

## SWAN RIVER IMPROVEMENT.

16° GEO. V., No. XLV.

No. 45 of 1925.

AN ACT to authorise the reclamation of land along the shores of the Swan River in the vicinity of East Perth, Maylands, Burswood Island, Victoria Park, and South Perth, the improvement of the river channel near such shores, and the construction of roads along the river fronts of such reclaimed land.

[Assented to 31st December, 1925.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Swan River Improvement Act*, 1925. Short title.

2. It shall be lawful for the Minister for Works, and he is hereby empowered—

- (a) to reclaim the land along the shores of the Swan River in the vicinity of East Perth, Maylands, Burswood Island, Victoria Park, and South Perth including any land contiguous therewith that may be below high water line, as shown in the plan deposited in the Public Works Department and marked P.W.D., W.A., No. 23644 and therein coloured green, and to raise such lands to an elevation of six feet or thereabouts above low water level,

Authority to reclaim land and improve channel and to construct roads.

- (b) to improve the channel of the Swan River by dredging and removing the soil at the area shown on the said plan and thereon coloured blue, and by therein dredging a navigation channel of such depth as the said Minister for Works shall deem sufficient,
- (c) to construct and maintain two roads each of a width of not less than one chain, along the river front alignment of such reclaimed and raised land.

Deviation.

3. The Minister for Works may deviate from the river front alignment of such reclamation to the extent of one chain on either side thereof.

Procedure for taking land.

4. (1.) Whenever any land is required for the purposes of this Act, such land may be entered upon, surveyed, and taken under the powers contained in, and in accordance with the procedure prescribed by the Public Works Act, 1902.

Compensation.

(2.) In determining the amount of the compensation to be awarded for land taken or resumed for the purposes of this Act, no compensation shall be awarded for the injurious affection of any land by the construction or execution of any work under this Act, or by reason of any right being lost or prejudiced through the operation of this Act or the exercise of any power therein conferred. "Injurious affection" includes severance.

No allowance for enhanced value due to works.

5. Compensation awarded for land resumed or taken under this Act shall be calculated irrespective of any existing or prospective enhancement of value caused, or which it is anticipated may be caused, by the construction or execution of any work under this Act.

Lands deemed to be bounded by high-water line.

6. Every piece of land which abuts on any such portion of the shore of the said river as is affected by this Act, and the boundary whereof in the direction of the said river is expressed in the documents of title of the land to be the shore or foreshore or boundary of the river shall be taken and deemed for all purposes to be bounded in the direction aforesaid by the high-water line as ascertained under this Act, and such documents of title shall not confer any title below the high water line so ascertained.

7. (a) The Surveyor General shall have power to ascertain and locate the high water line for the purposes of this Act, and his determination shall, if approved by the Minister for Works, be final and conclusive for all purposes.

High-water line.

(b) "High water line" means the ordinary high water at spring tides.

8. Any land on which the said roads may be constructed or which is reclaimed by the authority of this Act, including any land resumed and taken for the purposes of this Act, shall be deemed to be vested in His Majesty freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights of way, and other easements whatsoever.

Road and lands vested in the King.

9. The Governor may, by Order in Council, declare any road constructed under this Act, or any portion thereof, to be a Government road within the meaning of the Public Works Act, 1902, and may in like manner place any portion thereof under the control of any municipal council or Road Board within, or contiguous with, whose district such portion may be situated.

Roads may be declared to be Government roads.

Any Order in Council issued under this section may be at any time revoked or varied by the Governor.

10. Land reclaimed under this Act shall be deemed to be Crown land within the meaning of the Land Act, 1898, and may be disposed of accordingly.

Disposal of reclaimed land.

11. Nothing in this Act shall be deemed to impose any obligation on the Crown or the Minister for Works to reclaim the said area or any part thereof, or effect any improvement to the channel of the said river, or to construct the said roads.

Construction of works not compulsory.