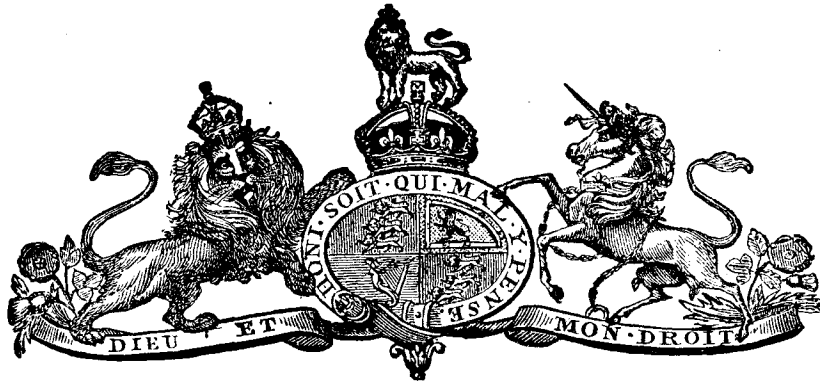


TASMANIA



1913

ANNO QUARTO

GEORGH V. REGIS.

No. 41.

ANALYSIS.

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AN ACT to provide for the Maintenance, A.D. 1913.
Management, and Control of the Ralph's
Bay Neck Canal, and for other purposes.

[24 December, 1913.]

WHEREAS under and by virtue of "The Public Works Execution Act, 1913," and "The Public Works Appropriation Act, 1913," the Minister of Lands and Works is authorised to cause to be constructed and completed Ralph's Bay Neck Canal, conditionally on the various local bodies hereinafter named contributing the various sums at the times, for the period, and in the manner hereinafter appearing : PREAMBLE.

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And whereas it is necessary to provide for the maintenance, management, and control of the said Canal when completed :

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Short title.

1 This Act may be cited as “The Ralph's Bay Neck Canal Act, 1913.”

Interpretation.

2 In this Act, unless the context otherwise determines—

“Canal” means the Ralph's Bay Neck Canal, the construction of which is authorised by “The Public Works Execution Act, 1913” :

“Hobart Corporation” means the corporation of the Mayor, aldermen, and citizens of the city of Hobart :

“Engineer-in-Chief” means the Engineer-in-Chief for the time being of this State, and includes an Acting Engineer-in-Chief :

“Local body” means and includes the Marine Board, and also any municipal council mentioned in Section Five :

“Marine Board” means the Marine Board of Hobart :

“Minister” means the Minister of Lands and Works for the time being of this State :

“Treasurer” means the Treasurer for the time being of this State.

Canal not to be used until Engineer-in-Chief has certified.

3—(1) The Canal shall not be opened for traffic until—

i. The Engineer-in-Chief has reported to the Minister that he has inspected the whole of the Canal and appurtenances thereto, and the appliances and devices set up for use in the navigation thereof, and that such Canal, appurtenances, appliances, and devices are in good and efficient condition and repair, and may be safely and conveniently used for public traffic : and

ii. Such report has been gazetted.

Control and management of Canal vested in Marine Board.

(2) Forthwith upon such gazettal the control and management of the Canal, together with its appurtenances and the appliances, and devices set up for use in the navigation thereof, and all land on either side of the Canal acquired or resumed or set apart by the Crown for the purposes of the Canal or its construction shall, by the mere operation of this section pass to and vest in the Marine Board, as if the same were a work or works vested by “The Marine Boards Act, 1889,” in the Marine Board. From and after such vesting the Marine Board is hereby empowered and required, so far as the funds at its disposal will admit, from time to time, and at all times thereafter, to maintain, support, amend, repair, and cleanse the same, and keep the channel clear, and maintain it at widths and depths throughout, being not less than the widths and depths throughout respectively existing at the time of such gazettal, and to do all such works, acts, matters, and things as may from time to time be or become necessary

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for securing the proper and efficient working of the Canal and appurtenances, appliances, and devices, and ensuring safety in the navigation of the Canal or its approaches at either end. A.D. 1913.

Sections Eighty-four to Eighty-eight inclusive of "The Marine Boards Act, 1889," shall apply to the Canal as if it were a river within the jurisdiction of the Marine Board.

4—(1) The Marine Board is hereby empowered and required from time to time by by-law— Marine Board may levy tolls.

- i. To fix the tolls and other charges to be paid by or in respect of vessels navigating the Canal; and
- ii. To regulate the use, navigation, and management of the Canal as the Board shall deem expedient.

(2) Every such by-law shall be subject to the approval of the Governor, and shall be subject to all the provisions contained in "The Marine Boards Act, 1889," relating to the making and publication of by-laws.

(3) The amount of all such tolls and charges shall be paid to the Marine Board and shall be funds at its disposal for the purposes of Subsection (2) of Section Three of this Act and also of "The Marine Boards Act, 1889."

5—(1) There shall be paid to the Treasurer on a day to be fixed by him—not being earlier than Six calendar months after the date upon which the Engineer-in-Chief certifies to the Treasurer that the sum of Ten thousand Pounds has been expended in or in relation to the construction of the Canal—and thereafter annually upon the same day in each succeeding year until Forty such payments shall have been made— Payments to be made by various public bodies.

- i. The annual sum of One hundred and fifty Pounds to be paid by the Marine Board out of the funds at its disposal:
- ii. The annual sum of One hundred and fifty Pounds to be paid by the Municipal Council of the Hobart Corporation out of its Municipal Fund:
- iii. The annual sum of Twenty Pounds in each case to be paid annually by the municipal council of each of the following municipalities, namely, the Municipality of Sorell, the Municipality of Clarence, the Municipality of Tasman, the Municipality of Spring Bay, and the Municipality of Glamorgan.

(2) The amount of annual contribution payable under this Act by any municipal council of a municipality may be paid out of the municipal fund of the municipality, or the Council may make and levy for the purpose a special rate under the provisions of "The Local Government Act, 1906," upon the annual value or capital value of all ratable property within the municipality, as shown by the assessment or valuation rolls in force for the time being; and all the provisions of "The Local Government Act, 1906," which relate to the making, levying, and recovery of rates shall be applicable to every rate so made and levied.

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(3) The said sums of money shall, on receipt thereof by the Treasurer, be by him paid into the Consolidated Revenue and form part thereof.

Power to appoint receiver on default in payment.

6 If at any time any annual sum of money payable by any local body to the Treasurer under Section Five, or any part thereof, remains unpaid for a period of Three months after the same becomes due, the Governor shall from time to time appoint a receiver of the revenues of such local body.

Any receiver appointed under this Act shall be entitled to receive all the revenues payable to such local body, and from time to time to make and levy all such rates for the purpose of paying such moneys so remaining unpaid as aforesaid, as such local body is then by law empowered to make and levy, and for the purposes aforesaid such receiver shall be deemed to be such local body, and may exercise all the powers and functions thereof in respect of making, levying, collecting, or recovering any such rate.

Such receiver shall, out of any revenues as aforesaid received by him from time to time, pay to the Treasurer such sum or sums of money as may be payable as aforesaid, and after payment of the costs and expenses incurred by such receiver, together with such remuneration as the Governor may deem reasonable, the balance (if any) shall be paid to the local body entitled to receive the same.

Cf. L.B. Loan Act.

Receiver to give security.

7 Every receiver appointed under this Act shall before entering on his office give such security for the faithful execution thereof as the Governor shall direct.

Receiver amenable to Audit Act.

8 Every such receiver shall, in the receipt or disbursement of moneys or other property, be amenable to all the provisions of "The Audit Act, 1901," in the same manner and in all respects as if such receiver had been an officer in the Public Service.

The provisions of 1 Geo. V. No. 11 may be applied in acquiring land for the purposes of the Canal.

9 For the purpose of constructing, executing, and completing the Canal and for any purpose in relation thereto the Minister may purchase, acquire, and take under and in the mode prescribed by "The Lands Resumption Act, 1910," such land as he deems necessary, notwithstanding anything to the contrary contained in any Act, and the provisions of "The Lands Resumption Act, 1910," shall in every respect be applicable. The powers exercisable under Section Twenty-five of "The Lands Resumption Act, 1910," may be exercised on or in relation to any land, whether adjacent to the land purchased, acquired, or taken, or not.