

No. , 1915.

A BILL

To amend the Public Works Act, 1912; to provide for the purchase or resumption of land within a certain distance of certain towns; to validate certain payments to members of the Public Works Committee; and for purposes incidental thereto or consequent thereon.

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, 1915."

2. This Act shall not apply to any action which was set down for trial before the commencement of this Act.

3. Section eighty-two of the Public Works Act, 1912, is amended by adding the following subsection after
5 subsection two thereof :—

(2A) Where it is desired by the Constructing Authority to take timber from any lands for the purposes aforesaid, paragraph (a) of subsection one of this section shall be read as if the words
10 “fifteen miles” were substituted for the words “two hundred yards” in that paragraph.

4. Subsection two of section one hundred and four of the same Act is repealed and the following inserted in its place :—

15 (2) Any such action shall be tried by a judge of the said court in Sydney, or in a circuit town without a jury, but assisted by two of the assessors appointed under this Act; such assessors shall have power to advise, but not to adjudicate.

20 **5.** Subsection one of section one hundred and five of the same Act is amended by omitting the words “four hundred pounds,” and inserting in lieu thereof the words “one thousand pounds.”

6. The following proviso is added after subsection
25 two of section one hundred and five of the same Act :—

Provided that no action under this section shall be tried before a jury, but the District Court Judge shall be assisted by two of the assessors appointed under this Act; such assessors shall have power to
30 advise, but not to adjudicate.

7. The following section is inserted next after section one hundred and five of the same Act :—

35 105A. If it appears to any Judge of the Supreme or District Court before whom any action for compensation under this Act is tried that any question has arisen upon which the assessors appointed under this Act and summoned to attend upon the trial of such action are not skilled to advise him, he may admit expert evidence upon
40 such question, any rule of law to the contrary notwithstanding.

8. Subsection one of section one hundred and six of the same Act is repealed, and the following inserted in its place :—

5 106. (1) If the verdict in any action of compensation under the provisions of this division of this Act is for an amount exceeding the amount of the valuation notified to the claimant, and less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant
10 the proportion of his costs which the excess of the amount of the verdict over such valuation bears to the excess of the claim over such valuation.

15 If the amount of the verdict in such action is equal to or greater than the amount of such claim the Constructing Authority shall pay the costs of the action.

If the amount of the verdict in such action is equal to or less than the amount of such valuation the claimant shall pay the costs of the action.

20 9. The following sections are added to Division 1 of Part VII of the same Act next after section one hundred and six thereof, namely :—

25 106A. (1) Persons of skill in assessing the value of real and personal property shall be appointed as assessors to assist the judges of the Supreme and district courts in assessing the compensation payable to claimants under this Act.

30 (2) Such appointments shall be made from persons whose names are on the list hereinafter referred to.

35 (3) Such list shall contain the names of persons approved by the Governor, and shall be in force for one year only, but persons whose names are on any such list may be approved for any subsequent list. The Governor may at any time add or withdraw the name of any person to or from the list.

40 (4) The Governor may make rules with regard to the appointment and summoning of assessors, and such rules shall have effect as if enacted in this Act.

106B.

(2) Upon the trial of the said action, both the costs thereof and the costs of and incidental to the arbitration shall be determined and allocated by a comparison of the respective amounts of the claim, the valuation, and the verdict, in the manner directed by section one hundred and six of this Act.

12. Section one hundred and twenty-four of the same Act is amended by substituting the words "or judges" for the words "or jury", and by substituting the words "and judges" for the words "and jury".

13. Section one hundred and twenty-five of the same Act is amended by adding thereto the following subsection :—

(2) Notwithstanding anything in the last preceding section the compensation to be paid for and in respect of the acquiring or taking of the interest of a lessee or licensee from the Crown under this Act shall not exceed twice the annual rental payable to the Crown at the time of such acquisition or taking, together with the value of any improvements then being upon the land.

14. Subsection three of section one hundred and twenty-six of the same Act is repealed.

15. The following sections are added to the said Public Works Act, 1912, namely :—

155. Whenever the construction of any railway has been authorised under this Act the Constructing Authority may purchase or acquire compulsorily, pursuant to the provision for compulsorily taking lands herein contained, any land not exceeding twenty acres in extent lying near to or in the vicinity of sites for railway stations proposed to be erected on such railway. The purchase money or compensation in respect of such purchase or acquisition shall be paid from funds to be voted by Parliament.

156. Upon any such purchase or acquisition as aforesaid the land shall be surrendered by the Constructing Authority to his Majesty the King, and shall thereupon become Crown land subject to the provisions of the Crown Lands Consolidation Act, 190—B

Act, 1913, but shall not be available for any holding under that Act until the same shall be set apart thereunder for the purpose of subdivision and sale as township allotments.

5 **16.** (1) It is declared and enacted that section thirty-two of the Public Works Act, 1912, shall be deemed to have been repealed as from the commencement of the said Act.

The said section shall not be deemed to have invalidated any payments out of the Consolidated Revenue Fund to members of the Parliamentary Standing Committee on Public Works; and any persons making or receiving any such payment are hereby indemnified and held harmless in respect thereof.

15 (2) Section twenty-nine and subsection one of section thirty-one of the same Act are respectively amended by omitting the words "subject to the provisions of section thirty-two."

17. The Governor may by proclamation in the 20 Gazette notify that he proposed to acquire any specified land situate within fifteen miles from the boundaries of the towns of Coff's Harbour, Jervis Bay, Port Stephens, or Wallerawang.

At any time after the date of such proclamation the 25 Governor may purchase or compulsorily resume any such land in the manner provided by the Public Works Act, 1912, as amended by this Act, as in the case of land required for an authorised work :

30 Provided that in determining the compensation to be paid for such land any added value which would accrue to the land from the construction of any line of railway or any public works within the said fifteen miles shall be excluded.

The Governor may by like proclamation rescind or 35 amend any proclamation under this section.

Any land purchased or resumed under this section shall be Crown lands within the meaning of the Crown Lands Consolidation Act, 1913.
