

## Public Roads (Amendment) Bill.

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THIS is a small machinery measure which if passed will save the publication of lengthy technical descriptions of land which it is intended to resume for the purpose of opening a road.

The Equity Court has held that under the existing law the Crown's resumption of a road was inoperative by reason of the Gazette notice of intention to resume containing an insufficient description, having regard to the terms of Section 7 of the Public Roads Act, 1902 (*Rea v. Walker*, 1903).

That section provides (copy attached) that notice of the Minister's intention to open a road through any land which is not Crown land shall be published in the Gazette and in a local newspaper, giving a description of the land it is proposed to resume.

The decision of the Equity Court necessitates the preparation, gazettal, and advertising of elaborate technical descriptions, which are costly, and, except for the Court's decision, are needless.

The objects of the Bill are to amend the Public Roads Act, 1902, so as to dispense with such lengthy descriptions and provide a short but sufficient description giving just the requisite particulars.

No person's rights will be affected in any way, and notice will be given as heretofore, but minus the technicalities.

The Bill also will validate action which had been taken prior to the Equity Court's decision.

An amendment is also made in the definition of the Chief Surveyor, whose duties are now performed by the Surveyor-General.

Clause 4 proposes to give the Under Secretary power to deal with certain matters on behalf of the Minister as under the Crown Lands Acts, and thus relieve the Minister of much formal signing of papers.

Section 7 of the Public Roads Act, 1902, provides :—

- (1) Whenever the Minister deems it expedient that a road should be opened through any lands which are not Crown lands notice to that effect shall be published in the Gazette and in some local newspaper giving a description of the land which it is proposed to resume.
- (2) Such notice shall—
  - (a) refer to a plan of the proposed road which shall be kept for inspection at the offices of the Department of Lands in Sydney ; and
  - (b) call upon all persons interested to set forth in writing and forward to the Minister within one month from the date of the publication of the notice in the Gazette any objection which may appear to them to exist to the opening of such road.
- (3) A copy of such plan shall be exhibited for one month from the date of the publication of such notice in the Gazette at the office of the Land Agent of the district in which the road is situated.
- (4) A written notice to the like effect shall be posted by registered letter to the owner or occupier of the land which it is proposed to resume if the name and address of such owner or occupier be known.

No. , 1922.

A BILL

To amend the Public Roads Act, 1902; to validate certain notifications purporting to be made under the provisions of that Act; and for other purposes incidental thereto.

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 Roads (Amendment) Act, 1922," and shall be read with the Public Roads Act, 1902, hereinafter called the Principal Act.

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- Meaning of "description" in s. 7 of the Principal Act. **2.** Where under the provisions of section seven of the Principal Act it is necessary to publish and post a notice giving a description of certain land which it is proposed to resume for the purpose of opening a road, such description shall be deemed sufficient if it gives the information in the form set out in the Schedule hereto. 5
- Validation of certain notices. **3.** All notices purporting to be under the provisions of the abovementioned section published and posted before the commencement of this Act, which but for this Act would be invalid by reason only of the insufficiency of the description of the land proposed to be resumed are hereby declared valid: 10  
 Provided this section shall not validate such notices where legal proceedings with reference to them have been commenced prior to the commencement of this Act. 15
- New s. 6A. **4.** The following new section and short heading are inserted next after section six of the Principal Act:—  
*The Under Secretary for Lands may deal with certain matters on behalf of the Minister.* 20
- Under Secretary may deal with matters. 6A. The Under Secretary for Lands shall have power on behalf of the Minister to deal with such formal matters as may from time to time be prescribed; and, where in pursuance of this section a decision is given by the Under Secretary on behalf of the Minister, it shall have the same effect as if given by the Minister in person. 25
- Amendment in Principal Act. **5.** The following amendments are made in the Principal Act:—  
 Sec. 6. Section six: The definition of "chief surveyor" is omitted, and the following is inserted in lieu thereof at the end of the section—"Surveyor-General means the officer of the Department of Lands who bears that designation, or the officer performing his duties for the time being." 30
- Sec. 26. Section twenty-six: Omit "chief surveyor" wherever occurring, and insert "Surveyor-General" in lieu thereof. 35
- Sec. 30. Section thirty: Omit "chief surveyor," insert "Surveyor-General" in lieu thereof. 40

