

1991

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

LAKES (AMENDMENT) BILL 1991

EXPLANATORY MEMORANDUM

**Circulated by Authority of the Minister for the
Environment, Land and Planning**

Bill Wood MLA

ATTACHMENT

LAKES (AMENDMENT) BILL 1991

Clauses 1 and 2 deal with formal matters.

Clause 3 amends paragraph 26(1)(c) of the Principal Act by including a fee for the use of power boats for certain purposes. Under section 5A of the Principal Act, the Minister has the power to determine fees for the purposes of the Act.

Clause 4 repeals sections 28 and 36 of the Principal Act. Section 28 provides for the issuing of water ski permits. Water skiing is also controlled through the issue of power boat permits under section 26 of the Act and therefore it is not necessary to issue separate permits for water skiing. Section 36 of the Act prohibits swimming in Central Basin of Lake Burley Griffin. Central Basin is National Land and the prohibition of swimming in that area is covered by the *Lakes Ordinance* and therefore the section is made redundant in the *Lakes Act*.

Clause 5 amends section 38 of the Principal Act to correct incorrect references to subsections within the section. Section 38 provides for the lights that are to be carried on large power boats that are on a lake during the night.

Clause 6 repeals section 39 of the Principal Act and substitutes a new section 39. The new section 39 provides for the lighting requirements of boats, other than large power boats, which are on a lake between sunrise and sunset. The new lighting requirements make the Territory consistent with other States and with international boating regulations.

Clause 7 amends section 51 of the Principal Act to allow appeals against more of the decisions that the Minister makes under the Act. Those decisions which were not previously appealable are decisions not to approve, or approve subject to conditions, the anchoring of a buoy or erection of a wharf or jetty under section 19 of the Act, a decision to refuse to grant permission to moor a boat under section 25(1) of the Act, refusing to authorise the use of a power boat or to impose or vary conditions on an authority to use a power boat under section 26, and a decision to refuse to grant, or grant subject to conditions, permission to use a hovercraft under subsection 29(1) of

the Act. Clause 7 also inserts standard provisions into section 51 of the Principal Act for the giving of notice of a decision and the right to appeal to the Administrative Appeals Tribunal.

Clause 8 and the Schedule provide for further amendments to the Act. The Schedule amends gender specific references throughout the Act so that the Act is in non sexist language.

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The *Lakes Act 1976* provides for the management of the Territory's lakes and regulates the activities which may be engaged in upon the lakes. The Commonwealth has complementary legislation in the *Lakes Ordinance 1976* for the control of Lake Burley Griffin which is classified as National Land.

The Lakes (Amendment) Bill 1991 will:

- delete the specific references to Lake Burley Griffin in the Act as the Commonwealth controls that lake under the *Lakes Ordinance*;
- provide for a fee for the use of power boats for certain purposes such as water skiing;
- remove the duplication in the issue of permits to use power boats in or on a lake and the issue of permits for water skiing on a lake;
- update the safety lighting requirements for boats moored on a lake between the hours of sunset and sunrise; and
- update the appeal provisions in the Act.

The Bill has no financial implications.

Details of the Bill are included in the Attachment.