

## AUSTRALIAN CAPITAL TERRITORY

# Lakes (Amendment) Ordinance 1992

No. 1 of 1992

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

Dated 27 February 1992

Bill Hayden  
Governor-General

By His Excellency's Command,

Wendy Fatin  
Minister of State for the Arts and Territories

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An Ordinance to amend the *Lakes Ordinance 1976*

### 1 Short title

This Ordinance may be cited as the *Lakes (Amendment) Ordinance 1992*.<sup>1</sup>

### 2 Principal Ordinance

In this Ordinance, *Principal Ordinance* means the *Lakes Ordinance 1976*.<sup>2</sup>

### 3 Closing of parts of a lake for regattas etc.

Section 22 of the Principal Ordinance is amended by adding at the end the following subsections:

- '(3) The Minister may, in an authority under subsection (2), specify the conditions, if any, to which the authority is subject.
- '(4) An authority under subsection (2) applies to the members of the association of persons to whom it is given and to all other persons to whom it is expressed to apply.'

### 4 Conduct of regattas etc.

Section 23 of the Principal Ordinance is amended by omitting paragraphs (1) (a), (b) and (c) and substituting the following paragraphs:

- (a) a member of the association; or
- (b) a person to whom the authority is expressed to apply;’.

## **5 Lake Burley Griffin**

Section 36 of the Principal Ordinance is amended by adding at the end the following subsection:

- (2) Subsection (1) does not apply to a person to whom an authority in force under subsection 22 (2) applies.’.

## **6 Lights to be carried on large power boats**

Section 38 of the Principal Ordinance is amended:

- (a) by omitting from subsection (5) ‘subsections (2) and (3)’ and substituting ‘subsections (3) and (4)’;
- (b) by omitting from subsection (6) ‘subsections (2) and (3)’ and substituting ‘subsections (3) and (4)’; and
- (c) by omitting from subsection (6) ‘subsection (1)’ and substituting ‘subsection (2)’.

## **7 Substitution**

Section 39 of the Principal Ordinance is repealed and the following sections are substituted:

### **39 Light to be carried by small power boat**

‘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.

### **39A Lights to be carried by sailing vessels**

‘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.’.

## **8 Appeals**

Section 51 of the Principal Ordinance is amended:

- (a) by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs:
  - (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);
  - (d) refusing to authorise or approve the conduct of a function under subsection 22 (2);
  - (e) imposing conditions on an authority under subsection 22 (2);
  - (f) refusing to grant or renew a permit to moor a boat under section 25;

- (g) refusing to authorise the use of a power boat under subsection 26 (1);
  - (h) imposing conditions on an authority under subsection 26 (1);
  - (i) imposing further conditions, or varying or revoking a condition imposed, on an authority under subsection 26 (2);
  - (j) revoking an authority under subsection 26 (3);
  - (k) refusing to grant a permit to use a hovercraft under subsection 29 (1); or
  - (l) imposing conditions on the grant of a permit under subsection 29 (1).’; and
- (b) by omitting subsection (2) and substituting the following subsections:
- ‘(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:
- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975* of the Commonwealth, application may be made to the Commonwealth Administrative Appeals Tribunal for review of the decision to which the notice relates; and
  - (b) except where subsection 28 (4) 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 28 of that Act.
- ‘(4) The validity of a decision referred to in subsection (1) shall not be taken to be affected by a failure to comply with subsection (3).’.\

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NOTE

<sup>1</sup> Notified in the *Commonwealth of Australia Gazette* on 11 March 1992

<sup>2</sup> Ordinance No. 65, 1976 as amended by No. 4, 1978; Act No. 74, 1981; No. 31, 1983; No. 15, 1985; No. 49, 1987; No. 67, 1988; No. 39, 1989.