

# AUSTRALIAN CAPITAL TERRITORY

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## Lakes (Amendment) Ordinance 1987

No. 49 of 1987

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 13 September 1987.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

JOHN BROWN  
Minister of State for the Arts, Sport,  
the Environment, Tourism and Territories

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An Ordinance to amend the *Lakes Ordinance 1976*

### Short title

1. This Ordinance may be cited as the *Lakes (Amendment) Ordinance 1987*.<sup>1</sup>

### Principal Ordinance

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

### Interpretation

3. Section 4 of the Principal Ordinance is amended by inserting after the definition of "closed area" the following definition:

“ ‘commercial activities’ means:

(Ord. 53/87)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

- (a) selling, or offering for sale, food, drink or other articles or goods;
- (b) letting, or offering to let, on hire bicycles, boats or other articles;
- (c) carrying, or offering to carry, passengers, articles or goods in or on a boat for fee or reward;
- (d) carrying, or offering to carry, passengers, articles or goods in or on a horse-drawn vehicle;
- (e) carrying on the business of boat repair; or
- (f) undertaking such other activities as are prescribed for the purposes of this definition;”.

**Prohibitions relating to swimming etc.**

4. Section 17 of the Principal Ordinance is amended by omitting the penalty set out at the foot of the section and substituting the following penalty:

“Penalty: \$500.”.

**Use of power boats**

5. Section 26 of the Principal Ordinance is amended:

- (a) by omitting paragraph (1) (a);
- (b) by omitting from subsection (2) “holder of the licence,”;
- (c) by omitting from subsection (3) “the holder of a licence, sports club,” and substituting “a sports club”;
- (d) by omitting from subsection (3) “holder of the licence,”; and
- (e) by omitting from paragraph (4) (a) “the holder of a licence or”.

6. Section 34 of the Principal Ordinance is repealed and the following sections are substituted:

**Agreements for use of lake areas**

“33. The Minister may, on behalf of the Commonwealth, enter into agreements with persons with respect to the undertaking of commercial activities by those persons within a lake area.

### **Selling or hiring of goods etc.**

“34. A person shall not undertake a commercial activity within a lake area except in accordance with an agreement referred to in section 33.

Penalty:

- (a) in the case of a natural person—\$500; and
- (b) in the case of a body corporate—\$2,500.”.

### **Emergency lights**

7. Section 40 of the Principal Ordinance is amended by omitting “not exceeding \$40” and substituting:

“not exceeding:

- (c) in the case of a natural person—\$500; and
- (d) in the case of a body corporate—\$2,500.”.

### **Navigation of boat while intoxicated**

8. Section 50 of the Principal Ordinance is amended by omitting the penalty set out at the foot of subsection (1) and substituting the following penalty:

“Penalty: \$500.”.

### **Appeals**

9. Section 51 of the Principal Ordinance is amended:

- (a) by adding at the end of paragraph (1) (a) “or”;
- (b) by omitting from paragraph (1) (b) “or”; and
- (c) by omitting paragraph (1) (c).

10. After section 51 of the Principal Ordinance the following section is inserted:

### **Conduct by directors, servants or agents**

“51A. (1) Where, in proceedings for an offence against this Ordinance in respect of any conduct engaged in by a body corporate, it is necessary to establish the state of mind of the body corporate, it is sufficient to show that a director, servant or agent of the body corporate, being a director, servant or agent by whom the conduct was engaged in within the scope of his or her actual or apparent authority, had that state of mind.

“(2) Any conduct engaged in on behalf of a body corporate:

- (a) by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; or
- (b) by any other person at the direction or with the consent or agreement (whether express or implied) of a director, servant or agent of the body corporate, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, servant or agent;

shall be deemed, for the purposes of this Ordinance, to have been engaged in also by the body corporate.

“(3) A reference in subsection (1) to the state of mind of a person includes a reference to the knowledge, intention, opinion, belief or purpose of the person and the person’s reasons for his or her intention, opinion, belief or purpose.”.

### **Further amendments**

**11.** The Principal Ordinance is amended as set out in the Schedule.

### **Transitional**

**12. (1)** A licence granted under section 34 of the *Lakes Ordinance 1976*, being a licence in force immediately before the commencement of this Ordinance, shall, subject to the Principal Ordinance as amended by this Ordinance, continue in force and shall have effect according to its tenor for the period for which it would have remained in force had this Ordinance not been made and, during that period, for the purposes of section 34 of the Principal Ordinance as amended by this Ordinance, the licence shall be deemed to be an agreement referred to in section 33 of the Principal Ordinance as so amended.

**(2)** Notwithstanding the repeal of section 34 of the Principal Ordinance, subsection 34 (5) and section 51 of the Principal Ordinance shall continue to apply in relation to a licence continued in force pursuant to subsection (1).

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## **SCHEDULE**

Section 11

### **FURTHER AMENDMENTS**

1. The Principal Ordinance is amended by omitting the penalty set out at the foot of the following provisions:

Sections 10, 27, 29 and 48

and substituting the following:

“Penalty:

- (a) in the case of a natural person—\$1,000 or 6 months imprisonment, or both; and
- (b) in the case of a body corporate—\$5,000.”.

2. The Principal Ordinance is amended by omitting the penalty set out at the foot of the following provisions:

Sections 12, 16 and 18, subsections 19 (2) and (3), section 20, subsections 21 (5) and (6), sections 23, 24, 25, 31, 32, 36 and 49

and substituting the following:

“Penalty:

- (a) in the case of a natural person—\$500; and
- (b) in the case of a body corporate—\$2,500.”.

#### **NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 16 September 1987.
2. No. 65, 1976 as amended by No. 4, 1978; Act No. 74, 1981; No. 31, 1983; No. 15, 1985.