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VICTORIÆ REGINÆ.
A.D. 1883-4.

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Private Act.

An Act to authorise the Corporation of the Town of Glenelg to improve the Patawalonga River in and near the Town of Glenelg, and for other purposes.

[Assented to, February 28th, 1884.]

WHEREAS it is desirable to enable the Corporation of Glenelg to improve the Patawalonga River in and near the Town of Glenelg, by the construction of a dam across the said river, with floodgates, sluices, and other works, for the purpose of scouring the entrance from the sea to the said river; for the purpose of retaining the tidal waters for the use of yachts, boats, and other vessels as a dock; and for the purpose of removing the nuisance caused by the present foul state of the bed of the said river; and for the purposes also of public recreation, amusement, health, and enjoyment: And whereas the said Corporation desire to cause such improvements to be made: And whereas three plans have been prepared by the order of the Select Committee of the Legislative Council appointed to consider the said proposed improvements, all of which said plans have been signed by the Chairman of the said Select Committee, and have been, on the twenty-ninth day of November, one thousand eight hundred and eighty-three, deposited in the office of the Surveyor-General, at Adelaide, in the said province, one of which said plans, marked A, shows the locality in which it is proposed to construct the said dam and weir, and the other two of which said plans, marked B and C, show the proposed mode of the construction of such dam and weir—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of
of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited for all purposes as "The Patawalonga River Improvement Act, 1883-4."

2. The Corporation of the Town of Glenelg shall be deemed to be the promoters of the said works and of the works and undertaking hereby authorised.

3. From and after the passing of this Act it shall be lawful for the said Corporation, their lessees, deputies, agents, officers, and workmen, to enter upon the grounds of any person and any reserves, and to survey and take levels of the same or any part thereof, for the purpose of preparing the plans for and for the construction of the said works.

4. "The Lands Clauses Consolidation Act, No. 6 of 1847," clauses 25 to 39, both inclusive, of "The Railways Clauses Consolidation Act, No. 7 of 1847," and Part 9 of "The Municipal Corporations Act, 1880," and any amendments thereof shall be incorporated with and form part of this Act so far as applicable to the same.

5. Whenever a meeting of the ratepayers of the town of Glenelg shall have approved the borrowing of money on the credit of the rates to improve the said Patawalonga River in the manner hereinbefore mentioned, and no poll has been demanded, or when a poll has been demanded and taken and the majority of the votes of the ratepayers shall be in favor of borrowing money for such purpose, the Corporation of the said town may, under the provisions of and in the form contained in Part 9 of "The Municipal Corporations Act, 1880," issue bonds not exceeding in the whole the sum of Thirty Thousand Pounds for such amounts as the said Corporation may deem expedient: And all moneys raised and received by the said Corporation upon the security of the said bonds shall be carried to the credit of a fund to be called "The Patawalonga Improvement Fund," to be paid in such amount and manner for the purposes of improving the said river, as aforesaid, as shall be deemed expedient by the said Corporation, under the provisions of this Act.

6. The time appointed for the payment of the bonds to be issued under this Act shall not extend beyond fifty years.

7. After the issue of the said bonds, and until the same are paid, all revenues, rent, fees, fines, or other moneys which may be received by the said Corporation as profits arising from the letting or granting of any privileges, rights, or licences in respect of the use and enjoyment of the said river, when improved in the manner hereinbefore mentioned, by any company or persons to whom the same may be let or granted, shall be paid by the said Corporation to the credit of the said Patawalonga Improvement Fund,
Fund, and shall be applied in the first instance to the payment of all interest upon the said bonds, and, after the payment of such interest, shall be from year to year allowed to accumulate in such manner as shall be most expedient with a view to a final payment thereout of the said bonds when the same become due.

8. The said promoters or their lessees may make and construct a dam across the Patawalonga River in the position shown on the said plan marked A, such dam to be constructed in the manner shown and delineated in the said plan marked B; and they may make and construct a weir across the said Patawalonga River, such weir to be constructed in the manner shown and delineated in the said plan, marked C, provided such weir shall not be constructed higher up the said river than about two chains north of the River Sturt; and they may do and perform all other works and things necessary for removing the nuisance caused by the present foul state of the bed of the said Patawalonga River, and for the purpose of deepening the same and rendering it available for the use of boats and yachts and other vessels; and they may also make and construct such wharves, retaining walls, bridges, and sluices as they may consider necessary for the carrying out of the objects of this Act.

9. The Corporation of Glenelg may, after the said improvements have been completed, build, erect, or place upon the piece of land marked "proposed reserve for boatsheds" on the said plan marked A, which said piece of land contains one acre two roods and twenty-eight poles, and is situated between the centre of the said Patawalonga River and the road on the western side thereof, all such sheds, boat houses, stands, wharves, landing stages, and other buildings requisite for the rendering available for the purposes aforesaid the said river.

10. The said Corporation, for all the purposes of this Act, shall have the care, control, and management of the said improvements when completed, and the waters impounded by the same.

11. The promoters shall not retain the water in the said Patawalonga River at a higher level than one hundred and ten feet above datum level, and they shall open the floodgates in the said dam whenever the tide shall rise one hundred and eight feet above datum level, so as to allow free ingress and egress of boats and yachts and other vessels.

12. The said Corporation or lessees may charge and collect such fixed tolls as they think proper for all boats or vessels entering the dock, or plying for hire in the same, within the limits of the waters retained by their works, and they may detain any boat or vessel until such tolls are paid; and they may charge and collect such tolls and rates as they may think proper for the use of any wharves they may construct: Provided always that any such tolls and rates shall have been approved of by the Governor in Executive Council.
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Council: Provided also that no tolls be charged for any fishing boat bona fide actually used for the purpose of the fishing trade, or any boat the property of any person resident at Glenelg on the thirty-first day of December, one thousand eight hundred and eighty-three, and which shall, on or before that date, have been at Glenelg. All such tolls as aforesaid, according to the scale for the time being in force, may be recovered by the said Corporation or lessees, in any Court of competent jurisdiction, from the owners or masters of all yachts, boats, and other vessels, except as aforesaid, using the said river.

13. The said Corporation may lease to, or enter into any contract or agreement which it may consider expedient with, any Company or person willing to carry out the works hereby authorised to be constructed, upon such terms and conditions as may be agreed upon, and may, by such contract, lease, or agreement, give to such Company or person all or any of the concessions, privileges, and powers by this Act conferred upon the said Corporation; and from and after the execution by the said Corporation of any such lease, contract, or agreement, such Company or person shall (to the extent to be therein mentioned) be vested with the concessions, privileges and powers as fully as the same are hereby vested in the said Corporation, and such person may enjoy and exercise the same accordingly; and such Corporation shall have full power to execute all leases, or other assurances as may be necessary or proper for carrying the provisions hereof into effect.

14. The waters in the said Patawalonga River shall not be confined for so long a period of time as to become offensive; and no building shall be erected on any land at present set apart for any public purpose except as provided for by clause 9 of this Act; and all land so set apart shall continue to be used for the public purpose to which it has been so set apart.

15. The works shall be completed within seven years from the passing of this Act, and upon the expiration of such seven years the powers in this Act granted for constructing the works shall cease to be exercisable.

16. The said Corporation, prior to engaging any treasurer, collector, receiver, or other officer to be entrusted with the collection or custody of any moneys in connection with or for the use of the work hereby authorised, shall receive from such officer a bond, with sufficient sureties, conditioned in such an amount as the said Corporation may deem sufficient as security for the faithful execution of his office.

17. The said Corporation shall cause to be kept full and accurate accounts of all moneys received and expended under the provisions of this Act, and shall cause such accounts to be balanced once at least in every year.

18. The
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18. The said Corporation shall, once at least in every year, cause such accounts to be submitted to an auditor or auditors to be appointed by the said Corporation for the purpose of being duly audited, and such auditor or auditors shall, for the purpose of assisting him or them in the preparation of a full, true, and impartial report, be supplied by the said Corporation with all books, accounts, memoranda, and vouchers in any wise relating to the work to be performed.

19. The remuneration of such auditor or auditors for his or their charge or charges in making such audit, and his or their expense or expenses in connection therewith, shall be fixed by the said Corporation at the time of his or their appointment, and shall be payable out of the funds levied under this Bill.

20. The said Corporation shall also, once in every year at the least, cause to be prepared an account, in abstract, of the total amount received and realised by the said fees, tolls, charges, and other payments hereby authorised to be made, and also of the total amount of all outgoings, debts, expenses, and liabilities incurred by or on behalf of the said Corporation for the work hereby authorised for the past year under the several and distinct heads of receipts and expenditure, together with a statement of the balance of the account, duly audited, which statement shall be signed and certified by such auditor or auditors and by the said Corporation; and the said Corporation shall cause to be transmitted one copy of such annual account, free of charge, to the Commissioners of Audit of the said province on or before the thirty-first day of January in every year.

21. In the event of the said Corporation not forwarding such account at the time hereinbefore provided, they shall forfeit and pay a sum or penalty of Five Pounds for every day during which the said account is withheld from the Commissioners of Audit, to be recovered summarily.

22. The said account shall, after due inspection by the Commissioners of Audit, be filed in their office, and shall be open to the inspection of the public at all reasonable hours on payment of the sum of One Shilling.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.