



ANNO QUINTO

EDWARDI VII REGIS.

A.D. 1905.

No. 902.

An Act to authorise the Construction of Weirs, Dams and Locks, and other Works, on the River Murray for Navigation and Irrigation, and for other purposes.

[*Assented to, December 9th, 1905.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Murray Works Act," and shall be incorporated with "The Lands Clauses Consolidation Act," except section CXIV. thereof. Short title and incorporation.

PART I.

INTRODUCTORY.

PART I.

2. This Act is divided into Parts, as follows:—

Parts.

PART I.—Introductory:

PART II.—Power to Construct Works:

PART III.—Control and Use of Water:

PART IV.—Powers of Commissioner:

PART V.—Appointment of Officers; Regulations:

PART VI.—Miscellaneous.

*The Murray Works Act.—1905.***PART I.****Interpretation.**

3. In this Act, except where otherwise clearly intended—

“ This Act ” includes all the regulations made thereunder :

“ Special Act ” means the Act authorising the construction of particular works :

“ Commissioner ” means the Commissioner of Public Works for the time being :

“ River ” includes the bed and banks :

“ River Murray ” includes any lake, lagoon, channel, creek, affluent, confluent, branch, or extension thereof or connected therewith :

“ Prescribed ” means prescribed by this Act :

“ Work ” includes any weir, dam, lock, reservoir, flume, race, channel, cutting, tunnel, pipe, sewer, tank, regulator, sluice, aqueduct, drain, cut, well, shaft, fence, building, and any machinery and appliances.

PART II.**PART II.****POWER TO CONSTRUCT WORKS.****Power to construct works.**

4. The Governor is, as hereinafter provided, authorised and empowered to construct and maintain in, on, or across the River Murray, and in or on the lands riparian thereto, works for damming, impounding, storing, and conserving, or otherwise utilising, the waters thereof for the purposes of navigation, irrigation, watering cattle and other stock, domestic use, and general supply.

First work.

5. The works mentioned and described in section 6 may be constructed on the passing of this Act, and any other works may be constructed on the passing of a Special Act for the purpose.

Plans to be prepared and tenders called for.

6. The Commissioner shall cause plans and specifications to be prepared and tenders to be called for the construction of a lock or weir and all necessary works in connection therewith in, on, or across the River Murray, at such site as may be recommended by the expert or experts to be selected as hereinafter provided and approved by Parliament, and in or on the lands riparian thereto : Provided that no tender shall be accepted nor shall the work be commenced until the Government has obtained a report on the best site for the construction of such works from the best available expert or experts outside the State of South Australia, to be selected by the Government, and such report has been laid before and approved of by Parliament, and plans showing and defining such work, signed by the Commissioner, shall have been approved by Parliament and deposited in the office of the Surveyor-General.

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PART III.

PART III.

CONTROL AND USE OF WATER.

7. (1) The right to the use and to the flow and control of any water dammed, impounded, stored, or conserved by any works for the purpose of this Act, subject only to the restrictions hereinafter contained and until appropriated under the sanction of this Act, shall vest in the Crown.

Impounded waters vest in the Crown.

(2) Such right shall not be exercised except for the purposes of navigation in contravention of any right—

(a) Conferred on and lawfully exercisable by any person by or under the authority of any Act or of any licence granted by the Crown:

(b) Of an occupier of land on the bank of the River Murray to use the water in such river for domestic purposes, and for watering cattle or other stock:

Provided that such right shall not extend to a greater use of the water than such occupier or person would lawfully be entitled to but for the existence of works under this Act, nor to a use which, in the opinion of the Commissioner, is unreasonable.

8. Subject to section 7, the Commissioner may, for such purposes and on such terms and conditions as may be prescribed, sanction the taking, using, and diverting of any water impounded or conserved under this Act not required for the purposes of navigation, and may at any time withdraw such sanction.

Commissioner may sanction use of surplus water.

9. The Commissioner may demand and take for the use for navigation of works under this Act or the water impounded or conserved by such works such tolls and charges as may be prescribed.

Tolls may be charged.

PART IV.

PART IV.

POWERS OF COMMISSIONER.

10. The Commissioner, in addition to all other powers and authorities vested in him, is authorised and entitled for the purposes of any works to—

Powers of Commissioner.

- i. Purchase, take, acquire, or resume lands:
- ii. Reclaim lands:
- iii. Sell, let, or lease any lands which may become vested in him and not be required for the purposes of this Act:
- iv. Enter upon any lands—

(a) And make surveys and take levels and set out such parts thereof as he thinks necessary, and make and set up any posts, stakes, trenches, or other works, and do any other acts or things whatsoever necessary for such surveys:

(b) Adjoining

*The Murray Works Act.—1905.***PART IV.**

(b) Adjoining or contiguous to the works, and bore, dig, cut, trench, embank, and sough, remove, or lay, take, carry away, and use any earth, stone, timber, gravel, or sand, or any other materials proper or necessary for constructing, making, maintaining, altering, repairing, or using any work which the Commissioner is at the time authorised to construct or make, or which may hinder, prevent, or obstruct the construction, re-construction, making, maintenance, altering, repairing, adding to, extending, or using the same respectively:

(c) Streets or roads for the purpose of constructing, altering, or repairing any channel, aqueduct, conduit, or pipe line:

- v. Impound, dam, conserve, store, set back, divert, abstract, or drain the waters, or alter the course or level of, or embank, narrow, widen, or deepen the Murray River:
- vi. Alter the course, width, or level of, or close, any roads, streets, or ways:
- vii. Alter, repair, or discontinue works, or any of them, and substitute others in their stead:
- viii. In his own name institute and maintain any proceeding in any Court of justice in respect of or in relation to works or lands constructed or vested in him under this Act, or for any tolls or charges prescribed under this Act:
- ix. Generally do all other acts for constructing, re-constructing, making, maintaining, altering, repairing, adding to, extending, using, and protecting from trespass or injury any works constructed or being constructed under this Act, or works or lands vested in him or under his control, or for all or any of the purposes of this Act.

PART V.**PART V.****OFFICERS, REGULATIONS, &c.**

Governor may
appoint officers, make
regulations, &c.

- 11. The Governor may, for the purposes of this Act—
 - i. Appoint officers:
 - ii. Make regulations and provide a penalty not exceeding Ten Pounds for any breach thereof:
 - iii. By Proclamation, published in the *Government Gazette*, authorise the Commissioner, in the name of the Commissioner or of the Crown, to exercise all or any of the powers and authorities vested in the Governor by the other parts of this Act.

12. All

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12. All regulations made under this Act shall—

- i. Be published in the *Government Gazette* :
- ii. Take effect from the date of such publication, or from a later date specified in the regulations ; and
- iii. Be laid before both Houses of Parliament within fourteen days after such publication if Parliament is in Session, and if not, within fourteen days after the commencement of the next Session.

PART V.

Publication of regulations.

But if either House of Parliament passes a resolution of which notice is given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

PART VI.

PART VI.

MISCELLANEOUS.

13. (1) All proceedings for offences against or breaches of this Act shall be taken before and determined in a summary way by any Special Magistrate or two Justices of the Peace for the said State.

Proceedings for offences.

(2) All such proceedings shall be regulated by Ordinance No. 6 of 1850, "The Justices Procedure Act, 1883-4," and any other Act that may be law in that behalf.

14. There shall be an appeal from any conviction by a Special Magistrate or Justices, or from any order dismissing any information or complaint under this Act, or the regulations thereunder, which appeal shall be to the Local Court of Adelaide of full jurisdiction, and the proceedings on such appeal shall be conducted in manner prescribed for appeals to Local Courts by Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," or any other Act for the time being in force on that behalf.

Recovery of penalties.

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

GEORGE R. LE HUNTE, Governor.