

7 GEO. VI. No. 35, 1943. *Somerset Dam, Etc. (War Adjustment) Act.*

(2.) Any person prior to the passing of this Act having a right of appeal pursuant to the provisions of section twenty-nine and the Fourth Schedule of **The Brisbane Tramway Trust Act of 1922*” (as amended by Orders in Council and ordinances under this Act) shall in lieu of such right of appeal as provided under the law aforesaid, have the right of appeal as prescribed by section 25C and by section 25D and the Third Schedule of †*“The City of Brisbane Acts, 1924 to 1943”*; and the provisions of the said section twenty-nine (so far as regards appeals of employees) and the Fourth Schedule of **The Brisbane Tramway Trust Act of 1922*” (as so amended) above referred to shall be repealed.

Reference
to appeals
under
Tramway
Trust Act.

INDUSTRY.

An Act to make Temporary Financial Provisions in relation to the Construction of the Somerset Dam, constructed pursuant to the Provisions of “The Bureau of Industry Acts, 1932 to 1935,” and for purposes incidental thereto.

7 GEO. VI.
NO. 35.
THE
SOMERSET
DAM
FINANCIAL
(WAR
ADJUSTMENT)
ACT OF 1943.

[ASSENTED TO 18TH NOVEMBER, 1943.]

WHEREAS for the purpose of ensuring an adequate storage for the supply of water to the City of Brisbane and the City of Ipswich and for the further purpose of preventing as far as may be destruction by flood waters in or about the said cities, authority was granted pursuant to the provisions of section 6C of †*“The Bureau of Industry Acts, 1932 to 1935”* for the construction by the Bureau of Industry or delegated Crown instrumentality (namely the Stanley River Works Board) of a dam across the Stanley River and all necessary appurtenances thereto at the site and in accordance with plans and specifications approved by the Governor in Council, including all necessary preliminary acts and matters in relation thereto (herein collectively referred to as “the said works”):

Preamble.

And whereas pursuant to the said section 6C the cost of the said works was apportioned between Brisbane City

* 13 G. 5 No. 14. See 1922 Sess. v., p. 10303.

† 15 G. 5 No. 32 and amending Acts. See v. 10, pp. 6 *et seq.*

‡ 23 G. 5 No. 25 and amending Acts. See v. 4, pp. 160 *et seq.*

Somerset Dam, Etc. (War Adjustment) Act. 7 GEO. VI. No. 35,

Council, the Council of the City of Ipswich and the Treasurer of Queensland, subject to a provision that the said Councils should not be liable to pay their respective portions of such liability until after the completion of the said works :

And whereas the construction of the said works has now reached such a stage that the said works are now being utilised for the supply of water to the City of Brisbane and the City of Ipswich, and at the same time afford a measure of flood protection for such cities :

And whereas on account of the exigencies of the present War, the completion of the said works has been temporarily suspended until such time as it may be reasonably possible to continue the construction of the said works to completion :

And whereas having in view the exigencies of the present War and of post-war reconstruction it is desirable that in the meantime provision be made whereby Brisbane City Council and the Council of the City of Ipswich should in view of the circumstances at present obtaining make a fair and reasonable contribution towards the cost of the said works having in view the moneys already expended on the said works and the advanced stage of the progress thereof as hereinbefore indicated without awaiting until the completion of the works :

Be it therefore enacted by the King'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 :—

Short title
and
construction.

1. This Act may be cited as "*The Somerset Dam Financial (War Adjustment) Act of 1943.*"

This Act shall be read and construed with *"*The Bureau of Industry Acts, 1932 to 1935*" hereinafter referred to as the Principal Act.

Payments
by Brisbane
City
Council
and the
Council
of the City
of Ipswich in
respect of
the works.

2. (1.) Notwithstanding anything to the contrary contained in the Principal Act, or in any other Act or law or rule or process of law during the financial year commencing on the first day of July, one thousand nine hundred and forty-three, and during every succeeding financial year thereafter while this Act is in operation,

* 23 G. 5 No. 25. See v. 4, pp. 160 *et seq.*

1943. *Somerset Dam, Etc. (War Adjustment) Act.*

Brisbane City Council and the Council of the City of Ipswich shall each pay to the Treasurer of Queensland such annual sum of money as shall be fixed by the Treasurer pursuant to this Act by way of contribution to the cost incurred by the Treasurer up to and including the thirty-first day of December, one thousand nine hundred and forty-two, in respect of the said works.

(2.) For the purposes of this Act the cost incurred by the Treasurer up to and including the thirty-first day of December, one thousand nine hundred and forty-two, in respect of the said works shall include the amount of moneys expended upon such works up to and including such date and the amount of interest paid or payable up to and including such date upon any loan whereby any such moneys were raised or upon any conversion of any such loan.

3. The respective annual payments to be made to the Treasurer by Brisbane City Council and the Council of the City of Ipswich under section two of this Act shall be determined, as nearly as may be, and shall be payable as follows:—

Amount of annual payments to the Treasurer by Brisbane City Council and the Council of the City of Ipswich respectively.

(i.) The Treasurer shall ascertain the total amount of the following sums, namely:—

(a) The amount of the expenditure by him in respect of the construction of the said works up to and including the thirty-first day of December, one thousand nine hundred and forty-two; and

(b) The amount of interest paid or payable by him up to and including the thirty-first day of December, one thousand nine hundred and forty-two, upon any loan whereby moneys expended as aforesaid were raised or upon any conversion of any such loan.

(ii.) For every one thousand pounds of such total amount, the allocation to Brisbane City Council shall be five hundred and sixty-six pounds, and the allocation to the Council of the City of Ipswich shall be thirty-four pounds.

(iii.) The amount of the respective allocation so made to each such Council shall be and be deemed to be a loan made to it by the

Somerset Dam, Etc. (War Adjustment) Act. 7 GEO. VI. No. 35,

Treasurer under and pursuant to the provisions of **“The Local Government Acts, 1936 to 1943,”* †*“The Local Works Loans Acts, 1880 to 1899,”* and ‡*“The Local Works Loans Acts Amendment Act of 1918,”* and (notwithstanding the provisions of any such Act) repayable by equal annual instalments compounded of principal and interest thereon at the rate of three pounds seven shillings and sixpence per centum per annum over a period of forty-five years.

- (iv.) The annual payment for the financial year commencing on the first day of July, one thousand nine hundred and forty-three, and for each financial year thereafter while this Act continues in operation, to the Treasurer by Brisbane City Council, and the Council of the City of Ipswich, respectively pursuant to section two of this Act shall be a sum equal to the instalment hereinbefore referred to in paragraph (iii.) of this section, one moiety of which sum shall be due and payable on the first day of January, and the remaining moiety on the first day of July of the financial year in question.
- (v.) The provisions of **“The Local Government Acts, 1936 to 1943,”* †*“The Local Works Loans Acts, 1880 to 1899,”* and ‡*“The Local Works Loans Acts Amendment Act of 1918,”* relating to the repayment of loans, and the levy and collection of any rate or charge in relation thereto deemed necessary by the Councils concerned shall, *mutatus mutandis* apply and extend accordingly.
- (vi.) The certificate of the Treasurer shall be conclusive evidence as to the amount of the annual payment to be made by either such Council under the provisions of this Act.

Adjust-
ments.

4. All payments made by Brisbane City Council and the Council of the City of Ipswich pursuant to the provisions of this Act shall be taken into account when the capital liability as referred to in section 6C of the

* 1 G. 6 No. 1 and amending Acts. See v. 5, pp. 826 *et seq.*

† 44 V. No. 9 and amending Acts. See v. 5, pp. 1048 *et seq.*

‡ 9 G. 5 No. 7. See v. 5, p. 1056.

1943. *Somerset Dam, Etc. (War Adjustment) Act.*

Principal Act shall on the completion of the works be ascertained, and to the intent that proper adjustment shall be made giving full credit to such Councils for such payments.

A certificate of the Treasurer as to any adjustment and reallocation of the capital liabilities of the Councils concerned shall be conclusive evidence of such certificate and of the matters contained therein.

5. (1.) In section 6c of the Principal Act the words **“ The Local Authorities Acts, 1902 to 1932 ”* are repealed and the words †*“ The Local Government Acts, 1936 to 1943,”* ‡*“ The Local Works Loans Acts, 1880 to 1899,”* and §*“ The Local Works Loans Acts Amendment Act of 1918 ”* are inserted in lieu thereof. Amendments and construction of Principal Act.

(2.) In section 6D of the Principal Act the words “Flood Board” wherever such words appear are repealed and the words “Somerset Dam Board” are inserted in lieu thereof.

(3.) The Principal Act as amended and this Act may collectively be cited as ||*“ The Bureau of Industry Acts, 1932 to 1943.”* Collective title.

Except as otherwise expressly provided in this Act the provisions of the Principal Act relating to the works shall enure and have full effect and operation accordingly.

6. This Act shall continue in force until such time as the Governor in Council, by Order in Council, published in the *Gazette* shall declare that its operation shall cease, and in that event the Principal Act as amended by this Act shall, subject to any necessary adjustments as required by this Act being made, enure and have full force and effect accordingly. Duration of this Act.

* 2 E. 7 No. 19 and amending Acts (rep.). See v. II., p. 1860 (1910 Edn.)

† 1 G. 6 No. 1 and amending Acts. See v. 5, pp. 826 *et seq.*

‡ 44 V. No. 9 and amending Acts. See v. 5, pp. 1048 *et seq.*

§ 9 G. 5 No. 7. See v. 5, p. 1056.

|| 23 G. 5 No. 25 and amending Acts. See v. 4, pp. 160 *et seq.*

SOMERSET DAM.

See INDUSTRY.