



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 2 of 1964

An Act relating to the construction of new bridges in the place of the Morphett Street and Victoria Bridges the realignment of certain public streets in the City of Adelaide the financing thereof and matters connected therewith and incidental thereto and for other purposes.

[Assented to 5th March, 1964.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title. 1. This Act may be cited as the "Morphett Street Bridge Act, 1964".

Interpretation. 2. In this Act, unless the context otherwise requires—

"cost of the works" means the total amount expended by the council upon the works including the payment of compensation under the Compulsory Acquisition of Land Act, 1925-1959, or the Local Government Act, 1934-1963, in respect of any lands acquired for the purposes of the works and administrative costs and expenses and other incidental outgoings in connection with any of the foregoing:

"the council" means the council of the Corporation of the City of Adelaide:

"the Minister" means the Minister of Local Government:

“railway yards” means those portions of former park lands described in the schedule to the Act intituled “An Act to authorize the Commissioner of Railways to take possession of portion of the Adelaide Park Lands and for other purposes” passed in the year 1878, number 126 and in subsection (2) of section 368 of The Municipal Corporations Act, 1890, as the said Acts were in force immediately before the repeal thereof :

“the works” means—

- (a) the erection and construction of the bridge over North Terrace and across the railway yards authorized to be constructed by this Act and of the bridge to be constructed by the council in place of the bridge over the River Torrens known as the Victoria Bridge and all embankments roads ways approaches piers structures buildings and works in connection with the said bridges ;
- (b) the demolition of the bridge made erected and constructed in pursuance of the Morphett Street Bridge Act and of the bridge over the River Torrens known as the Victoria Bridge ;
- (c) the widening and re-alignment of the northern side of that portion of North Terrace which lies between the projections of Morphett Street and George Street, so much of the public street known as Morphett Street as lies north of Hindley Street, the public street between the existing Morphett Street Bridge and the said Victoria Bridge and the public street between the new bridge in replacement of the existing Victoria Bridge and the southern end or termination of Jeffcott Street in the City of Adelaide ;
- (d) the opening, forming and making of a public street not exceeding thirty feet in width leading from Crippen Place to Hindley Street ;
- (e) all works and conveniences incidental to or necessary for the completion of any of the foregoing.

3. (1) Subject to sections 4 and 5 of this Act the council is hereby authorized and empowered to make erect and construct a good and substantial bridge over North Terrace and across the railway yards at or near the northern end or termination of Morphett Street in the City of Adelaide and may form and make all necessary embankments roads ways approaches piers structures buildings works and conveniences for the completion of the said bridge.

Power to
construct
new bridge.

(2) The council may enter into contracts with any person or persons for all or any of the following purposes, namely, the construction of the whole or any part of the said bridge embankments roads ways approaches piers structures buildings works or conveniences or the execution of any works or the provision of any materials equipment or services required in connection with such construction or for the said bridge embankments roads ways approaches piers structures buildings works or conveniences.

Plans to be approved.

4. The works shall be constructed in accordance with plans and specifications approved by the Minister. Such plans and specifications shall set forth and contain such particulars including particulars as to the line and position of the said bridge and the roads streets ways and approaches thereto and the standards and designs thereof as the Minister may require.

Entry upon railway property.

5. The council may enter upon the railway yards or so much thereof as shall be or be deemed necessary and may make and maintain upon the railway yards the said bridge and approaches and all embankments roads ways approaches piers structures buildings works and conveniences aforesaid connected therewith as shall be or be deemed necessary for such purposes or any of them: Provided that the council shall not commence any works which in any way affect the lines of railway or the land upon which any lines of railway are situated unless the council and the South Australian Railways Commissioner (in this section referred to as "the said Commissioner") have after consultation by their representatives agreed with respect to the manner and conditions (including conditions providing for the payment by the Council to the said Commissioner in respect of works and services necessarily provided or undertaken by him in connection with such works) under which such works are to be carried out and in the event of default of agreement upon any such matter the same may be determined by the Minister whose determination shall be final and conclusive and effect shall be given to such determination by the council and the said Commissioner: Provided also that the council shall indemnify and keep harmless the said Commissioner and his officers and servants from and against all actions suits claims or demands whatsoever which may be brought or made against him or them or any of them and shall also indemnify the said Commissioner (except where due to the negligence of the said Commissioner or his staff) from all damages caused or occasioned to any property real or personal of the said Commissioner in consequence of or arising out of any of such works or by reason of the exercise by the council of any of the powers rights or privileges granted or conferred by this Act or of any accident death injury damage or loss which would not have happened

or been sustained but for this Act or the powers rights or privileges granted or conferred by this Act or the exercise thereof. Any difference or dispute between the council and the said Commissioner arising under or concerning the application of this proviso shall be determined by the Commissioner of Highways whose decision thereon shall be final and binding upon the council and the said Commissioner.

6. (1) Notwithstanding anything in the Morphett Street Bridge Act contained the council is hereby authorized and empowered to demolish and remove the bridge made erected and constructed in pursuance of the said Act and to use the materials so removed or any of them as it deems expedient or to sell or otherwise dispose of such materials or any of them as it shall deem proper.

Demolition of present bridge.

(2) Upon the demolition of that bridge the said Act shall be repealed.

7. Upon completion of the said bridge the said bridge shall be under the care control and management of the council and shall, notwithstanding section 88 of the South Australian Railways Commissioner's Act, 1936-1957, be maintained by and at the expense of the council. The said bridge shall be exempt from all and all manner of rates and taxes whatsoever local or otherwise.

Maintenance of bridge.

8. Upon completion of the works the pieces of land delineated in the plan in the schedule hereto and therein hatched in black and marked "A" and "B" shall be and become a public street and the piece of land delineated in the said plan and therein stippled in black and marked "C" being portions of a certain public street under the care control and management of the council shall cease to be a public street and shall form part of the park lands of the City of Adelaide and shall as such be under the care control and management of the council.

Alteration of park lands.

9. (1) The cost of the works shall be borne as to one half thereof by the Government of the State and as to one half thereof by the council. Provided that if the cost of the works exceeds the sum of one million, five hundred thousand pounds, only so much of the excess as the Treasurer approves shall be borne by the Government of the State.

Financial provision.

(2) So much of the cost of the works as does not exceed the sum of one million, five hundred thousand pounds, or such higher amount as the Treasurer approves shall in the first place be met by payments by the Treasurer, to the council upon the certificate of the Minister from time to time as occasion requires. Notwithstanding anything in the Highways

Act, 1926-1960, contained, the Treasurer may make arrangements with the Minister for the provision out of the Highways Fund of any amounts not exceeding one half of the cost of the works for the purposes of this subsection. The Treasurer may make any payments authorized by this subsection out of any such amounts provided out of the said Fund in pursuance of any such arrangements or out of moneys appropriated by Parliament for the purpose.

(3) As each such payment is made by the Treasurer the council shall become liable to repay to the Treasurer one half of the amount thereof. In respect of the capital indebtedness for the time being remaining outstanding, the council shall be liable to pay to the Treasurer interest at the rate determined in accordance with subsection (4) of this section. Such capital indebtedness and interest shall be repaid in equal annual instalments beginning on such date after the thirtieth day of June in the year in which the works are completed as the Treasurer shall determine so that the whole liability shall be discharged over the period of thirty years next after the said thirtieth day of June. The amount of each such instalment and the time and manner of its payment shall subject to this Act be determined by the Treasurer.

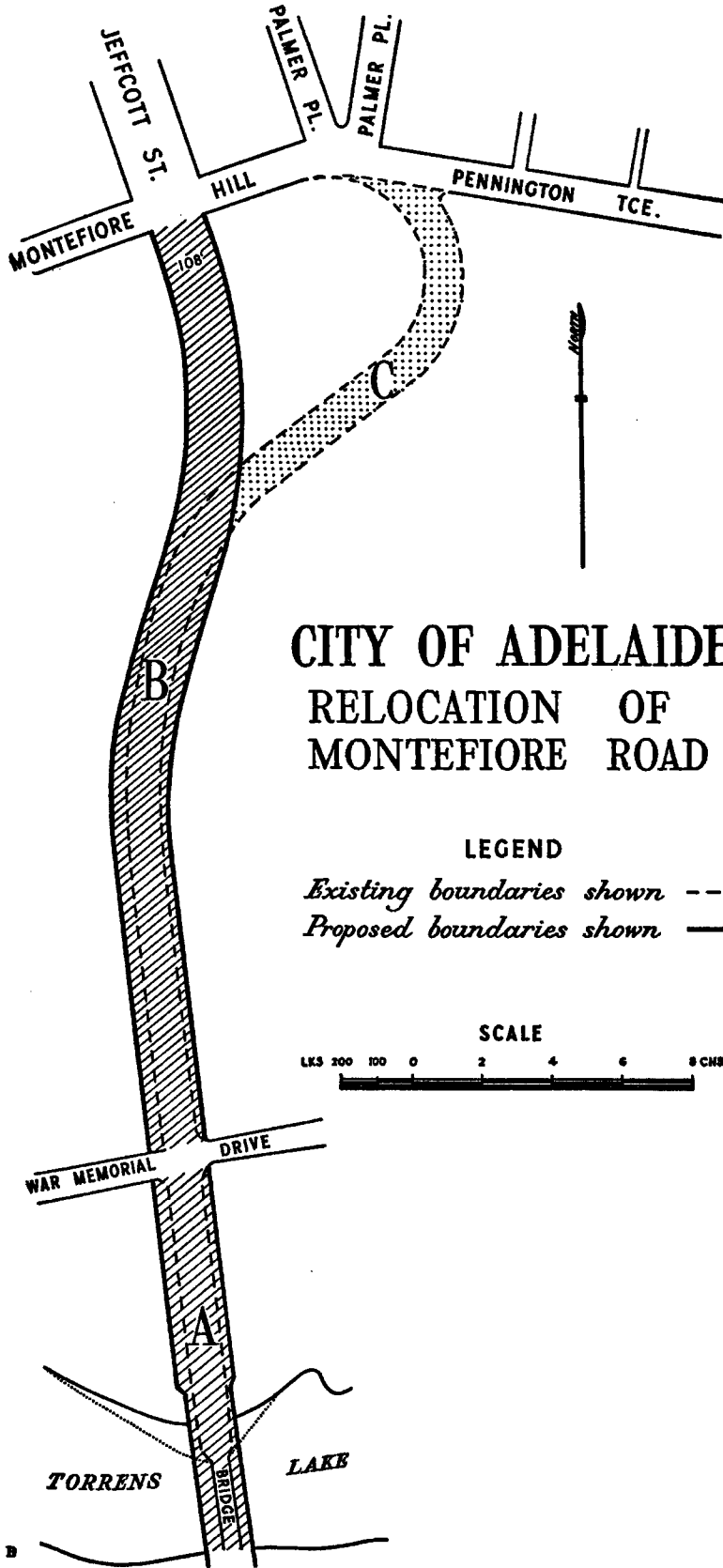
Notwithstanding any provisions of the Local Government Act, 1934-1963, to the contrary, the council is by this Act authorized to borrow such amounts of money as may be necessary to enable it to discharge its indebtedness under this subsection.

(4) For the purposes of subsection (3) of this section the rate of interest payable by the council in respect of payments by the Treasurer in accordance with this section in any financial year shall be the average rate payable by the Treasurer upon all new loans with a currency of ten years or more raised by him in that financial year in accordance with the Financial Agreement Act, 1927, and the Amending Financial Agreement Act, 1944.

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

EDRIC BASTYAN, Governor.

THE SCHEDULE.



CITY OF ADELAIDE
RELOCATION OF
MONTEFIORE ROAD

LEGEND

Existing boundaries shown - - - -
Proposed boundaries shown ———

SCALE

