



ANNO QUINQUAGESIMO PRIMO ET QUINQUAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1888.

No. 436.

An Act relating to Ferries.

[Assented to, December 8th, 1888.]

BE it 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, that is to say: Preamble.

1. This Act may be cited for all purposes as "The Ferries Act, 1888." Short title.

2. The Ordinance and Acts mentioned in the Schedule to this Act are hereby repealed, but such repeal shall not affect any right accrued; any liability, forfeiture, or penalty incurred; or any thing done before the passing of this Act; nor any legal proceedings commenced, or hereafter to be commenced, with respect to such right, liability, forfeiture, penalty, offence, or thing. Repeal.

3. For the purposes of this Act— Interpretation.

"Local authority" shall mean any council within the meaning of "The Municipal Corporations Act, 1880," or any Act in force for the time being relating to municipal corporations, or any district council within the meaning of "The District Councils Act, 1887," or any Act in force for the time being relating to district councils, or, in places within the province not within the limits of a corporation or a district council, the Commissioner of Public Works:

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“Cattle” shall mean and include camels, horses, mares, geldings, colts, fillies, foals, bulls, cows, bullocks, heifers, calves, rams, ewes, sheep, lambs, goats, kids, or swine.

Power to establish a ferry.

4. Whenever any main or district road is intersected by any navigable waters any local authority may, subject to the approval of the Treasurer, establish a ferry for public convenience.

Power to construct works, &c.

5. Every local authority may make and construct a ferry across any river, creek, stream, lake, or tidal waters, and may lay down and place cables, wires, chains, and other appliances, and may make and construct such wharves, retaining walls, causeways, embankments, canals, landing stages, and all other works considered by them necessary, and may make and construct all punts, barges, and ferry boats to be worked by steam power or otherwise, and erect and place such masts, posts, and other necessary plant for carrying on and working the ferry.

Existing ferries vested in local authority.

6. All Government ferries heretofore established at Mannum, Blanchetown, and Wellington shall be, and the same are hereby, vested in the local authority as if they had been established under the provisions of this Act.

Local authority to have control of ferry.

7. The local authority, for all the purposes of this Act, shall have vested in them the full and absolute care, control, and management of the ferry and all works connected therewith.

May appoint workmen.

8. The local authority may appoint such and as many workmen for working the ferry as they may consider necessary, may fix their wages, and dispense with their services.

Power to make regulations.

9. The local authority may make regulations for the management of any ferry and the approaches thereto; for the tolls to be levied, and the fares to be charged for the conveyance of passengers, cattle, and goods by such ferry; for the collection of tolls or fares; for fixing the times for using the ferry; and any other regulation necessary or convenient for giving effect to the provisions of this Act, or convenient in connection with the working of the ferry; and may prescribe and fix penalties for offences against or breaches of such regulations, not exceeding Five Pounds for each offence. All such regulations shall be approved by the Governor in Council, and published in the *Government Gazette*, before coming into operation. All regulations made under the authority of this Act shall be laid before both Houses of Parliament within twenty-one days after the same have been made, or if Parliament be not then sitting, within twenty-one days after the commencement of the next ensuing session thereof; and if an address be presented to the Governor by either House of Parliament within the next subsequent twenty-one days on which the said House shall have sat, praying that the regulations, or any portion thereof, may be annulled, the Governor shall thereupon annul such regulations, or any portion thereof,

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thereof, as the case may be, and the same shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

10. Every person guilty of a breach of the regulations made and published under the authority of this Act shall be liable to the penalty expressly imposed therein, and, if no other penalty be imposed, to a penalty not exceeding Five Pounds.

Penalty for breach of regulations.

11. The local authority, or any person lawfully acting on their behalf, in charge of any ferry, may detain any cattle or goods and chattels of any person using a ferry until all tolls and fares due by such person have been paid and satisfied.

Power to detain cattle or goods if charges not paid.

12. If any person shall neglect or refuse to pay any toll, fare, or charge for using any ferry payable under the regulations aforesaid, or shall be guilty of any evasion, or attempt at evasion, of the payment of such toll, fare, or charge for the use of such ferry, every such person shall for every such offence forfeit and pay any sum not exceeding Five Pounds.

Penalty for non-payment of tolls, &c.

13. If any person hire, or employ or ply for hire, with a view of evading the provisions of this Act, any punt, barge, boat, or other vessel for the carrying across any river, creek, stream, lake, or tidal waters where any ferry has been established by any local authority, or under the control thereof, or within one mile of such ferry, he shall for every such offence forfeit and pay a sum not exceeding Twenty Pounds: Provided always that this section shall not apply to any licensed waterman plying across any tidal waters within the limits of any port or harbor within the province.

Penalty for plying for hire, &c., within prohibited distance.

Proviso.

14. Every local authority shall place and cause to be kept on some conspicuous part of the ferry a printed list of the tolls and fares payable under the regulations, and, if leased, the name of the lessee.

List of tolls and fares to be exhibited.

15. The local authority may from time to time let any ferry for any term not exceeding five years, upon such terms and conditions as they may think fit.

Ferry may be let.

16. Every lessee during the continuance of any such letting, or any person by him appointed, may demand, take, have, and receive all such tolls and fares made and approved as aforesaid, and may enforce the recovery thereof in the same manner and by the same ways and means as the local authority could have done if the ferry had not been let.

Lessee to have the same power as the local authority.

17. Any person who shall unlawfully and maliciously cut, break, throw down, destroy, injure, or damage any ferry, or any part thereof, or any matter or thing whatsoever, being part of or being used

Punishment for damaging ferry.

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used or employed in or about any ferry, or the working thereof, or shall unlawfully and maliciously prevent, hinder, or obstruct in any manner the working of such ferry, or shall attempt to do any of the unlawful acts aforesaid, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years with hard labor.

Lights to be carried.

18. Every ferry, punt, barge, or ferry-boat crossing any navigable water between sunset and sunrise shall carry one or more bright lights in some prominent part thereof, not less than four feet above the surface of the water.

How fines may be recovered.

19. All fines and penalties for any offence against this Act, or any regulation made by any local authority in pursuance of this Act, may be recovered in a summary way before any Special Magistrate or two or more Justices of the Peace, and all fines, penalties, and moneys recovered shall be paid and appropriated to the use of the local authority as part of the general revenue of such local authority.

Proceedings before Justices.

20. The proceedings before Justices may be heard and determined under the provisions of Act No. 6 of 1850, or of any other Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions, and all convictions and orders may be enforced as in such Act is or shall be provided; and the Special Magistrate or Justices may also, in case any penalty is imposed, order the defendant in default of payment thereof to be imprisoned, with or without hard labor, for any period not exceeding six calendar months.

Free passage to be kept for vessels, &c.

21. Nothing in this Act contained shall authorise the obstruction by the ferry, or the works or appliances thereof, of the free use of any navigable waters by any steamship or other vessel in passing and repassing the said ferry.

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

WM. C. F. ROBINSON, Governor.

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SCHEDULE.

Ordinance and Acts Repealed.

Reference.	Title.
Ordinance 4 of 1848	To establish a Ferry on the River Murray.
22 of 1854	An Act to amend an Ordinance "To Establish a Ferry at Wellington, on the River Murray."
10 of 1859	An Act to amend an Ordinance "To Establish a Ferry at Wellington, on the River Murray."