
7 ELIZ. II. No. 17, 1958. *Canals Act.*

CANALS.

An Act to make Provision for the Regulation and Control of the Construction, Maintenance and Use of Canals.

7 ELIZ. II.
NO. 17.
THE CANALS
ACT OF 1958.

[ASSENTED TO 7TH MAY, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Canals Act* Short title. of 1958."

2. (1.) In this Act, unless the context otherwise Interpreta- indicates or requires, the following terms shall have the tion. meanings respectively assigned to them, that is to say:—

"Area"—Any Area under and within the meaning Area. of *"*The Local Government Acts, 1936 to 1958,*" and, in relation to Brisbane City Council, the Area of the City of Brisbane;

"Canal"—Any artificial channel or lake for use Canal. or intended for use for navigational, ornamental and recreational purposes, or any of those purposes, and connected or intended to be connected with any tidal water: The term includes any addition to or alteration of any canal within the meaning of this definition, and any system of canals within the meaning of this definition provided in any subdivision of land;

"Construct"—In relation to a canal includes Construct. commence to construct, continue to construct, carry out or carry on construction, and do or take or permit or allow to be done or

* 1 G. 6 No. 1 and amending Acts.

	taken any thing or step for or in connection with the construction or commencement, carrying out, carrying on or continuance of the construction ;
Harbour Board.	“ Harbour Board ”—A Harbour Board under and within the meaning of * <i>“ The Harbours Acts, 1955 to 1956 ”</i> ;
Harbours Trust.	“ Harbours Trust ”—The Harbours Trust under and within the meaning of * <i>“ The Harbours Acts, 1955 to 1956 ”</i> ;
Local Authority.	“ Local Authority ”—Includes Brisbane City Council and a Joint Local Authority ;
Marine Board.	“ Marine Board ”—The Marine Board of Queensland ;
Minister.	“ Minister ”—The Treasurer or other Minister of the Crown for the time being charged with the administration of this Act ;
Person.	“ Person ”—Includes a body corporate ;
Tidal water.	“ Tidal water ”—Tidal water under and within the meaning of * <i>“ The Harbours Acts, 1955 to 1956 ”</i> ;
Vessel.	“ Vessel ”—Means a vessel under and within the meaning of * <i>“ The Harbours Acts, 1955 to 1956 ”</i> ;
Year.	“ Year ”—A year under and within the meaning of † <i>“ The Local Government Acts, 1936 to 1958 ”</i> .

(2.) In relation to Brisbane City Council, references in this Act to †*“ The Local Government Acts, 1936 to 1958,”* shall be read as referring to those Acts and ‡*“ The City of Brisbane Acts, 1924 to 1957.”*

Liability relating to constructing canals unlawfully.

3. (1.) A person shall not—

- (a) Construct any canal the construction whereof has not been finally approved by the Governor in Council under this Act ; or
- (b) Construct any canal contrary in any respect to the plans and specifications and other information and particulars identified in the

* 4 Eliz. 2 No. 40 and amending Acts.

† 1 G. 6 No. 1 and amending Acts.

‡ 15 G. 5 No. 32 and amending Acts.

1958.

Canals Act.

Order in Council whereby the Governor in Council finally approved of the construction of that canal ; or

- (c) Construct any canal contrary in any respect to the terms and conditions, if any, specified in the Order in Council whereby the Governor in Council finally approved the construction of that canal.

Penalty : Not less than one thousand pounds and, subject to that minimum, not exceeding two hundred pounds for each and every day during which the offence continues.

(2.) The Minister may by notice given in writing under his hand direct any person convicted of an offence under subsection one of this section to restore, within such time as the Minister specifies in the notice, the land in relation to which the offence was committed to, as nearly as practicable, its condition immediately prior to the commencement of the commission of the offence.

A person to whom a notice under this subsection is given shall comply in every respect with the direction therein contained.

Penalty : One hundred pounds for each and every day during which the person in question fails in any respect to comply with the direction contained in the notice.

4. A person who proposes to construct a canal shall, before commencing that construction, apply for and obtain the provisional approval and, subject to obtaining that provisional approval, the final approval prescribed by this Act.

Approvals required before commencement of construction of canal.

5. (1.) Application in writing for provisional approval to construct a canal shall be made to the Marine Board and shall—

Provisional approval of construction of canal.

- (a) Be in the prescribed form ; and
- (b) Contain or be accompanied by, according as may be prescribed, the prescribed information and particulars ; and
- (c) Be accompanied by the prescribed fee.

(2.) Upon receipt of the application the Marine Board may cause to be made such inquiries as it thinks fit for the purpose of determining its recommendation upon the application.

(3.) The Marine Board shall make in respect of the application a recommendation to the Governor in Council.

That recommendation may be—

- (a) That the application be refused ; or
- (b) That the application be granted in whole or in part.

The Marine Board may recommend the approval in whole or in part of the application subject to modifications as set out in its recommendation and, in any event, may recommend the approval in whole or in part of the application, and either with or without modifications, upon and subject to all such terms and conditions as it deems fit.

(4.) The Governor in Council may at his absolute discretion—

- (a) Refuse the application ; or
- (b) Grant the application in whole or in part and in either such case, with or without modifications, and upon and subject to the condition set out in subsection five of this section and to all other such terms and conditions, if any, as he deems fit including, but without limit to the generality of his power to impose terms and conditions, terms and conditions with respect to the use or disposal of spoil derived from the canal including terms and conditions regulating and controlling, and to the extent the Governor in Council deems fit, prohibiting, such spoil from being used for the purpose of raising the level of any land.

(5.) It shall be a condition upon which any application is granted that revetment adequate to the satisfaction of the Governor in Council shall be provided for so much of the bed, or banks, or bed and banks of the proposed canal as the Governor in Council shall specify.

1958.

Canals Act.

6. (1.) The Marine Board shall give to the applicant notice in writing of the decision of the Governor in Council upon his application. ^{Notice of provisional approval.}

(2.) If the Governor in Council grants an application for provisional approval of a proposal to construct a canal, the notice given to the applicant pursuant to subsection one of this section shall specify—

- (a) Whether or not the application has been granted in whole or in part and, if in part, the extent to which it has been granted ;
- (b) The modifications, if any, subject to which the approval has been granted ;
- (c) The terms and conditions, if any, subject to which the approval has been granted ; and
- (d) The period of time within which the applicant shall comply with the requirements of section seven of this Act.

(3.) The Governor in Council may, at his absolute discretion fix, and to the extent he deems fit, from time to time extend or further extend the period of time referred to in paragraph (d) of subsection two of this section, and any reference in this Act to that period of time shall be deemed to refer to the same as fixed or, as the case may be, extended for the time being, by the Governor in Council.

The Marine Board shall give to the applicant concerned notice in writing of any such extension.

7. (1.) Every applicant who has obtained provisional approval of a proposal to construct any canal shall, ^{Final approval.} within the time specified in the notice given to him under section six of this Act, take and do all such steps and things as are prescribed for obtaining the final approval of the Governor in Council to the construction of that canal, including by furnishing to the Marine Board all such plans, specifications and other information and particulars as may be prescribed or, in so far as not prescribed, required by the Marine Board as it thinks fit in the circumstances of the particular case, including plans and specifications of, and other

information and particulars relating to the revetment proposed to be provided to comply with the condition specified in subsection five of section five of this Act.

All such plans, specifications, and other information and particulars shall be authenticated in the manner required by the Marine Board.

(2.) If an applicant granted provisional approval of a proposal to construct a canal fails to comply in every respect with the requirements of subsection one of this section within the period of time specified in the notice given to him under section six of this Act, that provisional approval shall thereupon and thereby lapse and become and be void and of none effect.

(3.) If an applicant granted provisional approval of a proposal to construct a canal—

(a) Complies in every respect with the requirements of subsection one of this section ; and

(b) Submits plans and specifications and other information and particulars pertaining to the construction of the canal satisfactory to the Governor in Council,

the Governor in Council may by Order in Council published in the *Gazette* give final approval to the construction of the canal in accordance with the plans and specifications and other information and particulars so satisfactory to the Governor in Council and subject to such terms and conditions (if any) as, the Governor in Council deeming fit, are specified in the Order in Council.

The Order in Council shall identify in such manner as the Governor in Council deems sufficient, the aforementioned plans and specifications and other information and particulars.

When dealings with land in subdivision which provides for a canal prohibited.

8. (1.) When the Marine Board is satisfied that a canal has been constructed in compliance in every respect with—

(a) The plans and specifications and other information and particulars identified in the Order in Council whereby the Governor in Council finally approved of the construction of that canal ; and

1958.

Canals Act.

(b) The terms and conditions, if any, specified in such Order in Council,

the Marine Board shall certify accordingly to the Minister, who shall notify in the *Gazette* the receipt by him of such certificate and the contents thereof.

(2.) A person shall not, either as principal or as agent, sell, agree to sell, offer to sell, offer to agree to sell, give or agree to give any option to purchase, or grant or agree to grant any lease or license in respect of, any land in a subdivision of land which provides for a canal before the publication in the *Gazette* of the notice in respect of that canal specified in subsection one of this section.

Penalty: Not less than fifty pounds and not exceeding two hundred and fifty pounds.

(3.) Every transaction relative to land which contravenes this section shall be absolutely void and of no legal effect whatsoever save that any moneys paid in respect of the transaction shall be recoverable by the payer from the payee.

9. The following provisions apply with respect to a subdivision of land which provides for any canal, namely:—

Subdivision
of land
which
provides
for canal.

(a) The plan of that subdivision shall define by metes and bounds separately from any and every other subdivision included in the plan, the land whereon the canal is to be constructed, and shall describe the land so defined appropriately to the descriptions of all other subdivisions included in the plan, and shall clearly indicate that the land so defined is required for the canal;

(b) The Governor in Council may refuse to give consideration to the application for provisional approval to construct the canal unless and until the applicant satisfies him that the Local Authority will approve the plan of that subdivision;

(c) Additionally to all considerations specified in section thirty-four of **The Local Government Acts, 1936 to 1958,*” the Local Authority shall take into consideration the disposal of sewage and shall not approve

* 1 G. 6 No. 1 and amending Acts.

the subdivision unless and until it is satisfied that sewage from the subdivided lands will not be discharged into the canal and will be capable of being disposed of in a manner which will ensure against any pollution of the canal or any water therein ;

(d) The Governor in Council shall refuse to give final approval to the construction of the canal unless and until the Local Authority has approved the plan of that subdivision ;

(e) The approval by the Local Authority of the plan of that subdivision shall not have any force or effect in law unless and until the Governor in Council shall give, as prescribed, final approval to the construction of the canal and accordingly, if such final approval is refused, the approval by the Local Authority shall be, and be deemed to have always been, void and of none effect in law ; and

(f) The Registrar of Titles or other person charged with registering instruments of title to any land shall not register any instrument dealing with any land in a subdivision whereto this section applies (other than a transfer surrendering to the Crown) unless and until a plan of that subdivision bearing both the approval of the Local Authority and the final approval of the Governor in Council hereinbefore referred to in this section and a transfer surrendering to the Crown all land defined in that plan as the land whereon the canal is to be constructed are registered in his office :

Provided that the said Registrar or other person shall not register a transfer surrendering to the Crown any land defined in any plan of subdivision which provides for a canal as being the land whereon the canal is to be constructed unless and until a plan of that subdivision bearing both the approval of the Local Authority and the final approval of the Governor in Council hereinbefore referred to in this section is registered in his office.

10. (1.) On and from the time when a canal is connected with any tidal water—

(a) If that tidal water is within the limits of a harbour, that canal shall become and be included in and form part of that harbour ; and

Conse-
quences of
connection
of canal
with tidal
water.

1958.

Canals Act.

(b) If that tidal water is not within the limits of a harbour, that canal shall become and be included in and form part of that tidal water, and all of the provisions of **“ The Harbours Acts, 1955 to 1956,”* †*“ The Navigation Acts, 1876 to 1950,”* and ‡*“ The Port Dues Revision Act of 1882,”* as subsequently amended (and in substitution for the two Acts last hereinbefore mentioned §*“ The Queensland Marine Act of 1958,”* when that Act comes into operation) shall apply and extend to such canal subject, however, to all such modifications and adaptations thereof as are necessary to give operation and effect to this Act :

Provided that where an act or omission constitutes an offence both under this Act and under any other Act hereinbefore mentioned in this section, the offender may be prosecuted and punished under either this Act or the other Act in question but so that he is not twice punished for the same offence.

(2.) Any right of navigation belonging to or enjoyed by the public over tidal water shall, subject to this Act and the other Acts hereinbefore mentioned in this section, extend to the tidal water in any canal.

11. For the purposes of preserving, maintaining ^{Maintenance of canals.} and keeping clean any canal—

- (a) Within the limits of a harbour for which a Harbour Board is constituted by or under **“ The Harbours Acts, 1955 to 1956,”* that Board ; and
- (b) Within the limits of a harbour for which no Harbour Board is constituted by or under **“ The Harbours Acts, 1955 to 1956,”* or without the limits of any harbour, the Harbours Trust,

shall have and may exercise any of the functions, powers and authorities conferred upon a Harbour Board by section fifty-nine of **“ The Harbours Acts, 1955 to 1956,”* and any such Harbour Board thereunto directed in writing by the Minister shall exercise in relation to any

* 4 Eliz. 2 No. 40 and amending Acts.

† 41 V. No. 3 and amending Acts.

‡ 46 V. No. 12.

§ 7 Eliz. 2 No. 23.

canal specified in the direction any of those functions, powers and authorities in compliance in every respect with the requirements of the direction.

Financial
provision.

12. (1.) The cost incurred by the Harbours Trust or any Harbour Board in preserving, maintaining and keeping clean any canal shall be defrayed as prescribed by this section.

(2.) The Minister for the time being charged with the administration of **“ The Local Government Acts, 1936 to 1958,”* shall, and may at any time after the Governor in Council has given final approval to the construction of any canal, by notification published in the *Gazette*, define the part of the Area of any Local Authority which will benefit specially from the construction of the canal.

The Minister may, from time to time, by a like notification revoke, or vary or amend as he deems fit, any such notification.

(3.) The Harbours Trust or, as the case requires, Harbour Board concerned shall establish a separate trust fund for any and every canal in respect whereof a notification has been published pursuant to subsection two of this section and shall—

- (a) Pay into that fund all moneys paid by any Local Authority, as prescribed by this section, in relation to that canal; and
- (b) Defray from that fund all costs incurred by it in preserving, maintaining and keeping clean that canal.

(4.) (a) The Harbours Trust or, as the case requires, the Harbour Board concerned shall not later than the last day of July in the year next succeeding the date of the publication, pursuant to subsection two of this section, of a notification in respect of a canal and in every succeeding year during which that notification remains in force (and either with or without variation or amendment) issue to any and every Local Authority part of the Area whereof is defined by such notification to be specially benefited a precept requiring the Local

* 1 G. 6 No. 1 and amending Acts.

1958.

Canals Act.

Authority to pay to the Harbours Trust or Harbour Board within the time limited by the precept the sum stated therein.

(b) The sum stated in the precept shall be such amount as paid annually will, together with the like annual payments, if any, made by any other Local Authorities, be sufficient in the opinion of the Harbours Trust or Harbour Board to defray all costs, whether incurred or to be incurred, prescribed by this section to be defrayed from the separate trust fund referred to in subsection three of this section.

(c) Paragraph (b) of this subsection shall apply so as not to limit or affect howsoever the power of the Harbours Trust or of a Harbour Board to vary from year to year, and whether by way of increase or decrease, the sum stated in any annual precept issued pursuant to this section, it being hereby declared that such sum may be so varied according as in the opinion of the Harbours Trust or of the Harbour Board concerned is necessary to ensure payments to the said fund sufficient for the purposes thereof.

(5.) Any amount of any sum required to be paid by a Local Authority by a precept issued pursuant to this section and not paid as required by that precept shall be recoverable by the Harbours Trust or, as the case may be, the Harbour Board concerned as a debt in any court of competent jurisdiction.

(6.) For the purpose of paying any precept issued to it pursuant to this section, a Local Authority shall, in the year in which that precept is issued, make and levy and may at any time recover a separate canal rate equally on the rateable value of land in the part of its Area defined in the notification referred to in subsection two of this section.

Such separate canal rate shall be deemed to be a separate rate for a particular function of Local Government and the provisions of **"The Local Government Acts, 1936 to 1958,"* with respect to the making, levying and recovery of a separate rate for a particular function of Local Government shall, subject to this Act, apply and extend accordingly.

* 1 G. 6 No. 1 and amending Acts.

Existing
canals.

13. (1.) In and for the purposes of this section and of section fourteen of this Act the term "existing canal" means any and every one of those canals provided or proposed to be provided in respect of subdivisions of lands called respectively—

- (a) Florida Gardens ;
- (b) Miami Keys ;
- (c) Rio Vista ; and
- (d) Moana,

within the Area of the Shire of Albert in respect whereof permissions for the purposes of section fifty-nine of "*The Harbour Acts, 1955 to 1956*," were applied for and granted prior to the passing of this Act :

Provided that a canal provided for in any plan of subdivision of any of the lands hereinbefore mentioned in this section not registered by the Registrar of Titles prior to the passing of this Act shall not be, or be deemed to be, an existing canal for the purposes of this section or of section fourteen of this Act unless and until the Minister makes on that plan the endorsement prescribed by subsection three of this section.

(2.) When any plan of subdivision of any of the lands mentioned in subsection one of this section which provides for any canal shall have been approved by the Council of the Shire of Albert and registered by the Registrar of Titles prior to the passing of this Act, then that canal shall be presumed to be an existing canal unless and until the contrary is proved.

(3.) When any plan of subdivision of any of the lands mentioned in subsection one of this section not registered by the Registrar of Titles prior to the passing of this Act provides for any canal which purports to be an existing canal, then the Registrar of Titles shall not register that plan unless and until the Minister endorses thereon a certificate that such canal is an existing canal.

The onus shall lie on the applicant for the endorsement referred to in this section to satisfy the Minister that the purported existing canal is in all respects the canal in respect whereof the permission mentioned in subsection one of this section was given and the Minister shall not make the endorsement unless and until he is so satisfied.

1958.

Canals Act.

The Minister shall not make an endorsement pursuant to this section upon any plan of subdivision which does not comply in all respects with the requirements of paragraph (a) of section nine of this Act.

(4.) All lands defined in a plan of subdivision as being required for the construction of any existing canal shall by virtue of the registration by the Registrar of Titles of that plan be deemed to be transferred and surrendered to the Crown—

- (a) In the case of such a plan so registered prior to the date of the passing of this Act, on and from the date of the passing of this Act ; and
- (b) In the case of such a plan so registered on or after the date of the passing of this Act, on and from the date when the plan is so registered :

Provided that in the case of a plan mentioned in paragraph (a) of this subsection which does not comply in all respects with the requirements of paragraph (a) of section nine of this Act, the Registrar of Titles shall not register any dealing relating to any subdivision comprised in the plan (other than a transfer surrendering to the Crown) unless and until he is satisfied that a transfer surrendering to the Crown all land in that plan whereon any canal is or is to be constructed is registered in his office.

(5.) Sections three to nine, both inclusive, of this Act, do not apply to existing canals but, save those sections, all of the provisions of this Act apply to existing canals.

For the purpose of applying section twelve of this Act to existing canals the words “ at any time after the passing of this Act ” shall be substituted for the words “ at any time after the Governor in Council has given final approval to the construction of any canal ” where appearing in subsection two of that section.

14. No action for damages or other right or Indemnity. remedy whatsoever shall lie against the Crown, the Minister, the Harbours Trust, a Harbour Board or a Local Authority, or any officer, employee or agent of any of them, in respect of any disturbance of the right of

support of any land included in a subdivision which provides for any canal finally approved under this Act or existing canal or other damage whatsoever to any such land or any improvement on any such land, caused by or resulting from the provision, construction or existence of the canal, or the state and condition of the canal, or the exercise in relation to the canal of any of the functions, powers and authorities conferred upon a Harbour Board by section fifty-nine of **"The Harbours Acts, 1955 to 1956,"* or the manner of the exercise, in relation to the canal, of any of those functions, powers and authorities, or the failure to exercise in relation to the canal any of those functions, powers and authorities.

Offences.

15. (1.) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

(2.) Every person who aids, causes or procures, or is in any way knowingly concerned in the commission of an offence against this Act shall be deemed to have committed that offence and may be proceeded against and shall be punishable accordingly.

Summary proceedings.

(3.) All offences against this Act may be prosecuted in a summary way under †*"The Justices Acts, 1886 to 1956,"* upon the complaint of any person thereunto authorised by the Minister.

Time for commencement of prosecution.

(4.) A prosecution for an offence against this Act may be instituted at any time within twelve months after the commission of the offence or within six months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

General penalty, &c.

(5.) Any person guilty of an offence against this Act shall, if no specific penalty is provided for that offence, be liable to a penalty not exceeding one hundred pounds.

(6.) Notwithstanding anything in any Act to the contrary, where any person is convicted of any offence against this Act the penalty to be imposed in respect of that offence shall not be reduced below any prescribed minimum amount of penalty.

* 4 Eliz. 2 No. 40 and amending Acts.

† 50 V. No. 17 and amending Acts.

1958.

Canals Act.

16. (1.) Where a body corporate offends against this Act each and every one of the following persons shall be deemed to have committed the offence, and shall be liable to be proceeded against and punished accordingly, namely—

Liability for offences by bodies corporate.

- (a) The managing director, manager or other governing officer, by whatever name called, and every member of the governing body, by whatever name called thereof; and
- (b) Every person who in Queensland manages or acts or takes part in the management, administration, or government of the business in Queensland of the body corporate.

(2.) This section applies so as not to limit or affect howsoever the liability of a body corporate to be proceeded against and punished for an offence against this Act committed by it.

17. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, either general or to meet particular cases, that in his opinion are convenient for the administration of this Act or that in his opinion are necessary or expedient for carrying out the objects and purposes of this Act.

Regulations.

Without limiting the generality of the foregoing provisions of this subsection regulations may be made for or in respect of all or any of the following purposes, matters and things :—

- (a) Prescribing forms under this Act and the purposes respectively for which such forms shall be used;
- (b) Prescribing the matters in respect of which fees shall be payable and the amounts of such fees, prescribing the persons who shall be liable for the payment of such fees, providing for the time and manner of payment of such fees, and for the recovery of any amount thereof not duly paid;
- (c) Prescribing the information and particulars required to be contained in or to accompany an application for provisional approval to construct a canal;

- (d) Prescribing the things and steps required to be done and taken to obtain the final approval of the Governor in Council to the construction of a canal including the plans, specifications and other information and particulars to be furnished to the Marine Board ;
- (e) Regulating and controlling the right of navigation belonging to or enjoyed by the public over the tidal water in any canal including the use of the tidal water in any canal or part of a canal by any vessels, and the mooring, anchoring or placing of any vessels in any canal or part of a canal ;
- (f) Safeguarding and in particular securing against trespass, injury, pollution, obstruction, disturbance, misuse, or use for or in connection with any purpose not authorised under this Act any land whereon any canal is constructed, the bed and banks of and water in such canal, and any revetment or other thing connected with that canal or the construction or use thereof ;
- (g) Providing for and regulating and controlling the discharge of storm water into any canal ;
- (h) Prohibiting in relation to land whereon any canal is constructed, that canal and the waters therein all such acts and things as in the opinion of the Governor in Council are detrimental to the safety, convenience or health of the public ;
- (i) Prescribing the amount of any penalty for any offence against any regulation, provided that any such penalty shall not exceed one hundred pounds or, where the offence is a continuing one, ten pounds for each and every day during which the offence is continued ;
- (j) Prescribing all matters or things which by this Act are required or permitted to be prescribed.

(2.) The power to make any regulation under this Act shall include power to make that regulation so that it may be of general or specially limited application

1958.

Canals Act.

according to time, place, purposes, persons or vessels, or persons or vessels included in any class thereof, or circumstances or otherwise as is prescribed and so that any regulation of specially limited application may or may not differ from any other regulation of specially limited application with respect to the same persons, vessels, matters or things.

(3.) The power to make any regulation under this Act shall include power thereby to prohibit or restrict either generally or to meet particular cases.

(4.) This section shall apply so as not to limit or affect howsoever the application and extension with respect to any canal of any regulation under any of the Acts mentioned in section ten of this Act save that every such regulation shall so apply and extend with and subject to all such adaptations and modifications thereof as are necessary to give operation and effect to this Act, including any and every regulation hereunder.

18. (1.) Every Order in Council and regulation made under this Act shall—

Publication
of Orders
in Council,
&c.

- (a) Be published in the *Gazette* ;
- (b) Upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein ;
- (c) Take effect from the date of such publication unless, in the case of any regulation, a later date is specified in that or any other regulation, for its commencement when in such event it shall take effect from that later date ; and
- (d) In the case of any regulation, be laid before Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2.) If Parliament passes a resolution of which notice has been given at any time within fourteen sitting days after any such regulation has been laid before Parliament disallowing such regulation, or part thereof, that

regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further regulation.

When
artificial
channel or
lake to be
a canal.

19. (1.) This section shall be in force in such Areas or parts of Areas as are fixed by the Governor in Council by Order in Council.

(2.) A person shall not construct in any Area or part of an Area in which this section is in force any artificial channel or lake for use or intended use for navigational, ornamental and recreational purposes, or any of those purposes, save a channel or lake which is a canal under and within the meaning of this Act.

Any person who contravenes this subsection shall be guilty of an offence and liable to be punished as prescribed by subsection one of section three of this Act.

The provisions of subsection two of section three of this Act shall, with and subject to all necessary adaptations, apply with respect to land the subject of an offence against this subsection.

(3.) Nothing in this section shall authorise, justify or excuse the construction of any canal under and within the meaning of this Act contrary in any respect to the requirements of this Act.

**COAL AND OIL SHALE MINE WORKERS
(PENSIONS).**

See MINING.