

New South Wales.



ANNO QUARTO DECIMO

GEORGI V REGIS.

Act No. 24, 1923.

An Act to authorise the construction by the Sydney Harbour Trust Commissioners, on behalf and at the expense of the Council of the Municipality of Manly, of a Bridge across Middle Harbour at The Spit; to amend the Sydney Harbour Trust Act, 1900, and the Local Government Act, 1919; and for purposes connected therewith. [Assented to, 5th December, 1923.]

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 "Middle Harbour Short title,
(The Spit) Bridge Act, 1923."

2.

Middle Harbour (The Spit) Bridge.

Definitions.

- 2.** In this Act, unless a contrary intention appears,—
 “Minister” means the Secretary for Public Works.
 “Prescribed” means prescribed by regulations under this Act.
 “The council” means the council of the Municipality of Manly.
 “The Trust” means the Sydney Harbour Trust Commissioners.

Authority to construct bridge.

3. The council is hereby authorised and empowered to construct a timber bridge with the necessary approaches over Middle Harbour at The Spit.

Plans, &c.

4. (1) The said bridge shall be constructed by the Sydney Harbour Trust Commissioners in accordance with plans and specifications to be supplied by the Trust and approved by the council.

(2) The funds required in constructing the bridge shall be supplied to the Trust by the council.

(3) The remuneration to be paid to the Trust for constructing the bridge, and the amount of and times for payment of the necessary advances to the Trust, shall be as agreed upon between the Trust and the council.

Powers.

5. (1) For the purposes of the work the council shall have all the powers of a council under the Local Government Act, 1919, and such powers may be exercised if necessary outside the municipality of Manly.

(2) Any land necessary for the work may be acquired under the provisions of sections five hundred and thirty-two, five hundred and thirty-five, and five hundred and thirty-six of the Local Government Act, 1919.

Loan.

6. (1) The council may raise a special loan to defray the cost of constructing the bridge and of the land acquired in connection therewith.

(2) The amount of the loan shall be approved by the Governor.

(3) Notwithstanding anything contained in the Local Government Act, 1919, it shall not be necessary to take a poll of ratepayers before raising the loan, or to otherwise comply with the provisions of the said Act in respect of the loan except as herein provided.

(4) The council may charge the revenue received from tolls or charges with the repayment of the loan.

(5)

Middle Harbour (The Spit) Bridge.

(5) Any loan obtained by the council under this Act shall not be taken into account for the purpose of ascertaining the limit to which the council may borrow under the Local Government Act, 1919.

7. The council may levy tolls and charges in connection with traffic across the bridge; the amount of the tolls and charges and the method of collection shall be as prescribed. Tolls.

8. The council shall, if and when required by the Minister, supply all accounts, particulars, and other information at its disposal to enable him to ascertain the total amount to be expended by the council in carrying out the provisions of this Act with regard to the construction of the bridge, the acquisition of land in connection therewith, or any other matter relating thereto. Cost.

9. The council shall establish a sinking fund for the purpose of extinguishing the liability on the loan within twenty years with interest at a rate not exceeding six per centum per annum. Sinking fund.

10. All moneys received from tolls or charges imposed under this Act shall be paid into a special bank account to be kept by the council, and shall be applied in the first place towards the cost of maintaining and repairing the bridge and the collection of the tolls and charges, and in the next place towards the instalments necessary to maintain the sinking fund. Any surplus received by the council shall be applied as the Governor may direct towards repayment of the loan or the cost of the maintenance and repair of the bridge. Application of tolls, &c.

11. (1) When the Governor is satisfied that all moneys expended by the council upon the construction of the bridge, the acquisition of land in connection therewith, the repair and maintenance of the bridge, the costs of collection of the tolls and charges, and the interest, costs, charges, and expenses of the loan and of all matters incidental to the carrying out of the purposes of this Act, have been fully repaid out of the tolls and charges collected, he shall cause a notification to that effect to be published in the Gazette. Bridge to be a national work after repayment of loan, &c.

Middle Harbour (The Spit) Bridge.

(2) Thereupon—

- (a) any regulations made under this Act imposing tolls and charges shall be revoked; and the provisions of this Act authorising the imposition of tolls and charges shall cease to have effect;
- (b) the bridge shall be and become a national work within the meaning of the Local Government Act, 1919.

Regulations.

12. (1) The Governor may make regulations for and with respect to—

- (a) prescribing the amounts of the tolls and charges to be imposed by the council;
- (b) the control, management, maintenance, and protection of the bridge and its approaches;
- (c) the regulation, restriction, or suspension of the use by the public of the bridge and its approaches;
- (d) the carrying out the provisions of this Act.

(2) The regulations may impose a penalty not exceeding fifty pounds for any breach thereof. Any such penalty may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in petty sessions.

(3) The regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication or from a later date to be specified in the regulations; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 November, 1923.*

New South Wales.



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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 "Middle Harbour Short title.
(The Spit) Bridge Act, 1923." **2.**

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

Middle Harbour (The Spit) Bridge.

Definitions.

- 2.** In this Act, unless a contrary intention appears,—
 “Minister” means the Secretary for Public Works.
 “Prescribed” means prescribed by regulations under this Act.
 “The council” means the council of the Municipality of Manly.
 “The Trust” means the Sydney Harbour Trust Commissioners.

Authority to construct bridge.

3. The council is hereby authorised and empowered to construct a timber bridge with the necessary approaches over Middle Harbour at The Spit.

Plans, &c.

4. (1) The said bridge shall be constructed by the Sydney Harbour Trust Commissioners in accordance with plans and specifications to be supplied by the Trust and approved by the council.

(2) The funds required in constructing the bridge shall be supplied to the Trust by the council.

(3) The remuneration to be paid to the Trust for constructing the bridge, and the amount of and times for payment of the necessary advances to the Trust, shall be as agreed upon between the Trust and the council.

Powers.

5. (1) For the purposes of the work the council shall have all the powers of a council under the Local Government Act, 1919, and such powers may be exercised if necessary outside the municipality of Manly.

(2) Any land necessary for the work may be acquired under the provisions of sections five hundred and thirty-two, five hundred and thirty-five, and five hundred and thirty-six of the Local Government Act, 1919.

Loan.

6. (1) The council may raise a special loan to defray the cost of constructing the bridge and of the land acquired in connection therewith.

(2) The amount of the loan shall be approved by the Governor.

(3) Notwithstanding anything contained in the Local Government Act, 1919, it shall not be necessary to take a poll of ratepayers before raising the loan, or to otherwise comply with the provisions of the said Act in respect of the loan except as herein provided.

(4) The council may charge the revenue received from tolls or charges with the repayment of the loan.

(5)

Middle Harbour (The Spit) Bridge.

(5) Any loan obtained by the council under this Act shall not be taken into account for the purpose of ascertaining the limit to which the council may borrow under the Local Government Act, 1919.

7. The council may levy tolls and charges in connection with traffic across the bridge; the amount of the tolls and charges and the method of collection shall be as prescribed. Tolls.

8. The council shall, if and when required by the Minister, supply all accounts, particulars, and other information at its disposal to enable him to ascertain the total amount to be expended by the council in carrying out the provisions of this Act with regard to the construction of the bridge, the acquisition of land in connection therewith, or any other matter relating thereto. Cost.

9. The council shall establish a sinking fund for the purpose of extinguishing the liability on the loan within twenty years with interest at a rate not exceeding six per centum per annum. Sinking fund.

10. All moneys received from tolls or charges imposed under this Act shall be paid into a special bank account to be kept by the council, and shall be applied in the first place towards the cost of maintaining and repairing the bridge and the collection of the tolls and charges, and in the next place towards the instalments necessary to maintain the sinking fund. Any surplus received by the council shall be applied as the Governor may direct towards repayment of the loan or the cost of the maintenance and repair of the bridge. Application of tolls, &c.

11. (1) When the Governor is satisfied that all moneys expended by the council upon the construction of the bridge, the acquisition of land in connection therewith, the repair and maintenance of the bridge, the costs of collection of the tolls and charges, and the interest, costs, charges, and expenses of the loan and of all matters incidental to the carrying out of the purposes of this Act, have been fully repaid out of the tolls and charges collected, he shall cause a notification to that effect to be published in the Gazette. Bridge to be a national work after repayment of loan, &c.

(2)

Middle Harbour (The Spit) Bridge.

(2) Thereupon—

- (a) any regulations made under this Act imposing tolls and charges shall be revoked; and the provisions of this Act authorising the imposition of tolls and charges shall cease to have effect;
- (b) the bridge shall be and become a national work within the meaning of the Local Government Act, 1919.

Regulations.

12. (1) The Governor may make regulations for and with respect to—

- (a) prescribing the amounts of the tolls and charges to be imposed by the council;
- (b) the control, management, maintenance, and protection of the bridge and its approaches;
- (c) the regulation, restriction, or suspension of the use by the public of the bridge and its approaches;
- (d) the carrying out of the provisions of this Act.

(2) The regulations may impose a penalty not exceeding fifty pounds for any breach thereof. Any such penalty may be recovered in a summary manner before a stipendiary or police magistrate or any two justices in petty sessions.

(3) The regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication or from a later date to be specified in the regulations; and
- (iii) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

In the name and on behalf of His Majesty I assent to this Act.

W. P. CULLEN,
Lieutenant-Governor.

*Government House,
Sydney, 5th December, 1923.*

1923.

Legislative Council.

Middle Harbour (The Spit) Bridge Bill, 1923.

EXPLANATORY NOTE.

THE object of this Bill is to authorise the Sydney Harbour Trust Commissioners, on behalf and at the expense of the Council of the Municipality of Manly, to construct a Bridge over Middle Harbour at the Spit, and to acquire any land necessary therefor.

The cost of the Bridge will be met from Loan moneys raised by the Council to be repaid from tolls and charges to be levied in respect of traffic across the Bridge.

When all moneys expended by the Council in connection with the construction of the Bridge, and all other expenses incurred under the Act have been repaid, the Bridge will become a National Work, and no further tolls or charges will be imposed.

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 28 November, 1923.

New South Wales.



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- 5 “The council” means the council of the Municipality of Manly.
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- 3.** The council is hereby authorised and empowered Authority to construct bridge.
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- 4.** (1) The said bridge shall be constructed by the Plans, &c.
 Sydney Harbour Trust Commissioners in accordance with plans and specifications to be supplied by the
 15 Trust and approved by the council.
 (2) The funds required in constructing the bridge shall be supplied to the Trust by the council.
 (3) The remuneration to be paid to the Trust for constructing the bridge, and the amount of and times for
 20 payment of the necessary advances to the Trust, shall be as agreed upon between the Trust and the council.
- 5.** (1) For the purposes of the work the council Powers.
 shall have all the powers of a council under the Local Government Act, 1919, and such powers may be
 25 exercised if necessary outside the municipality of Manly.
 (2) Any land necessary for the work may be acquired under the provisions of sections five hundred and thirty-two, five hundred and thirty-five, and five hundred and thirty-six of the Local Government Act,
 30 1919.
- 6.** (1) The council may raise a special loan to defray Loan.
 the cost of constructing the bridge and of the land acquired in connection therewith.
 (2) The amount of the loan shall be approved by
 35 the Governor.
 (3) Notwithstanding anything contained in the Local Government Act, 1919, it shall not be necessary to take a poll of ratepayers before raising the loan, or to otherwise comply with the provisions of the said Act in
 40 respect of the loan except as herein provided.
 (4) The council may charge the revenue received from tolls or charges with the repayment of the loan.
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Middle Harbour (The Spit) Bridge.

(5) Any loan obtained by the council under this Act shall not be taken into account for the purpose of ascertaining the limit to which the council may borrow under the Local Government Act, 1919.

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nection with traffic across the bridge; the amount of
the tolls and charges and the method of collection shall
be as prescribed.

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information at its disposal to enable him to ascertain
the total amount to be expended by the council in
carrying out the provisions of this Act with regard to
the construction of the bridge, the acquisition of land in
15 connection therewith, or any other matter relating
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9. The council shall establish a sinking fund for the Sinking fund.
purpose of extinguishing the liability on the loan
within twenty years with interest at a rate not exceeding
20 six per centum per annum.

10. All moneys received from tolls or charges im- Application
posed under this Act shall be paid into a special bank of tolls, &c.
account to be kept by the council, and shall be applied
in the first place towards the cost of maintaining and
: 5 repairing the bridge and the collection of the tolls and
charges, and in the next place towards the instalments
necessary to maintain the sinking fund. Any surplus
received by the council shall be applied as the Governor
may direct towards repayment of the loan or the cost of
30 the maintenance and repair of the bridge.

11. (1) When the Governor is satisfied that all Bridge to be
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of this Act, have been fully repaid out of the tolls and
charges collected, he shall cause a notification to that
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10 **12.** (1) The Governor may make regulations for Regulations, and with respect to—

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