

PUBLIC WORKS (AMENDMENT) ACT.

Act No. 1, 1940.

An Act to amend the Public Works Act, 1912, the Sandy Hollow, via Gulgong, to Maryvale Railway Act, 1927, the Sutherland to Cronulla Railway Act, 1936, and certain other Acts in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 16th April, 1940.]

George VI.
No. 1, 1940.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Public Works (Amendment) Act, 1940." Short title.

2. (1) The Sandy Hollow, via Gulgong, to Maryvale Railway Act, 1927, is amended by inserting next after section six the following new section:— Amendment of Act No. 28, 1927. New sec. 7.

7. For the purposes of this Act but not otherwise, the Public Works Act, 1912, as amended by subsequent Acts, shall be amended as follows, that is to say— Amendment of Act No. 45, 1912, s. 151.

- (a) by omitting from subsection one of section one hundred and fifty-one the words "before commencing such work";
- (b) by omitting from subsection five of the same section the words "forty days before" and by inserting in lieu thereof the words "either before or at any time after";
- (c) by inserting at the end of the same section the following new subsection:—

(6) Where the Minister has on the recommendation of the Railway Commissioners for New South Wales as Constructing Authority directed

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directed that the construction of a railway shall be undertaken in parts or sections the provisions of subsections one to five both inclusive of this section shall apply to and in respect of the construction of each part or section of such railway as if it were a separate authorised work.

Publication of a map or plan and book of reference for a part or section of a railway shall be conclusive evidence that the same has been prepared and published pursuant to a direction of the Minister under this subsection.

Amendment
of Act
No. 39, 1936.
New sec. 7.

(2) The Sutherland to Cronulla Railway Act, 1936, is amended by inserting next after section six the following new section:—

Amendment
of Act
No. 45, 1912,
s. 151.

7. For the purposes of this Act, but not otherwise, the Public Works Act, 1912, as amended by subsequent Acts, shall be amended as follows, that is to say—

- (a) by omitting from subsection one of section one hundred and fifty-one the words “before commencing such work”;
- (b) by omitting from subsection five of the same section the words “forty days before” and by inserting in lieu thereof the words “either before or at any time after.”

Commence-
ment of
subsecs. (1)
and (2).

(3) (a) Subsection one of this section shall be deemed to have commenced on the seventh day of March, one thousand nine hundred and twenty-seven.

(b) Subsection two of this section shall be deemed to have commenced on the twenty-third day of July, one thousand nine hundred and thirty-six.

Validation.

3. (1) All acts, matters and things done or omitted by the Commissioner for Railways before the commencement of this Act in relation to or for the purpose of carrying out the works described in the Schedule to the Sandy Hollow, via Gulgong, to Maryvale Railway Act, 1927, or in the Schedule to the Sutherland to Cronulla Railway Act, 1936, shall be deemed to have been validly done or omitted.

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This subsection shall in no way affect or diminish the liability of the Commissioner at Common Law or under the Workers' Compensation Act to any person injured through the carrying out of the aforesaid works. No. 1, 1940.

(2) Without prejudice to the generality of subsection one of this section any notice of intention to construct the works or any part or section of the works described in the Schedule to the Sandy Hollow, via Gulgong, to Maryvale Railway Act, 1927, or in the Schedule to the Sutherland to Cronulla Railway Act, 1936, given or purporting to have been given under section one hundred and fifty-one of the Public Works Act, 1912, as amended by subsequent Acts, at any time after the commencement of such works or of such part or section of such works shall be deemed to have been validly given.

4. The Public Works Act, 1912, as amended by subsequent Acts, is amended— Amendment of Act No. 45, 1912.

(a) by inserting at the end of section thirty-nine the following proviso:— Sec. 39.
(Taking of lands for authorised works.)

Provided that where any authorised work is a railway and the Commissioner for Railways as Constructing Authority certifies to the Governor that the land referred to in the certificate will be required for the purposes of the authorised work and is available for purchase by private treaty the Governor may authorise the purchase of such land notwithstanding that the map or plan and book of reference relating to such railway may not have been made or confirmed.

(b) (i) by omitting from subsection five of section one hundred and fifty-one the words "forty days"; Sec. 151.
(Map or plan and book of reference.)

(ii) by inserting at the end of the same subsection the following new paragraph:—

Any such advertisement which relates to the commencing of a railway or tramway or of any part or section thereof shall be published on such day (not being earlier than the fortieth nor later than the seventh) before such commencement as the Minister may direct.

(iii)

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(iii) by inserting at the end of the same section the following new subsection:—

(6) Where the Minister has on the recommendation of the Commissioner for Railways as Constructing Authority directed that the construction of a railway shall be undertaken in parts or sections the provisions of subsections one to five both inclusive of this section shall apply to and in respect of the construction of each part or section of such railway as if it were a separate authorised work.

Publication of a map or plan and book of reference for a part or section of a railway shall be conclusive evidence that the same has been prepared and published pursuant to a direction of the Minister under this subsection.
