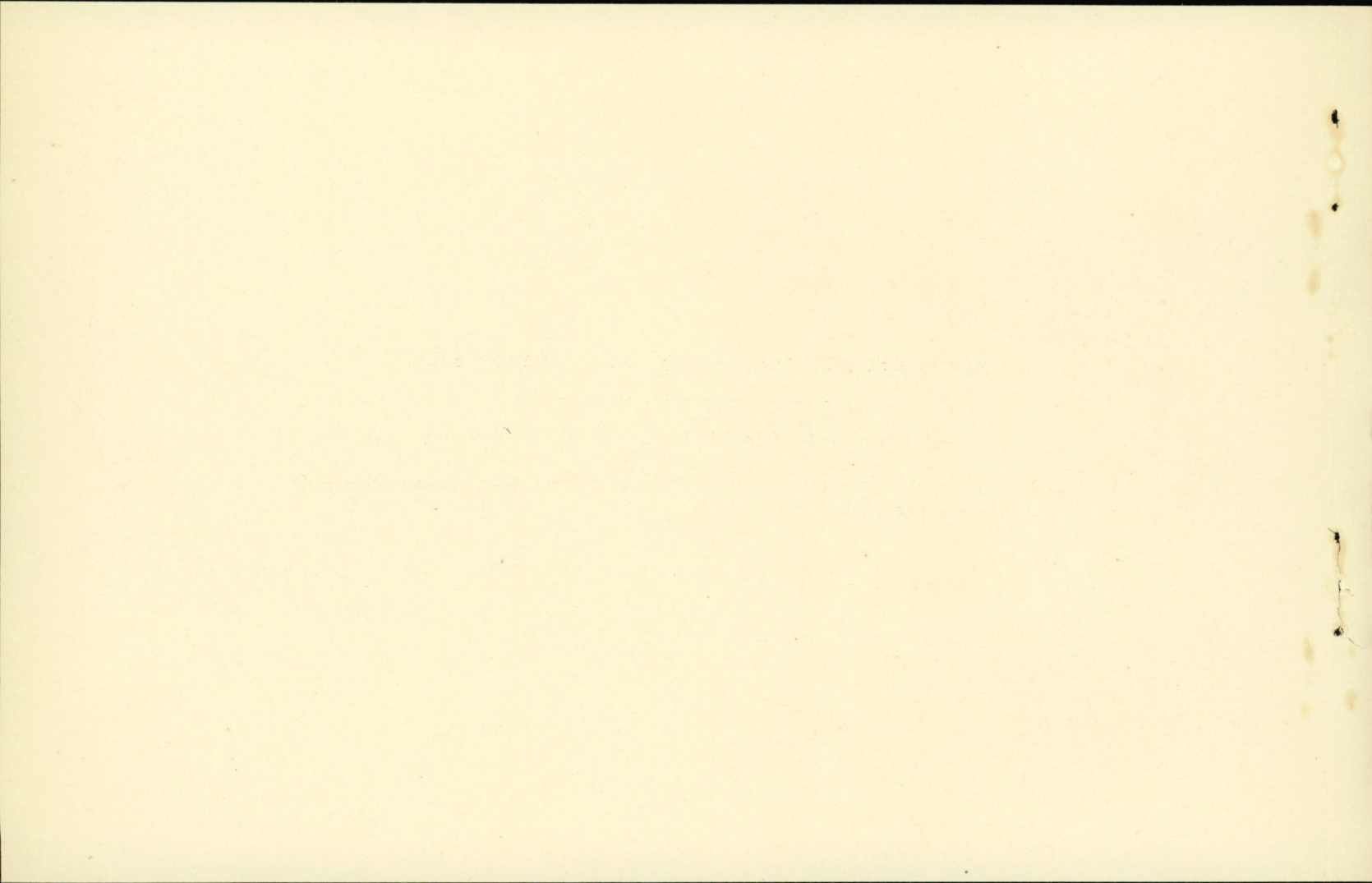


MURRUMBIDGEE IRRIGATION (AMENDMENT) BILL.

Schedule of Amendment referred to in Message of 5th November, 1940.

Page 4, clause 2, line 23. *After "authority" insert "or the Water Conservation and Irrigation Commission"*

55441



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. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 23 October, 1940.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

W. K. CHARLTON,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 5 November, 1940.

New South Wales.



ANNO QUARTO

GEORGII VI REGIS.

Act No. , 1940.

An Act to make provision for and in relation to the acquisition of public roads within any part of the land described in Schedule One to the Murrumbidgee Irrigation Act, 1910; for these and other purposes to amend the said Act and certain other Acts in certain respects; and for purposes connected therewith.

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 "Murrumbidgee Irrigation (Amendment) Act, 1940."

55441 421—

2.

NOTE.—The words to be inserted are printed in black letter.

Murrumbidgee Irrigation (Amendment).

2. The Murrumbidgee Irrigation Act, 1910, as amended by subsequent Acts, is amended by inserting next after subsection two of section six the following new subsections:—

Amendment
of Act
No. 42,
1910.
Sec. 6.

(Power to
acquire
land.)

5 (2A) Notwithstanding anything in any Act passed after the commencement of this Act the provisions of subsection one of this section shall extend and shall be deemed always to have extended to the resumption of any public road within the boundaries described in Schedule One to this Act.

10 (2B) Where any public road is resumed under the authority of this section after the commencement of the Murrumbidgee Irrigation (Amendment) Act, 1940, the following provisions shall have effect:—

15 (a) Subsection two of this section shall not apply to or in respect of such resumption.

20 (b) The municipal or shire council within whose area the public road so resumed is situated shall be entitled to claim compensation therefor.

25 (c) Subject to paragraph (d) of this subsection the compensation shall be an amount not exceeding the capital sum spent by the council upon the construction of the road together with the sum, if any, paid by the council for purchase or resumption of the land therefor.

30 (d) In any case where the council decides that it is necessary to purchase or resume and construct a new road to replace that resumed it shall notify the constructing authority of its decision.

35 Any such notification shall be accompanied by a plan of the location of the proposed new road, together with an estimate of the cost of the purchase or resumption and construction of the proposed new road.

Where

Murrumbidgee Irrigation (Amendment).

5 Where, having regard to the requirements of the public as at the date upon which the public road is resumed by the constructing authority, the constructing authority is of opinion—

- 10 (a) that it is not necessary to replace the road resumed; or
- (b) that the location of the proposed new road is not satisfactory; or
- 15 (c) that the cost of the purchase or resumption and construction of the proposed new road is excessive; or
- (d) that, for any reason whatsoever, the decision of the council should not be carried out either wholly or in part—
- the constructing authority shall notify the council accordingly.

Such notification shall be accompanied by—

- 20 (i) a statement setting out the grounds upon which the opinion of the constructing authority is based;
- 25 (ii) details of any alternative proposal which in the opinion of the constructing authority should be adopted, together with such plans and estimates of costs (if any) as may be necessary to provide the council with full information in relation to the carrying out of such alternative proposal.
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35 Any matter in dispute between the council and the constructing authority under this paragraph may be referred by either the council or the constructing authority to the Land and Valuation Court in accordance with rules of court.

40 The Land and Valuation Court shall have jurisdiction to hear and determine any matter so referred to it. The determination of

Murrumbidgee Irrigation (Amendment).

of that court shall be final and shall be carried into effect by the council and the constructing authority.

5 The Land and Valuation Court may in its discretion award such costs as it thinks fit in relation to any reference under this paragraph.

10 Where the Land and Valuation Court by its determination decides that it is necessary to replace the public road resumed by the constructing authority the amount of compensation shall be such sum, not exceeding the cost of the purchase or resumption and construction of the new road as the said court may determine. In making such
15 determination the said court shall have regard to the actual condition of the public road resumed by the constructing authority as at the date of the resump-
20 tion, and to the extent to which the same was used by the public before that date, and also to any damage to the road caused by the constructing authority **or the Water Conservation and Irrigation Commission**
25 before that date.

Any amount paid to the council by way of compensation under this paragraph shall be placed in a trust fund until expended on such new road.

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. R. McCOURT,

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 October, 1940.*

New South Wales.



ANNO QUARTO

GEORGI VI REGIS.

Act No. , 1940.

An Act to make provision for and in relation to the acquisition of public roads within any part of the land described in Schedule One to the Murrumbidgee Irrigation Act, 1910; for these and other purposes to amend the said Act and certain other Acts in certain respects; and for purposes connected therewith.

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 "Murrumbidgee Short title.
Irrigation (Amendment) Act, 1940."

55441 421—

2.

Murrumbidgee Irrigation (Amendment).

2. The Murrumbidgee Irrigation Act, 1910, as amended by subsequent Acts, is amended by inserting next after subsection two of section six the following new subsections:—

Amendment
of Act
No. 42,
1910.
Sec. 6.

(Power to
acquire
land.)

5 (2A) Notwithstanding anything in any Act passed after the commencement of this Act the provisions of subsection one of this section shall extend and shall be deemed always to have extended to the resumption of any public road within the boundaries described in Schedule One to this Act.

10 (2B) Where any public road is resumed under the authority of this section after the commencement of the Murrumbidgee Irrigation (Amendment) Act, 1940, the following provisions shall have effect:—

15 (a) Subsection two of this section shall not apply to or in respect of such resumption.

20 (b) The municipal or shire council within whose area the public road so resumed is situated shall be entitled to claim compensation therefor.

25 (c) Subject to paragraph (d) of this subsection the compensation shall be an amount not exceeding the capital sum spent by the council upon the construction of the road together with the sum, if any, paid by the council for purchase or resumption of the land therefor.

30 (d) In any case where the council decides that it is necessary to purchase or resume and construct a new road to replace that resumed it shall notify the constructing authority of its decision.

35 Any such notification shall be accompanied by a plan of the location of the proposed new road, together with an estimate of the cost of the purchase or resumption and construction of the proposed new road.

Where

Murrumbidgee Irrigation (Amendment).

Where, having regard to the requirements of the public as at the date upon which the public road is resumed by the constructing authority, the constructing authority is of opinion—

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(a) that it is not necessary to replace the road resumed; or

(b) that the location of the proposed new road is not satisfactory; or

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(c) that the cost of the purchase or resumption and construction of the proposed new road is excessive; or

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(d) that, for any reason whatsoever, the decision of the council should not be carried out either wholly or in part—the constructing authority shall notify the council accordingly.

Such notification shall be accompanied by—

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(i) a statement setting out the grounds upon which the opinion of the constructing authority is based;

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(ii) details of any alternative proposal which in the opinion of the constructing authority should be adopted, together with such plans and estimates of costs (if any) as may be necessary to provide the council with full information in relation to the carrying out of such alternative proposal.

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Any matter in dispute between the council and the constructing authority under this paragraph may be referred by either the council or the constructing authority to the Land and Valuation Court in accordance with rules of court.

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The Land and Valuation Court shall have jurisdiction to hear and determine any matter so referred to it. The determination of

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Murrumbidgee Irrigation (Amendment).

of that court shall be final and shall be carried into effect by the council and the constructing authority.

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The Land and Valuation Court may in its discretion award such costs as it thinks fit in relation to any reference under this paragraph.

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Where the Land and Valuation Court by its determination decides that it is necessary to replace the public road resumed by the constructing authority the amount of compensation shall be such sum, not exceeding the cost of the purchase or resumption and construction of the new road as the said court may determine. In making such determination the said court shall have regard to the actual condition of the public road resumed by the constructing authority as at the date of the resumption, and to the extent to which the same was used by the public before that date, and also to any damage to the road caused by the constructing authority before that date.

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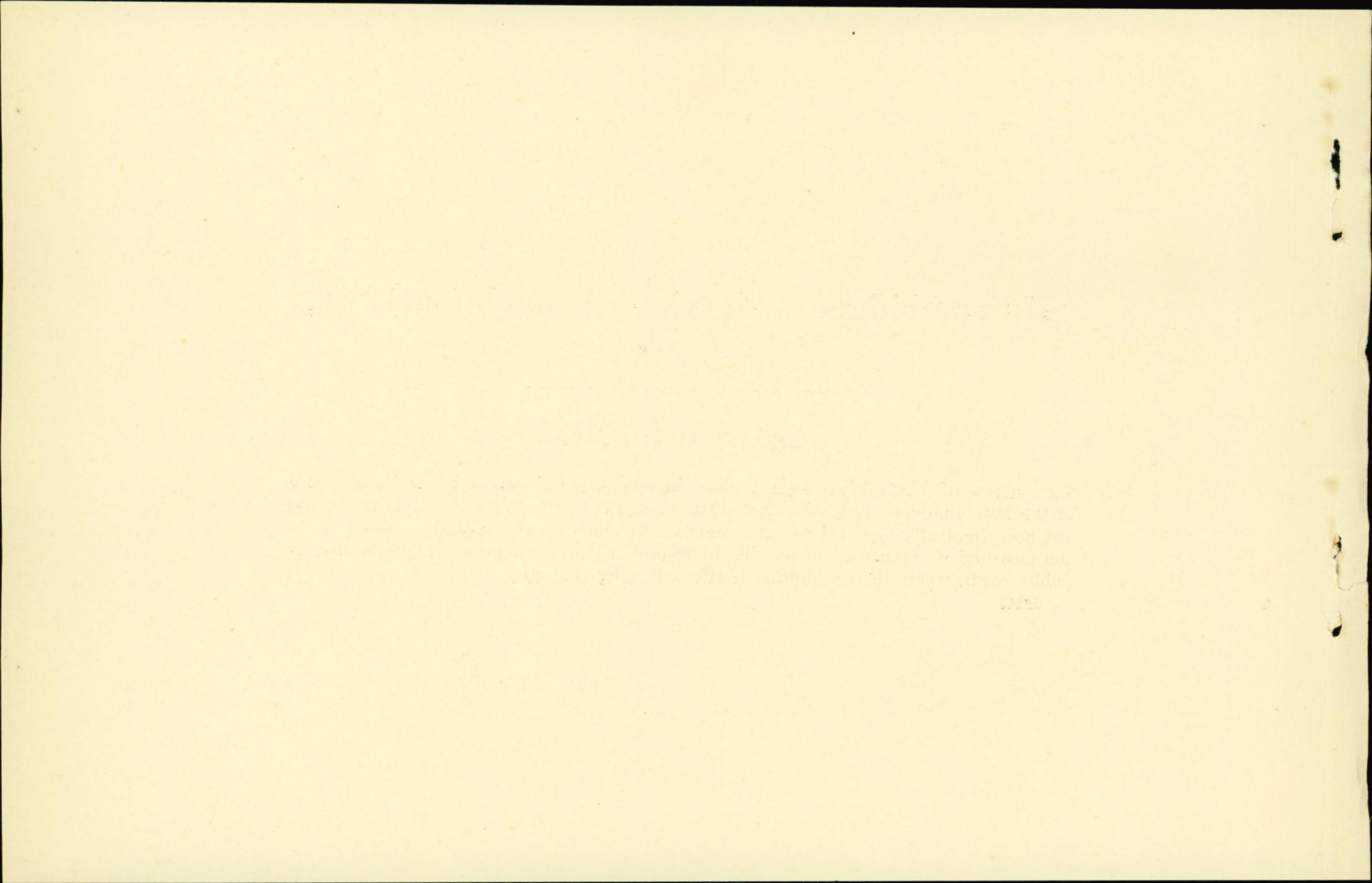
Any amount paid to the council by way of compensation under this paragraph shall be placed in a trust fund until expended on such new road.

Murrumbidgee Irrigation (Amendment) Bill, 1940.

EXPLANATORY NOTE.

THE purpose of this Bill is to make it clear that the power of resumption under section 6 of the Murrumbidgee Irrigation Act, 1910, in so far as it applies to public roads, has not been impliedly repealed by later legislation; and to make special provision as to the measure of compensation payable in respect of the resumption, in the future, of public roads, where the resumption is effected under that Act.

55441



No. , 1940.

A BILL

To make provision for and in relation to the acquisition of public roads within any part of the land described in Schedule One to the Murrumbidgee Irrigation Act, 1910; for these and other purposes to amend the said Act and certain other Acts in certain respects; and for purposes connected therewith.

[MAJOR REID;—16 October, 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 "Murrumbidgee Irrigation (Amendment) Act, 1940."

55441 421—

2.

Murrumbidgee Irrigation (Amendment).

2. The Murrumbidgee Irrigation Act, 1910, as amended by subsequent Acts, is amended by inserting next after subsection two of section six the following new subsections:—

Amendment
of Act
No. 42,
1910.

Sec. 6.

(Power to
acquire
land.)

5 (2A) Notwithstanding anything in any Act passed after the commencement of this Act the provisions of subsection one of this section shall extend and shall be deemed always to have extended to the resumption of any public road within the boundaries described in Schedule One to this Act.

10 (2B) Where any public road is resumed under the authority of this section after the commencement of the Murrumbidgee Irrigation (Amendment) Act, 1940, the following provisions shall have effect:—

15 (a) Subsection two of this section shall not apply to or in respect of such resumption.

20 (b) The municipal or shire council within whose area the public road so resumed is situated shall be entitled to claim compensation therefor.

25 (c) Except in a case to which paragraph (d) of this subsection applies the compensation shall be an amount not exceeding the capital sum spent by the council upon the construction of the road together with the sum, if any, paid by the council for purchase or resumption of the land therefor.

30 (d) In any case where the council decides that it is necessary to purchase or resume and construct a new road to replace that resumed it shall notify the constructing authority of its decision.

35 If the constructing authority is of opinion that it is not necessary to replace the road resumed it may notify the council accordingly. Any difference arising under this paragraph may be referred, by either the council or the constructing authority, to the
Minister

Murrumbidgee Irrigation (Amendment).

Minister for the time being charged with the administration of the Local Government Act, 1919.

5 Where any difference is referred to such Minister under this paragraph he may deal with the matter in all respects as if it were a difference referred to him under section six hundred and fifty-four of the Local Government Act, 1919, and the provisions of that section shall apply, mutatis mutandis, to the settlement of the dispute.

10 Where such Minister decides that it is necessary to replace the road resumed the amount of compensation shall be such sum, not exceeding the cost of the purchase or resumption and construction of the new road as the Minister may determine. In 15 making the determination the Minister shall have regard to the actual condition of the resumed road at the date of the resumption and to the extent to which the same was used by the public before that 20 date.

25 The amount specified in the determination of the Minister shall, when paid, be placed in a trust fund until expended on such new road.

Ministry of Transport and Public Works

Ministry of Transport and Public Works
the administration of the road traffic
act 1931.

Where any reference is made to the
Ministry under this Act it shall be
with the meaning ascribed to it in
a reference referred to in the
sixth section of the Road
Traffic Act 1931, and the provisions
of that section shall apply in
relation to the operation of the
Act.

Where any Minister decides that it is
necessary to require the road traffic
act of 1931 to be amended in such
manner as to provide for the
not exceeding the cost of the
construction and maintenance of the
road in the Ministry's opinion, he
may, by order, direct the Minister
shall have power to the road traffic
act of 1931, and to the extent to which the
amendment is required in the
act.

The amount provided in the
act of 1931 shall when paid be
paid in such manner as may be
such new road.

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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. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 6 November, 1940.

New South Wales.



ANNO QUARTO

GEORGII VI REGIS.

Act No. 30, 1940.

An Act to make provision for and in relation to the acquisition of public roads within any part of the land described in Schedule One to the Murrumbidgee Irrigation Act, 1910; for these and other purposes to amend the said Act and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 11th November, 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 "Murrumbidgee Irrigation (Amendment) Act, 1940." Short title.

2.

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

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

Murrumbidgee Irrigation (Amendment).

Amendment
of Act
No. 42,
1910.
Sec. 6.
(Power to
acquire
land.)

2. The Murrumbidgee Irrigation Act, 1910, as amended by subsequent Acts, is amended by inserting next after subsection two of section six the following new subsections:—

(2A) Notwithstanding anything in any Act passed after the commencement of this Act the provisions of subsection one of this section shall extend and shall be deemed always to have extended to the resumption of any public road within the boundaries described in Schedule One to this Act.

(2B) Where any public road is resumed under the authority of this section after the commencement of the Murrumbidgee Irrigation (Amendment) Act, 1940, the following provisions shall have effect:—

- (a) Subsection two of this section shall not apply to or in respect of such resumption.
- (b) The municipal or shire council within whose area the public road so resumed is situated shall be entitled to claim compensation therefor.
- (c) Subject to paragraph (d) of this subsection the compensation shall be an amount not exceeding the capital sum spent by the council upon the construction of the road together with the sum, if any, paid by the council for purchase or resumption of the land therefor.
- (d) In any case where the council decides that it is necessary to purchase or resume and construct a new road to replace that resumed it shall notify the constructing authority of its decision.

Any such notification shall be accompanied by a plan of the location of the proposed new road, together with an estimate of the cost of the purchase or resumption and construction of the proposed new road.

Where

Murrumbidgee Irrigation (Amendment).

Where, having regard to the requirements of the public as at the date upon which the public road is resumed by the constructing authority, the constructing authority is of opinion—

- (a) that it is not necessary to replace the road resumed; or
 - (b) that the location of the proposed new road is not satisfactory; or
 - (c) that the cost of the purchase or resumption and construction of the proposed new road is excessive; or
 - (d) that, for any reason whatsoever, the decision of the council should not be carried out either wholly or in part—
- the constructing authority shall notify the council accordingly.

Such notification shall be accompanied by—

- (i) a statement setting out the grounds upon which the opinion of the constructing authority is based;
- (ii) details of any alternative proposal which in the opinion of the constructing authority should be adopted, together with such plans and estimates of costs (if any) as may be necessary to provide the council with full information in relation to the carrying out of such alternative proposal.

Any matter in dispute between the council and the constructing authority under this paragraph may be referred by either the council or the constructing authority to the Land and Valuation Court in accordance with rules of court.

The Land and Valuation Court shall have jurisdiction to hear and determine any matter so referred to it. The determination
of

Murrumbidgee Irrigation (Amendment).

of that court shall be final and shall be carried into effect by the council and the constructing authority.

The Land and Valuation Court may in its discretion award such costs as it thinks fit in relation to any reference under this paragraph.

Where the Land and Valuation Court by its determination decides that it is necessary to replace the public road resumed by the constructing authority the amount of compensation shall be such sum, not exceeding the cost of the purchase or resumption and construction of the new road as the said court may determine. In making such determination the said court shall have regard to the actual condition of the public road resumed by the constructing authority as at the date of the resumption, and to the extent to which the same was used by the public before that date, and also to any damage to the road caused by the constructing authority or the Water Conservation and Irrigation Commission before that date.

Any amount paid to the council by way of compensation under this paragraph shall be placed in a trust fund until expended on such new road.

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

WAKEHURST,
Governor.

*Government House,
Sydney, 11th November, 1940.*