

No. 37 of 1973

AN ORDINANCE

To make Temporary Provisions in relation to the Control and Use of Lake Ginninderra.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this thirtieth day of August, 1973.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

KEP ENDERBY
Minister of State for the Capital Territory.

LAKE GINNINDERRA (TEMPORARY CONTROL) ORDINANCE 1973

1. This Ordinance may be cited as the *Lake Ginninderra (Temporary Control) Ordinance 1973*.* Short title.
2. (1) In this Ordinance, unless the contrary intention appears— Interpretation.
 - “boat” includes launch, yacht, canoe, raft, pontoon and any other thing capable of carrying persons or goods through or on water;
 - “owner”, in relation to land, includes any person having an estate or interest in that land;
 - “the Lake” means Lake Ginninderra.(2) For the purposes of this Ordinance, Lake Ginninderra is that part of the Canberra City District described in the Schedule.
3. (1) The right to the use and flow and to the control of the water in the Lake and of the waters of all rivers, streams and creeks flowing into the Lake is vested in the Commonwealth. Right to use, &c., of water in the Lake, &c., vested in the Commonwealth.
 - (2) Sub-section (1) does not affect the rights of an owner of land held from the Commonwealth under a lease for a term greater than twenty years, being land through which a river, stream or creek that flows into the Lake passes.

* Notified in the *Australian Government Gazette* on 6 September 1973.

Alterations
in water
level, &c.

4. (1) For the purpose of the construction, testing and maintenance of the Lake and associated works, the Minister may authorize—

- (a) a raising or lowering, by any means, of the level of water in the Lake;
- (b) stopping the flow, or reducing the rate of flow, of water from the Lake; or
- (c) the flow, or an increase in the rate of flow, of water from the Lake.

(2) The Minister shall cause such action to be taken as is necessary to minimize detriment, inconvenience and damage that may result from the doing of an act authorized under sub-section (1).

Compensa-
tion for
damage.

5. (1) Where land is injuriously affected by the doing of an act authorized by the Minister under sub-section 4 (1), the owner of the land—

- (a) shall be paid compensation by the Commonwealth; and
- (b) is not entitled to any other remedy or relief,

in respect of the injurious affection to the land.

(2) Compensation referred to in sub-section (1) shall be determined by agreement between the owner and the Minister or, in the absence of agreement, by action by the owner against the Commonwealth.

(3) This section does not exclude or limit any liability of the Commonwealth or a person apart from this section in respect of a matter in relation to which compensation is not payable under this section.

Prohibition
on use of
the Lake.

6. A person shall not, without the written consent of the Minister and except in accordance with such conditions, if any, as the Minister, in his discretion, imposes—

- (a) enter or be in or on the water in the Lake;
- (b) enter or be upon the land that forms the Lake;
- (c) launch, use, moor, or be in, a boat in or on the water in the Lake;
- (d) drive, use, or be in or on, a vehicle in or on the water in the Lake or on the land that forms the bed of the Lake;
- (e) fish in the water of the Lake; or
- (f) deposit in or on, or discharge into or on to, the water in the Lake any thing.

Penalty: Fifty dollars.

Exemption
of
contractors,
workmen,
&c.

7. Section 6 does not apply to—

- (a) a person concerned in, or employed or engaged in or in connexion with, the construction, testing or maintenance of the Lake or an associated work;
- (b) a person employed in the Public Service of the Commonwealth;

(c) a member of the Police Force; or

(d) a person authorized by the Minister,

who does an act referred to in that section in the execution of his duty or the terms of his employment or engagement.

8. A person shall not pollute the water or any part of the water in the Lake or in a river, stream or creek that flows into the Lake. Pollution of
the Lake,
&c.

Penalty: Two hundred dollars.

THE SCHEDULE

Section 2

LAKE GINNINDERRA

All that land in the Australian Capital Territory comprising the area containing the whole of Lake Ginninderra in the Canberra City District: commencing at a point which bears 154 degrees 48 minutes 40 seconds 9,249 feet from Rogers Trigonometrical Station being the approximate eastern extremity of the Lake Ginninderra retaining wall and bounded thence generally on the northeast by the 1,910 feet contour generally southeasterly to a point which bears 159 degrees 15 minutes 50 seconds 12,821 feet from Rogers Trigonometrical Station aforesaid thence generally on the northwest by the 1,910 feet contour generally northeasterly to a point which bears 114 degrees 50 minutes 9,740 feet from Rogers Trigonometrical Station aforesaid thence generally on the southeast by the 1,910 feet contour generally southwesterly to a point which bears 161 degrees 32 minutes 15,594 feet from Rogers Trigonometrical Station aforesaid thence generally on the south by the 1,910 feet contour generally westerly to a point which bears 167 degrees 43 minutes 30 seconds 15,239 feet from Rogers Trigonometrical Station aforesaid thence generally on the west by the 1,910 feet contour generally northerly to a point which bears 162 degrees 25 minutes 40 seconds 8,644 feet from Rogers Trigonometrical Station aforesaid thence on the northeast by a line which bears 95 degrees 33 minutes 10 seconds 1,333 feet to the point of commencement.