

188

No. , 1916.

A BILL

To amend the Wardell Road to Darling Island Railway Deviation (Tunnels) Act, 1916, and the Public Works Act, 1912; and for purposes consequent thereon or incidental thereto.

[MR. J. H. CANN;— *September, 1916.*]

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
5 the same, as follows:—

1. This Act may be cited as the "Wardell Road to Darling Island Railway Deviation (Amendment) Act, 1916". Short title.

Amendment
of s. 2.

2. Section two of the Wardell Road to Darling Island Railway Deviation (Tunnels) Act, 1916, is amended by omitting paragraph (b) and inserting in place thereof the following paragraphs:—

Sec. 104,
Public
Works Act.

(b) Subsection two of section one hundred and four 5
is repealed and the following inserted in its
place:—

(2) Any such action shall be tried by a
judge of the said court in Sydney, without
a jury. 10

Sec. 105.

(c) Subsection one of section one hundred and five
is amended by omitting the words “four
hundred pounds,” and inserting in lieu thereof
the words “one thousand pounds.”

Sec. 105.

(d) The following proviso is added to subsection 15
two of section one hundred and five:—

Provided that no action under this section
shall be tried before a jury.

Sec. 123.

(e) Subsection one of section one hundred and
twenty-three is repealed, and the following 20
inserted in its place:—

Appeal from
decision of
arbitrators.

(1) If the compensation awarded by
the arbitrators exceeds three hundred pounds,
and either party is dissatisfied with the award,
and desires to have the compensation settled 25
by the Supreme Court or a district court, and
within fourteen days after the making of the
award and notice thereof signifies such desire
by notice in writing to the other party, then
no steps shall be taken to enforce performance 30
of the award, but the claimant shall proceed
by action in the Supreme Court or in a district
court in the manner directed by sections one
hundred and four and one hundred and five of
this Act as amended by the Wardell Road to 35
Darling Island Railway Deviation (Amend-
ment) Act, 1916.

Sec. 124,
Public
Works Act.

(f) Section one hundred and twenty-four is amended
as follows:—

(i) Substitute the word “judges” for the 40
word “jury”.

(ii)

5 (ii) Omit "at the time notice was given or notification published, as the case may be" and substitute the words "immediately before the passing of the Wardell Road to Darling Island Railway Deviation (Rozelle Bay to Pymont) Act, 1915".

(iii) In the third paragraph (second proviso) omit "by notification in the Gazette".

10 (g) Section one hundred and thirty-eight is repealed. Sec. 138.
3. The following section is added to the said Act:— New s. 4.

15 4. (1) Notwithstanding anything in the Public Works Act, 1912, to the contrary, any action for damage or injury caused by the carrying out of any work or the doing of anything under the authority of the Wardell Road to Darling Island Railway Deviation (Rozelle Bay to Pymont) Act, 1915 (not being an action for compensation in respect of any land taken under the said authority) shall be heard and determined, when the amount claimed in such action exceeds one thousand pounds, by a judge of the Supreme Court without a jury, and when such amount does not exceed one thousand pounds by a judge of the said court or a district court judge without a jury. Certain actions may be determined by judge without jury.

20 (2) No such action may be brought unless a claim in writing setting out the nature of the damage or injury complained of has been served upon the Constructing Authority within twelve months after the carrying out of the work or the doing of the thing by reason of which the damage or injury complained of is alleged to have arisen.

25 If the Constructing Authority does not admit such claim or is unable to agree with the claimant as to the amount of compensation to be paid, he may by notice in writing require the claimant to bring an action for the prosecution of such claim, and such action shall be commenced within twelve months from the date of such notice.