

T A S M A N I A.



1 8 6 9.

ANNO TRICESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 34.



AN ACT to protect the Sources of the River *Clyde*, and to secure a sufficient Flow of Water in such River. [22 October, 1869.]

WHEREAS it is expedient to repeal "An Act to protect the Sources of the River *Clyde*, and to secure a Supply of Water to the Inhabitants of the Townships of *Bothwell* and *Hamilton*," and to make better provision for securing a sufficient Flow of Water in the said River for all purposes: 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:—

PREAMBLE.  
21 Vict., P. xxi.

*Repeal.*

1 The Act intituled "An Act to protect the Sources of the River *Clyde*, and to secure a Supply of Water to the Inhabitants of the Townships of *Bothwell* and *Hamilton*" is hereby repealed, except as to acts already done; and all dams and works constructed under the said Act shall be deemed to have been constructed by the Trustees under this Act, and all property vested in Trustees under the said Act shall be deemed to be vested in the Trustees under this Act.

Repeal of 21 Vict.  
P. xxi.  
Saving as to acts,  
&c. done.

*Trustees.—Their Appointment and Removal.*

2 There shall be Five Trustees for the purposes of this Act, any Three of whom shall form a quorum, and the said Trustees or a quorum

Five Trustees.

*River Clyde Act.*

of them shall have and exercise all the powers conferred upon the Trustees by this Act, and such Trustees shall for all purposes be called "Trustees of the River *Clyde*."

Appointment and retirement of Trustees.

**3** The following Five persons shall be the first "Trustees of the River *Clyde*;" that is say,—

*William Sibley,*  
*Joseph Clark,*  
*Henric Nicholas,*  
*William Nicholas,* and  
*James Taylor :*

and in case any of the "Trustees of the River *Clyde*" dies, resigns, or ceases to reside within Ten miles of any part of the banks of the River *Clyde*, then the place of such Trustee shall be deemed to be vacant, and in every such case a new Trustee shall be elected to supply such vacancy.

New Trustee to be elected at a Meeting of Rate-payers.

**4** Every new Trustee shall be elected by the persons liable to be rated under the provisions of this Act; and upon any vacancy occurring amongst the said Trustees, the continuing Trustees shall forthwith fix a time and place for holding a meeting of such persons for the purpose of electing a new Trustee, and shall give notice of the time and place for holding such meeting in the *Gazette* and in a newspaper published in *Hobart Town* Fourteen days before such meeting.

Election how conducted.

**5** Every such election of a Trustee shall be conducted in the same manner, as nearly as may be, as elections of Road Trustees are directed to be conducted by any Law relating to Cross and Bye Roads.

*Powers of Trustees.*

Powers of Trustees.

**6** The Trustees shall, for the purposes of this Act, have and exercise the following powers and authorities:—

1. To repair, alter, reconstruct, or remove the said dams and works :
2. To construct, repair, alter, and remove such dams, sluices, or other works on the River *Clyde* or on the River *Interlachen* (which connects Lake *Crescent* with Lake *Sorell*), as the Trustees deem necessary :
3. To enter, or cause their servants or workmen to enter upon any land on either side of the River *Clyde* or the River *Interlachen* for the purpose of constructing, repairing, altering, or removing any dam, sluice, or other work by this Act authorised to be constructed, repaired, altered, or removed :
4. To remove soil, and to place stone, bricks, wood, or other materials in, upon, or beneath any land within One hundred feet of any dam, sluice, or other work constructed, or at any time about to be constructed, under the provisions of this Act :

Provided that the owner of any land so entered upon shall be entitled to compensation from the Trustees for all loss or injury he may sustain by reason of the construction of any dam, sluice, or work, in part or in whole, upon his land; and also for any other injury he may sustain by reason of the exercise by the Trustees of any of the powers vested in them by virtue of this Act, and such compensation shall be ascertained and determined in the mode prescribed by *The Lands Clauses Act*, in cases of disputed compensation.

*River Clyde Act.*

**7** Provided that it shall not be lawful for the said Trustees to cause the Water in Lake *Crescent* or Lake *Sorell* to be maintained under the authority of this Act at a higher level than within three inches of the highest ordinary winter level of such Water.

Level at which Lake waters may be kept.

**8** It shall be lawful for the Trustees from time to time to make Bye-laws, and by any subsequent Bye-law to vary or rescind such Bye-laws, for any of the following purposes :—

Power to make Bye-laws.

To prevent the fouling or obstruction of the Rivers *Clyde* and *Interlachen*, or the Waters of the said Rivers :

To regulate the use of the Waters of the River *Clyde* for Irrigation or other purposes :

To regulate the mode and times of fishing in the said River :

Provided, that no Bye-law to be made by the Trustees shall be repugnant to this Act, or to the general spirit and intendment of the Laws in force in this Colony, and that no such Bye-law shall be of any force or effect until it has been certified by the Attorney or Solicitor-General not to be repugnant to this Act, or to the general spirit and intendment of the Laws in force in this Colony ; and no such Bye-law shall be published in the *Gazette* until such Certificate has been obtained ; and that where by this Act any penalty is imposed for any offence it shall not be lawful for the Trustees by any Bye-law to increase such penalty so as to make the whole penalty amount to more than Ten Pounds.

Not to be repugnant to Law.

To be certified by Attorney or Solicitor-General.

Existing penalties not to be increased beyond £10.

*Offences.*

**9** Every person who is guilty of any of the following Offences shall, for every such Offence, incur a penalty not exceeding Fifty Pounds :—

Offences.

1. Wilfully destroying or injuring any dam, sluice-gate, or work constructed under the said recited Act, or which may hereafter be constructed under the provisions of this Act :

2. Making any sluice or cutting above any such dam constructed or to be constructed as aforesaid, or upon either side of the River *Clyde* or of the River *Interlachen* for the purpose of carrying any of the Waters of the said Rivers or Lakes below any such dam as aforesaid :

3. Doing any Act whereby the Waters of Lake *Crescent* or of Lake *Sorell* may be reduced to a level beyond their highest ordinary winter level.

*Rate.*

**10** For the purpose of raising the necessary funds for carrying out the several objects of this Act, it shall be lawful for the Trustees to make and levy a Rate upon the annual value, as ascertained by any Assessment Roll in force relating to such properties, of all properties fronting on the River *Clyde* : Provided that such Rate shall not in any one year exceed One Penny in the Pound upon the annual value of the said properties.

Trustees may make and levy a Rate.

**11** Upon the making of any such Rate, a notice signed by not less than Three Trustees, specifying the amount in the Pound of the Rate, the period for which the same is made, and at what times the same is

Upon making a Rate, notice of same to be given.

---

*River Clyde Act.*

---

payable, shall be published in the *Gazette*; and upon any such notice being so published the rate therein mentioned shall be payable and paid at the times specified in such notice by the persons liable to pay the same, according to the annual value of the property fronting on the River *Clyde* as shown by the Assessment Roll; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the Rate, or the sums which, according to such Rate, such persons are liable to pay, or any other particulars than are hereinbefore in that behalf mentioned.

Offences to be  
dealt with sum-  
marily.

19 Vict., No. 8.

19 Vict No. 10.

Short Title.

**12** All offences against this Act shall be heard and determined in a summary way by any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*, and any person convicted of any offence against this Act may appeal against the conviction in the mode prescribed by *The Appeals Regulation Act*.

**13** This Act may be cited as "The River *Clyde Act*."