

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,
Acting Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 23 March, 1916.

New South Wales.



ANNO SEXTO

GEORGI V REGIS.

Act No. 6, 1916.

An Act to amend the Public Works Act, 1912, with respect to valuations and costs and other proceedings relating to the acquisition of land, and with respect to payments to members of the Parliamentary Standing Committee on Public Works; to validate certain payments to the members of the said Committee; and for purposes consequent thereon or incidental thereto. [Assented to, 4th April, 1916.]

BE

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

THOS. H. THROWER,
Chairman of Committees of the Legislative Assembly.

Public Works (Costs).

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:—

Preliminary.

Short title. **1.** This Act may be cited as the "Public Works (Costs) Act, 1916."

Valuations.

Sec. 47. **2.** Section forty-seven of the Public Works Act, 1912, is amended by adding thereto the following subsection:—

Constructing Authority to notify claimant of valuation.

(3) The Constructing Authority shall inform the claimants of the amount of the valuation of the land by notice in the form of the Seventh Schedule to this Act: Provided that any such notice may within ninety days after service thereof be varied by notification to the claimant of such variation.

Sec. 103.

3. The following is added to section one hundred and three of the said Act:—

Valuation may be varied.

"Provided that any such notice of valuation may within one hundred and twenty days after service thereof be varied by notification to the claimant."

Costs.

Sec. 106 (1). **4.** Subsection one of section one hundred and six of the said Act is repealed, and the following inserted in its place:—

Costs in action for compensation.

(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 last notified to the claimant, and less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant 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.

If

Public Works (Costs).

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.

5. Subsections one and two of section one hundred and eighteen of the said Act are repealed, and the following subsection is inserted in their place:—

(1) If the amount awarded exceeds the amount of the valuation last notified to the claimant, and is less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant the proportion of his costs of and incidental to the arbitration, as settled by the arbitrators, which the excess of the amount awarded over such valuation bears to the excess of the claim over such valuation.

If the amount awarded is equal to or greater than the amount of such claim, the Constructing Authority shall pay the costs of and incidental to the arbitration, as settled by the arbitrators.

If the amount awarded is equal to or less than the amount of such valuation, the claimant shall pay the costs of and incidental to the arbitration, so settled as aforesaid.

6. Subsection two of section one hundred and twenty-three of the said Act is repealed and the following is substituted for it:—

(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.

Payments to Public Works Committee.

7. (1) It is declared and enacted that section thirty-two of the said Act shall be deemed to have been repealed as from the commencement of the said Act.

The

Public Works (Costs).

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.

(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."

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

G. STRICKLAND,

Government House,

Governor.

Sydney, 4th April, 1916.

PUBLIC WORKS (COSTS) BILL.

SCHEDULE of Amendments referred to in Message of 22nd March, 1916.

- Page 2, clause 2, lines 12 to 15. *Omit* "shall cause a valuation of the land or of the
"estate or interest of any claimant therein to be made in accordance with the
"provisions of this Act, and"
- Page 2, clause 2, line 16. *Omit* "such valuation" *insert* "the valuation of the land"
- Page 2, clause 2, line 19. *Omit* "valuation" *insert* "notice"
- Page 2, clause 2, line 20. *Omit* "of the notice"
- Page 2, clause 2, line 20. *Omit* "as aforesaid"
- Page 2, clause 3, line 24. *After* "such" *insert* "notice of"
- Page 2, clause 3, line 26. *Omit* "of the said notice of valuation" *insert* "thereof"
- Page 2, clause 3, line 27. *Omit* "of such variation"
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SCHEDULE of A

Part 1, clause 1, line 1
Part 2, clause 2, line 2
Part 3, clause 3, line 3
Part 4, clause 4, line 4
Part 5, clause 5, line 5
Part 6, clause 6, line 6
Part 7, clause 7, line 7
Part 8, clause 8, line 8
Part 9, clause 9, line 9
Part 10, clause 10, line 10

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,
Acting Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 3 March, 1916.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 22nd March, 1916.

New South Wales.



ANNO SEXTO

GEORGII V REGIS.

Act No. , 1916.

An Act to amend the Public Works Act, 1912, with respect to valuations and costs and other proceedings relating to the acquisition of land, and with respect to payments to members of the Parliamentary Standing Committee on Public Works; to validate certain payments to the members of the said Committee; and for purposes consequent thereon or incidental thereto.

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712—

BE

NOTE.—The words to be *omitted* are ruled through; those to be *inserted* are printed in **black letter**.

Public Works (Costs).

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 :—

Preliminary.

1. This Act may be cited as the "Public Works (Costs) Act, 1916." Short title.

Valuations.

2. Section forty-seven of the Public Works Act, 1912, Sec. 47. is amended by adding thereto the following subsection :—

(3) ~~The Constructing Authority shall cause a valuation of the land or of the estate or interest of any claimant therein to be made in accordance with the provisions of this Act, and shall inform the claimants of the amount of such valuation~~ Valuation by Constructing Authority. **the Constructing Authority to notify claimant of valuation.** ~~the valuation of the land~~ by notice in the form of the Seventh Schedule to this Act: Provided that any such ~~valuation notice~~ **notice** may within ninety days after service of the ~~notice~~ thereof as aforesaid be varied by notification to the claimant of such variation.

3. The following is added to section one hundred and three of the said Act :— Sec. 103.

"Provided that any such ~~notice of valuation~~ **notice of valuation** may within one hundred and twenty days after service of the ~~said notice of valuation~~ **thereof** be varied by notification to the claimant ~~of such variation.~~ Amendment of Valuation may be varied.

Costs.

4. Subsection one of section one hundred and six of the said Act is repealed, and the following inserted in its place :— Sec. 106 (1).

(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 last notified to the claimant, and less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant the Costs in action for compensation.

Public Works (Costs).

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.

5 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.

10 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.

5. Subsections one and two of section one hundred and eighteen of the said Act are repealed, and the following subsection is inserted in their place :—

15 (1) If the amount awarded exceeds the amount of the valuation last notified to the claimant, and is less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant the proportion of his costs of and incidental to the arbitration, as settled by the arbitrators, which the excess of the amount awarded over such valuation bears to the excess of the claim over such valuation.

20 If the amount awarded is equal to or greater than the amount of such claim, the Constructing Authority shall pay the costs of and incidental to the arbitration, as settled by the arbitrators.

25 If the amount awarded is equal to or less than the amount of such valuation, the claimant shall pay the costs of and incident to the arbitration, so settled as aforesaid.

30 **6.** Subsection two of section one hundred and twenty-three of the said Act is repealed and the following is substituted for it :—

35 (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.

Payments

Public Works (Costs).

Payments to Public Works Committee.

7. (1) It is declared and enacted that section thirty-two of the said Act shall be deemed to have been repealed as from the commencement of the said Act.

Repeal of s. 32 and validation of payments to Public Works Committee.

5 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
10 held harmless in respect thereof.

(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."

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,
Acting Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 March, 1916.*

New South Wales.



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(3) The Constructing Authority shall cause a valuation of the land or of the estate or interest of any claimant therein to be made in accordance with the provisions of this Act, and shall inform the claimants of the amount of such valuation by notice in the form of the Seventh Schedule to this Act: Valuation by Constructing Authority. Provided that any such valuation may within ninety days after service of the notice thereof as aforesaid be varied by notification to the claimant of such variation.

3. The following is added to section one hundred and three of the said Act:— Sec. 103.

"Provided that any such valuation may within one hundred and twenty days after service of the said notice of valuation be varied by notification to the claimant of such variation." Amendment of valuation.

Costs.

4. Subsection one of section one hundred and six of the said Act is repealed, and the following inserted in its place:— Sec. 106 (1).

(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 last notified to the claimant, and less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant the Costs in action for compensation.

Public Works (Costs).

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20 excess of the amount awarded over such valuation bears to the excess of the claim over such valuation.

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