

2002

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

LAKES AMENDMENT BILL 2002

EXPLANATORY STATEMENT

Circulated by authority of

Bill Wood MLA
Minister for Urban Services

EXPLANATORY MEMORANDUM

Background and Outline

This Bill amends the Lakes Act 1976. The amendments will allow the Minister to recognise and accredit interstate powerboat licence holders as being able to use the Molonglo Reach without having to apply for a further authorisation (licence) within the ACT. The Bill also reflects amendments to the Environment Protection Act 1997 changing the name of the Environment Management Authority to Environment Protection Authority.

Lakes Amendment Bill 2002

Clause 1 Name of the Act

This is a formal requirement and deals with the short title of the Bill

Clause 2 Commencement

This is a formal requirement and deals with the commencement provisions.

Clause 3 Act amended

This Act amends the Lakes Act 1976.

Clause 4 Alterations in water levels etc section 13(3)

This omits the name environment management authority and substitutes it with the name environment protection authority to reflect amendments made to the Environment Protection Act 1997.

Clause 5 this inserts a new section 25A

Use of powerboats-interstate licence holders. Section 25A (1) applies to a person who holds a licence or permit under the law of a State that authorises the person to use a powerboat. Section 25A(2) allows the Minister to recognise and accredit interstate powerboat licence holders as being able to use the Molonglo Reach, without having to apply for a further authorisation (licence). It allows the Minister to attach conditions of use in writing, such as, powerboats registered interstate, the use of the ACT booking system and the appropriate safety requirements. Section 25A(3) makes any conditions determined in writing by the Minister (a determination) a notifiable instrument.

Clause 6 section 26, heading

This substitutes the current heading with Use of powerboats –other people. This is required now that there is a new separate class of people in section 25A use of powerboats –interstate licence holders.

Clause 7 restriction on use of power boats section 27(2)(a)

This substitutes new wording for a defence to a prosecution for an offence against section 27(1) or (1A).

It covers those interstate powerboat licence holders now authorised under the new section 25A (2). And reads it is a defence to a prosecution for an offence against

subsection (1) or (1A) if the defendant satisfies the court that at the time of the offence the use of the powerboat in or on the lake was authorised under section 25A(2) or under section 26(1).