



## **Australian Capital Territory National Land Amendment (Lakes) Ordinance 2018**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 21 November 2018

Peter Cosgrove  
Governor-General

By His Excellency's Command

Sussan Ley  
Assistant Minister for Regional Development and Territories  
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,  
Transport and Regional Development

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## 1 Name

This Ordinance is the *Australian Capital Territory National Land Amendment (Lakes) Ordinance 2018*.

## 2 Commencement

- (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Ordinance	The day after this Ordinance is registered.	27 November 2018

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

- (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

## 3 Authority

This Ordinance is made under the *Seat of Government (Administration) Act 1910*.

## 4 Schedules

Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

## **Schedule 1—Amendments**

### *National Land Ordinance 1989*

#### **1 Schedule (modifications of the *Lakes Ordinance 1976*)**

Repeal the modifications, substitute:

### *Lakes Ordinance 1976*

#### **Paragraph 21(8)(b)—**

Repeal the paragraph, substitute:

- (b) an Australian public servant or a Territory public servant;
- (ba) a member of the staff of an authority established for a public purpose by or under a Territory Act or a law of the Commonwealth;

#### **At the end of section 22—**

Add:

- (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.

#### **Paragraphs 23(1)(a), (b) and (c)—**

Repeal the paragraphs, substitute:

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

#### **Paragraph 23(2)(b)—**

Repeal the paragraph, substitute:

- (b) an Australian public servant or a Territory public servant;
- (ba) a member of the staff of an authority established for a public purpose by or under a Territory Act or a law of the Commonwealth;

#### **Paragraph 27(3)(b)—**

Repeal the paragraph, substitute:

- (b) an Australian public servant or a Territory public servant;
- (ba) a member of the staff of an authority established for a public purpose by or under a Territory Act or a law of the Commonwealth;

#### **Section 36—**

Omit “A person”, substitute “(1) A person”.

#### **At the end of section 36—**

Add:

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

**Subsection 38(5)—**

Omit “sub-sections (2) and (3)”, substitute “subsections (3) and (4)”.

**Subsection 38(6)—**

Omit “sub-sections (2) and (3)”, substitute “subsections (3) and (4)”.

**Subsection 38(6)—**

Omit “sub-section (1)”, substitute “subsection (2)”.

**Section 39—**

Repeal the section, substitute:

**39 Light to be carried by small power boats**

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; must show a white light visible at a distance of 1.50 kilometres.

**39A Light 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.

**Section 51—**

Repeal the section, substitute:

**51 Appeals**

- (1) Applications may be made to the Administrative Appeals Tribunal (the *Tribunal*) established by the *Administrative Appeals Tribunal Act 1975* of the Commonwealth for a review of the following decisions of the Minister:
  - (a) making a determination under subsection 14(2) in relation to compensation for damage to land;
  - (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);
  - (l) imposing conditions on the grant of a permit under subsection 29(1).
- (2) Where the Minister makes a decision referred to in subsection (1), the Minister must, 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) must:
- (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 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 of reasons pursuant to section 28 of that Act.
- (4) The validity of a decision referred to in subsection (1) is not taken to be affected by a failure to comply with subsection (3).



## **Schedule 2—Repeals**

### ***Lakes (Amendment) Ordinance 1992***

#### **1 The whole of the Ordinance**

Repeal the Ordinance.