendant was required to wear a lifejacket.

*Note* The defendant has a legal burden in relation to the matters mentioned in s 43 (see [Criminal Code](#), s 59).

#### **46 Water skiing and other recreational activities**

- (1) A person commits an offence if—
  - (a) the person is operating a recreational boat on a lake; and
  - (b) another person is—
    - (i) being towed by the boat on or over the water; or
    - (ii) wake boarding or wake surfing from the boat; and

(c) the other person is not wearing an appropriate lifejacket.

Maximum penalty: 30 penalty units.

(2) A person commits an offence if—

(a) the person is—

(i) being towed by a boat on or over a lake; or

(ii) wake boarding or wake surfing from a boat on a lake; and

(b) the person is not wearing an appropriate lifejacket.

Maximum penalty: 30 penalty units.

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

(4) In this section:

*being towed*, by a boat, includes water skiing or parasailing from a boat.

*wake boarding or wake surfing* includes wake boarding or wake surfing without a rope.

## **47                      Owners to ensure lifejackets available**

(1) A person operating a recreational boat on a lake, or the owner of a recreational boat operating on a lake, must ensure that—

(a) the boat carries the required number of lifejackets prescribed by regulation for the type of boat; and

(b) the lifejackets are appropriate lifejackets for the intended wearers; and

(c) the lifejackets—

(i) are in good condition; and

(ii) are maintained in accordance with the manufacturer's instructions (if any) provided for the lifejackets; and

- (iii) are replaced when the manufacturer's expiry date (if any) for the lifejackets is reached; and
  - (iv) are stored on the boat in a place that—
    - (A) enables the life jackets to be accessed quickly and easily; and
    - (B) is marked with a clearly visible sign that has the word "lifejackets" on it in red letters on a white background or white letters on a red background.
- (2) A person commits an offence if the person—
  - (a) operates a recreational boat on a lake, or is the owner of a recreational boat that is operating on a lake; and
  - (b) the person fails to comply with the requirements in subsection (1).

Maximum penalty: 30 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.
- (4) In this section:

***recreational boat*** does not include the following:

- (a) a canoe;
- (b) a kayak;
- (c) a kiteboard;
- (d) a paddleboard;
- (e) a sailboard;
- (f) a surfboard.

**48                      Owners and operators to provide information about life jackets**

- (1) An inspector may direct a person who is the owner or operator of a recreational boat that is operating on a lake to provide the inspector with information relating to the maintenance, condition or storage of the lifejackets for the recreational boat.
- (2) A person commits an offence if—
  - (a) the person is given a direction under subsection (1); and
  - (b) the person fails to provide the information stated in the direction within 24 hours after the direction was given.

Maximum penalty: 30 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.
- (4) Subsection (2) does not apply if the defendant has a reasonable excuse for failing to provide the information.

*Note*                      The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

- (5) In this section:

***recreational boat*** does not include the following:

- (a) a canoe;
- (b) a kayak;
- (c) a kiteboard;
- (d) a paddleboard;
- (e) a sailboard;
- (f) a surfboard.



## Division 5.3 Other safety equipment

### 49 Application—div 5.3

This division does not apply in relation to a recreational boat if the boat—

- (a) is ordinarily operated in a State; and
- (b) complies with the requirements for safety equipment that apply to the boat in the State; and
- (c) has been in the Territory for less than 90 consecutive days.

### 50 Definitions—div 5.3

In this division:

*recreational boat* does not include the following:

- (a) a canoe;
- (b) a kayak;
- (c) a kiteboard;
- (d) a paddleboard;
- (e) a sailboard;
- (f) a surfboard.

*required safety equipment*, for a boat, means the safety equipment prescribed by regulation.

*required standards*, for safety equipment, means the standards prescribed by regulation.

**51                      Owners and operators to ensure safety equipment available**

- (1) A person operating a recreational boat on a lake, or the owner of a recreational boat operating on a lake, must ensure that—
    - (a) the boat carries the required safety equipment for the boat; and
    - (b) the safety equipment is—
      - (i) compliant with any required standards for the safety equipment; and
      - (ii) in good condition; and
      - (iii) maintained in accordance with the manufacturer's instructions (if any) provided for the equipment; and
      - (iv) replaced when the manufacturer's expiry date (if any) for the equipment is reached; and
      - (v) stored on the boat in a place that enables the equipment to be accessed quickly and easily.
  - (2) A person commits an offence if the person—
    - (a) operates a recreational boat on a lake, or is the owner of a recreational boat that is operating on a lake; and
    - (b) fails to comply with the requirements in subsection (1).
- Maximum penalty: 30 penalty units.
- (3) An offence against subsection (2) is a strict liability offence.

**52                      Owners and operators to provide information about safety equipment**

- (1) An inspector may direct a person who is the owner or operator of a recreational boat that is operating on a lake to provide the inspector with information relating to the maintenance, condition or storage of safety equipment for the recreational boat.

- (2) A person commits an offence if the person—
- (a) is given a direction under subsection (1); and
  - (b) fails to provide the information stated in the direction within 24 hours after the direction was given.

Maximum penalty: 30 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.
- (4) Subsection (2) does not apply if the defendant has a reasonable excuse for failing to provide the information.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

## **Division 5.4                      Safety directions**

### **53                      Closing lake areas or parts of lake**

- (1) This section applies if the Minister has signed a declaration under section 22 (1) but the declaration has not been notified.

*Note* The Minister may declare entry to a lake area is prohibited, or a lake area is a prohibited area (see s 22).

- (2) An inspector may direct a person who is in a lake area to leave the area.
- (3) A person commits an offence if—
- (a) the person is given a direction by an inspector under subsection (2); and
  - (b) at the time the direction is given, the inspector—
    - (i) produces a copy of the signed declaration; and
    - (ii) produces the inspector's identity card to the person; and
    - (iii) warns the person that failing to comply with the direction is an offence; and

- (c) the person fails to comply with the direction.

Maximum penalty: 30 penalty units.

- (4) An offence against subsection (3) is a strict liability offence.
- (5) If an inspector requires the use of a vehicle or boat under a direction mentioned in subsection (2), the inspector is not liable to pay a fee for the use of the vehicle or boat.

## **54            Safe use of lake areas**

- (1) An inspector may direct a person using a lake area, or associated works, to do or not to do something, if the inspector believes on reasonable grounds that the direction is necessary to—
  - (a) ensure the safety of a person; or
  - (b) ensure compliance with this Act; or
  - (c) prevent damage to property in the lake area or associated works.
- (2) A person commits an offence if—
  - (a) the person is given a direction by an inspector under subsection (1); and
  - (b) at the time the direction is given, the inspector—
    - (i) produces the inspector's identity card to the person; and
    - (ii) warns the person that failing to comply with the direction is an offence; and
  - (c) the person fails to comply with the direction.

Maximum penalty: 30 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.
- (4) Subsection (2) applies to a person even if complying with the direction is an offence against another provision in this Act.

- (5) It is a defence in a prosecution for an offence against this Act if the defendant proves that the defendant was complying with a direction given under subsection (1) at the time the offence was committed.

*Note* The defendant has a legal burden in relation to the matters mentioned in s (5) (see [Criminal Code](#), s 59).

- (6) If an inspector requires the use of a vehicle or boat under a direction mentioned in subsection (1), the inspector is not liable to pay a fee for the use of the vehicle or boat.

## **55 Passengers on domestic commercial vessels**

- (1) A designated person for a domestic commercial vessel on a lake may direct a person not to board, or not to remain on board, the vessel if the designated person is of the opinion that the direction is necessary to ensure the number of people on the vessel does not exceed the maximum number of people the vessel is authorised to carry.
- (2) A designated person for a domestic commercial vessel on a lake may direct a person not to enter, or not to remain in, a part of the vessel if the designated person is of the opinion the direction is necessary to ensure the number of people on the part of the vessel does not exceed the maximum number of people the part of the vessel is authorised to carry.
- (3) A designated person for a domestic commercial vessel on a lake may direct a person on the vessel to move to, or from, a part of the vessel, or stop an activity in which the person is engaged on the vessel, if the designated person is of the opinion that the direction is necessary to ensure the proper management, operation or navigation of the vessel.
- (4) A designated person for a domestic commercial vessel on a lake must not give a direction under this section to a relevant officer exercising the officer's functions.
- (5) A person commits an offence if the person—  
(a) is given a direction under this section; and

(b) fails to comply with the direction.

Maximum penalty: 30 penalty units.

(6) An offence against subsection (5) is a strict liability offence.

(7) In this section:

***designated person***, for a domestic commercial vessel—

- (a) means a person on board the vessel who is responsible for the navigation, operation, or management of the vessel; and
- (b) for subsections (1) and (2)—includes a person who is responsible for the conduct of operations at the berth of the vessel.

***relevant officer*** means—

- (a) an inspector; or
- (b) a safety investigator; or
- (c) an officer of the Commonwealth or the Territory; or
- (d) an officer of a statutory authority created under a law of the Commonwealth or the Territory.

## **Division 5.5                      Lighting, marking and removing obstructions**

### **56                      Lighting and marking obstructions**

- (1) An inspector may direct the owner of an obstruction to navigation to—
  - (a) mark or light the obstruction; and
  - (b) maintain the marking or lighting in good condition; and
  - (c) notify the inspector under subsection (5) of any defect in relation to the marking or lighting.

- (2) A direction under subsection (1)—
- (a) must be in writing; and
  - (b) must state a time by which the marking or lighting is to be completed; and
  - (c) may state how the lighting or marking is to be carried out; and
  - (d) may state a period of time for which the marking or lighting must be maintained, including for an indefinite period.

*Note* In particular, a direction given by an inspector under subsection (1) (c) must be in writing.

- (3) A person commits an offence if the person—
- (a) is given a direction under subsection (1); and
  - (b) fails to comply with the direction.

Maximum penalty: 30 penalty units.

- (4) An offence against subsection (3) is a strict liability offence.
- (5) A person who has been given a direction under subsection (1) (c) must notify an inspector as soon as the person becomes aware of any defect in relation to the marking or lighting of the obstruction.
- (6) If the owner of an obstruction to navigation fails to comply with a direction under subsection (1) in the time stated in the direction, an inspector may take action to cause the obstruction to be marked or lit.
- (7) If an inspector takes action under subsection (6) in relation to an obstruction to navigation, the Territory may recover the reasonable costs and expenses of the action from the owner of, or the person responsible for, the obstruction.

*Note* An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

**57                      Notices to remove obstructions**

- (1) An inspector may direct the owner of, or person responsible for, an obstruction to navigation to remove the obstruction.
- (2) A direction under subsection (1) must be in writing and state a time by which the obstruction must be removed.
- (3) A person commits an offence if the person—
  - (a) is given a direction under subsection (1); and
  - (b) fails to comply with the direction.Maximum penalty: 30 penalty units.
- (4) An offence against subsection (3) is a strict liability offence.

**58                      Removing obstructions**

- (1) An inspector may remove an obstruction to navigation in a way the inspector considers appropriate.
- (2) The removal of an obstruction under subsection (1) may include—
  - (a) its destruction, if it is reasonable in the circumstances; or
  - (b) authorising its removal by another entity.
- (3) The inspector may remove an obstruction under subsection (1) whether or not the inspector has given a direction under section 57.
- (4) If an inspector removes an obstruction under subsection (1), the Territory may recover the reasonable costs and expenses of the action from the owner of, or the person responsible for, the obstruction.

*Note*                      An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).



## **59 Disposing of obstructions**

- (1) This section applies if an obstruction to navigation has been removed (other than by its destruction) under section 58.
- (2) An inspector may dispose of the thing that has been removed if—
  - (a) the inspector has taken reasonable steps to return the thing to its owner; and
  - (b) 1 or more of the following applies:
    - (i) the inspector has been unable to locate the owner, despite making reasonable efforts;
    - (ii) the owner has refused to take possession of the thing;
    - (iii) the inspector has contacted the person about the return of the thing, and the person has not taken possession of the thing within 30 days from the date of the contact.
- (3) The inspector may dispose of the thing in a way the inspector considers appropriate.

## Part 6 Drug and alcohol offences

### 60 Definitions—pt 6

In this part:

**high level** means a concentration of 0.15g or more of alcohol in 210L of breath or 100mL of blood.

**low level** means a concentration of 0.05g or more, but less than 0.08g, of alcohol in 210L of breath or 100mL of blood.

**medium level** means a concentration of 0.08g or more, but less than 0.15g, of alcohol in 210L of breath or 100mL of blood.

**relevant period** means the period that begins when a person stops operating a boat and ends at the latest time when—

- (a) a breath analysis of the person may be carried out under the *Road Transport (Alcohol and Drugs) Act 1977* as it applies under section 50N in relation to the person; or
- (b) a sample of the person's blood may be taken under the *Road Transport (Alcohol and Drugs) Act 1977* as it applies under section 50N in relation to the person.

*Note* The *Road Transport (Alcohol and Drugs) Act 1977*, pt 2 provides for breath analysis and the taking of samples from a person.

**special level** means a concentration of more than 0g, but less than 0.05g, of alcohol in 210L of breath or 100mL of blood.

### 61 People under 18 years old

- (1) A person commits an offence if—
  - (a) the person is under 18 years old; and
  - (b) the person has been operating a boat on a lake; and

- (c) the person has alcohol in the person's blood or breath within the relevant period of operating the boat; and
- (d) the concentration of the alcohol in the person's blood or breath is at a special level.

Maximum penalty: 10 penalty units.

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

## **62 Special level of alcohol**

- (1) A person commits an offence if—
  - (a) the person has been operating a boat for a commercial purpose on a lake; and
  - (b) the person has alcohol in the person's blood or breath within the relevant period of operating the boat; and
  - (c) the concentration of the alcohol in the person's blood or breath is at a special level.

Maximum penalty: 10 penalty units.

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

## **63 Low level of alcohol**

- (1) A person commits an offence if—
  - (a) the person has been operating a boat on a lake; and
  - (b) the person has alcohol in the person's blood or breath within the relevant period of operating the boat; and
  - (c) the concentration of the alcohol in the person's blood or breath is at a low level.

Maximum penalty: 10 penalty units.

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

**64 Medium level of alcohol**

- (1) A person commits an offence if—
- (a) the person has been operating a boat on a lake; and
  - (b) the person has alcohol in the person's blood or breath within the relevant period of operating the boat; and
  - (c) the concentration of the alcohol in the person's blood or breath is at a medium level.

Maximum penalty: 10 penalty units, imprisonment for 6 months or both.

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

**65 High level of alcohol**

- (1) A person commits an offence if—
- (a) the person has been operating a boat on a lake; and
  - (b) the person has alcohol in the person's blood or breath within the relevant period of operating the boat; and
  - (c) the concentration of the alcohol in the person's blood or breath is at a high level.

Maximum penalty: 20 penalty units, imprisonment for 12 months or both.

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

**66 Under the influence of alcohol or drugs**

- (1) A person commits an offence if—
- (a) the person operates a boat on a lake; and
  - (b) the person is under the influence of alcohol or a drug to the extent that the person is incapable of having proper control of the boat.

Maximum penalty: 30 penalty units, imprisonment for 12 months or both.

- (2) If a person is charged with an offence against subsection (1)—
- (a) the charge may allege that the person was under the influence of alcohol or a drug; and
  - (b) the charge in relation to subsection (1) (b) may be proven by showing the person was under the influence of alcohol, or a drug, or both, to the extent mentioned in the subsection.

*Note* A police officer who has a screening device immediately available is not entitled to arrest a person for an offence against this section unless certain requirements are met (see s 73 and [Road Transport \(Alcohol and Drugs\) Act 1977](#), s 45).

**67 Drugs**

- (1) A person commits an offence if—
- (a) the person has been operating a boat on a lake; and
  - (b) the person has a prescribed drug in the person's oral fluid or blood within the relevant period of operating the boat.

Maximum penalty: 25 penalty units, imprisonment for 3 months or both.

- (2) An offence against subsection (1) is a strict liability offence.

- (3) In a prosecution for an offence against this section, a person cannot rely on the [Criminal Code](#), section 36 (Mistake of fact—strict liability) in relation to the identity of the prescribed drug if the person claims to have—
- (a) considered, and been under a mistaken belief about, the identity of the prescribed drug; and
  - (b) believed that the prescribed drug was a controlled drug.
- (4) In a prosecution for an offence against subsection (1), evidence may be given that a person has a prescribed drug in the person's oral fluid or blood based on—
- (a) for proof of the presence of a prescribed drug in the person's oral fluid—an analysis of a part of a sample of the person's oral fluid that—
    - (i) is carried out in accordance with section 13G (Oral fluid—confirmatory analysis) of the [Road Transport \(Alcohol and Drugs\) Act 1977](#) as it applies under section 50N in relation to the person; and
    - (ii) indicates that a prescribed drug is present in the sample; or
  - (b) for proof of the presence of a prescribed drug in the person's blood—an analysis of a part of a sample of the person's blood that—
    - (i) is carried out in accordance with section 15A (Analysis of blood samples) of the [Road Transport \(Alcohol and Drugs\) Act 1977](#) as it applies under section 50N in relation to the person; and
    - (ii) indicates that a prescribed drug is present in the sample.

- (5) In this section:

***controlled drug***—see the [Criminal Code](#), section 600.

***prescribed drug***—see the [Road Transport \(Alcohol and Drugs\) Act 1977](#), dictionary.

***relevant period*** means the period that begins when the person stops operating the boat and ends at the latest time when—

- (a) a breath or oral fluid analysis of the person may be carried out under the [Road Transport \(Alcohol and Drugs\) Act 1977](#) as it applies under section 50N in relation to the person; or
- (b) a sample of the person's blood may be taken under the [Road Transport \(Alcohol and Drugs\) Act 1977](#) as it applies under section 50N in relation to the person.

*Note* The [Road Transport \(Alcohol and Drugs\) Act 1977](#), pt 2 provides for breath analysis and the taking of samples from a person.

## 68 Evidence of alcohol levels

- (1) This section applies in a prosecution of a person for an offence against any of the following provisions:
- (a) section 61 (People under 18 years old);
  - (b) section 62 (Special level of alcohol);
  - (c) section 63 (Low level of alcohol);
  - (d) section 64 (Medium level of alcohol);
  - (e) section 65 (High level of alcohol).

- (2) In a prosecution for an offence against a section mentioned in subsection (1), evidence may be given of alcohol in the person's blood or breath based on an analysis of a sample of—
- (a) for proof of the concentration of alcohol in the person's breath—the person's breath carried out in accordance with the *Road Transport (Alcohol and Drugs) Act 1977* as it applies under section 73 in relation to the person; or
  - (b) for proof of the concentration of alcohol in the person's blood—the person's blood carried out at an approved laboratory and certified to be accurate by an analyst in accordance with the *Road Transport (Alcohol and Drugs) Act 1977* as it applies under section 73 in relation to the person.

#### **69 Alternative verdicts—medium level of alcohol**

- (1) This section applies in a prosecution of a person for an offence against section 64 (Medium level of alcohol) if the trier of fact is satisfied that, within the relevant period, the concentration of the alcohol in the person's blood or breath was at low level but not at a medium level.
- (2) The trier of fact may find the person guilty of an offence against section 63 (Low level of alcohol) if the Court gives procedural fairness to the person before the finding of guilt.

#### **70 Alternative verdicts—high level of alcohol**

- (1) This section applies in a prosecution of a person for an offence against section 65 (High level of alcohol) if the trier of fact is satisfied that, within the relevant period, the concentration of the alcohol in the person's blood or breath was at a low level or medium level but not at a high level.
- (2) The trier of fact may find the person guilty of an offence mentioned in subsection (3) if the Court gives procedural fairness to the person before the finding of guilt.



- (3) The offences for which a person may be found guilty are—
- (a) if the concentration was at a low level—section 63 (Low level of alcohol); or
  - (b) if the concentration was at a medium level—section 64 (Medium level of alcohol).

**71      Alternative verdicts—high, medium and low levels of alcohol**

- (1) This section applies in a prosecution of a person for an offence against section 63, section 64 or section 65 if the trier of fact is satisfied that, within the relevant period, the concentration of the alcohol in the person's blood or breath was at a special level but not at a high level, medium level or low level.
- (2) The trier of fact may find the person guilty of an offence mentioned in subsection (3) if the Court gives procedural fairness to the person before the finding of guilt.
- (3) The offences for which a person may be found guilty are—
- (a) if the person is under 18 years old—section 61 (People under 18 years old); or
  - (b) if the person was operating the boat for a commercial purpose—section 62 (Special level of alcohol).

**72      Defence—special level of alcohol**

- (1) This section applies if—
- (a) a person is charged with an offence against section 61 or section 62; and
  - (b) the concentration of alcohol in the person's blood or breath within the relevant period was less than 0.02g in 100mL of the person's blood or 210L of the person's breath.

- (2) It is a defence to a prosecution for the offence if the defendant proves that the concentration of alcohol in the defendant's blood or breath was caused by—
- (a) the consumption of an alcoholic beverage that formed part of a religious observance; or
  - (b) the consumption or use of a substance that was not, entirely or partly, consumed or used for its alcohol content.

**Example—substance**

food or medicine that contains alcohol

*Note 1* The defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

## **73 Application of Road Transport (Alcohol and Drugs) Act 1977**

- (1) A provision of the [Road Transport \(Alcohol and Drugs\) Act 1977](#) mentioned in subsection (2) applies in relation to a person who operates a boat on a lake as if a reference to—
- (a) a road or road related area included a reference to a lake or lake area; and
  - (b) a driver of a motor vehicle on a road in the Territory included a reference to a person operating a boat on a lake; and
  - (c) a driver of a motor vehicle included a reference to a person who operates a boat; and
  - (d) driving included a reference to operating; and
  - (e) a motor vehicle included a reference to a boat; and
  - (f) a motor vehicle involved in an accident included a reference to a boat involved in an accident; and

- (g) a prescribed concentration of alcohol included a reference to a low level, high level, medium level or special level of alcohol mentioned in section 60; and
  - (h) an offence against that Act, section 24 included a reference to an offence against this Act, section 66; and
  - (i) an offence against that Act included a reference to an offence against this part; and
  - (j) that Act included a reference to this part.
- (2) The following provisions of the *Road Transport (Alcohol and Drugs) Act 1977* apply in relation to a person who operates a boat on a lake:
- (a) part 1;
  - (b) part 1A (other than sections 4B to 4C, 4E and 4F);
  - (c) part 2 (other than sections 9A, 10, 13BA, 13C, 18A and 18B);
  - (d) part 3 (other than sections 19 to 20, 24, 24A, and 25 (2));
  - (e) part 7;
  - (f) part 9 (other than section 50 and section 51);
  - (g) schedule 1;
  - (h) the dictionary (other than definitions that do not appear in provisions that apply to a person who operates a boat on a lake);
  - (i) a provision of a regulation, as in force from time to time, made under the *Road Transport (Alcohol and Drugs) Act 1977* for the purpose of the provisions mentioned in paragraphs (a) to (h).

- (3) If a provision of the *Road Transport (Alcohol and Drugs) Act 1977* applies in relation to a person who operates a boat on a lake, an entity who has a function under that Act may exercise the function in relation to the person.

**Example**

Entities who have functions under the *Road Transport (Alcohol and Drugs) Act 1977* include an analyst, a police officer, an authorised operator, a doctor or nurse, and an approved laboratory.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see *Legislation Act*, s 126 and s 132).

- (4) Part 9 does not restrict the operation of a provision of the *Road Transport (Alcohol and Drugs) Act 1977* that applies under this section.

*Note* This section applies powers to collect evidence under the *Road Transport (Alcohol and Drugs) Act 1977* that are in addition to, and not constrained by, any other powers under this Act. This section also applies offences from the *Road Transport (Alcohol and Drugs) Act 1977* to a person who operates a boat on a lake.

## Part 7 Boating accidents

### 74 Obligation to stop

- (1) The master of a boat commits an offence if—
- (a) the boat is involved in a boating accident involving another boat or the death of, or injury to, a person; and
  - (b) the master fails to stop the boat.

Maximum penalty: 30 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) Subsection (1) does not apply if the defendant has a reasonable excuse for failing to stop the boat.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

### 75 Obligation to give assistance

The master of a boat commits an offence if—

- (a) the boat is involved in a boating accident involving another boat or the death of, or injury to, a person; and
- (b) the master negligently fails to give assistance to any person injured, or boat damaged, in the boating accident.

Maximum penalty: 50 penalty units.

**76 Obligation to produce licence and give particulars**

- (1) The master of a boat commits an offence if—
- (a) the boat is involved in a boating accident; and
  - (b) a person involved in the accident requests that the master gives the person any of the following information:
    - (i) information from the master's licence or permit (however described) that authorises the master to use the boat;
    - (ii) the master's name and address;
    - (iii) the name and address of the boat's owner;
    - (iv) the name of the boat and any distinguishing number that is, or is required to be, displayed on the boat by law; and
  - (c) the master fails to comply with the request.

Maximum penalty: 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) Subsection (1) does not apply if the defendant has a reasonable excuse for failing to comply with the request.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

**77 Obligation to report boating accidents to the Minister**

- (1) As soon as practicable after a boating accident, the master of a boat involved in the accident (and the owner of the boat if aware of the accident) must give a report to the Minister containing particulars of the boating accident.
- (2) A report is not required to be given if—
- (a) a report of the boating accident has already been given by the owner or master; or

- (b) the boating accident involves a recreational boat only and does not result in any of the following:
  - (i) loss of life or injury to a person;
  - (ii) property damage of a value greater than \$5 000;
  - (iii) damage to, or the risk of damage to, the environment.
- (3) A person commits an offence if the person—
  - (a) is required to give a report to the Minister under subsection (1); and
  - (b) fails to give the report to the Minister.

Maximum penalty: 50 penalty units.

- (4) An offence against subsection (3) is a strict liability offence.
- (5) In this section:

*particulars of the boating accident* means the following:

- (a) the time, place and nature of the boating accident;
- (b) the name and distinguishing number (if any) of each boat involved in the boating accident;
- (c) the name and address of each person who was involved in, or was a material witness to, the boating accident;
- (d) a description of the estimated extent of any injury or damage, or any loss of life, resulting from the boating accident.

## **78 Obligation to preserve evidence**

A person commits an offence if—

- (a) the person is—
  - (i) the owner or master of a boat involved in a boating accident; or

- (ii) otherwise involved in a boating accident; and
- (b) the person reasonably believes that evidence relating to the boating accident may be required for an investigation into the boating accident; and
- (c) the person negligently fails to preserve the evidence.

Maximum penalty: 50 penalty units.

**Examples—evidence relating to boating accident**

- nautical charts
- log books

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).



## Part 8                      Safety investigations

### 79              Safety investigations

- (1) The Minister may order an investigation into any of the following matters:
  - (a) a boating accident that has been reported under section 77 or that the Minister believes may have happened;
  - (b) a situation that has the potential to cause a boating accident;
  - (c) alleged incompetence or misconduct of a person operating a power boat who is required to hold a licence or permit under section 25A to operate the boat;
  - (d) a boat that has been detained under section 111 in relation to an offence against section 38 (Operating unsafe boats).
- (2) The purposes of a safety investigation are—
  - (a) to decide the circumstances of, or in relation to, a boating accident or other matters that affect safety on a lake; and
  - (b) to make recommendations to prevent similar boating accidents or other matters happening again.
- (3) A safety investigation may be carried out whether or not it relates to a matter that—
  - (a) is being investigated, or has been investigated, under another Commonwealth or territory law; or
  - (b) is or may be subject to criminal or civil proceedings.
- (4) If the Minister orders a safety investigation into a matter mentioned in subsection (1) (c), the Minister may notify the State or the Commonwealth authority that granted the licence or permit of the investigation.

## 80 Appointment of safety investigators and powers

- (1) The Minister may appoint 1 or more investigators (a *safety investigator*) to carry out a safety investigation.
- (2) The Minister may appoint either of the following as a safety investigator:
  - (a) a police officer;
  - (b) a person who possesses qualifications or experience relevant to an investigation.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

- (3) A safety investigator is subject to the control and direction of the Minister, except in relation to the content of a safety investigation report.

## 81 People assisting safety investigators

A person may assist a safety investigator under this part if—

- (a) the assistance is necessary and reasonable; and
- (b) the person follows any direction given to the person by the safety investigator.

**82 Conduct of safety investigations**

- (1) A safety investigator must conduct a safety investigation in a way that the safety investigator considers appropriate having regard to the purposes of the investigation.
- (2) A safety investigation may extend to all relevant events and circumstances preceding a boating accident or other matter to which the investigation relates.
- (3) In conducting a safety investigation, a safety investigator may rely on any evidence relating to the matter under investigation given in any criminal or civil proceedings or in any coronial or other judicial inquiry.
- (4) At any time during the safety investigation, the Minister may decide the investigation is to be discontinued and a safety investigation report is to be prepared and submitted by the safety investigator.

**83 People to give information, produce documents or answer questions**

- (1) A safety investigator may give a written notice under subsection (2) to a person if the safety investigator reasonably believes that the person has information or a document that is relevant to a safety investigation.
- (2) The notice may require the person—
  - (a) to give information to the safety investigator or a stated inspector; or
  - (b) to produce a document to the safety investigator or a stated inspector; or
  - (c) to appear before the safety investigator or a stated inspector to answer questions.

- (3) A notice mentioned in subsection (2) (a) or (b) must state—
  - (a) a period of at least 14 days after the day the notice is given to the person, when the person must comply with the notice; and
  - (b) the way in which the person must comply with the notice; and
  - (c) that it is an offence under subsection (8) to fail to comply with the notice.
- (4) A notice mentioned in subsection (2) (c) must state—
  - (a) the time and place at which the person must appear; and
  - (b) that it is an offence under subsection (8) to fail to comply with the notice.
- (5) The safety investigator or inspector may require a person who has been given a notice mentioned in subsection (2) (c)—
  - (a) to answer any question relevant to a safety investigation; and
  - (b) to give any answer on oath or affirmation orally or in writing.
- (6) The safety investigator or inspector may administer the oath or affirmation under subsection (5).
- (7) If the place stated in the notice is more than 16km from a person's place of residence at the time the person receives the notice, the person is entitled to be paid a reasonable allowance for expenses incurred by the person for transport, meals and accommodation in relation to appearing before the safety investigator or inspector.
- (8) A person commits an offence if—
  - (a) the person is given a notice under subsection (2); and
  - (b) the person fails to comply with the notice.

Maximum penalty: 50 penalty units
- (9) An offence against subsection (8) is a strict liability offence.

**84 Safety investigation reports**

- (1) A safety investigator must prepare a report (a *safety investigation report*)—
  - (a) after completing a safety investigation into a boating accident or other matter; or
  - (b) if requested to do so by the Minister under section 82 (4).
- (2) The safety investigation report must include—
  - (a) findings of fact of the boating accident or other matter, and if the facts cannot be established with certainty, the safety investigator's opinion as to the most probable facts; and
  - (b) for a boating accident—the cause or most probable cause of the boating accident; and
  - (c) observations and recommendations that the safety investigator considers should be carried out to prevent a similar boating accident or other matter from happening again.
- (3) The safety investigator must not include an adverse comment in relation to a person in a safety investigation report unless the safety investigator has given the person a reasonable opportunity to respond to the proposed comment.
- (4) A safety investigator may, at any time during a safety investigation, prepare an interim safety investigation report and submit it to the Minister.
- (5) The safety investigator must submit a safety investigation report to the Minister.

**85 Actions by Minister following safety investigations**

- (1) After receiving a safety investigation report, the Minister may take no action or do 1 or more of the following:
  - (a) take action to improve safety procedures;

- (b) reprimand the holder of a licence or permit (however described) under the law of a State or the Commonwealth that authorises the person to use a boat;
  - (c) inform the State or Commonwealth authority that granted the licence or permit mentioned in paragraph (b) of the report and any action taken by the Minister on the report;
  - (d) recommend that criminal or other legal proceedings be taken against a person.
- (2) Before taking action under this section, the Minister may conduct a further investigation of the matter or refer the matter to the same or a different safety investigator for further investigation and a further safety investigation report under this part.
- (3) Any action taken under this section may extend to more than 1 permit or licence held by a person.
- (4) The Minister must give written notice to the holder of the licence or permit of any action taken under this section against the holder, together with a copy of the final safety investigation report.

## **86 Public release of safety investigation reports and recommendations**

- (1) A safety investigator may, at any time during the course of a safety investigation, make recommendations to the Minister.
- (2) The Minister may cause the recommendations to be made public if the Minister considers that it is in the interests of safety to do so.
- (3) The Minister may publicly release all or part of any report submitted to the Minister by a safety investigator.
- (4) The Minister must not publicly release all or part of a report if the release might prejudice the rights of any person in any criminal proceedings started in relation to the matter.

*Note* The [Information Privacy Act 2014](#) applies to the disclosure of personal information.

**87 Protection from liability**

- (1) This section applies if a person, honestly and without recklessness, gives information to the Minister or a safety investigator in relation to a safety investigation.
- (2) Civil proceedings may not be brought against any of the following in relation to anything in the information mentioned in subsection (1) that is alleged to be defamatory or a breach of confidence:
  - (a) the Territory;
  - (b) the Minister;
  - (c) the safety investigator;
  - (d) an inspector;
  - (e) the person who supplied the information.

## Part 9                      Enforcement

### Division 9.1              Definitions—pt 9

#### 88                      Definitions—pt 9

In this part:

*enter*, a place of inspection, includes boarding a boat.

*place of inspection* means a place, premises, vehicle, or boat.

### Division 9.2              Inspectors

#### 89                      Inspectors

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

*Note 1*    For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2*    In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

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

#### 90                      Identity cards

- (1) The director-general 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 director-general as soon as practicable, but not later than 7 days, after the person stops being an inspector.

Maximum penalty: 1 penalty unit.

- (4) An offence against this section is a strict liability offence.
- (5) Subsection (3) does not apply to a person if the person's identity card has been—
- (a) lost or stolen; or
  - (b) destroyed by someone else.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (5) (see [Criminal Code](#), s 58).

## **91 Powers not to be exercised before identity card shown**

An inspector may exercise a power under this part in relation to a person only if the inspector first shows the person the inspector's identity card.

## **92 People assisting inspectors**

A person may assist an inspector under this part if—

- (a) the assistance is necessary and reasonable; and
- (b) the person follows any direction given to the person by the inspector.

## Division 9.3                      Entry and inspection

### 93                      Entering places of inspection and boats in lake areas

- (1) An inspector may enter—
- (a) a place of inspection at any time with the consent of the occupier; or
  - (b) a place of inspection in accordance with a warrant; or
  - (c) a place of inspection to protect life or property, if the inspector believes on reasonable grounds the circumstances are so serious and urgent that immediate entry to the premises without authority of a warrant is necessary; or
  - (d) a boat in a lake area, if the inspector believes on reasonable grounds that an offence against this Act is being, or has been, committed.

*Note*            To enter a place of inspection includes boarding a boat (see s 88, def *enter*).

- (2) An inspector may, without the occupier's consent or a warrant, enter a place of inspection to ask the occupier for consent to enter the place.

### 94                      Producing identity cards

An inspector must not remain at a place of inspection entered under this division if, on request by the occupier, the inspector does not produce the inspector's identity card.

### 95                      Consent to entry

- (1) When seeking the consent of an occupier to enter a place of inspection under this division, an inspector must—
- (a) produce their identity card; and
  - (b) tell the occupier—
    - (i) the purpose of the entry; and

- (ii) that anything found and seized may be used in evidence in court; and
  - (iii) that consent may be refused.
- (2) If the occupier consents, the inspector must ask the occupier to sign a written acknowledgment—
  - (a) that the occupier was told—
    - (i) the purpose of the entry; and
    - (ii) that anything found and seized under this division may be used in evidence in court; and
    - (iii) that consent may be refused; and
  - (b) that the occupier consented to the entry; and
  - (c) the time, and date, when consent was given.
- (3) If the occupier signs an acknowledgment of consent, the inspector must immediately give a copy to the occupier.
- (4) Unless the contrary is proven, a court must presume that an occupier of the place of inspection did not consent to an entry to the place by an inspector under this division if—
  - (a) the question whether the occupier consented to the entry arises in proceedings in the court; and
  - (b) an acknowledgment under this section is not produced in evidence for the entry or exercise of power; and
  - (c) it is not proved that the occupier consented to the entry.

## **96 Warrants**

- (1) An inspector may apply to a magistrate for a warrant to enter a place of inspection.
- (2) The application must be sworn and state the grounds on which the warrant is sought.

- (3) The magistrate may refuse to consider the application until the inspector gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.
- (4) The magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—
  - (a) there is a particular thing or activity (*relevant evidence*) that may provide evidence of an offence against this Act or a related law; and
  - (b) the relevant evidence is, or may be within the next 14 days, at the place of inspection.
- (5) The warrant must state—
  - (a) that an inspector may, with necessary assistance and force, enter the place of inspection and exercise the inspector's powers under this division; and
  - (b) the offence for which the warrant is sought; and
  - (c) the relevant evidence that may be seized under the warrant; and
  - (d) the hours when the place of inspection may be entered; and
  - (e) the date, within 14 days after the warrant's issue, the warrant ends.

## **97                      Warrants—application made other than in person**

- (1) An inspector may apply for a warrant by phone, fax, email, radio or other form of communication if the inspector considers it necessary because of—
  - (a) urgent circumstances; or
  - (b) other special circumstances.
- (2) Before applying for the warrant, the inspector must prepare an application stating the grounds on which the warrant is sought.

- (3) The inspector may apply for the warrant before the application is sworn.
- (4) After issuing the warrant, the magistrate must immediately provide a written copy to the inspector if it is reasonably practicable to do so.
- (5) If it is not reasonably practicable to provide a written copy to the inspector—
  - (a) the magistrate must tell the inspector—
    - (i) the terms of the warrant; and
    - (ii) the date and time the warrant was issued; and
  - (b) the inspector must complete a form of warrant (the **warrant form**) and write on it—
    - (i) the magistrate's name; and
    - (ii) the date and time the magistrate issued the warrant; and
    - (iii) the warrant's terms.
- (6) The written copy of the warrant, or the warrant form properly completed by the inspector, authorises the entry and the exercise of the inspector's other powers stated in the warrant issued by the magistrate.
- (7) The inspector must, at the first reasonable opportunity, send the magistrate—
  - (a) the sworn application; and
  - (b) if the inspector completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the warrant.

- (9) A court must find that a power exercised by an inspector was not authorised by a warrant under this section if—
- (a) the question arises in a proceeding before the court whether the exercise of power was authorised by a warrant; and
  - (b) the warrant is not produced in evidence; and
  - (c) it is not proved that the exercise of power was authorised by a warrant under this section.

**98 General powers on entry**

- (1) An inspector who enters a place of inspection under this division may, for this Act—
- (a) inspect, measure, photograph or film the place of inspection or anything at the place of inspection; or
  - (b) copy a document at the place of inspection; or
  - (c) test or take samples of, or from, anything at the place of inspection; or
  - (d) take into the place of inspection any people, equipment or material the inspector reasonably needs for exercising a power under this part; or
  - (e) require the occupier, or another person at the place of inspection to give the inspector reasonable help to exercise a power under this part.
- (2) A person commits an offence if—
- (a) an inspector requires the person to give the inspector reasonable help under subsection (1) (e); and
  - (b) the person fails to take reasonable steps to comply with the requirement.

Maximum penalty: 50 penalty units.

## **99 Power to seize evidence**

- (1) An inspector who enters a place of inspection with a warrant under this division may seize the evidence for which the warrant was issued.
- (2) An inspector who enters a place of inspection under this division with the occupier's consent may seize a thing at the place of inspection if—
  - (a) the inspector is satisfied on reasonable grounds that the thing is connected with an offence against this Act or a related law; and
  - (b) seizure of the thing is consistent with the purpose of the entry told to the occupier when seeking the occupier's consent.
- (3) An inspector may seize anything at the place of inspection if the inspector is satisfied on reasonable grounds that—
  - (a) the thing is connected with an offence against this Act or a related law; and
  - (b) the seizure is necessary to prevent the thing being—
    - (i) concealed, lost or destroyed; or
    - (ii) used to commit, continue or repeat the offence.
- (4) Also, an inspector who enters a place of inspection under this division (whether with the occupier's consent, under a warrant or otherwise) may seize anything at the place of inspection if satisfied on reasonable grounds that the thing poses a risk to—
  - (a) the health or safety of a person; or
  - (b) public or private property; or
  - (c) the environment.
- (5) The powers of an inspector under subsection (3) and subsection (4) are additional to any powers of the inspector under subsection (1) or subsection (2) or any other territory law.

- (6) Having seized a thing, an inspector may—
- (a) move the thing from the place of inspection where it was seized (the *place of seizure*) to another place; or
  - (b) leave the thing at the place of seizure but restrict access to it.
- (7) A person commits an offence if the person—
- (a) interferes with a seized thing, or anything containing a seized thing, to which access has been restricted under subsection (6); and
  - (b) does not have an inspector's approval to interfere with the thing.

Maximum penalty: 50 penalty units.

*Note* Division 9.6 (Dealing with things seized) applies to a thing seized under this section.

## **Division 9.4 Boarding of boats**

### **100 Facilitating boarding of boats**

- (1) An inspector may request a person to take reasonable steps to allow the inspector to board a boat under section 93 (1).
- (2) The inspector may make the request to the person in charge of the boat or someone else.
- (3) A person commits an offence if—
- (a) an inspector makes a request to the person under subsection (1); and
  - (b) the person fails to comply with the request.

Maximum penalty: 50 penalty units.

- (4) An offence against subsection (3) is a strict liability offence.



## **101 Directing boats after boarding**

- (1) An inspector who boards a boat under section 93 (1) may direct the master of the boat to do any of the following:
  - (a) stop or manoeuvre the boat;
  - (b) adopt a stated course or speed;
  - (c) maintain a stated course or speed;
  - (d) take the boat to a stated place.
- (2) A person commits an offence if—
  - (a) an inspector directs the person to take an action under subsection (1); and
  - (b) the person fails to take reasonable steps to take the action.Maximum penalty: 50 penalty units.
- (3) An offence against subsection (2) is a strict liability offence.

## **102 Requiring information after entry**

- (1) An inspector who boards a boat under section 93 (1) may require a person on the boat to provide any of the following information, only if the information is to assist the inspector to carry out the inspector's functions under this Act:
  - (a) the person's name;
  - (b) the person's residential address;
  - (c) the person's date of birth;
  - (d) evidence of the person's identity.
- (2) A person commits an offence if—
  - (a) an inspector requires the person to provide the information under subsection (1); and

- (b) the person fails to take reasonable steps to provide the information.

Maximum penalty: 50 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

## **Division 9.5                      Gathering information**

### **103                      Masters to answer questions**

- (1) An inspector may require the master of a boat to answer questions about the nature or operation of the boat.
- (2) A person commits an offence if—
  - (a) an inspector requires the person to answer a question under subsection (1); and
  - (b) the person fails to answer the question.

Maximum penalty: 50 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

### **104                      Masters to produce records**

- (1) An inspector may require the master of a boat to produce a document in the master's possession about the operations of the boat.
- (2) A person commits an offence if—
  - (a) an inspector requires the person to produce a document under subsection (1); and
  - (b) the person fails to produce the document.

Maximum penalty: 50 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

**105 People to provide information about owners or masters of boats**

- (1) An inspector may require a person to provide information about the identity and address of the owner or master of a boat.
- (2) The inspector may require the information to be provided by the person orally or by the production of documents or records in the person's possession.
- (3) A person commits an offence if—
  - (a) an inspector requires the person to provide information under subsection (1); and
  - (b) the person has the information; and
  - (c) the person fails to provide the information.

Maximum penalty: 50 penalty units.

**106 Boat licences**

- (1) An inspector may require a person to produce the person's licence or permit if—
  - (a) the person is, or purports to be, the holder of a licence or permit; and
  - (b) the person is operating a boat on a lake or doing anything for which the licence or permit is required.
- (2) If the person does not have the licence or permit in the person's possession at the time the requirement is made, the person must produce the licence or permit to an inspector within 24 hours or any longer period approved by the inspector.
- (3) An inspector may seize a licence or permit that is not current or that the inspector reasonably believes is false.

*Note* Division 9.6 (Dealing with things seized) applies to a thing seized under this section.

- (4) A person commits an offence if—
- (a) the person is required to produce a licence or permit under subsection (1); and
  - (b) the person—
    - (i) fails to produce the licence or permit; or
    - (ii) if subsection (2) applies—fails to produce the licence or permit within the required time.

Maximum penalty: 50 penalty units.

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

*licence or permit* means a licence or permit (however described) under a law of a State or the Commonwealth that authorises the person to use a boat.

## **Division 9.6 Dealing with things seized**

### **107 Receipts for things seized**

- (1) As soon as practicable after an inspector seizes a thing under section 99 or section 106, the inspector must give a receipt for it to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the inspector must leave the receipt at the place of seizure in a reasonably secure way and in a conspicuous position.

### **108 Access to things seized**

A person who would, apart from the seizure, be entitled to a thing seized under section 99 or section 106 may—

- (a) inspect the thing; and

- (b) if the thing is a document—take extracts from, or make copies of, the document.

## **109 Return of things seized**

- (1) A thing seized under section 99 or section 106 must be returned to its owner, or reasonable compensation must be paid to the owner by the Territory for the loss of the thing, if—
  - (a) a prosecution for an offence relating to the thing is not instituted within 90 days of the seizure; or
  - (b) the court does not find the offence proved in a prosecution for an offence relating to the thing.
- (2) A thing seized under this division is forfeited to the Territory if a court—
  - (a) finds an offence relating to the thing to be proved; and
  - (b) orders the forfeiture.
- (3) If subsection (2) (a) applies, but a court does not order forfeiture of the thing seized, the Territory must return the thing to its owner or pay reasonable compensation to the owner in relation to the loss of the thing.

## **110 Disposal of things seized**

- (1) An inspector may dispose of a thing seized under section 99 or section 106 if—
  - (a) an inspector has taken reasonable steps under section 109 to return the thing to the person from whom it was seized; and
  - (b) the inspector has been unable to locate the person, despite making reasonable efforts, or the person has refused to take possession of the thing.
- (2) The inspector may dispose of the thing in any way that the inspector considers appropriate.

## **Division 9.7                      Detaining boats**

### **111                      Inspectors may detain boats**

- (1) An inspector may detain a boat in a lake area and bring the boat to a holding area, if the inspector reasonably believes that the boat is or has been involved in an offence against this Act.
- (2) If a boat is detained, sections 108 to 110 apply as if the boat were a thing seized under section 99 or section 106.
- (3) If an inspector detains a boat under subsection (1), the inspector must give written notice, within 14 days, to—
  - (a) the owner of the boat; or
  - (b) if the owner is not able to be located—the person who had possession or control of the boat immediately before it was detained.
- (4) If it is not practicable for the inspector to give the notice to the person, the inspector may give the notice by fixing the notice to a prominent part of the boat.
- (5) The notice must—
  - (a) identify the boat; and
  - (b) state the boat has been detained; and
  - (c) state the reason the boat has been detained; and
  - (d) state the contact details of an inspector who can provide further information; and
  - (e) include information about the return of the boat.
- (6) A person commits an offence if—
  - (a) a boat is being detained under subsection (1); and
  - (b) the person operates the boat, or causes or allows the operation of the boat; and

- (c) an inspector has not consented to the operation of the boat.

Maximum penalty: 50 penalty units.

## **112 Territory to pay costs of detention**

- (1) This section applies if there was no reasonable or probable cause for the detention of a boat under section 111.
- (2) The Territory is liable to pay the owner of the boat reasonable compensation for any loss or damage incurred by the owner as a result of the detention of the boat.
- (3) If the owner and the Territory cannot agree on the amount of compensation payable under subsection (2), the owner may take proceedings in a court of competent jurisdiction or the ACAT for the recovery of compensation.

## **113 Owner to pay costs of detention**

- (1) This section applies if—
  - (a) a boat was detained under section 111; and
  - (b) the Territory incurs costs in relation to the detention of the boat; and
  - (c) the detention was reasonable in the circumstances.
- (2) The owner of the boat is liable to pay the Territory compensation for—
  - (a) the costs of, and incidental to, the detention of the boat; and
  - (b) any loss or damage incurred by the Territory as a result of the detention of the boat.
- (3) If the owner and the Territory cannot agree on the amount of compensation payable under subsection (2), the Territory may take proceedings in a court of competent jurisdiction or the ACAT for the recovery of compensation.

## Part 10 Notification and review of decisions

### 114 Meaning of *reviewable decision*—pt 10

In this part:

*reviewable decision* means a decision of the Minister mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

### 115 Reviewable decision notices

If the Minister makes a reviewable decision, the Minister must give a reviewable decision notice to each entity mentioned in schedule 1, 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](#).

### 116 Applications for review

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

- (a) an entity mentioned in schedule 1, 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 11 Miscellaneous

### 117 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).

**118 Evidence**

Unless the contrary is proved, evidence that a sign referred to in section 14, section 19, section 20 or section 21 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.

**119 Privileges against self-incrimination and exposure to civil penalty**

- (1) This section applies if a person is required under section 48, section 52, section 76, section 77, section 83, section 102 or division 9.5 (Gathering information) (other than section 106) to answer a question, provide information or produce a document or other thing.
- (2) The person cannot rely on the common law privileges against self-incrimination and exposure to the imposition of a civil penalty to refuse to provide the information, produce the document or other thing, or answer the question.

*Note* The [Legislation Act](#), s 171 deals with client legal privilege.

- (3) However, any information, document or other thing obtained, directly or indirectly, because of providing the information, the producing of the document or other thing, or the answering of the question is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for—
- (a) an offence against section 48, section 52, section 76, section 77, section 83, section 102 or division 9.5 (Gathering information) (other than section 106); or

- (b) any other offence in relation to the falsity of the information, document, other thing, or answer.

## **120 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](#).

## **121 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](#).

## **122 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) A regulation may make provision in relation to the following:

- (a) requirements for the registration of boats;
- (b) the equipment to be carried on a boat;
- (c) the construction, design or supply of hatches and exterior doors of boats that will be, or are likely to be, used for recreational purposes on a lake;

- (d) the qualifications that a person requires to operate a power boat;
  - (e) prohibiting a person from operating a kind of boat;
  - (f) lighting, marking, removing, and disposing of obstructions to navigation in a lake area;
  - (g) safety, including requirements for the following:
    - (i) safety equipment of boats;
    - (ii) navigation;
    - (iii) operating a boat;
    - (iv) the conduct of a person on a boat;
    - (v) signals and lights and their use on a boat;
    - (vi) avoiding collisions;
    - (vii) the use of a lake or lake area;
    - (viii) preventing a person from interfering with a boat or lights, navigation aids, or equipment.
- (3) The [Legislation Act](#), section 47 (3), (5) and (6) does not apply to the incorporation of an Australian Standard or an Australian/New Zealand Standard applied, adopted or incorporated in a regulation under this section.
- Note 1* The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).
- Note 2* A notifiable instrument must be notified under the [Legislation Act](#).
- (4) A regulation may create offences and fix maximum penalties of not more than 30 penalty units for the offences.

**123 Exemptions by Minister**

- (1) The Minister may, by written notice, exempt a person or boat from part 4.
- (2) An exemption may be given with conditions.
- (3) The Minister must not exempt a person or boat, or impose a condition, unless the Minister is satisfied that the exemption or condition—
  - (a) is in the public interest; and
  - (b) will not jeopardise the safety of a boat or a person on board a boat; and
  - (c) will not compromise the conduct of a safety investigation.
- (4) An exemption is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

**124 Breaching conditions of exemptions**

- (1) A person commits an offence if—
  - (a) the person—
    - (i) operates a boat on a lake; or
    - (ii) carries out an action in a lake area; and
  - (b) the person, or boat, is exempt from part 4 subject to a condition; and
  - (c) the person fails to comply with the condition.

Maximum penalty: 50 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.

**125            Compensation—acquisition of property**

- (1) If, apart from this section and another section of this Act that deals with compensation—
- (a) the operation of any provision of this Act would result in the acquisition of property from a person otherwise than on just terms; and
  - (b) the acquisition would be unlawful because of the [Self-Government Act](#), section 23 (1);
- the person acquiring the property (the *acquirer*) is liable to pay reasonable compensation to the other person for the acquisition.
- (2) If the acquirer and the other person do not agree on the amount of compensation, the other person may, by proceeding in a court of competent jurisdiction or the ACAT, recover from the acquirer the reasonable compensation that the court or tribunal decides.

## Schedule 1      Reviewable decisions

(see pt 10)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	12 (2)	make determination of compensation	owner of land
2	18 (1)	refuse to approve anchoring of buoy or erecting of wharf or jetty	applicant for approval
3	18 (1)	impose conditions on approval to anchor buoy or erect wharf or jetty	applicant for approval
4	26	refuse to grant permit to moor boat	applicant for permit
5	29 (1)	refuse to authorise use of power boat	applicant for authorisation
6	29 (1)	impose conditions on power boat authorisation	applicant for authorisation
7	29 (4)	impose further conditions on power boat authorisation	entity that holds authorisation
8	29 (4)	vary or revoke condition imposed on power boat authorisation	entity that holds authorisation
9	29 (4)	refuse to vary or revoke condition imposed on power boat authorisation	applicant for variation or revocation

**Schedule 1**      Reviewable decisions

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<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
10	29 (5)	revoke power boat authorisation	entity that has authorisation revoked
11	31 (1)	refuse to grant permit to use hovercraft	applicant for permit
12	31 (1)	impose conditions on permit to use hovercraft	applicant for permit



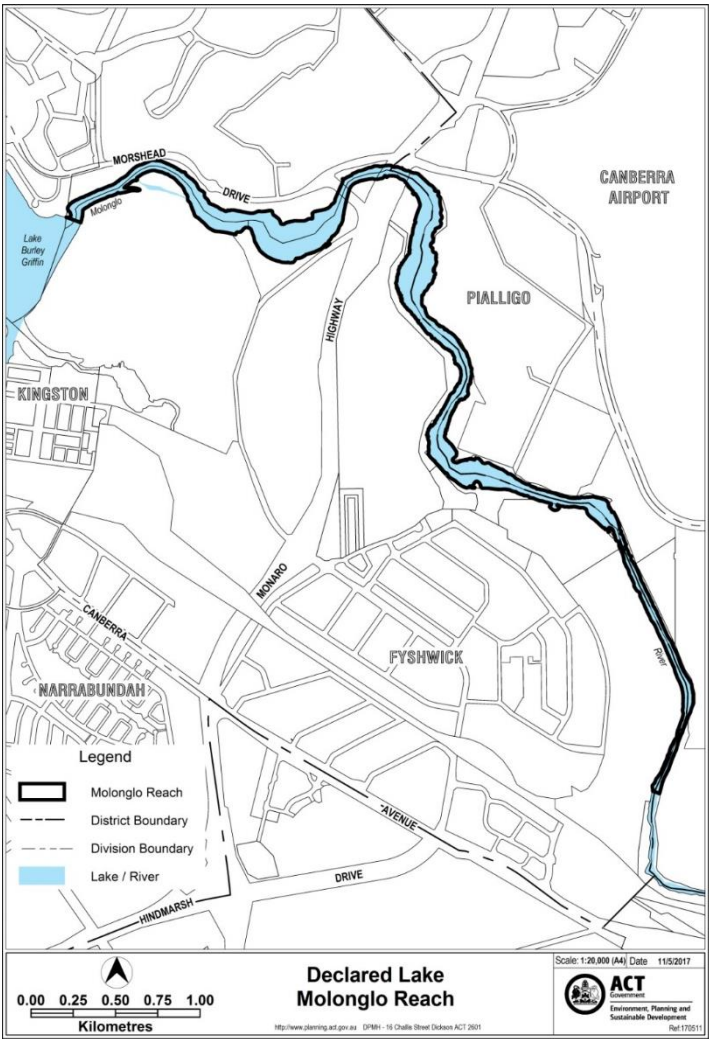
## Schedule 2 Kingston Harbour

(see dict, def *Kingston Harbour*)



# Schedule 3 Molonglo Reach

(see dict, def *Molonglo Reach*)



## 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
- Commonwealth
- contravene
- director-general (see s 163)
- doctor
- entity
- exercise
- in relation to
- national land
- night
- notification (see s 63)
- penalty unit (see s 133)
- person (see s 169)
- reviewable decision notice
- Self-Government Act
- State
- Territory land
- the Territory.

***appropriate lifejacket***, for division 5.2 (Lifejackets)—see section 41.

***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.

***boating accident***—

- (a) means any of the following involving a boat in a lake area:
  - (i) the loss of life of, or injury to, a person on the boat;
  - (ii) the loss of a person from the boat;
  - (iii) the loss of life of, or injury to, a person that is caused by the boat;
  - (iv) the loss, or presumed loss, of the boat (including the sinking or abandonment of the boat);
  - (v) the capsizing, grounding or flooding of the boat;
  - (vi) the collision of the boat with another boat or object;
  - (vii) the boat being disabled (in circumstances when it requires assistance);
  - (viii) a fire on the boat;
  - (ix) damage caused to the boat (including any structural failure);
  - (x) damage to the environment caused by the boat or by a substance on, or discharged from, the boat;
  - (xi) an incident that causes a risk of the events mentioned in subparagraphs (i) to (x) happening; but
- (b) does not include an event prescribed by regulation.

***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.

**Commonwealth Minister** means the Commonwealth Minister responsible for administering the *Lakes Ordinance 1976* (Cwlth).

**delegate for lakes** means the Delegate for Lakes appointed under section 10.

**domestic commercial vessel**—see the Marine Safety (Domestic Commercial Vessel) National Law, section 7.

**enter**, a place of inspection or boat, for part 9 (Enforcement)—see section 88.

**foreshores**, in relation to a lake—

- (a) means 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; but
- (b) does not include 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.

**high level**, for part 6 (Drug and alcohol offences)—see section 60.

**inspector** means a person who is an inspector under section 89.

**Kingston Harbour** means the area outlined in bold on the plan in schedule 2.

**lake** means—

- (a) Kingston Harbour; and
- (b) Lake Burley Griffin; and

*Note* This Act applies to the lake area of Lake Burley Griffin to the extent that it is territory land (see s 5). The *Lakes Ordinance 1976* (Cwlth) applies to the remaining area of Lake Burley Griffin that is national land (see [Legislation Act](#), dict, def *national land*).

- (c) Molonglo Reach; and
- (d) any other area declared by the Minister to be a lake under section 9.

**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**—

- (a) means the area of the Molonglo River between Scrivener Dam and Molonglo Reach; but
- (b) does not include Kingston Harbour.

**low level**, for part 6 (Drug and alcohol offences)—see section 60.

**marine pilot** means a person who has the conduct of, but does not belong to, a boat.

**Marine Safety (Domestic Commercial Vessel) National Law** means the national law as set out in schedule 1 of the [Marine Safety \(Domestic Commercial Vessel\) National Law Act 2012](#) (Cwlth).

**master** means the person having the command or charge of a boat, but does not include a marine pilot.

**medium level**, for part 6 (Drug and alcohol offences)—see section 60.

**Molonglo Reach** means the area outlined in bold on the plan in schedule 3.

***obstruction to navigation***—

- (a) means any thing in or on a lake that is—
  - (i) a risk to the safe navigation of boats; or
  - (ii) moored, berthed or placed in contravention of this Act or the Marine Safety (Domestic Commercial Vessel) National Law; but
- (b) does not include anything lawfully constructed in or over a lake.

***operate***, a boat, means—

- (a) to determine or exercise control over the course or direction of the boat or over the means of propulsion of the boat (whether or not the boat is under way); and
- (b) to attempt to operate a boat; and

**Examples**

- supervise a person under 17 years old to operate a boat
- launch a boat
- anchor a boat
- moor a boat

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (c) for part 4 (Use of a lake)—see section 13.

***owner***, of a boat, includes a person who—

- (a) is registered as an owner of the boat in a certificate of registry or in a certificate or unique identifier issued for the boat under a law of a State or of the Commonwealth; and

*Note* A certificate or unique identifier may be issued for a boat under the Marine Safety (Domestic Commercial Vessel) National Law.

- (b) is a joint owner of the boat; and

- (c) whether on the person's own behalf or on behalf of someone else—
  - (i) exercises any of the functions of the owner of the boat; or
  - (ii) publicly represents that the person has those functions or accepts the obligation to exercise those functions; and
- (d) owns the boat under paragraphs (a) to (c), whether or not the boat is mortgaged, chartered, leased, or hired; and
- (e) is the charterer of the boat.

***place of inspection***, for part 9 (Enforcement)—see section 88.

***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 22 to be a prohibited area.

***recreational boat***—

- (a) means a boat other than a domestic commercial vessel, or a regulated Australian vessel as defined in the [Navigation Act 2012](#) (Cwlth); and
- (b) for division 5.3 (Other safety equipment)—see section 50.

***relevant period***, for part 6 (Drug and alcohol offences)—see section 60.

***required safety equipment***, for a boat, for division 5.3 (Other safety equipment)—see section 50.

***required standards***, for safety equipment, for division 5.3 (Other safety equipment)—see section 50.

***reviewable decision***, for part 10 (Notification and review of decisions)—see section 114.

***RMS***—see the [Transport Administration Act 1988](#) (NSW), section 46.



***safety investigation*** means an investigation under section 79.

***safety investigation report*** means a report under section 84.

***safety investigator*** means a person appointed under section 80.

***special level***, for part 6 (Drug and alcohol offences)—see section 60.

***sports club*** means an entity established for a sporting or athletic purpose, and includes each person who is a member of the entity or who is participating in a competition that is run by the entity.

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

***unsafe***, in relation to a boat, means the boat is a danger to human life because of any of the following:

- (a) the condition of the boat;
- (b) the condition of equipment on the boat;
- (c) the manner or place in which cargo or equipment on the boat is stowed or secured;
- (d) the nature of the cargo of the boat;
- (e) the overloading of the boat.

## Endnotes

1 About the endnotes

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## 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

### 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* A1989-21, 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 A1976-65**

notified 13 December 1976 (Gaz 1976 No S225)

commenced 15 December 1976 (Gaz 1976 No S228)

as amended by

##### **Lakes (Amendment) Ordinance 1978 Ord1978-4**

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 Ord1983-31**

notified 29 September 1983 (Gaz 1983 No S226)

commenced 1 October 1983

##### **Lakes (Amendment) Ordinance 1985 Ord1985-15**

notified 4 April 1985 (Gaz 1985 No S114)

commenced 4 April 1985

## Endnotes

**Lakes (Amendment) Ordinance 1987 Ord1987-49**

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

**Lakes (Amendment) Ordinance 1988 Ord1988-67**

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

**Self-Government (Consequential Amendments) Ordinance 1989  
Ord1989-38 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 Ord1989-39 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 A1991-89**

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

**Lakes Amendment Ordinance 1992 Ord1992-1**

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

**Acts Revision (Position of Crown) Act 1993 A1993-44 sch 1**

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

**Registrar-General (Consequential Provisions) Act 1993 A1993-64  
sch 1**

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

**Statute Law Revision Act 1994 A1994-26 sch**

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

**Administrative Appeals (Consequential Amendments) Act 1994****A1994-60 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 A1994-81 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 A1994-97 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 A1995-46 sch**

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

**Statute Law Revision (Penalties) Act 1998 A1998-54 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 A1998-63 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 A2000-86 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)

## Endnotes

**Legislation (Consequential Amendments) Act 2001 A2001-44 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 A2002-11 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 A2002-46**

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) A2002-49 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)

**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)

**Administrative (One ACT Public Service Miscellaneous Amendments)****Act 2011 A2011-22 sch 1 pt 1.88**

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.88 commenced 1 July 2011 (s 2 (1))

**Planning, Building and Environment Legislation Amendment****Act 2013 (No 2) A2013-40 pt 4**

notified LR 6 November 2013

s 1, s 2 commenced 6 November 2013 (LA s 75 (1))

pt 4 commenced 27 January 2014 (s 2 and [CN2014-1](#))

**Red Tape Reduction Legislation Amendment Act 2015 A2015-33****sch 1 pt 1.38**

notified LR 30 September 2015

s 1, s 2 commenced 30 September 2015 (LA s 75 (1))

sch 1 pt 1.38 commenced 14 October 2015 (s 2)

**Public Sector Management Amendment Act 2016 A2016-52 sch 1****pt 1.41**

notified LR 25 August 2016

s 1, s 2 commenced 25 August 2016 (LA s 75 (1))

sch 1 pt 1.41 commenced 1 September 2016 (s 2)

**Statute Law Amendment Act 2017 A2017-4 sch 3 pt 3.15**

notified LR 23 February 2017

s 1, s 2 commenced 23 February 2017 (LA s 75 (1))

sch 3 pt 3.15 commenced 9 March 2017 (s 2)

## Endnotes

3      Legislation history

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### **Lakes Amendment Act 2018 A2018-7**

notified LR 5 March 2018

s 1, s 2 commenced 5 March 2018 (LA s 75 (1))

remainder commenced 5 March 2019 (s 2 (2))

### **Statute Law Amendment Act 2018 A2018-42 sch 3 pt 3.20**

notified LR 8 November 2018

s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))

sch 3 pt 3.20 commenced 5 March 2019 (s 2 (3) and see [A2018-7](#), s 2 (2))



## 4 Amendment history

### Name of Act

s 1 sub [A2002-49](#) amdt 3.59

### Dictionary

s 2 om [A2001-44](#) amdt 1.2304  
ins [A2002-49](#) amdt 3.59

### Notes

s 3 om [A2001-44](#) amdt 1.2304  
ins [A2002-49](#) amdt 3.59

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

s 4 am [Ord1983-31](#) s 4; [Ord1989-38](#) sch 1; [A2001-44](#) amdt 1.2307, amdt 1.2308  
om [A2002-49](#) amdt 3.59  
ins [A2005-54](#) amdt 1.180  
def **associated work** am [Ord1989-38](#) sch 1  
om [A2002-49](#) amdt 3.59  
def **boat** om [A2002-49](#) amdt 3.59  
def **closed area** om [A2002-49](#) amdt 3.59  
def **commercial activities** ins [Ord1987-49](#) s 3  
om [A2002-49](#) amdt 3.59  
def **dairy bridge** om [A2002-49](#) amdt 3.59  
def **delegate for lakes** ins [A1994-97](#) sch pt 1  
om [A2002-49](#) amdt 3.59  
def **delegate of the Minister** ins [Cwlth Act 1981 No 74](#) s 42  
om [A1994-97](#) sch pt 1  
def **foreshores** am [Ord1978-4](#) s 3; [Ord1989-38](#) sch 1;  
[A2001-44](#) amdt 1.2305  
om [A2002-49](#) amdt 3.59  
def **inspector** sub [A1994-97](#) sch pt 1  
om [A2002-49](#) amdt 3.59  
def **lake** om [A2002-49](#) amdt 3.59  
def **lake area** om [A2002-49](#) amdt 3.59  
def **Lake Burley Griffin** om [A2002-49](#) amdt 3.59  
def **Lake Ginninderra** am [A2001-44](#) amdt 1.2305  
om [A2002-49](#) amdt 3.59  
def **owner** om [A2002-49](#) amdt 3.59  
def **police force** om [A1994-97](#) sch pt 1  
def **power boat** om [A2002-49](#) amdt 3.59  
def **prohibited area** om [A2002-49](#) amdt 3.59  
def **sports club** om [A2002-49](#) amdt 3.59  
def **superintendent** om [Cwlth Act 1981 No 74](#) s 42  
def **this Act** om [A2001-44](#) amdt 1.2306  
def **visible** om [A2002-49](#) amdt 3.59

## Endnotes

### 4 Amendment history

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#### **Application**

s 4A renum as s 5

#### **Application of Act to inspectors**

s 4B renum as s 6

#### **Application of Act in emergencies**

s 4C renum as s 7

#### **Relationship to environmental and health laws**

s 4D renum as s 8

#### **Application**

s 5  
**orig s 5**  
renum as s 9  
**pres s 5**  
(prev s 4A) ins [Ord1989-38](#) sch 1  
am [A2018-7](#) s 5  
renum as s 5 R18 LA (see [A2018-7](#) s 61)

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

s 5A  
ins [Ord1983-31](#) s 5  
om [A2001-44](#) amdt 1.2310

#### **Application of Act to inspectors**

s 6  
**orig s 6**  
renum as s 10  
**pres s 6**  
(prev s 4B) ins [A1993-44](#) sch 1  
sub [A2002-11](#) amdt 2.64  
am [A2002-49](#) amdt 3.60; [A2005-54](#) amdt 1.181  
sub [A2018-7](#) s 6  
renum as s 6 R18 LA (see [A2018-7](#) s 61)

#### **Application of Act in emergencies**

s 7  
**orig s 7**  
sub [Cwlth Act 1981 No 74](#) s 43  
am [A1991-89](#) sch  
sub [A1994-97](#) sch pt 1; [A2002-49](#) amdt 3.61  
am [A2011-22](#) amdt 1.268  
om [A2018-7](#) s 8  
**pres s 7**  
(prev s 4C) ins [A2018-7](#) s 6  
renum as s 7 R18 LA (see [A2018-7](#) s 61)

**Relationship to environmental and health laws**

s 8 **orig s 8**  
 am [A1991-89](#) sch  
 sub [A1994-97](#) sch pt 1  
 am [A1998-54](#) sch  
 sub [A2002-49](#) amdt 3.61; [A2005-54](#) amdt 1.182  
 am [A2011-22](#) amdt 1.268  
 om [A2018-7](#) s 8  
**pres s 8**  
 (prev s 4D) ins [A2018-7](#) s 6  
 renum as s 8 R18 LA (see [A2018-7](#) s 61)

**Declaration of area as lake**

s 9 **orig s 9**  
 am [Ord1978-4](#) s 4; [A1991-89](#) sch; [A1994-97](#) sch pt 1; [A2011-3](#)  
 amdt 3.267; [A2017-4](#) amdt 3.69  
 om [A2018-7](#) s 8  
**pres s 9**  
 (prev s 5) sub [A2001-44](#) amdt 1.2309  
 am [A2011-3](#) amdt 3.266  
 reloc to pt 2 by [A2018-7](#) s 7  
 renum as s 9 R18 LA (see [A2018-7](#) s 61)

**Delegate for lakes**

s 10 hdg **orig s 10 hdg**  
 sub [A2004-15](#) amdt 2.102  
 s 10 **orig s 10**  
 am [Ord1987-49](#) sch; [A1991-89](#) sch  
 sub [A1994-81](#) sch; [A2002-49](#) amdt 3.62  
 am [A2004-15](#) amdt 2.103, amdt 2.104  
 sub [A2005-54](#) amdt 1.183  
 om [A2018-7](#) s 8  
**pres s 10**  
 (prev s 6) sub [Cwlth Act 1981 No 74](#) s 43  
 am [A1991-89](#) sch  
 sub [A1994-97](#) sch pt 1; [A2002-49](#) amdt 3.61  
 am [A2011-22](#) amdt 1.268  
 renum as s 10 R18 LA (see [A2018-7](#) s 61)

**Alterations in flow and water level**

s 11 hdg (prev s 13 hdg) sub [A2002-49](#) amdt 3.63  
 s 11 **orig s 11**  
 am [Ord1989-38](#)  
 om [A1998-63](#) s 82  
**pres s 11**  
 (prev s 13) am [A1998-63](#) s 82; [A2002-46](#) s 4; [A2002-49](#)  
 amdt 3.64; [A2011-3](#) amdt 2.268  
 renum as s 11 R18 LA (see [A2018-7](#) s 61)

## Endnotes

4 Amendment history

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### Compensation for damage

s 12

#### orig s 12

am [Ord1987-49](#) sch; [A1991-89](#) sch; [A1994-81](#) sch  
om [A1998-63](#) s 82

#### pres s 12

(prev s 14) am [Ord1989-38](#) sch 1; [A2011-3](#) amdt 3.268,  
amdt 3.269; [A2018-7](#) s 9  
renum as s 12 R18 LA (see [A2018-7](#) s 61)

### General

pt 4 div 1 hdg om [A1995-46](#) sch

### Provisions relating to particular lakes

pt 4 div 2 hdg om [A1995-46](#) sch

### Meaning of *operate*—pt 4

s 13

#### orig s 13

renum as s 11

#### pres s 13

(prev s 14A) ins [A2018-7](#) s 10  
renum as s 13 R18 LA (see [A2018-7](#) s 61)

### Erection of signs

s 14

#### orig s 14

renum as s 12

#### pres s 14

(prev s 15) am [A1991-89](#) sch; [A2000-86](#) s 158; [A2002-49](#)  
amdt 3.65; pars renum R9 LA  
renum as s 14 R18 LA (see [A2018-7](#) s 61)

### Meaning of *operate*—pt 4

s 14A

renum as s 13

### General restrictions on boats

s 15 hdg

(prev s 16 hdg) sub [A2002-49](#) amdt 3.66

s 15

#### orig s 15

renum as s 14

#### pres s 15

(prev s 16) am [Ord1987-49](#) sch; [A1994-81](#) sch  
sub [A2005-54](#) amdt 1.184  
renum as s 15 R18 LA (see [A2018-7](#) s 61)

### Restrictions on bathing, swimming and diving

s 16 hdg

(prev s 17 hdg) sub [A2002-49](#) amdt 3.67

s 16

#### orig s 16

renum as s 15

#### pres s 16

(prev s 17) am [Ord1987-49](#) s 4; [A1994-81](#) sch  
sub [A2005-54](#) amdt 1.184  
renum as s 16 R18 LA (see [A2018-7](#) s 61)

**Interference etc with signs**

s 17 **orig s 17**  
renum as s 16  
**pres s 17**  
(prev s 18) am [Ord1987-49](#) sch; [A1991-89](#) sch; [A1994-81](#) sch  
sub [A2005-54](#) amdt 1.184  
renum as s 17 R18 LA (see [A2018-7](#) s 61)

**Approved buoys, wharves and jetties**

s 18 **orig s 18**  
renum as s 17  
**pres s 18**  
(prev s 19) am [Ord1983-31](#) s 6; [Ord1987-49](#) sch; [A1991-89](#)  
sch; [A1994-81](#) sch; [A2001-44](#) amdt 1.2311, amdt 1.2312;  
[A2005-54](#) amdt 1.185  
renum as s 18 R18 LA (see [A2018-7](#) s 61)

**Restrictions on mooring**

s 19 **orig s 19**  
renum as s 18  
**pres s 19**  
(prev s 20) am [Ord1987-49](#) sch; [A1994-81](#) sch  
sub [A2005-54](#) amdt 1.186  
renum as s 19 R18 LA (see [A2018-7](#) s 61)

**Speed limits**

s 20 **orig s 20**  
renum as s 19  
**pres s 20**  
(prev s 20A) ins [A2018-7](#) s 11  
renum as s 20 R18 LA (see [A2018-7](#) s 61)

**Speed limits**

s 20A renum as s 20

**Restrictions on kinds of boats**

s 20B renum as s 21

**Restrictions on kinds of boats**

s 21 **orig s 21**  
renum as s 22  
**pres s 21**  
(prev s 20B) ins [A2018-7](#) s 11  
renum as s 21 R19 LA (see [A2018-7](#) s 61)

## Endnotes

4 Amendment history

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

s 22

#### **orig s 22**

renum as s 23

#### **pres s 22**

(prev s 21) am [Ord1987-49](#) sch; [Ord1989-39](#) sch; [A1991-89](#) sch; [A1994-26](#) sch; [A1994-81](#) sch; [A1994-97](#) sch pt 1; [A2002-49](#) amdt 3.68, amdt 3.69; [A2005-54](#) amdt 1.187; [A2011-3](#) amdt 3.270; [A2015-33](#) amdt 1.123; ss renum R15 LA

renum as s 22 R18 LA (see [A2018-7](#) s 61)

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

s 22A

renum as s 23 and then s 24

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

s 23

#### **orig s 23**

am [Ord1987-49](#) sch; [Ord1989-39](#) sch; [A1991-89](#) sch; [A1994-26](#) sch; [A1994-81](#) sch; [A1994-97](#) sch pt 1  
om [A2002-49](#) amdt 3.72

#### **prev s 23**

(prev s 22A) renum as s 23 R7 LA

renum as s 24 R18 LA

#### **pres s 23**

(prev s 22) am [A1991-89](#) sch

sub [A2002-49](#) amdt 3.70

am [A2005-54](#) amdt 1.188; [A2009-20](#) amdt 3.105; [A2015-33](#)

amdt 1.124; ss renum R15 LA; [A2017-4](#) amdt 3.70

renum as s 23 R18 LA (see [A2018-7](#) s 61)

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

s 24

#### **orig s 24**

renum as s 25

#### **pres s 24**

(prev s 22A) ins [Ord1978-4](#) s 5

am [Ord1989-38](#) sch 1

renum as s 23 R7 LA (see [A2002-49](#) amdt 3.71)

am [A2011-3](#) amdt 3.270; [A2017-4](#) amdt 3.71

renum as s 24 R18 LA (see [A2018-7](#) s 61)

**Anchoring boats at night**

s 25 **orig s 25**  
 renum as s 26  
**pres s 25**  
 (prev s 24) am [Ord1987-49](#) sch; [A1991-89](#) sch; [A1994-81](#) sch;  
[A2002-49](#) amdt 3.73  
 sub [A2005-54](#) amdt 1.189  
 renum as s 25 R18 LA (see [A2018-7](#) s 61)

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

s 25A renum as s 27

**Power boats operated under 10 knots**

s 25B renum as s 28

**Mooring of boats**

s 26 **orig s 26**  
 renum as s 29  
**pres s 26**  
 (prev s 25) am [Ord1978-4](#) s 6; [Ord1987-49](#) sch; [A1994-81](#)  
 sch; [A2001-44](#) amdts 1.2313-1.2316  
 sub [A2005-54](#) amdt 1.190  
 renum as s 26 R18 LA (see [A2018-7](#) s 61)

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

s 27 **orig s 27**  
 renum as s 30  
**pres s 27**  
 (prev s 25A) ins [A2002-46](#) s 5  
 am [A2011-3](#) amdt 3.271; [A2018-7](#) s 12  
 renum as s 27 R18 LA (see [A2018-7](#) s 61)

**Power boats operated under 10 knots**

s 28 **orig s 28**  
 am [Ord1983-31](#) s 7  
 om [A1991-89](#) s 4  
**pres s 28**  
 (prev s 25B) ins [A2018-7](#) s 13  
 renum as s 28 R18 LA (see [A2018-7](#) s 61)

**Use of power boats—other people**

s 29 hdg (prev s 26 hdg) sub [A2002-46](#) s 6  
 s 29 **orig s 29**  
 renum as s 31  
**pres s 29**  
 (prev s 26) am [Ord1987-49](#) s 5; [A1991-89](#) s 3 and sch;  
[A2001-44](#) amdt 1.2317, amdt 1.2318; [A2002-49](#) amdt 3.74;  
[A2018-7](#) ss 14-16; ss, pars renum R18 LA  
 renum as s 29 R18 LA (see [A2018-7](#) s 61)

## Endnotes

### 4 Amendment history

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#### **Restrictions—power boats**

s 30

##### **orig s 30**

renum as s 32

##### **pres s 30**

(prev s 27) am [Ord1987-49](#) sch; [Ord1988-67](#) s 2; [Ord1989-38](#) sch 1; [Ord1989-39](#) sch; [A1991-89](#) sch; [A1994-26](#) sch; [A1994-81](#) sch; [A1994-97](#) sch pt 1; [A2002-46](#) s 7; [A2002-49](#) amdt 3.75; ss renum R7 LA (see [A2002-49](#) amdt 3.76) sub [A2005-54](#) amdt 1.191; [A2018-7](#) s 17 am [A2018-7](#) s 18 renum as s 30 R18 LA (see [A2018-7](#) s 61)

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

s 31

##### **orig s 31**

renum as s 33

##### **pres s 31**

(prev s 29) am [Ord1983-31](#) s 8; [Ord1987-49](#) sch; [A1991-89](#) sch; [A1994-81](#) sch; [A2001-44](#) amdt 1.2319, amdt 1.2320; [A2005-54](#) amdt 1.192 renum as s 31 R18 LA (see [A2018-7](#) s 61)

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

s 32

##### **orig s 32**

renum as s 34

##### **pres s 32**

(prev s 30) am [Ord1989-38](#) sch 1; [A1991-89](#) sch; [A1994-97](#) sch pt 1; [A2002-49](#) amdt 3.77 renum as s 32 R18 LA (see [A2018-7](#) s 61)

#### **Houseboats prohibited**

s 33

##### **orig s 33**

om [Ord1985-15](#) s 2

##### **prev s 33**

renum as s 35

##### **pres s 33**

(prev s 31) am [Ord1987-49](#) sch; [A1994-81](#) sch sub [A2005-54](#) amdt 1.193 renum as s 33 R18 LA (see [A2018-7](#) s 61)

#### **Camping and caravanning**

s 34

##### **orig s 34**

renum as s 36

##### **pres s 34**

(prev s 32) am [Ord1987-49](#) sch; [A1994-81](#) sch sub [A2002-49](#) amdt 3.78; [A2005-54](#) amdt 1.194 renum as s 34 R18 LA (see [A2018-7](#) s 61)



**Agreements for use of lake areas**

s 35 **orig s 35**  
 renum as s 37  
**pres s 35**  
 (prev s 33) ins [Ord1987-49](#) s 6  
 am [Ord1989-38](#) sch 1  
 sub [A2018-7](#) s 19  
 am [A2018-7](#) s 20  
 renum as s 35 R18 LA (see [A2018-7](#) s 61)

**Commercial activities in lake area**

s 36 **orig s 36**  
 am [Ord1987-49](#) sch  
 om [A1991-89](#) s 4  
**prev s 36**  
 renum as s 38  
**pres s 36**  
 (prev s 34) am [Ord1983-31](#) s 9  
 sub [Ord1987-49](#) s 6  
 am [Ord1989-39](#) sch; [A1994-81](#) sch  
 sub [A2005-54](#) amdt 1.195  
 am [A2018-7](#) s 21  
 renum as s 36 R18 LA (see [A2018-7](#) s 61)

**Power to charge for admission**

s 37 **orig s 37**  
 renum as s 39  
**pres s 37**  
 (prev s 35) am [Cwlth Act 1981 No 74](#) s 44; [Ord1983-31](#) s 10;  
[A1991-89](#) sch; [A1994-97](#) sch pt 1; [A2002-49](#) amdt 3.79,  
 amdt 3.80  
 renum as s 37 R18 LA (see [A2018-7](#) s 61)

**Safety**

pt 5 hdg sub [A2018-7](#) s 22

**Safe operation of boats**

div 5.1 hdg (prev pt 5 div 1 hdg) renum R4 LA  
 sub [A2018-7](#) s 23

**Operating unsafe boats**

s 38 **orig s 38**  
 renum as s 40  
**pres s 38**  
 (prev s 36) ins [A2005-54](#) amdt 1.196  
 sub [A2018-7](#) s 23  
 renum as s 38 R18 LA (see [A2018-7](#) s 61)

## Endnotes

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### Reckless or negligent operation of boats

s 39 **orig s 39**  
renum as s 41  
**pres s 39**  
(prev s 37) am [A1998-54](#) sch  
sub [A2002-49](#) amdt 3.81; [A2005-54](#) amdt 1.197; [A2018-7](#) s 23  
renum as s 39 R18 LA (see [A2018-7](#) s 61)

### Lights to be carried by sailing vessels

s 39A ins [A1991-89](#) s 6  
am [A2002-49](#) amdt 3.85  
om [A2018-7](#) s 23

### Climbing onto boats

s 40 **orig s 40**  
renum as s 42  
**pres s 40**  
(prev s 38) am [A1991-89](#) s 5; [A2002-49](#) amdt 3.82, amdt 3.83  
sub [A2018-7](#) s 23  
renum as s 40 R18 LA (see [A2018-7](#) s 61)

### Lifejackets

div 5.2 hdg (prev pt 5 div 2 hdg) renum R4 LA  
sub [A2018-7](#) s 23

### Meaning of *appropriate lifejacket*—div 5.2

s 41 **orig s 41**  
renum as s 43  
**pres s 41**  
(prev s 39) sub [A1991-89](#) s 6; [A2002-49](#) amdt 3.84; [A2018-7](#)  
s 23  
renum as s 41 R18 LA (see [A2018-7](#) s 61)

### Children under 12 years

s 42 **orig s 42**  
renum as s 44  
**pres s 42**  
(prev s 40) am [Ord1987-49](#) s 7; [A1994-81](#) sch  
sub [A2002-49](#) amdt 3.86; [A2005-54](#) amdt 1.198; [A2018-7](#) s 23  
renum as s 42 R18 LA (see [A2018-7](#) s 61)

### Recreational boats under 4.8m and off-the-shore boats

s 43 **orig s 43**  
renum as s 45  
**pres s 43**  
(prev s 41) am [A2011-3](#) amdt 3.272  
sub [A2018-7](#) s 23  
renum as s 43 R18 LA (see [A2018-7](#) s 61)

**Water skiing and other recreational activities**

s 43A renum as s 46

**Directions by master to wear lifejackets**

s 44 **orig s 44**  
renum as s 47  
**pres s 44**  
(prev s 42) am [A2002-49](#) amdt 3.87; [A2011-3](#) amdt 3.272  
sub [A2018-7](#) s 23  
renum as s 44 R18 LA (see [A2018-7](#) s 61)

**Failure to wear lifejackets—defence**

s 45 **orig s 45**  
renum as s 48  
**pres s 45**  
(prev s 43) am [A2002-49](#) amdt 3.87; [A2011-3](#) amdt 3.272  
sub [A2018-7](#) s 23  
renum as s 45 R18 LA (see [A2018-7](#) s 61)

**Water skiing and other recreational activities**

s 46 **orig s 46**  
renum as s 49  
**pres s 46**  
(prev s 43A) ins [A2018-7](#) s 23  
renum as s 46 R18 LA (see [A2018-7](#) s 61)

**Owners to ensure lifejackets available**

s 47 **orig s 47**  
renum as s 50  
**pres s 47**  
(prev s 44) am [A2002-49](#) amdt 3.87; [A2011-3](#) amdt 3.272  
sub [A2018-7](#) s 23  
renum as s 47 R18 LA (see [A2018-7](#) s 61)

**Owners and operators to ensure safety equipment available**

s 47A renum as s 51

**Owners and operators to provide information about safety equipment**

s 47B renum as s 52

**Closing lake areas or parts of lake**

s 47C renum as s 53

**Safe use of lake areas**

s 47D renum as s 54

**Passengers on domestic commercial vessels**

s 47E renum as s 55

**Lighting and marking obstructions**

s 47F renum as s 56

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#### **Notices to remove obstructions**

s 47G renum as s 57

#### **Removing obstructions**

s 47H renum as s 58

#### **Disposing of obstructions**

s 47I renum as s 59

#### **Owners and operators to provide information about life jackets**

s 48 hdg **orig s 48 hdg**

sub [A2002-49](#) amdt 3.90

s 48 **orig s 48**

am [Ord1987-49](#) sch; [A1994-81](#) sch; [A2002-49](#) amdt 3.91

sub [A2005-54](#) amdt 1.199

om [A2018-7](#) s 25

#### **pres s 48**

(prev s 45) am [A2002-49](#) amdt 3.88; [A2011-3](#) amdt 3.272

sub [A2018-7](#) s 23

renum as s 48 R18 LA (see [A2018-7](#) s 61)

#### **Other safety equipment**

div 5.2A hdg renum as div 5.3 hdg

#### **Safety directions**

div 5.2B hdg renum as div 5.4 hdg

#### **Lighting, marking and removing obstructions**

div 5.2C hdg renum as div 5.5 hdg

#### **Other safety equipment**

div 5.3 hdg **orig div 5.3 hdg**

(prev pt 5 div 3 hdg) renum R4 LA

om [A2018-7](#) s 24

#### **pres div 5.3 hdg**

(prev div 5.2A hdg) ins [A2018-7](#) s 23

renum as div 5.3 hdg R18 LA (see [A2018-7](#) s 61)

#### **Application—div 5.3**

s 49 **orig s 49**

am [Ord1987-49](#) sch; [A1994-81](#) sch

sub [A2005-54](#) amdt 1.200

om [A2018-7](#) s 25

#### **pres s 49**

(prev s 46) am [A2011-3](#) amdt 3.272

sub [A2018-7](#) s 23

renum as s 49 R18 LA (see [A2018-7](#) s 61)

**Definitions—div 5.3**

s 50 **orig s 50**  
 am [Ord1987-49](#) s 8; [A1991-89](#) sch; [A1994-81](#) sch; [A2002-49](#)  
 amdt 3.92; [A2005-54](#) amdt 1.201, amdt 1.202;  
[A2011-3](#) amdt 3.273, amdt 3.274  
 om [A2018-7](#) s 26  
**pres s 50**  
 (prev s 47) am [A2002-49](#) amdt 3.89  
 sub [A2018-7](#) s 23  
 renum as s 50 R18 LA (see [A2018-7](#) s 61)  
 def *recreational boat* ins [A2018-7](#) s 23  
 def *required safety equipment* ins [A2018-7](#) s 23  
 def *required standards* ins [A2018-7](#) s 23

**Definitions—pt 5A**

s 50A renum as s 60

**People under 18 years old**

s 50B renum as s 61

**Special level of alcohol**

s 50C renum as s 62

**Low level of alcohol**

s 50D renum as s 63

**Medium level of alcohol**

s 50E renum as s 64

**High level of alcohol**

s 50F renum as s 65

**Under the influence of alcohol or drugs**

s 50G renum as s 66

**Drugs**

s 50H renum as s 67

**Evidence of alcohol levels**

s 50I renum as s 68

**Alternative verdicts—medium level of alcohol**

s 50J renum as s 69

**Alternative verdicts—high level of alcohol**

s 50K renum as s 70

**Alternative verdicts—high, medium and low levels of alcohol**

s 50L renum as s 71

**Defence—special level of alcohol**

s 50M renum as s 72

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#### **Application of Road Transport (Alcohol and Drugs) Act 1977**

s 50N renum as s 73

#### **Obligation to stop**

s 50O renum as s 74

#### **Obligation to give assistance**

s 50P renum as s 75

#### **Obligation to produce licence and give particulars**

s 50Q renum as s 76

#### **Obligation to report boating accidents to the Minister**

s 50R renum as s 77

#### **Obligation to preserve evidence**

s 50S renum as s 78

#### **Safety investigations**

s 50T renum as s 79

#### **Appointment of safety investigators and powers**

s 50U renum as s 80

#### **People assisting safety investigators**

s 50V renum as s 81

#### **Conduct of safety investigations**

s 50W renum as s 82

#### **People to give information, produce documents or answer questions**

s 50X renum as s 83

#### **Safety investigation reports**

s 50Y renum as s 84

#### **Actions by Minister following safety investigations**

s 50Z renum as s 85

#### **Public release of safety investigation reports and recommendations**

s 50ZA renum as s 86

#### **Protection from liability**

s 50ZB renum as s 87

#### **Definitions—pt 5D**

s 50ZC renum as s 88

#### **Inspectors**

s 50ZD renum as s 89

#### **Identity cards**

s 50ZE renum as s 90

**Powers not to be exercised before identity card shown**

s 50ZF renum as s 91

**People assisting inspectors**

s 50ZG renum as s 92

**Entering places of inspection and boats in lake areas**

s 50ZH renum as s 93

**Producing identity cards**

s 50ZI renum as s 94

**Consent to entry**

s 50ZJ renum as s 95

**Warrants**

s 50ZK renum as s 96

**Warrants—application made other than in person**

s 50ZL renum as s 97

**General powers on entry**

s 50ZM renum as s 98

**Power to seize evidence**

s 50ZN renum as s 99

**Facilitating boarding of boats**

s 50ZO renum as s 100

**Directing boats after boarding**

s 50ZP renum as s 101

**Requiring information after entry**

s 50ZQ renum as s 102

**Masters to answer questions**

s 50ZR renum as s 103

**Masters to produce records**

s 50ZS renum as s 104

**People to provide information about owners or masters of boats**

s 50ZT renum as s 105

**Boat licences**

s 50ZU renum as s 106

**Receipts for things seized**

s 50ZV renum as s 107

**Access to things seized**

s 50ZW renum as s 108

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#### **Return of things seized**

s 50ZX renum as s 109

#### **Disposal of things seized**

s 50ZY renum as s 110

#### **Inspectors may detain boats**

s 50ZZ renum as s 111

#### **Territory to pay costs of detention**

s 50ZZA renum as s 112

#### **Owner to pay costs of detention**

s 50ZZB renum as s 113

#### **Owners and operators to ensure safety equipment available**

s 51  
**orig s 51**  
renum as s 114  
**pres s 51**  
(prev s 47A) ins [A2018-7](#) s 23  
renum as s 51 R18 LA (see [A2018-7](#) s 61)

#### **Reviewable decision notices**

s 51AA renum as s 115

#### **Applications for review**

s 51AB renum as s 116

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

s 51A renum as s 117

#### **Owners and operators to provide information about safety equipment**

s 52  
**orig s 52**  
renum as s 118  
**pres s 52**  
(prev s 47B) ins [A2018-7](#) s 23  
renum as s 52 R18 LA (see [A2018-7](#) s 61)

#### **Safety directions**

div 5.4 hdg (prev div 5.2B hdg) ins [A2018-7](#) s 23  
renum as div 5.4 hdg R18 LA (see [A2018-7](#) s 61)

#### **Closing lake areas or parts of lake**

s 53  
**orig s 53**  
am [A1991-89](#) sch  
om [A2005-54](#) amdt 1.203  
**prev s 53**  
renum as s 119  
**pres s 53**  
(prev s 47C) ins [A2018-7](#) s 23  
renum as s 53 R18 LA (see [A2018-7](#) s 61)



**Safe use of lake areas**

s 54

**orig s 54**

renum as s 120

**pres s 54**(prev s 47D) ins [A2018-7](#) s 23renum as s 54 R18 LA (see [A2018-7](#) s 61)**Passengers on domestic commercial vessels**

s 55

**orig s 55**

renum as s 121

**pres s 55**(prev s 47E) ins [A2018-7](#) s 23renum as s 55 R18 LA (see [A2018-7](#) s 61)**Lighting, marking and removing obstructions**

div 5.5 hdg

(prev div 5.2C hdg) ins [A2018-7](#) s 23renum as div 5.5 hdg R18 LA (see [A2018-7](#) s 61)**Lighting and marking obstructions**

s 56

**orig s 56**

renum as s 122

**pres s 56**(prev s 47F) ins [A2018-7](#) s 23renum as s 56 R18 LA (see [A2018-7](#) s 61)**Notices to remove obstructions**

s 57

**orig s 57**

renum as s 123

**pres s 57**(prev s 47G) ins [A2018-7](#) s 23renum as s 57 R18 LA (see [A2018-7](#) s 61)**Removing obstructions**

s 58

**orig s 58**

renum as s 124

**pres s 58**(prev s 47H) ins [A2018-7](#) s 23renum as s 58 R18 LA (see [A2018-7](#) s 61)**Disposing of obstructions**

s 59

**orig s 59**

renum as s 125

**pres s 59**(prev s 47I) ins [A2018-7](#) s 23renum as s 59 R18 LA (see [A2018-7](#) s 61)**Drug and alcohol offences**

pt 5A hdg

renum as pt 6 hdg

**Boating accidents**

pt 5B hdg

renum as pt 7 hdg

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#### **Safety investigations**

pt 5C hdg renum as pt 8 hdg

#### **Enforcement**

pt 5D hdg renum as pt 9 hdg

#### **Definitions—pt 5D**

div 5D.1 hdg renum as div 9.1 hdg

#### **Inspectors**

div 5D.2 hdg renum as div 9.2 hdg

#### **Entry and inspection**

div 5D.3 hdg renum as div 9.3 hdg

#### **Boarding of boats**

div 5D.4 hdg renum as div 9.4 hdg

#### **Gathering information**

div 5D.5 hdg renum as div 9.5 hdg

#### **Dealing with things seized**

div 5D.6 hdg renum as div 9.6 hdg

#### **Detaining boats**

div 5D.7 hdg renum as div 9.7 hdg

#### **Drug and alcohol offences**

pt 6 hdg **orig pt 6 hdg**  
renum as pt 10 hdg  
**pres pt 6 hdg**  
(prev pt 5A hdg) ins [A2018-7](#) s 27  
renum as pt 6 hdg R18 LA (see [A2018-7](#) s 61)

#### **Definitions—pt 6**

s 60 (prev s 50A) ins [A2018-7](#) s 27  
renum as s 60 R18 LA (see [A2018-7](#) s 61)  
def **high level** ins [A2018-7](#) s 27  
def **low level** ins [A2018-7](#) s 27  
def **medium level** ins [A2018-7](#) s 27  
def **relevant period** ins [A2018-7](#) s 27  
def **special level** ins [A2018-7](#) s 27

#### **People under 18 years old**

s 61 (prev s 50B) ins [A2018-7](#) s 27  
renum as s 61 R18 LA (see [A2018-7](#) s 61)

#### **Special level of alcohol**

s 62 (prev s 50C) ins [A2018-7](#) s 27  
renum as s 62 R18 LA (see [A2018-7](#) s 61)

**Low level of alcohol**

s 63 (prev s 50D) ins [A2018-7](#) s 27  
renum as s 63 R18 LA (see [A2018-7](#) s 61)

**Medium level of alcohol**

s 64 (prev s 50E) ins [A2018-7](#) s 27  
renum as s 64 R18 LA (see [A2018-7](#) s 61)

**High level of alcohol**

s 65 (prev s 50F) ins [A2018-7](#) s 27  
renum as s 65 R18 LA (see [A2018-7](#) s 61)

**Under the influence of alcohol or drugs**

s 66 (prev s 50G) ins [A2018-7](#) s 27  
renum as s 66 R18 LA (see [A2018-7](#) s 61)

**Drugs**

s 67 (prev s 50H) ins [A2018-7](#) s 27  
renum as s 67 R18 LA (see [A2018-7](#) s 61)

**Evidence of alcohol levels**

s 68 (prev s 50I) ins [A2018-7](#) s 27  
renum as s 68 R18 LA (see [A2018-7](#) s 61)

**Alternative verdicts—medium level of alcohol**

s 69 (prev s 50J) ins [A2018-7](#) s 27  
renum as s 69 R18 LA (see [A2018-7](#) s 61)

**Alternative verdicts—high level of alcohol**

s 70 (prev s 50K) ins [A2018-7](#) s 27  
renum as s 70 R18 LA (see [A2018-7](#) s 61)

**Alternative verdicts—high, medium and low levels of alcohol**

s 71 (prev s 50L) ins [A2018-7](#) s 27  
renum as s 71 R18 LA (see [A2018-7](#) s 61)

**Defence—special level of alcohol**

s 72 (prev s 50M) ins [A2018-7](#) s 27  
renum as s 72 R18 LA (see [A2018-7](#) s 61)

**Application of Road Transport (Alcohol and Drugs) Act 1977**

s 73 (prev s 50N) ins [A2018-7](#) s 27  
renum as s 73 R18 LA (see [A2018-7](#) s 61)

**Boating accidents**

pt 7 hdg **orig pt 7 hdg**  
renum as pt 11 hdg  
**pres pt 7 hdg**  
(prev pt 5B hdg) ins [A2018-7](#) s 28  
renum as pt 7 hdg R18 LA (see [A2018-7](#) s 61)

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### **Obligation to stop**

s 74 (prev s 50O) ins [A2018-7](#) s 28  
renum as s 74 R18 LA (see [A2018-7](#) s 61)

### **Obligation to give assistance**

s 75 (prev s 50P) ins [A2018-7](#) s 28  
renum as s 75 R18 LA (see [A2018-7](#) s 61)

### **Obligation to produce licence and give particulars**

s 76 (prev s 50Q) ins [A2018-7](#) s 28  
renum as s 76 R18 LA (see [A2018-7](#) s 61)

### **Obligation to report boating accidents to the Minister**

s 77 (prev s 50R) ins [A2018-7](#) s 28  
renum as s 77 R18 LA (see [A2018-7](#) s 61)

### **Obligation to preserve evidence**

s 78 (prev s 50S) ins [A2018-7](#) s 28  
renum as s 78 R18 LA (see [A2018-7](#) s 61)

### **Safety investigations**

pt 8 hdg (prev pt 5C hdg) ins [A2018-7](#) s 28  
renum as s pt 8 hdg R18 LA (see [A2018-7](#) s 61)

### **Safety investigations**

s 79 (prev s 50T) ins [A2018-7](#) s 28  
renum as s 79 R18 LA (see [A2018-7](#) s 61)

### **Appointment of safety investigators and powers**

s 80 (prev s 50U) ins [A2018-7](#) s 28  
renum as s 80 R18 LA (see [A2018-7](#) s 61)

### **People assisting safety investigators**

s 81 (prev s 50V) ins [A2018-7](#) s 28  
renum as s 81 R18 LA (see [A2018-7](#) s 61)

### **Conduct of safety investigations**

s 82 (prev s 50W) ins [A2018-7](#) s 28  
renum as s 82 R18 LA (see [A2018-7](#) s 61)

### **People to give information, produce documents or answer questions**

s 83 (prev s 50X) ins [A2018-7](#) s 28  
renum as s 83 R18 LA (see [A2018-7](#) s 61)

### **Safety investigation reports**

s 84 (prev s 50Y) ins [A2018-7](#) s 28  
renum as s 84 R18 LA (see [A2018-7](#) s 61)

### **Actions by Minister following safety investigations**

s 85 (prev s 50Z) ins [A2018-7](#) s 28  
renum as s 85 R18 LA (see [A2018-7](#) s 61)

**Public release of safety investigation reports and recommendations**

s 86 (prev s 50ZA) ins [A2018-7](#) s 28  
renum as s 86 R18 LA (see [A2018-7](#) s 61)

**Protection from liability**

s 87 (prev s 50ZB) ins [A2018-7](#) s 28  
renum as s 87 R18 LA (see [A2018-7](#) s 61)

**Enforcement**

pt 9 hdg (prev pt 5D hdg) ins [A2018-7](#) s 28  
renum as pt 9 hdg R18 LA (see [A2018-7](#) s 61)

**Definitions—pt 9**

div 9.1 hdg (prev div 5D.1 hdg) ins [A2018-7](#) s 28  
renum as div 9.1 hdg R18 LA (see [A2018-7](#) s 61)

**Definitions—pt 9**

s 88 (prev s 50ZC) ins [A2018-7](#) s 28  
renum as s 88 R18 LA (see [A2018-7](#) s 61)  
def **enter** ins [A2018-7](#) s 28  
def **place of inspection** ins [A2018-7](#) s 28

**Inspectors**

div 9.2 hdg (prev div 5D.2 hdg) ins [A2018-7](#) s 28  
renum as div 9.2 hdg R18 LA (see [A2018-7](#) s 61)

**Inspectors**

s 89 (prev s 50ZD) ins [A2018-7](#) s 28  
renum as s 89 R18 LA (see [A2018-7](#) s 61)

**Identity cards**

s 90 (prev s 50ZE) ins [A2018-7](#) s 28  
renum as s 90 R18 LA (see [A2018-7](#) s 61)

**Powers not to be exercised before identity card shown**

s 91 (prev s 50ZF) ins [A2018-7](#) s 28  
renum as s 91 R18 LA (see [A2018-7](#) s 61)

**People assisting inspectors**

s 92 (prev s 50ZG) ins [A2018-7](#) s 28  
renum as s 92 R18 LA (see [A2018-7](#) s 61)

**Entry and inspection**

div 9.3 hdg (prev div 5D.3 hdg) ins [A2018-7](#) s 28  
renum as div 9.3 hdg R18 LA (see [A2018-7](#) s 61)

**Entering places of inspection and boats in lake areas**

s 93 (prev s 50ZH) ins [A2018-7](#) s 28  
renum as s 93 R18 LA (see [A2018-7](#) s 61)

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### **Producing identity cards**

s 94 (prev s 50ZI) ins [A2018-7](#) s 28  
renum as s 94 R18 LA (see [A2018-7](#) s 61)

### **Consent to entry**

s 95 (prev s 50ZJ) ins [A2018-7](#) s 28  
renum as s 95 R18 LA (see [A2018-7](#) s 61)

### **Warrants**

s 96 (prev s 50ZK) ins [A2018-7](#) s 28  
renum as s 96 R18 LA (see [A2018-7](#) s 61)

### **Warrants—application made other than in person**

s 97 (prev s 50ZL) ins [A2018-7](#) s 28  
renum as s 97 R18 LA (see [A2018-7](#) s 61)

### **General powers on entry**

s 98 (prev s 50ZM) ins [A2018-7](#) s 28  
renum as s 98 R18 LA (see [A2018-7](#) s 61)

### **Power to seize evidence**

s 99 (prev s 50ZN) ins [A2018-7](#) s 28  
renum as s 99 R18 LA (see [A2018-7](#) s 61)

### **Boarding of boats**

div 9.4 hdg (prev div 5D.4 hdg) ins [A2018-7](#) s 28  
renum as div 9.4 hdg R18 LA (see [A2018-7](#) s 61)

### **Facilitating boarding of boats**

s 100 (prev s 50ZO) ins [A2018-7](#) s 28  
renum as s 100 R18 LA (see [A2018-7](#) s 61)

### **Directing boats after boarding**

s 101 (prev s 50ZP) ins [A2018-7](#) s 28  
renum as s 101 R18 LA (see [A2018-7](#) s 61)

### **Requiring information after entry**

s 102 (prev s 50ZQ) ins [A2018-7](#) s 28  
renum as s 102 R18 LA (see [A2018-7](#) s 61)

### **Gathering information**

div 9.5 hdg (prev div 5D.5 hdg) ins [A2018-7](#) s 28  
renum as div 9.5 hdg R18 LA (see [A2018-7](#) s 61)

### **Masters to answer questions**

s 103 (prev s 50ZR) ins [A2018-7](#) s 28  
renum as s 103 R18 LA (see [A2018-7](#) s 61)

### **Masters to produce records**

s 104 (prev s 50ZS) ins [A2018-7](#) s 28  
renum as s 104 R18 LA (see [A2018-7](#) s 61)

**People to provide information about owners or masters of boats**

s 105 (prev s 50ZT) ins [A2018-7](#) s 28  
renum as s 105 R18 LA (see [A2018-7](#) s 61)

**Boat licences**

s 106 (prev s 50ZU) ins [A2018-7](#) s 28  
renum as s 106 R18 LA (see [A2018-7](#) s 61)

**Dealing with things seized**

div 9.6 hdg (prev div 5D.6 hdg) ins [A2018-7](#) s 28  
renum as div 9.6 hdg R18 LA (see [A2018-7](#) s 61)

**Receipts for things seized**

s 107 (prev s 50ZV) ins [A2018-7](#) s 28  
renum as s 107 R18 LA (see [A2018-7](#) s 61)

**Access to things seized**

s 108 (prev s 50ZW) ins [A2018-7](#) s 28  
renum as s 108 R18 LA (see [A2018-7](#) s 61)

**Return of things seized**

s 109 (prev s 50ZX) ins [A2018-7](#) s 28  
renum as s 109 R18 LA (see [A2018-7](#) s 61)

**Disposal of things seized**

s 110 (prev s 50ZY) ins [A2018-7](#) s 28  
renum as s 110 R18 LA (see [A2018-7](#) s 61)

**Detaining boats**

div 9.7 hdg (prev div 5D.7 hdg) ins [A2018-7](#) s 28  
renum as div 9.7 hdg R18 LA (see [A2018-7](#) s 61)

**Inspectors may detain boats**

s 111 (prev s 50ZZ) ins [A2018-7](#) s 28  
renum as s 111 R18 LA (see [A2018-7](#) s 61)

**Territory to pay costs of detention**

s 112 (prev s 50ZZA) ins [A2018-7](#) s 28  
renum as s 112 R18 LA (see [A2018-7](#) s 61)

**Owner to pay costs of detention**

s 113 (prev s 50ZZB) ins [A2018-7](#) s 28  
renum as s 113 R18 LA (see [A2018-7](#) s 61)

**Notification and review of decisions**

pt 10 hdg (prev pt 6 hdg) sub [A2008-37](#) amdt 1.260  
renum as pt 10 hdg R18 LA (see [A2018-7](#) s 61)

## Endnotes

4 Amendment history

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### Meaning of *reviewable decision*—pt 10

s 114 hdg (prev s 51 hdg) sub [A2002-49](#) amdt 3.93  
s 114 (prev s 51) am [Ord1987-49](#) s 9; [Ord1989-38](#) sch 1; [A1991-89](#)  
s 7; 1994 No 60 sch 1  
sub [A2008-37](#) amdt 1.260  
renum as s 114 R18 LA (see [A2018-7](#) s 61)

### Reviewable decision notices

s 115 (prev s 51AA) ins [A2008-37](#) amdt 1.260  
renum as s 115 R18 LA (see [A2018-7](#) s 61)

### Applications for review

s 116 (prev s 51AB) ins [A2008-37](#) amdt 1.260  
renum as s 116 R18 LA (see [A2018-7](#) s 61)

### Miscellaneous

pt 11 hdg (prev pt 7 hdg) ins [A2008-37](#) amdt 1.260  
renum as pt 11 hdg R18 LA (see [A2018-7](#) s 61)

### Acts and omissions of representatives

s 117 (prev s 51A) ins [Ord1987-49](#) s 10  
sub [A2002-49](#) amdt 3.94; [A2004-15](#) amdt 1.30  
renum as s 117 R18 LA (see [A2018-7](#) s 61)

### Evidence

s 118 (prev s 52) am [A2018-7](#) s 29  
renum as s 118 R18 LA (see [A2018-7](#) s 61)

### Privileges against self-incrimination and exposure to civil penalty

s 119 (prev s 53) ins [A2018-7](#) s 30  
renum as s 119 R18 LA (see [A2018-7](#) s 61)

### Determination of fees

s 120 (prev s 54) am [Ord1983-31](#) s 11; [Ord1989-38](#) sch 1; [A1994-81](#)  
sch; [A1995-46](#) sch  
sub [A2001-44](#) amdt 1.2321  
am [A2011-3](#) amdt 3.275  
renum as s 120 R18 LA (see [A2018-7](#) s 61)

### Approved forms

s 121 (prev s 55) ins [A2001-44](#) amdt 1.2321  
am [A2002-49](#) amdt 3.95; [A2011-3](#) amdt 3.275  
renum as s 121 R18 LA (see [A2018-7](#) s 61)

### Regulation-making power

s 122 (prev s 56) ins [A2001-44](#) amdt 1.2321  
am [A2018-7](#) s 31  
renum as s 122 R18 LA (see [A2018-7](#) s 61)

### Exemptions by Minister

s 123 (prev s 57) ins [A2018-7](#) s 32  
renum as s 123 R18 LA (see [A2018-7](#) s 61)



**Breaching conditions of exemptions**

s 124 (prev s 58) ins [A2018-7](#) s 32  
 am [A2018-42](#) amdt 3.68, amdt 3.69  
 renum as s 124 R18 LA (see [A2018-7](#) s 61)

**Compensation—acquisition of property**

s 125 (prev s 59) ins [A2018-7](#) s 32  
 renum as s 125 R18 LA (see [A2018-7](#) s 61)

**Reviewable decisions**

sch 1 hdg (prev sch 1 hdg) sub [A2005-54](#) amdt 1.204  
 sch 1 **orig sch 1**  
 am [Ord1978-4](#) s 7  
 om [A2001-44](#) amdt 1.2322  
**prev sch 1**  
 (prev sch 2) am [A1993-64](#) sch 1  
 renum as sch 1 [A2001-44](#) amdt 1.2323  
 om [A2013-40](#) s 7  
**pres sch 1**  
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 renum as sch 1 R18 LA (see [A2018-7](#) s 61)

**Kingston Harbour**

sch 2 **orig sch 2**  
 renum as sch 1  
**prev sch 2**  
 renum as sch 1  
**pres sch 2**  
 (prev sch 3) ins [A2018-7](#) s 33  
 renum as sch 2 R18 LA (see [A2018-7](#) s 61)

**Molonglo Reach**

sch 3 **orig sch 3**  
 renum as sch 2  
**pres sch 3**  
 (prev sch 4) ins [A2018-7](#) s 34  
 renum as sch 3 R18 LA (see [A2018-7](#) s 61)

**Molonglo Reach**

sch 4 renum as sch 3

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dict

ins [A2002-49](#) amdt 3.96  
am [A2008-37](#) amdt 1.262; [A2009-20](#) amdt 3.106; [A2011-22](#)  
amdt 1.269; [A2015-33](#) amdt 1.125; [A2016-52](#) amdt 110;  
[A2017-4](#) amdt 3.72; [A2018-7](#) s 35  
def **appropriate lifejacket** ins [A2018-7](#) s 36  
def **associated work** ins [A2002-49](#) amdt 3.96  
def **boat** ins [A2002-49](#) amdt 3.96  
def **boating accident** ins [A2018-7](#) s 36  
def **commercial activities** ins [A2002-49](#) amdt 3.96  
def **Commonwealth Minister** ins [A2018-7](#) s 37  
def **dairy bridge** ins [A2002-49](#) amdt 3.96  
om [A2009-20](#) amdt 3.107  
def **delegate for lakes** ins [A2002-49](#) amdt 3.96  
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def **high level** ins [A2018-7](#) s 39  
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def **Kingston Harbour** ins [A2018-7](#) s 41  
def **lake** ins [A2002-49](#) amdt 3.96  
am [A2013-40](#) s 9  
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def **lake area** ins [A2002-49](#) amdt 3.96  
def **Lake Burley Griffin** ins [A2002-49](#) amdt 3.96  
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def **Lake Ginninderra** ins [A2002-49](#) amdt 3.96  
om [A2013-40](#) s 10  
def **low level** ins [A2018-7](#) s 44  
def **marine pilot** ins [A2018-7](#) s 45  
def **Marine Safety (Domestic Commercial Vessel) National Law** ins [A2018-7](#) s 45  
def **master** ins [A2018-7](#) s 45  
def **medium level** ins [A2018-7](#) s 46  
def **Molonglo Reach** ins [A2018-7](#) s 47  
def **obstruction to navigation** ins [A2018-7](#) s 47  
def **operate** ins [A2018-7](#) s 48  
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om [A2018-7](#) s 49  
def **owner** ins [A2002-49](#) amdt 3.96  
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def **place of inspection** ins [A2018-7](#) s 51  
def **recreational boat** ins [A2018-7](#) s 51  
def **prohibited area** ins [A2002-49](#) amdt 3.96  
def **relevant period** ins [A2018-7](#) s 52  
def **required safety equipment** ins [A2018-7](#) s 53  
def **required standards** ins [A2018-7](#) s 53  
def **reviewable decision** ins [A2008-37](#) amdt 1.263  
def **RMS** ins [A2018-7](#) s 54  
def **safety investigation** ins [A2018-7](#) s 55  
def **safety investigation report** ins [A2018-7](#) s 55  
def **safety investigator** ins [A2018-7](#) s 55  
def **special level** ins [A2018-7](#) s 56  
def **sports club** ins [A2002-49](#) amdt 3.96  
sub [A2018-7](#) s 57  
def **Sylvia Curley Bridge** ins [A2009-20](#) amdt 3.109  
om [A2018-7](#) s 58  
def **under way** ins [A2002-49](#) amdt 3.96  
def **unsafe** ins [A2018-7](#) s 59  
def **visible** ins [A2002-49](#) amdt 3.96  
om [A2018-7](#) s 60

## Endnotes

### 5 Earlier republishings

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## 5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	<a href="#">A1992-1</a>	31 March 1992
2	<a href="#">A1994-97</a>	28 February 1995
3	<a href="#">A1995-46</a>	30 April 1998
4	<a href="#">A2001-44</a>	26 October 2001
5	<a href="#">A2002-11</a>	3 June 2002
6	<a href="#">A2002-46</a>	3 December 2002
7	<a href="#">A2002-49</a>	31 December 2002
8	<a href="#">A2004-15</a>	9 April 2004
9*	<a href="#">A2005-54</a>	24 November 2005
10	<a href="#">A2008-37</a>	2 February 2009
11	<a href="#">A2009-20</a>	22 September 2009
12	<a href="#">A2011-3</a>	1 March 2011
13	<a href="#">A2011-22</a>	1 July 2011
14	<a href="#">A2013-40</a>	27 January 2014
15	<a href="#">A2015-33</a>	14 October 2015
16	<a href="#">A2016-52</a>	1 September 2016
17	<a href="#">A2017-4</a>	9 March 2017

## 6 Renumbered provisions

as made by [A2018-7](#) s 61 and under the [Legislation Act 2001](#)

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