

II
LOCAL AND PERSONAL ACTS

OF THE
PARLIAMENT OF QUEENSLAND,
18° GEORGII V.

BREAKFAST CREEK WEIR.

See BRISBANE CITY.

BRISBANE CITY.

An Act to Authorise the Brisbane City Council to Construct and Maintain a Weir over the Tidal Land in Breakfast Creek, a Tributary of the Brisbane River within the City of Brisbane, and to Authorise the said Council to Undertake Further Improvements in respect of the Tidal Lands or Tributaries of such River within the said City; and for other consequential purposes.

18 Geo. V.
No. 20.
THE
BRISBANE
RIVER TIDAL
LANDS
IMPROVE-
MENT ACT
OF 1927.

[ASSENTED TO 7TH JANUARY, 1928.]

WHEREAS the Brisbane City Council, for the purpose of remedying a nuisance existing at the head of the tidal portion of Breakfast Creek within the City, having applied for permission to construct across the said Creek a weir over the tidal land thereof (the site of which proposed weir is shown on the plan in the Schedule hereto) for the purpose of preventing the passage of salt water from the said creek above the said site: And whereas the Council, having complied with the provisions of section sixty-six of **The Harbour Boards Act, 1892*” in depositing the necessary plans of the proposed structure with the Marine Board, the said Board

* 56 Vic. No. 26, *supra*, page 819.

Brisbane River Tidal Lands Improvement Act. 18 GEO. V. No. 20,

recommended approval of such application, provided that the said Council accept any legal responsibilities which may obtain in connection with the construction and maintenance of the said weir: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as "*The Brisbane River Tidal Lands Improvement Act of 1927.*"

Definitions. **2.** In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

City. "City"—The area of the City of Brisbane as defined by*"*The City of Brisbane Act of 1924*";

Council. "Council"—The Brisbane City Council constituted by*"*The City of Brisbane Act of 1924*";

Marine Board or Board. "Marine Board" or "Board"—The Marine Board constituted under †"*The Navigation Act of 1876.*"

Authority to construct and maintain weir. **3.** The Council is hereby authorised and empowered to construct, and thereafter to permanently maintain and renew, a weir across Breakfast Creek and over the tidal land of such Creek, being a tributary of the Brisbane River within the City (the site of which such proposed weir is shown on the plan in the Schedule hereto.)

Schedule.

No action to lie. **4.** No action, indictment, information, or other proceeding shall be commenced, presented, prosecuted, or maintained against the Government of Queensland, or the Board, or any person or authority representing such Government or Board, or against the Council or any contractor with such Council or any of its or his agents, officers, or workmen, for or in respect of the construction, maintenance, or renewal of the said weir, or for or in respect of any alleged obstruction of the navigation of Breakfast Creek, or any alleged deprivation of any riparian rights, or deprivation of access to the said creek, or for or in respect of any damages, loss, or

* 15 Geo. V. No. 32, *supra*, page 11140.

† 41 Vic. No. 3, *supra*, page 3090.

1927. *Brisbane River Tidal Lands Improvement Act.*

expenses whatsoever occasioned or alleged to be occasioned by reason of such construction, maintenance or renewal, obstruction or deprivation, or in any wise whatsoever, arising therefrom:

Provided that nothing in this Act shall be construed to affect the immunities or duties, liabilities or obligations of the Council as a Local Authority with respect to the said weir under **"The Local Authorities Acts, 1902 to 1926,"* or †*"The City of Brisbane Act of 1924,"* whether during the construction of the same or at any time thereafter.

5. The provisions of this Act, with such modifications, additions, conditions, and stipulations as may be deemed necessary, may at any time and from time to time be extended by the Governor in Council, by Order in Council published in the *Gazette*, so as to authorise and empower the said Council, with the approval of the Governor in Council, to undertake any further work or works which may be considered necessary by the Council for improvements in respect of the tidal lands or tributaries of the Brisbane River within the City.

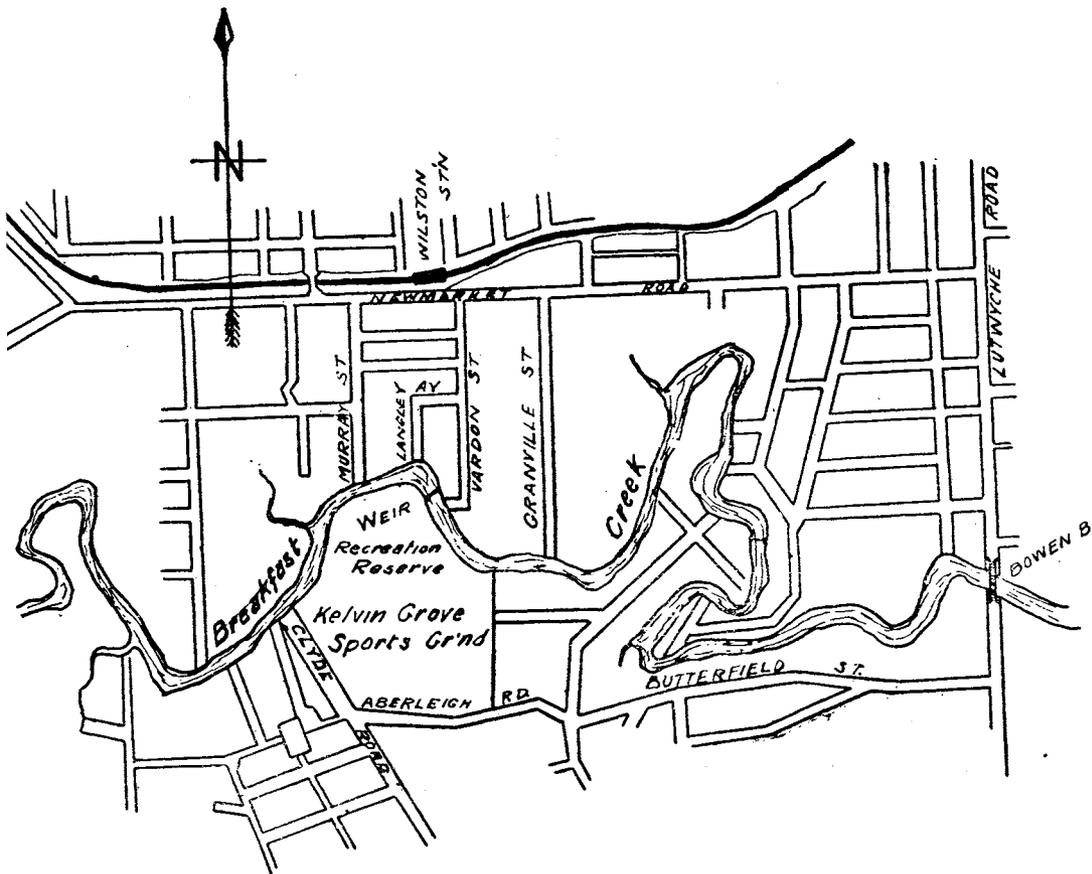
Thereupon the provisions of this Act, with such modifications, additions, conditions, and stipulations aforesaid, shall extend and apply to such work or works to the same extent and in the same manner as if such work or works were expressly mentioned in this Act.

* 2 Edw. VII. No. 19 and amending Acts, *supra*, pages 1860 *et seq.*

† 15 Geo. V. No 32, *supra*, page 11140.

Brisbane River Tidal Lands Improvement Act. 18 GEO. V. No. 20, 1927.

SCHEDULE.



LOCALITY PLAN

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BRISBANE RIVER LANDS IMPROVEMENT.

See BRISBANE CITY.

CLIFTON PUBLIC LAND MORTGAGE.

See PARKS AND PUBLIC LAND.

COTTON VALE PUBLIC LAND MORTGAGE

See PARKS AND PUBLIC LAND.