



ANNO TRICESIMO SEPTIMO ET TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1874.

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No. 11.

*An Act to authorize the Construction of a Channel or Canal for the purpose of Connecting the Port of Goolwa with the Sea, and for other purposes.*

[Assented to, 6th November, 1874.]

**W**HEREAS the Town of Goolwa and the District adjacent thereto would be greatly improved if a Channel or Canal capable of admitting sea-going ships were constructed for the purpose of connecting the Port of Goolwa with the Sea, and the construction of such works would also be of great advantage to the public at large: And whereas the Corporation of the Town of Goolwa are willing to undertake to procure the construction of such works upon certain concessions being granted to, and powers conferred upon, them; and it is desirable to grant such concessions, and to confer such powers—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 the said Province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be cited for all purposes as “The Port Goolwa Improvement Act, 1874.”

Short title.

2. In the construction of this Act, unless inconsistent with the context, the expressions “the Corporation of the Town of Goolwa” and “the said Corporation” shall mean and include as well the Corporation of the Town of Goolwa, as also any person or Company to whom the said Corporation shall from time to time transfer all or any of the concessions, privileges, powers, and authorities by this Act conferred upon or vested in the said Corporation.

Construction.

3. All

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Certain waste lands  
vested in Corporation  
of Goolwa.

3. All that portion of the waste lands of the Crown, being part of the Hundred of Nangkita, consisting of the peninsula of sand-hills, extending from the surveyed land near the Trigonometrical Station, known as "Pullen No. 1," to the point known as "Barker's Knoll," bounded on the west by the sea at low water mark, and on the east by the River Murray at low water mark, as shown on plan deposited herewith, and marked A, shall be, and the same are hereby vested in the Corporation of the Town of Goolwa in fee simple for the purposes of this Act.

Corporation to con-  
struct canal.

4. The said Corporation may make and maintain a permanent channel or canal connecting the said River Murray, and the Port of Goolwa, with the sea, such channel to have a depth of at least twenty feet at low water spring tides, and to be of the width of at least two hundred feet.

Power to lease and  
construct dams, &c.

5. The said Corporation may grant leases of any portion of the said waste lands hereinbefore vested in it, for such terms and upon such conditions as may appear expedient, and shall have full power and authority to construct and maintain all such dams, dykes, retaining walls, wharves, piers, groins, breakwaters, and other works, as such Corporation may deem necessary for the purpose of making and maintaining the said channel or canal, including power to construct any such works in any part of the said River Murray, or any branch thereof, between Point Sturt and the sea, as may be considered necessary for the purpose of diverting all the waters of the said river into the channel running past the Town of Goolwa, and thence through the said channel or canal, but so that the operations for so diverting the waters of the Murray as aforesaid shall not have the effect of raising such waters above the present highest levels: Provided that before commencing the construction of any of the works authorized by this Act, plans of the works proposed to be constructed shall be deposited in the office of the Commissioner of Public Works, and if the works proposed to be constructed according to such plans shall not be such as are authorized by this Act, the said Commissioner may, at any time within fourteen days from the date of such plans being so deposited, exercise a right of veto, and upon notice of the exercise of such right of veto being given to the said Corporation, and unless such plans shall be modified so as to secure the concurrence of the said Commissioner, the said Corporation shall not be authorized to proceed with such works.

Power to carry out  
works in any part of  
River Murray.

6. The said Corporation shall have power to carry out all such works in any part of the said River Murray, below Points Sturt and Macleay, as may be requisite for keeping open the said channel or canal, and so that the same shall be of the before-mentioned depth of twenty feet at the least.

Corporation may levy  
tolls.

7. The said Corporation may levy and enforce tolls on all ships or vessels entering or passing through the said channel or canal, so to be constructed as aforesaid; such tolls not to exceed Five Shillings each

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each way for every ton of the registered tonnage of such ships or vessels, and may also levy half such tolls upon all vessels passing through such channel or canal during the progress of the works, upon a depth of fifteen feet being attained.

8. All such tolls as aforesaid, according to the scale for the time being in force, but not exceeding the rates in the last preceeding section mentioned, may be recovered by the said Corporation in any Court of competent jurisdiction from the owners or masters of all vessels using the said channel or canal.

Corporation may  
recover tolls.

9. All the privileges and powers by this Act conferred on the said Corporation, shall absolutely cease and determine, and the said waste lands of the Crown hereby vested in the said Corporation, shall revert to the Crown, unless the said Corporation shall, within three years from the passing of this Act, expend or cause to be expended the sum of Twenty Thousand Pounds in and about making the said channel or canal connecting the said River Murray and the sea, or in and about some other of the works connected therewith and hereinbefore mentioned; and such waste lands shall also revert to the Crown unless such channel or canal is opened for traffic to a minimum depth of at least twenty feet as aforesaid, within five years from the passing of this Act, or if being so opened such channel or canal shall not be kept open as aforesaid for a period of twenty-four consecutive months.

Power to cease if  
£20,000 not expended  
in three years.

10. The said Corporation may grant and lease, or enter into any contract or agreement which it may consider expedient, with any person willing to carry out the works hereby authorized to be constructed, upon such terms and conditions as may be agreed upon, and may by such contract or agreement transfer to such 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 contract or agreement, such person shall (to the extent to be therein mentioned), be vested with all 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 such conveyances, leases, or other assurances as may be necessary or proper for carrying the provisions hereof into effect.

Corporation may  
transfer powers.

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

A. MUSGRAVE, Governor.