



Australian Capital Territory

Lakes Regulation 2019

Subordinate Law SL2019-8

The Australian Capital Territory Executive makes the following regulation under the *Lakes Act 1976*.

Dated 16 April 2019.

MICK GENTLEMAN
Minister

CHRIS STEEL
Minister



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made under the

[Lakes Act 1976](#)

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J2017-336

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Lakes Regulation 2019*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation.

For example, the signpost definition '*visibility is restricted*—see section 46.' means that the term 'visibility is restricted' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 **Required number of lifejackets,
required safety equipment and
required standards—Act,
s 47 (1) (a) and s 50**

Division 2.1 **Definitions—pt 2**

6 **Definitions—pt 2**

In this part:

accompanied sailing boat—

- (a) means a boat—
 - (i) with a sail engaged in a training session organised by a sports club or school; and
 - (ii) accompanied by a power-driven boat capable of being used for rescue purposes; but
- (b) does not include a boat while it is being propelled by mechanical power.

dragon boat operating requirements means the following:

- (a) operating the dragon boat within 200m of the shore;
- (b) operating the dragon boat in weather or water conditions that are not, and are not predicted to become, unsuitable for boating;
- (c) operating the dragon boat when each person on board has undergone a safety drill in relation to the possible emergencies arising on the boat;
- (d) if the boat is operating in a channel—operating the dragon boat on the starboard side (bowside) of the channel and not in the middle of the channel;

- (e) if the boat is operating at night or when visibility is restricted—operating the dragon boat with lights that meet the requirements mentioned—
- (i) if the boat is 4m or more in length—section 51 (1) (a) (iii); and
- (ii) if the boat is under 4m in length—section 51 (3) (b).

off-the-shore boat—

- (a) means a sailing boat; but
- (b) does not include the following:
- (i) a boat that is ballasted;
- (ii) a boat that has a cabin or fixed keel;
- (iii) a boat that has an engine;
- (iv) a sailboard.

Examples—par (a)

- catamaran
- hobie cat
- laser
- skiff

small boat—

- (a) means a dinghy, row boat or inflatable boat that is—
- (i) less than 3m in length; and
- (ii) built so as to float if swamped or capsized; but
- (b) does not include a tender or a boat carrying an engine or fuel.

small tender means a tender less than 3m in length operating within 200m of the shore.

tender means a boat that is less than 7.5m in length that—

- (a) only transports goods or people; and
- (b) only operates between—
 - (i) its parent boat and the shore; or
 - (ii) its parent boat and another boat; and
- (c) only operates within 1 nautical mile from its parent boat.

Division 2.2 **Required number of lifejackets for recreational boats—Act, s 47 (1) (a)**

7 **Required number of lifejackets for recreational boats—Act, s 47 (1) (a)**

The prescribed number of lifejackets for a recreational boat listed in an item in table 7, column 2 is the number in the item, column 3.

Note *Recreational boat* is defined in the [Act](#), dictionary. For the [Act](#), s 47 (and this section) *recreational boat* does not include a canoe, kayak, kiteboard, paddleboard, sailboard or surfboard (see [Act](#), s 47 (4)).

Table 7 **Required number of lifejackets for boats**

column 1 item	column 2 type of recreational boat	column 3 number of lifejackets for each person on the boat
1	dragon boat that meets the dragon boat operating requirements and is carrying the safety equipment stated in table 9, item 2, column 3, paragraph (b) <i>Note</i> <i>Dragon boat operating requirements</i> —see s 6.	0
2	rowing shell	0

Part 2 Required number of lifejackets, required safety equipment and required standards—Act, s 47 (1) (a) and s 50

Division 2.3 Required safety equipment—Act, s 50

Section 8

column 1 item	column 2 type of recreational boat	column 3 number of lifejackets for each person on the boat
3	recreational boat (other than a boat listed in items 1 and 2) Examples <ul style="list-style-type: none">• a dragon boat that is operating when a person on board has not participated in an appropriate safety drill• a dragon boat that is not carrying the safety equipment stated in table 9, item 2, column 3, paragraph (b)	1

Division 2.3 Required safety equipment—Act, s 50

8 Meaning of *general requirement*—div 2.3

In this division:

general requirement, for a recreational boat, means the following equipment:

(a) a sound signal;

Examples

- an airhorn
- a bell
- a whistle

(b) a waterproof torch;

(c) if the boat has an electric start motor, a gas installation, a fuel stove or battery—1 or more fire extinguishers as is required given the potential sources of fire and the size of the boat;

(d) if the boat has a covered bilge or a closed under-floor compartment that is not an airtight void space—1 or more bilge pumps as is required to drain each compartment;

- (e) if the boat is less than 6m in length and only has 1 independent means of propulsion—at least 1 paddle or a pair of oars with rowlocks;

Example—1 independent means of propulsion

1 or more sails on a boat

- (f) if the boat is not a sailing boat less than 6m in length—an anchor with a chain or line;
- (g) if the boat is not a sailing boat with a permanently enclosed self-draining hull or a boat required to carry a bilge pump under paragraph (d)—a bailer, bucket or fire bucket.

9 Required safety equipment—Act, s 50

The prescribed safety equipment for a boat listed in an item in table 9, column 2 is the safety equipment in the item, column 3.

Note **Recreational boat** is defined in the [Act](#), dictionary. For the [Act](#), s 50 (and this section) **recreational boat** does not include a canoe, kayak, kiteboard, paddleboard, sailboard or surfboard (see [Act](#), s 50).

Table 9 Required safety equipment

column 1 item	column 2 type of recreational boat	column 3 prescribed safety equipment
1	small tender	(a) general requirement; or (b) the following equipment: <ul style="list-style-type: none">• a paddle or a pair of oars with rowlocks• a bailer, bucket or bilge pump• if the boat is operating at night—a waterproof torch

Part 2 Required number of lifejackets, required safety equipment and required standards—Act, s 47 (1) (a) and s 50

Division 2.3 Required safety equipment—Act, s 50

Section 9

column 1 item	column 2 type of recreational boat	column 3 prescribed safety equipment
2	dragon boat that meets the dragon boat operating requirements <i>Note</i> Dragon boat operating requirements —see s 6.	(a) general requirement; or (b) the following safety equipment: <ul style="list-style-type: none">• a bailer or bucket• a rope at least 25m in length and 12mm in diameter, that is of the type known as “silver rope” and is securely attached to the boat for towing• if the boat is operating at night—flares, or a mobile telephone, in a waterproof container
3	(a) accompanied sailing boat; or (b) small boat operating in daylight within 200m of the shore; or (c) off-the-shore boat that does not have sufficient storage to carry safety equipment; or (d) rowing shell	nil
4	recreational boat (other than a boat listed in items 1 to 3) Examples <ul style="list-style-type: none">• a small boat operating at night or more than 200m from the shore• a dragon boat that is operating when a person on board has not participated in an appropriate safety drill	general requirement

Division 2.4 Required standards—Act, s 50

Note The required safety equipment prescribed in div 2.3 must meet the required standards prescribed in this division (see [Act](#), s 51).

10 Anchors with chain or line

- (1) An anchor with a chain or line must be suitable for the purpose of securing the boat on which it is carried.

Example

suitability may depend on the boat's size, weight and area of operation

- (2) The chain or line must be—
 - (a) of sufficient strength and durability for the purpose; and
 - (b) securely attached to both the anchor and the boat.

11 Bailers

- (1) A bailer must—
 - (a) be suitable for bailing water from the boat on which it is carried; and
 - (b) not be used for any other purpose; and
 - (c) have a lanyard or rope attached to it.
- (2) The lanyard or rope must be—
 - (a) securely attached to the bailer; and
 - (b) of a length that will allow the bailer to be cast over the side of the boat and retrieved.

12 Buckets and fire buckets

- (1) A bucket, or fire bucket, must—
 - (a) be suitable for both bailing water from the boat on which it is carried and collecting water for use in case of fire; and

Part 2 Required number of lifejackets, required safety equipment and required standards—Act, s 47 (1) (a) and s 50
Division 2.4 Required standards—Act, s 50

Section 13

- (b) not be used for any other purpose; and
 - (c) be manufactured from metal or a robust plastic or robust canvas; and
 - (d) be designed so as not to collapse, distort or lose the handle when full of water; and
 - (e) have a lanyard or rope attached to it.
- (2) The lanyard or rope must be of a length that will allow the bucket or fire bucket to be cast over the side of the boat and retrieved full of water.

13 Bilge pumps

- (1) A bilge pump must—
- (a) be capable of draining each compartment of the boat on which it is carried; and
 - (b) have a suction pipe that is fitted with a strainer of sufficiently small mesh size to prevent choking of the pump.
- (2) A bilge pump may be either manual or power operated.

14 Fire extinguishers

- (1) A fire extinguisher must be designed and manufactured in accordance with an Australian standard specific for portable fire extinguishers.
- (2) If fuel is carried on a boat, a fire extinguisher on the boat must be of a type suitable for the fuel as stated in Australian Standard 1799.1-2009 (Small craft—General requirements for power boats) as in force from time to time.

Note AS 1799.1-2009 does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Lakes Act 1976](#), s 122 (3) and [Legislation Act](#), s 47 (7)). The standard may be purchased at www.standards.org.au.

15 Paddles and oars

- (1) A paddle must be capable of being used to row the boat on which the paddle is carried.
- (2) A pair of oars must be capable of being used to row the boat on which the oars are carried.

16 Waterproof torches

A waterproof torch must be a water resistant, floating type torch that is—

- (a) in operational order; and
- (b) capable of being used to signal.

Part 3 Boat registration

17 Application—pt 3

This part does not apply to a person operating a domestic commercial vessel.

Note The *Marine Safety (Domestic Commercial Vessel) National Law*, pt 4 applies certain requirements for a domestic commercial vessel operating on a lake.

18 Operating unregistered boat

- (1) A person commits an offence if—
 - (a) the person operates a power boat on a lake; and
 - (b) the boat is not—
 - (i) registered under a law of a State; or
 - (ii) exempt from registration under a law of a State.

Maximum penalty: 30 penalty units.

Note *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

- (2) An offence against this section is a strict liability offence.

19 Breaching condition of registration

- (1) A person commits an offence if—
 - (a) a person operates a boat on a lake; and
 - (b) the boat is registered under a law of a State that allows the boat to be operated in the State; and
 - (c) the operation of the boat breaches a condition of its registration.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

Part 4 Safe operation of boats

20 Speed limit when people under 18 years old

- (1) A person commits an offence if—
 - (a) the person operates a boat on a lake; and
 - (b) the boat is operated at a speed of more than 60 knots; and
 - (c) a person under the age of 18 years is on the boat.

Maximum penalty: 30 penalty units.

- (2) An offence against this section is a strict liability offence.

21 Exceeding power rating for boats

- (1) A person commits an offence if—
 - (a) the person operates a boat on a lake; and
 - (b) the boat is powered by a motor that exceeds the appropriate power rating for the boat.

Maximum penalty: 30 penalty units.

- (2) An offence against this section is a strict liability offence.

- (3) In this section:

appropriate power rating, for a boat, means—

- (a) the power rating stated for the boat by the manufacturer; or

(b) if no power rating is stated for the boat by the manufacturer, or the power rating is not apparent—

(i) for a boat with an outboard motor—the maximum power capacity calculated in accordance with Australian Standard 1799.1-2009 (Small craft—General requirements for power boats), section 2.6 as in force from time to time; or

Note AS 1799.1-2009 does not need to be notified under the [Legislation Act](#) because s 47 (6) does not apply (see [Lakes Act 1976](#), s 122 (3) and [Legislation Act](#), s 47 (7)). The standard may be purchased at www.standards.org.au.

(ii) in any other case—the power rating (if any) approved by RMS for boats of that kind from time to time.

Note RMS approves power ratings under the [Marine Safety Regulation 2016](#) (NSW).

22 Operating power boats near swimming areas

(1) A person commits an offence if the person operates a power boat in a swimming area or within 60m from a swimming area.

Maximum penalty: 30 penalty units.

(2) An offence against this section is a strict liability offence.

(3) This section does not apply to a person if the person operates a power boat in a swimming area, or within 60m from a swimming area, to undertake works or maintenance for the Territory.

(4) In this section:

swimming area means an area specified as a swimming area under the [Act](#), section 14 (a) (iv).

Note A swimming area is specified on a sign placed in the area (see [Act](#), s 14 (a) (iv)).

23 Minimum distance requirements

- (1) A person commits an offence if—
- (a) the person operates a boat on a lake at a speed of 10 knots or more; and
 - (b) the boat is less than 60m from—
 - (i) a person on or in the lake; or
 - (ii) another boat (other than a power boat or a boat that is moored or anchored).

Maximum penalty: 30 penalty units.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that—
- (a) it was not possible for the boat to be 60m or more from the person or other boat; and

Example

The land in all navigable directions was less than 60m from the person or other boat.

- (b) the defendant operated the boat at a safe distance from—
 - (i) the person; or
 - (ii) the other boat.
- (3) A person commits an offence if—
- (a) the person operates a boat on a lake at a speed of 10 knots or more; and
 - (b) the boat is less than 30m from—
 - (i) a power boat; or
 - (ii) a boat that is moored or anchored.

Maximum penalty: 20 penalty units.

- (4) A person commits an offence if—
- (a) the person operates a boat on a lake at a speed of 10 knots or more; and
 - (b) the boat is less than 30m from any land, structure or other thing.

Maximum penalty: 20 penalty units.

Examples—structure or other thing

- diving platform
- fountain
- pontoon

- (5) It is a defence to a prosecution for an offence against subsection (3) or (4) if the defendant proves that—

- (a) it was not possible for the boat to be 30m or more from the other boat, land, structure, or other thing; and

Example

The land in all navigable directions was less than 30m from the other boat.

- (b) the defendant operated the boat at a safe distance from the other boat, land, structure, or other thing.

- (6) In this section:

safe distance means, when taking into account all relevant safety factors including the weather, visibility, and speed—

- (a) for subsection (2) (b) (i)—a distance at which the boat could not cause danger or injury to the person; and
- (b) for subsection (2) (b) (ii) or (5)—a distance at which the boat could not cause damage to the other boat, land, structure, or other thing.

24 Dangerous operation of boats

A person commits an offence if—

- (a) the person operates a boat on a lake; and
- (b) the operation of the boat is—
 - (i) at a speed that is dangerous to the public; or
 - (ii) dangerous to the public in any other way.

Maximum penalty: 30 penalty units.

25 Unsafe towing or pushing of boats or objects

(1) A person commits an offence if—

- (a) the person operates a boat on a lake; and
- (b) the boat is towing or pushing—
 - (i) another boat; or
 - (ii) an object; and
- (c) the other boat or object is not safely secured to the boat.

Maximum penalty: 30 penalty units.

(2) A person commits an offence if—

- (a) the person operates a boat on a lake; and
- (b) the boat is towing or pushing—
 - (i) another boat; or
 - (ii) an object; and
- (c) the visibility from the boat is obscured by the other boat or object.

Maximum penalty: 30 penalty units.

- (3) A person commits an offence if—
- (a) the person operates a boat on a lake; and
 - (b) the boat is towing or pushing—
 - (i) another boat (other than a tender); or
 - (ii) an object; and
 - (c) there is no other person in the boat or otherwise, and in a position to observe, giving safety instructions to the person operating the boat.

Maximum penalty: 30 penalty units.

26 Unsafe loading of boats

- (1) A person commits an offence if the person—
- (a) operates a boat on a lake; and
 - (b) fails to comply with a safe loading requirement that applies to the boat under a law of the State where the boat is registered.

Note A power boat operated in the ACT must be registered under the law of another State or exempt from registration (see s 18).

Maximum penalty: 30 penalty units.

- (2) Subsection (1) does not apply for a boat if the boat is any of the following:
- (a) a boat used solely for racing or competition;
 - (b) a boat that is propelled by oars or paddles and that does not have an engine;
 - (c) a sailing boat with or without an engine;
 - (d) a domestic commercial vessel operated in accordance with a certificate of survey in force under the *Marine Safety (Domestic Commercial Vessel) National Law*.

(3) In this section:

safe loading requirement—

- (a) means a requirement about the maximum number of people or maximum weight of people and equipment that a boat may carry; and
- (b) includes a requirement to display a label on a boat about the maximum number of people that the boat may carry.

Part 5 Right of way rules

Note 1 An inspector may issue a direction to a person that the rules under this part must be followed. Failing to comply with a direction is an offence (see [Act](#), s 54).

Note 2 A breach of a rule under this part may be dangerous to the public and could constitute an offence under this regulation (see s 24).

27 Keeping out of the way

- (1) This section applies if a boat is required under this part to keep out of the way of another boat.
- (2) As far as is practicable, the boat must not cross ahead of the other boat.
- (3) If the boat is a power boat, it must slow down, stop or reverse if necessary to avoid colliding with the other boat.

28 Keeping course

- (1) This section applies if a boat is required under this part to keep its course.
- (2) The boat must keep its course and speed unless this could cause the boat to collide with another boat.

29 Sailing boats

- (1) This section applies if a sailing boat is approaching another sailing boat on a lake.
- (2) If a boat is close-hauled on the port tack and another boat is close-hauled on the starboard tack—
 - (a) the boat that is close-hauled on the port tack must keep out of the way of the other boat; and
 - (b) the other boat must keep its course.

- (3) If a boat is running free with the wind on one side and another boat is running free with the wind on the opposite side—
 - (a) the boat that has the wind on the port side must keep out of the way of the other boat; and
 - (b) the other boat must keep its course.
- (4) If a boat is running free with the wind on one side and another boat is running free with the wind on the same side—
 - (a) the boat that is to windward must keep out of the way of the boat that is to leeward; and
 - (b) the boat that is to leeward must keep its course.

30 Power boats

- (1) If a power boat is approaching another power boat on a lake, each power boat must alter course to the starboard side so that each boat passes on the port side of the other boat.
- (2) If 2 power boats are crossing—
 - (a) the boat with the other boat on its own starboard side must keep out of the way of the other boat; and
 - (b) the other boat must keep its course.

31 Power boats and sailing boats

- (1) This section applies if a power boat and a sailing boat are approaching one another on a lake.
- (2) The power boat must keep out of the way of the sailing boat.
- (3) The sailing boat must keep its course.

32 Rowing boats and sailing boats

- (1) This section applies if a rowing boat and a sailing boat are approaching one another on a lake.
- (2) The rowing boat must keep out of the way of the sailing boat.
- (3) The sailing boat must keep its course.

33 Overtaking boats

- (1) A boat that is overtaking another boat must keep out of the way of the other boat and the other boat must keep its course.
- (2) In this section:
overtaking—a boat is *overtaking* another boat if it is moving toward the other boat from a direction abaft the other boat's beam of more than 22.5 degrees.

34 Navigating channels

- (1) This section applies if a channel or fairway is shown on a lake by bearings, buoys or other means (the *markings*).
- (2) A boat must not exit the channel or fairway other than as shown by the markings.

35 Exception to rules—boat races

This part does not apply to a boat taking part in a boat race in relation to another boat taking part in the race, to the extent that it conflicts with a rule approved for the race by the entity controlling the race.

Part 6 Conduct of people

36 Dangerous conduct

A person commits an offence if—

- (a) the person is on a boat on a lake; and
- (b) the person does something that is dangerous to the public.

Maximum penalty: 30 penalty units.

37 Conduct on power boats

(1) A person commits an offence if—

- (a) the person operates a power boat on a lake; and
- (b) the power boat is being propelled by its engine; and
- (c) a person on the power boat extends a part of their body outside the perimeter of the boat.

Maximum penalty: 20 penalty units.

(2) A person commits an offence if—

- (a) the person is on a power boat on a lake; and
- (b) the power boat is being propelled by its engine; and
- (c) the person extends a part of their body outside the perimeter of the boat.

Maximum penalty: 20 penalty units.

(3) A person commits an offence if—

- (a) the person operates a power boat on a lake; and
- (b) the power boat is being propelled by its engine; and

- (c) a person is on the bow of the power boat in a position that puts them at an increased risk of falling overboard.

Maximum penalty: 20 penalty units.

- (4) A person commits an offence if—
 - (a) the person is on the bow of a power boat on a lake in a position that puts them at an increased risk of falling overboard; and
 - (b) the power boat is being propelled by its engine.

Maximum penalty: 20 penalty units.

- (5) A person commits an offence if—
 - (a) the person operates a power boat on a lake; and
 - (b) the power boat is being propelled by its engine; and
 - (c) a person is on, or is hanging onto, a swim ladder, swim platform or transom attached to the power boat.

Maximum penalty: 20 penalty units.

- (6) A person commits an offence if—
 - (a) the person is on, or is hanging onto, a swim ladder, swim platform or transom attached to a power boat on a lake; and
 - (b) the power boat is being propelled by its engine.

Maximum penalty: 20 penalty units.

- (7) Subsections (1) to (6) do not apply to a person who is—
 - (a) anchoring, mooring or casting off; or
 - (b) fishing while anchored, moored, or drifting; or
 - (c) involved in an activity relating to securing the safety of a person or property.

Note The defendant has an evidential burden in relation to the matters mentioned in this section (see [Criminal Code](#), s 58).

(8) An offence against this section (other than subsections (3) and (4)) is a strict liability offence.

(9) In this section:

power boat does not include a personal watercraft.

38 Passengers on domestic commercial vessels

(1) A person commits an offence if the person—

- (a) is a passenger on a domestic commercial vessel on a lake; and
- (b) obstructs someone engaged in the navigation or operation of the vessel.

Maximum penalty: 30 penalty units.

(2) A person commits an offence if the person—

- (a) is a passenger on a domestic commercial vessel on a lake; and
- (b) damages a part of the vessel or equipment on the vessel.

Maximum penalty: 30 penalty units.

(3) A person commits an offence if the person—

- (a) is a passenger on a domestic commercial vessel on a lake; and
- (b) uses a part of the vessel or equipment on the vessel for a purpose for which it was not intended.

Maximum penalty: 30 penalty units.

(4) A person commits an offence if the person—

- (a) is a passenger on a domestic commercial vessel on a lake; and
- (b) removes, damages, or defaces—
 - (i) a sign or notice on the vessel that relates to the vessel's safe and proper use; or

(ii) a survey plate.

Maximum penalty: 30 penalty units.

(5) A person commits an offence if the person—

- (a) is a passenger on a domestic commercial vessel on a lake; and
- (b) is in or on a prohibited part of the vessel.

Maximum penalty: 30 penalty units.

(6) In this section:

prohibited part, of a vessel, means—

- (a) a roof, awning or mast on the vessel; or
- (b) a part of the vessel for which there is a notice displayed at the entry to the part that prohibits a passenger's entry to the part of the vessel.

survey plate, for a boat, means a plate fixed to the boat indicating the boat's capability and capacity.

Part 7 Interference

39 Interfering with use of waters or land

A person commits an offence if—

- (a) the person operates a boat on a lake; and
- (b) the operation of the boat interferes with another person's lawful use of the lake area.

Maximum penalty: 30 penalty units

40 Interfering with other boats

A person commits an offence if—

- (a) the person operates a boat on a lake; and
- (b) the operation of the boat causes wash that damages or impacts unreasonably on another boat.

Maximum penalty: 30 penalty units.

Examples—par (b)

- wash causes other smaller boats to rock
- wash damages moored boats

41 Interfering with dredges or immobile boats

(1) A person commits an offence if—

- (a) the person operates a boat on a lake; and
- (b) the boat passes a dredge, or other boat, that is—
 - (i) engaged in underwater operations and restricted in its ability to manoeuvre; and

- (ii) displaying the shapes or lights indicating safe passage on one side; and

Note A boat engaged in underwater operations and restricted in its ability to manoeuvre is required to display shapes and lights under s 49.

- (c) the boat does not pass on the side of the dredge, or other boat, displaying the shapes or lights indicating safe passage.

Maximum penalty: 30 penalty units.

- (2) In this section:

shapes or lights indicating safe passage, displayed on a boat, means lights mentioned in section 53 (1) (d) (ii) or shapes mentioned in section 54 (1) (d) (ii).

42 Interfering with navigation aids

- (1) A person commits an offence if the person secures a boat to a navigation aid in or on a lake.

Maximum penalty: 30 penalty units.

- (2) An offence against this section is a strict liability offence.

- (3) In this section:

navigation aid means a device used for the safety of navigation, but does not include a device on board a boat.

Examples

- a beacon
- a buoy
- a marine mark

43 Interfering with equipment on boats

A person commits an offence if the person—

- (a) severs, unties, or detaches any rope, cable, chain or other means by which a boat is secured on a lake; and
- (b) is not authorised to do so by the person who is operating the boat or the owner of the boat.

Maximum penalty: 30 penalty units.

44 Interfering with safety equipment

(1) A person commits an offence if the person—

- (a) unties or detaches any safety equipment stored in a lake area; and
- (b) unties or detaches the equipment for a purpose other than for—
 - (i) securing the safety of any person; or
 - (ii) preventing the loss of, or damage to, property.

Maximum penalty: 30 penalty units.

(2) An offence against this section is a strict liability offence.

Part 8 Lights and shapes

Division 8.1 Preliminary

45 Definitions—pt 8

In this part:

all round light means a light that shows an unbroken light over an arc of the horizon of 360 degrees.

all round white light, for a boat, means a white all round light that is placed, as far as practicable, over the boat's fore and aft centreline.

combined lantern, for a boat, means a single light unit that—

- (a) is carried at or near the top of the boat's mast; and
- (b) displays an unbroken—
 - (i) green light on the starboard side of the boat over an arc of the horizon of 112.5 degrees from ahead of the boat to just behind the beam of the boat on the starboard side; and
 - (ii) red light on the port side of the boat over an arc of the horizon of 112.5 degrees from ahead of the boat to just behind the beam of the boat on the port side; and
 - (iii) white light behind the boat over an arc of the horizon of 135 degrees.

combined sidelights, for a boat, means a single light unit that—

- (a) is carried on the fore and aft centreline of the boat; and
- (b) displays an unbroken—
 - (i) green light on the starboard side of the boat over an arc of the horizon of 112.5 degrees from ahead of the boat to just behind the beam of the boat on the starboard side; and

- (ii) red light on the port side of the boat over an arc of the horizon of 112.5 degrees from ahead of the boat to just behind the beam of the boat on the port side.

masthead light, for a boat, means a white light that—

- (a) is placed, as far as practicable, over the boat's fore and aft centreline; and
- (b) shows an unbroken light over an arc of the horizon of 225 degrees; and
- (c) is fixed to show from anywhere ahead, to just behind the beam of the boat on both sides.

operator, of a boat, means—

- (a) the master; or
- (b) if no-one is in charge or command of the boat—each person on the boat; or
- (c) if no-one is on the boat—the owner of the boat.

separate sidelights, for a boat, means—

- (a) a green light on the starboard side of the boat that shows an unbroken light over an arc of the horizon of 112.5 degrees from ahead of the boat to just behind the beam of the boat on the starboard side; and
- (b) a red light on the port side of the boat that shows an unbroken light over an arc of the horizon of 112.5 degrees from ahead of the boat to just behind the beam of the boat on the port side.

sidelights, for a boat, means one of the following:

- (a) separate sidelights;
- (b) combined sidelights;
- (c) lights on the port and starboard sides of the boat in a combined lantern.

sternlight, for a boat, means a white light that—

- (a) is placed near the stern of the boat; and
- (b) shows an unbroken light behind the boat over an arc of the horizon of 135 degrees.

46 **Meaning of *visibility is restricted***

For this regulation, *visibility is restricted* on a lake if a person's range of vision on the lake is restricted because of a weather event.

Examples—weather events

- dust storm
- fog or mist
- heavy rain
- snow

47 **Visibility of lights**

- (1) This section does not apply in relation to lights required to be shown under section 50 (1) (b) (ii), 51 (3) (b) (ii) or 55 (2) (d).
- (2) The operator of a boat commits an offence if—
 - (a) the boat is under 12m in length; and
 - (b) the boat is showing a light required under this part; and
 - (c) the light is not visible at the following distance from the boat:
 - (i) if the light is a masthead light, sternlight or all round light—2 nautical miles;
 - (ii) if the light is a sidelight—1 nautical mile.

Maximum penalty: 20 penalty units.

- (3) The operator of a boat commits an offence if—
 - (a) the boat is 12m or more in length; and
 - (b) the boat is showing a light required under this part; and

- (c) the light is not visible at the following distance from the boat:
 - (i) if the light is a masthead light and the boat is 20m or more in length—5 nautical miles;
 - (ii) if the light is a masthead light and the boat is under 20m in length—3 nautical miles;
 - (iii) if the light is a sternlight, all round light or sidelight—2 nautical miles.

Maximum penalty: 20 penalty units.

- (4) An offence against this section is a strict liability offence.

Division 8.2 Boats underway at night or when visibility is restricted

48 Application—div 8.2

This division applies to an operator of a boat if the boat is under way on a lake at night or when visibility is restricted.

49 Lights for power boats underway

- (1) The operator of a power boat commits an offence if the boat—
 - (a) is under 7m in length and has a maximum speed of 7 knots; and
 - (b) does not show an all round white light.

Maximum penalty: 20 penalty units.

- (2) The operator of a power boat commits an offence if the boat—
 - (a) is—
 - (i) 7m or more, but less than 12m, in length; or
 - (ii) under 7m in length and has a maximum speed of more than 7 knots; and

- (b) does not show sidelights and—
 - (i) a masthead light and a sternlight; or
 - (ii) an all round white light.

Maximum penalty: 20 penalty units.

- (3) The operator of a power boat commits an offence if the boat—
 - (a) is 12m or more, but less than 20m, in length; and
 - (b) does not show a sternlight, a masthead light and—
 - (i) separate sidelights; or
 - (ii) combined sidelights.

Maximum penalty: 20 penalty units.

- (4) The operator of a power boat commits an offence if the boat—
 - (a) is 20m or more in length; and
 - (b) does not show a sternlight, a masthead light and separate sidelights.

Maximum penalty: 20 penalty units.

- (5) An offence against this section is a strict liability offence.
- (6) In this section:

all round white light, for a power boat, means a white all round light that is placed—

- (a) as far as practicable, over the boat's fore and aft centreline; and
- (b) at least 1m above the boat's—
 - (i) for a boat with sidelights—sidelights; or
 - (ii) for a boat without sidelights—gunwale.

masthead light, for a power boat, means a white light that—

- (a) is placed—
 - (i) as far as practicable, over the boat's fore and aft centreline; and
 - (ii) at least 1m above the boat's sidelights; and
- (b) shows an unbroken light over an arc of the horizon of 225 degrees; and
- (c) is fixed to show from anywhere ahead, to just behind the beam of the boat on both sides.

50 Lights for sailing boats underway and boats being rowed

- (1) The operator of a sailing boat under 7m in length, or a boat being rowed, commits an offence if the boat does not—
 - (a) if practicable—show—
 - (i) a combined lantern; or
 - (ii) separate sidelights and a sternlight; and
 - (b) if it is not practicable to show the lights mentioned in paragraph (a)—
 - (i) have on board an electric torch, or lighted lantern, that shows a white light and is ready for immediate use; and
 - (ii) show the illuminated torch or lantern in a sufficient time to prevent a collision.

Maximum penalty: 20 penalty units.

- (2) The operator of a sailing boat commits an offence if the boat—
 - (a) is 7m or more, but less than 20m, in length; and
 - (b) does not show—
 - (i) a combined lantern; or

(ii) separate sidelights and a sternlight.

Maximum penalty: 20 penalty units.

- (3) The operator of a sailing boat commits an offence if the boat—
- (a) is 20m or more in length; and
 - (b) does not show separate sidelights and a sternlight.

Maximum penalty: 20 penalty units.

- (4) The operator of a sailing boat commits an offence if—
- (a) the boat—
 - (i) does not have sidelights and a sternlight; or
 - (ii) has a combined lantern; and
 - (b) the boat displays—
 - (i) a red all round light at or near the top of the mast; and
 - (ii) a green all round light in a vertical line below the red light.

Maximum penalty: 20 penalty units.

- (5) An offence against subsection (2), (3) or (4) is a strict liability offence.
- (6) In this section:

boat does not include a rowing boat, dragon boat, kayak or canoe.

51 Lights to be carried by rowing boats, kayaks and canoes

- (1) The operator of a boat commits an offence if—
- (a) the boat—
 - (i) is a rowing boat, dragon boat, kayak or canoe; and
 - (ii) is 4m or more in length; and

- (iii) does not show an LED light on the fore end and aft end of the boat; and
- (b) at least 1 LED light is not visible at a distance of 1km from the boat in any direction.

Maximum penalty: 20 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.
- (3) The operator of a rowing boat, dragon boat, kayak or canoe commits an offence if the boat—
 - (a) is under 4m in length; and
 - (b) does not—
 - (i) have on board an electric torch, or lighted lantern, that shows a white light and is ready for immediate use; and
 - (ii) show the illuminated torch or lantern in a sufficient time to prevent a collision.

Maximum penalty: 20 penalty units.

- (4) In this section:

continuous LED light means a white light-emitting diode that shows a continuous light over an arc of the horizon of 360 degrees.

flashing LED light means a white light-emitting diode that—

- (a) shows a flashing light over an arc of the horizon of 360 degrees; and
- (b) flashes at least once per second.

LED light means a continuous or flashing LED light.

Division 8.3 Boats at anchor

52 Lights for boats at anchor on a lake at night

- (1) The operator of a boat commits an offence if the boat—
- (a) is at anchor on a lake at night or when visibility is restricted; and
 - (b) does not show an all round white light.

Maximum penalty: 20 penalty units.

- (2) This section does not apply to a boat less than 7m in length if the boat is not in or near a narrow channel, fairway or anchorage or in an area where other boats normally navigate.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

Division 8.4 Diving boats, dredges etc and emergency lights

53 Lights on certain boats restricted in their ability to manoeuvre

- (1) The operator of a boat commits an offence if the boat—
- (a) is engaged in underwater operations; and
 - (b) is on a lake at night or when visibility is restricted; and
 - (c) is restricted in its ability to manoeuvre; and
 - (d) does not show the following lights:
 - (i) 2 red all round lights to indicate the side on which the underwater operations are being carried out;
 - (ii) 2 green all round lights to indicate the side on which another boat may pass.

Maximum penalty: 30 penalty units.

- (2) Subsection (1) does not apply for a boat if—
- (a) the boat is engaged in diving operations; and
 - (b) it is impractical to exhibit all lights mentioned in subsection (1) (d); and
 - (c) the boat is showing the following:
 - (i) 3 all round lights in a vertical line that—
 - (A) is in a position where it can best be seen; and
 - (B) has a red light as the highest and lowest light of the line; and
 - (C) has a white light in the middle of the line;
 - (ii) a rigid replica of the International Code flag “A” not less than 1m in height in a visible position.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) In this section:

boat means a boat more than 12m in length.

underwater operations includes dredging operations and diving operations.

54 Shapes on certain boats restricted in their ability to manoeuvre

- (1) The operator of a boat commits an offence if the boat—
- (a) is engaged in underwater operations; and
 - (b) is restricted in its ability to manoeuvre; and
 - (c) is on a lake during the day; and

- (d) does not show the following shapes:
- (i) 2 balls in a vertical line to indicate the side on which the underwater operations are being carried out;
 - (ii) 2 diamonds in a vertical line to indicate the side on which another boat may pass.

Maximum penalty: 30 penalty units.

- (2) Subsection (1) does not apply for a boat if—
- (a) the boat is engaged in diving operations; and
 - (b) it is impractical to exhibit all shapes mentioned in subsection (1) (d); and
 - (c) the boat is showing the following:
 - (i) 3 all round lights in a vertical line that—
 - (A) is in a position where it can best be seen; and
 - (B) has a red light as the highest and lowest light of the line; and
 - (C) has a white light in the middle of the line;
 - (ii) a rigid replica of the International Code flag “A” not less than 1m in height in a visible position.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) In this section:

boat means a boat more than 12m in length.

underwater operations includes dredging operations and diving operations.

55 Emergency lights

- (1) The operator of a boat commits an offence if the boat—
- (a) is under way, or anchored; and
 - (b) is on a lake at night or when visibility is restricted; and
 - (c) does not carry an electric torch or ignited lantern ready for immediate use.

Maximum penalty: 30 penalty units.

- (2) The operator of a boat commits an offence if—
- (a) the boat is under way, or anchored; and
 - (b) the boat is on a lake at night or when visibility is restricted; and
 - (c) a light required to be shown under this division fails; and
 - (d) the boat does not show the illuminated torch or lantern mentioned in subsection (1) (c) instead of the failed light.

Maximum penalty: 30 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) This section does not apply for a boat that is required to carry a torch or lantern under section 50 (1) (b) or section 51 (3) (b).

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

Part 9 Unnecessary use of lights and signals

56 Unnecessary use of distress signals

- (1) A person commits an offence if the person—
 - (a) is on a boat on a lake; and
 - (b) uses distress signalling equipment or makes a distress signal other than for the purpose of indicating distress.

Maximum penalty: 30 penalty units.

- (2) A person commits an offence if the person—
 - (a) is in a lake area; and
 - (b) uses distress signalling equipment or makes a distress signal in circumstances where there was no distress to a person or boat in the lake area.

Maximum penalty: 30 penalty units.

- (3) A person commits an offence if—
 - (a) the person operates a boat on a lake; and
 - (b) another person on the boat uses distress signalling equipment or makes a distress signal in circumstances where there was no distress to a person or boat in the lake area.

Maximum penalty: 30 penalty units.

57 Unnecessary use of lights and signals

- (1) A person commits an offence if—
 - (a) the person is on a boat on a lake or in a lake area; and
 - (b) the person displays or makes a light or other visual signal or makes a sound signal; and

- (c) the light or signal is of a kind used as a warning or guide to boats; and
- (d) the person does not have an adequate reason to display or make the light or signal.

Maximum penalty: 30 penalty units.

- (2) A person commits an offence if—
 - (a) the person operates a boat on a lake; and
 - (b) another person on the boat displays or makes a light or other visual signal or makes a sound signal; and
 - (c) the light or signal is of a kind used as a warning or guide to boats; and
 - (d) the other person does not have an adequate reason to display or make the light or signal.

Maximum penalty: 30 penalty units.

58 Unauthorised use of emergency patrol signals

- (1) A person commits an offence if—
 - (a) the person operates a boat on a lake; and
 - (b) the boat displays an emergency patrol signal.

Maximum penalty: 30 penalty units.

- (2) Subsection (1) does not apply to a defendant if the defendant—
 - (a) has been allowed, in writing, by a police officer to display the emergency patrol signal for carrying out an emergency patrol; or
 - (b) operated the boat for a relevant person for the purpose of carrying out an emergency patrol.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

(3) In this section:

relevant person means—

- (a) a member of the ambulance service; or
- (b) a member of the fire and rescue service; or
- (c) a member of the rural fire service; or
- (d) a member of the SES; or
- (e) a police officer.

Part 10 Obstructions to navigation

59 Failing to warn about obstructions

A person commits an offence if—

- (a) the person operates a boat on a lake; and
- (b) the boat, or any equipment associated with the boat, is a potential obstruction to navigation for, or a danger to, another boat on the lake; and
- (c) the person does not warn the person operating the other boat of the potential obstruction or danger.

Maximum penalty: 30 penalty units.

60 Obstructing fairways and channels

A person commits an offence if—

- (a) the person operates a boat on a lake; and
- (b) the boat obstructs, or restricts or impedes access to, a fairway or channel in the lake.

Maximum penalty: 30 penalty units.

61 Obstructing wharves and jetties

(1) A person commits an offence if—

- (a) the person operates a boat on a lake; and
- (b) the boat obstructs the approach to, or restricts or impedes the proper use of, a landing place in the lake area.

Maximum penalty: 30 penalty units.

- (2) In this section:

landing place means a wharf, jetty, boatshed, slip, launching ramp, courtesy or emergency mooring.

operate, a boat, does not include to launch, land, or moor the boat.

62 Obstructing boats

- (1) A person commits an offence if the person obstructs, or impedes—
- (a) the launching or securing of a boat on a lake; or
 - (b) the removal of a boat from a lake.

Maximum penalty: 30 penalty units.

- (2) A person commits an offence if the person obstructs, or impedes the safe navigation of a boat on a lake.

Maximum penalty: 30 penalty units.

63 Obstructing passengers

A person commits an offence if the person obstructs or impedes passengers from embarking on or disembarking from a boat on a lake.

Maximum penalty: 30 penalty units.

64 Obstructing cargo

A person commits an offence if the person obstructs or impedes the loading or unloading of cargo to or from a boat on a lake.

Maximum penalty: 30 penalty units.

65 Causing obstruction, nuisance or damage with objects

- (1) A person commits an offence if—
- (a) the person—
 - (i) throws an object into a lake; or

- (ii) does anything else that results in an object being in, or extending over, a lake; and
- (b) the object obstructs, or is likely to obstruct, a boat from navigating the lake.

Maximum penalty: 30 penalty units.

- (2) A person commits an offence if—
 - (a) the person—
 - (i) throws an object into a lake; or
 - (ii) does anything else that results in an object being in, or extending over, a lake; and
 - (b) the object causes, or is likely to cause, a nuisance or danger to a person.

Maximum penalty: 30 penalty units.

- (3) A person commits an offence if—
 - (a) the person—
 - (i) throws an object into a lake; or
 - (ii) does anything else that results in an object being in, or extending over, a lake; and
 - (b) the object causes, or is likely to cause, damage to property.

Maximum penalty: 30 penalty units.

- (4) In this section:
throw, into a lake, includes propel, or project into, the lake.

66 Failing to light or mark obstructions

A person commits an offence if—

- (a) the person owns an obstruction to navigation; and
- (b) the obstruction is in a lake area; and
- (c) the person does not mark or light the obstruction in a way that allows for the safe navigation of boats in the lake area.

Maximum penalty: 30 penalty units.

Note The [Act](#), s 56 provides for directions to be given in relation to lighting or marking obstructions.

Part 11 Hatches and exterior doors on recreational boats

67 Application—pt 11

This part does not apply in relation to a recreational boat if the boat—

- (a) is ordinarily operated in another State; and
- (b) complies with the requirements for safety equipment that apply to the boat in the State; and
- (c) has been in the Territory for fewer than 90 consecutive days.

68 Construction

- (1) This section applies in relation to a recreational boat if the hull construction of the boat commenced on or after 1 January 1991.
- (2) The owner of a recreational boat commits an offence if—
 - (a) the boat is operating on a lake; and
 - (b) a hatch or exterior door on the boat that can be used to enter or leave the boat cannot be opened from both the outside and the inside of the boat.

Maximum penalty: 30 penalty units.

- (3) A person commits an offence if—
 - (a) the person operates a recreational boat on a lake; and
 - (b) a hatch or exterior door on the boat that can be used to enter or leave the boat cannot be opened from both the outside and the inside of the boat.

Maximum penalty: 30 penalty units.

- (4) A person commits an offence if—
- (a) the person supplies a recreational boat to another person; and
 - (b) the person knows that the boat will be, or is likely to be, used for recreational purposes on a lake; and
 - (c) a hatch or exterior door on the boat that can be used to enter or leave the boat cannot be opened from both the outside and the inside of the boat.

Maximum penalty: 30 penalty units.

69 Locking hatches and exterior doors

A person commits an offence if—

- (a) the person operates a recreational boat on a lake; and
- (b) a hatch or exterior door on the boat that can be used to enter or leave the boat is locked while the boat is under way; and
- (c) it is reasonably practicable for the door or hatch to be unlocked while the boat is under way.

Maximum penalty: 30 penalty units.

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ambulance service
- Australian/New Zealand Standard
- breach
- fire and rescue service
- person (see s 160)
- police officer
- rural fire service
- SES
- State
- the Territory.

Note 3 Terms used in this regulation have the same meaning that they have in the [Lakes Act 1976](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Lakes Act 1976](#), dict:

- boat
- domestic commercial vessel
- inspector
- lake
- lake area
- master
- obstruction to navigation
- operate
- power boat
- recreational boat
- RMS
- under way.

accompanied sailing boat, for part 2 (Required number of lifejackets, required safety equipment and required standards—Act, s 47 (1) (a) and s 50)—see section 6.

all round light, for part 8 (Lights and shapes)—see section 45.

all round white light, for a boat, for part 8 (Lights and shapes)—see section 45.

channel means an area of a lake that—

- (a) may be indicated by navigation marks; and
- (b) provides a passage for boats.

combined lantern, for a boat, for part 8 (Lights and shapes)—see section 45.

combined sidelights, for a boat, for part 8 (Lights and shapes)—see section 45.

dragon boat means a boat that is—

- (a) carvel constructed; and
- (b) propelled with paddles by a large crew; and
- (c) built so as to float if swamped or capsized.

dragon boat operating requirements, for part 2 (Required number of lifejackets, required safety equipment and required standards—Act, s 47 (1) (a) and s 50)—see section 6.

fairway means that part of an area of a lake that is usually used by boats for navigating through the area.

general requirement, for division 2.3 (Required safety equipment—Act, s 50)—see section 8.

masthead light, for a boat, for part 8 (Lights and shapes)—see section 45.

off-the-shore boat, for part 2 (Required number of lifejackets for boats—required safety equipment and required standards—Act, s 47 (1) (a) and s 50)—see section 6.

operator, of a boat, for part 8 (Lights and shapes)—see section 45.

personal watercraft means a power boat that—

- (a) has a fully enclosed hull; and
- (b) does not retain water that is taken on if it capsizes; and
- (c) is designed to be operated by a person lying, standing, sitting astride, or kneeling on the boat but not seated within the boat.

Examples

- a jet powered surfboard
- a jet ski

sailing boat means a boat with a sail, but does not include a boat when it is being propelled (in whole or part) by mechanical power.

separate sidelights, for a boat, for part 8 (Lights and shapes)—see section 45.

sidelights, for a boat, for part 8 (Lights and shapes)—see section 45.

small boat, for part 2 (Required number of lifejackets for boats—required safety equipment and required standards—Act, s 47 (1) (a) and s 50)—see section 6.

small tender, for part 2 (Required number of lifejackets for boats—required safety equipment and required standards—Act, s 47 (1) (a) and s 50)—see section 6.

sternlight, for a boat, for part 8 (Lights and shapes)—see section 45.

tender, for part 2 (Required number of lifejackets for boats—required safety equipment and required standards—Act, s 47 (1) (a) and s 50)—see section 6.

visibility is restricted—see section 46.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 9 May 2019.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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