

1991
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment, Land and Planning)

Lakes (Amendment) Bill 1991

**A BILL
FOR**

An Act to amend the *Lakes Act 1976*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Lakes (Amendment) Bill 1991*.

5 Principal Act

2. In this Act, "Principal Act" means the *Lakes Act 1976*.¹

Use of power boats

3. Section 26 of the Principal Act is amended by inserting in paragraph (1) (c) "on payment of the determined fee—" before "by such".

10 Repeal

4. Sections 28 and 36 of the Principal Act are repealed.

81104/91 Job No.: 1991/51 (T104/91)

Lights to be carried on large power boats**5. Section 38 of the Principal Act is amended—**

- (a) by omitting from subsection (5) “sub-sections (2) and (3)” and substituting “subsections (3) and (4)”;
- (b) by omitting from subsection (6) “sub-sections (2) and (3)” and substituting “subsections (3) and (4)”;
- (c) by omitting from subsection (6) “sub-section (1)” and substituting “subsection (2)”.

Substitution

6. Section 39 of the Principal Act is repealed and the following sections are substituted: 10

Light to be carried by small power boat

“39. A power boat that is—

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

shall show a white light visible at a distance of 1.50 kilometres.

Lights to be carried by sailing vessels

“39A. Subsections 38 (3), (4), (5) and (6) apply in relation to a sailing vessel that is under way, or anchored, on a lake between the hours of sunset and sunrise as if that vessel were a boat to which section 38 applies.”. 20

Appeals**7. Section 51 of the Principal Act is amended—**

- (a) by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs: 25
 - “(a) making a determination under subsection 14 (2);
 - (b) refusing to approve the anchoring of a buoy or the erection of a wharf or jetty under subsection 19 (1);
 - (c) imposing conditions on an approval under subsection 19 (1); 30
 - (d) refusing to grant or renew a permit to moor a boat under section 25;
 - (e) refusing to authorise the use of a power boat under subsection 26 (1);

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- (f) imposing conditions, or varying a condition imposed, on an authority under subsection 26 (2);
 - (g) revoking an authority under subsection 26 (3);
 - (h) refusing to grant a permit to use a hovercraft under subsection 29 (1); or
 - (i) imposing conditions on the grant of a permit under subsection 29 (1).”; and
- (b) by inserting after subsection (1) the following subsections:

10 “(2) Where the Minister makes a decision referred to in subsection (1), the Minister shall, within 28 days, cause notice in writing of the decision to be given to the person whose interests are affected by the decision.

“(3) A notice under subsection (2) shall—

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- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates; and
 - (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 26 of that Act.
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“(4) The validity of a decision referred to in subsection (1) shall not be taken to be affected by a failure to comply with that subsection.”.

25 **Further amendments**

8. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 8

FURTHER AMENDMENTS

Section 6—

Insert “or her” after “his” (wherever occurring).

Section 7—

Insert “or her” after “him”.

SCHEDULE—continued**Subsection 8 (1)—**

Insert “or her” after “his”.

Subsection 8 (2)—

Insert “or she” after “he”.

Paragraph 9 (1) (a)—

Insert “or she” after “he”.

Paragraph 9 (1) (b)—

Insert “or her” after “his”.

Subsection 9 (3)—

Insert “or herself” after “himself”.

Subsection 9 (4)—

Insert “or her” after “him”.

Paragraph 10 (a)—

Insert “or her” after “his”.

Paragraph 12 (1) (a)—

Insert “or she” after “he”.

Paragraph 12 (1) (b)—

Insert “or her” after “him”.

Paragraph 12 (2) (a)—

Insert “or her” after “him”.

Paragraph 12 (2) (b)—

(a) Insert “or she” after “he”.

(b) Insert “or her” after “him”.

Subsection 12 (3)—

Insert “or her” after “him” (wherever occurring).

Section 15—

Insert “or she” after “he”.

Section 18—

Insert “or she” after “he”.

SCHEDULE—continued

Subsection 19 (1)—

(a) Insert “or her” after “him”.

(b) Insert “or she” after “he”.

Subsections 21 (4), (5), (6) and (7)—

Insert “or she” after “he”.

Subsection 21 (8)—

Insert “or her” after “his” (wherever occurring).

Subsection 22 (2)—

Insert “or her” after “him”.

Subsection 23 (2)—

Insert “or her” after “his” (wherever occurring).

Subsection 24 (2)—

Insert “, she” after “he”.

Subsection 26 (1)—

Insert “or she” after “he” (wherever occurring).

Paragraph 26 (4) (a)—

(a) Insert “or her” after “him” (wherever occurring).

(b) Insert “or her” after “his”.

Subsection 27 (3)—

Insert “or her” after “his” (wherever occurring).

Subsections 29 (1) and (2)—

Insert “or she” after “he” (wherever occurring).

Subsection 30 (2)—

Insert “or she” after “he”.

Subsection 30 (3)—

Insert “or her” after “his”.

Subsection 30 (4)—

(a) Insert “or she” after “he”.

(b) Insert “or her” after “his”.

Subsection 35 (1)—

Insert “or she” after “he”.

SCHEDULE—continued**Subsection 50 (1)—**

Insert “or she” after “he”.

Subsection 50 (2)—

(a) Insert “or her” after “him”.

(b) Insert “or her” after “his”.

Section 53—

(a) Insert “or she” after “he” (wherever occurring).

(b) Insert “or her” after “his” (wherever occurring).

NOTE

1. Ordinance No. 65, 1976 as amended by No. 4, 1978; No. 31, 1983; No. 15, 1985; No. 49, 1987; No. 67, 1988; Nos. 21 and 38, 1989; Commonwealth Act No. 74, 1981.