

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, 14 March, 1916.*

New South Wales.



ANNO SEXTO

GEORGI V REGIS.

Act No. , 1916.

An Act to sanction the construction of a high-level cantilever bridge across Sydney Harbour by connecting Dawes Point with Milson's Point, together with the necessary approaches, railway connections, and other works connected therewith ; to provide for the use of such works by the Constructing Authority and other persons ; to provide for the cost of the said works and other expenses connected therewith ; to impose a rate on certain lands in relation to such works ; for purposes consequent thereon or incidental thereto ; and for such purposes to amend the Public Works Act, 1912, and certain other Acts.

421—A

WHEREAS

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WHEREAS in accordance with the provisions of ^{Preamble.} the Public Works Act, 1912, the Legislative Assembly did, by resolution, declare that it was expedient to carry out certain works, namely, the construction of
 5 a high-level cantilever bridge across Sydney Harbour and connecting Dawes' Point with Milson's Point, together with the necessary approaches, railway connections, and other works connected therewith: And
 10 whereas, on the passing of the said resolution, a statutory duty was by the said Act imposed on the Minister to introduce a Bill into the said Assembly to sanction the carrying out of the said work: Be it therefore enacted
 by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and
 15 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 "Sydney Harbour ^{Short title.} Bridge Act, 1916", and is divided into Parts as follows:—

PART I.—WORKS AUTHORISED—*ss.* 2-6.

PART II.—FINANCIAL—*ss.* 7-13.

PART III.—MISCELLANEOUS—*ss.* 14-20.

PART I.

25 WORKS AUTHORISED.

2. The carrying out of the said works (more par-^{Works} ticularly described in the First Schedule to this Act) is ^{sanctioned.} hereby sanctioned; and the Minister for Public Works, or the member of the Executive Council for the time being
 30 performing the duties of the said Minister, is hereby authorised to undertake and carry out the said works, subject to the provisions of this Act, and for that purpose shall be, and shall have the powers of, a Constructing Authority within the meaning of the Public Works Act,
 35 1912. **3.**

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- 3.** The plan of the said works is the plan marked The plan.
 "Sydney Harbour Bridge," signed by the Minister for
 Public Works, and countersigned by the Director-
 General of Public Works and the Chief Engineer for
 5 Metropolitan Railway Construction, and deposited in
 the public office of the said Minister.
- 4.** The cost of carrying out the said works, estimated Cost, and
how to be
defrayed.
 at two millions seven hundred and fifty thousand pounds,
 may be defrayed from such Loan Votes as are now or
 10 may hereafter be applicable to the purpose, or from
 appropriations of the Public Works Fund, or partly
 from such votes and partly from the said appropria-
 tions, and shall not under any circumstances exceed the
 estimated cost by more than ten per centum.
- 15 **5.** The said lines of railway and cables for the trans- Lines may be
constructed
on road.
 mission of power may be constructed under, over, along,
 or by the side of any public road, street, or highway, or
 any public place.
- 6.** The Constructing Authority, and any persons Constructing
Authority
may use lines.
 20 authorised by him, may use the said railway lines, or
 any part thereof, before they are transferred to the Chief
 Commissioner for Railways and Tramways, and for that
 purpose may run thereon any carriages or waggons
 propelled or drawn by any motive power, and the net
 25 receipts therefrom shall be paid into the Treasury.

PART II.

FINANCIAL.

- 7.** In this Part the capital cost of the works shall be Capital cost.
 deemed to be the total amount expended on the con-
 30 struction of the works mentioned in the First Schedule,
 together with the cost of land resumptions, costs, com-
 pensations, and all other incidental outgoings whatso-
 ever, and together also with interest on the moneys
 expended for such purposes from time to time until the
 35 completion of the said work and opening of the said
 bridge and railways to traffic, such interest to be calcu-
 lated at the rate of five pounds per centum per annum.

8.

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8. (1) Six-elevenths of the capital cost of the works shall be borne by the Chief Commissioner for Railways and Tramways. Capital cost—how borne.

(2) Five-elevenths of the capital cost shall be borne by the councils of the city and of the municipalities and shires mentioned in the Second Schedule.

9. (1) There is hereby imposed in each year after the completion of the said works, and the notification thereof in the Gazette, upon the unimproved capital value of all lands within the areas of the said councils ratable under the Local Government Act, 1906, or the Sydney Corporation Act, 1902, or any Act amending the same, a rate of three-eighths of a penny in the pound. The rate—its imposition and amount.

(2) Such unimproved capital value shall be ascertained in accordance with the provisions of the Local Government Act, 1906, and in the case of the city of Sydney in accordance with the Sydney Corporation Act, 1902, and Acts amending the same, or any other Act providing for the valuation of lands for local government purposes.

(3) The provisions of the Local Government Act, 1906, and any Act amending the same relating to rates thereunder shall, where not inconsistent with this Act, apply to the rate imposed under this section on land situate outside the city of Sydney; and the provisions of the Sydney Corporation Act, 1902, and Acts amending the same relating to rates thereunder shall apply to the rate imposed under this section on land situate within the said city.

10. (1) The said councils shall and they are hereby authorised, empowered, and required to collect the rate hereby imposed each year after the notification of the completion of the said works as aforesaid. The rate—collection and disposal.

(2) The proceeds of such rate after deducting such proportion thereof for the expense of collection as the Minister may from time to time in each case approve shall within such period as may be prescribed by regulations made under this Act be paid by the respective councils to a special account in the Treasury.

11. (1) The proceeds of such rate paid to the said account shall be applied by the Colonial Treasurer in the Application of proceeds of rate.

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the first place in paying interest at a rate to be determined by the Governor from time to time on so much of five-elevenths of the capital cost as has not been extinguished under the provisions of this Act, and in
5 the next place in paying—

- (a) the cost of the maintenance and lighting of the roadways and footway on the cantilever bridge, including main and anchor piers (hereinafter referred to as "the main bridge");
- 10 (b) the cost of the maintenance and lighting of the roadway and footway approaches to the main bridge; and
- (c) five-elevenths of the cost of the maintenance of the main bridge, exclusive of the railway and tramway tracks, and exclusive of the works
15 referred to in paragraph (a) of this subsection.

Any balance of such proceeds, after making such payments, shall be applied for the purpose of extinguishing the said five-elevenths of the capital cost of the works.

- 20 (2) The cost of the maintenance of the railway and tramway approaches to the main bridge and of the maintenance of the railway and tramway tracks on such approaches and bridge, together with six-elevenths of the cost of maintenance set out in paragraph (c) of the last
25 preceding subsection, shall be borne by the Chief Commissioner for Railways and Tramways.

12. (1) When the five-elevenths of such capital cost has been extinguished as aforesaid, and when the said Treasurer has in his hands out of such proceeds an
30 additional sum of money which if invested at a rate to be fixed by the Governor would provide an annual income sufficient to pay for the costs referred to in paragraphs (a), (b), and (c) of subsection one of the last preceding section, the Governor may declare by
35 proclamation in the Gazette that at the end of the then current year the rate hereinbefore in this Act referred to shall cease to be imposed.

For the purposes of this subsection the said costs shall be the average of such costs for the three com-
40 pleted years immediately preceding the date on which the capital cost was extinguished as aforesaid.

(2)

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(2) Any surplus moneys in the hands of the Treasurer over and above such sum as is mentioned in subsection one of this section shall be refunded to the respective councils in the proportion in which they contributed to the same, and shall be dealt with by them as general rates.

13. Should any of the councils make default in collecting the said rate or in paying the proceeds less such deductions as aforesaid into the special account in the Treasury such council shall be deemed to be a defaulting area within the meaning and for the purposes of the Local Government Act, 1906, or any Act amending the same.

Default by council.

PART III.

15

MISCELLANEOUS.

14. For the purposes of this Act, but not otherwise, the following amendments and additions shall be made in the Public Works Act, 1912, that is to say:—

Amendments of Public Works Act, 1912.

(1) The following section is inserted next after section four:—

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4A. The provisions of this Act relating to the acquisition of land shall also apply to the acquisition of an easement or right to use the subsoil or the under-surface of land, whether such easement or right is acquired separately from or together with any land.

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(2) Section forty-seven is amended by adding thereto the following subsection:—

Sec. 47.

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(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 notice to the claimant of such variation.

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(3)

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(3) Section ninety-eight is amended as follows :— Sec. 98.

(a) at the end of subsection one insert the following :—

5 Land may be superfluous within the meaning of this section although the sub-soil or under-surface of the land is used or required for the purposes of the work.

In any sale of superfluous land the Constructing Authority may reserve an easement or a right of using any part of the land.

(b) In subsection three, before "public works" insert "authorised works or", and omit the words "not exceeding fifty years".

(4) The following is added to section one hundred and three :— Sec. 103.

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

(5) Subsection two of section one hundred and four is repealed and the following inserted in its place :— Sec. 104.

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

(6) 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.

(7) The following proviso is added to subsection two of section one hundred and five :— Sec. 105.

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

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

35 106. (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 last notified to the claimant, and less than the amount of the claim
40 of

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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.

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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.

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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.

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- (9) Subsections one and two of section one hundred and eighteen are repealed, and the following subsection is inserted in their place:—

Sec. 118.

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(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.

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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.

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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.

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- (10) Section one hundred and twenty-three is repealed, and the following inserted in its place:—

Sec. 123.

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123. (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 by

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5 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
 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
 10 this Act as amended by the Sydney Harbour
 Bridge Act, 1916.

(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 as amended by the
 said Act.

20 (11) Section one hundred and twenty-four is Sec. 124.
 amended by substituting the word "judges"
 for the word "jury" and by omitting "at the
 time notice was given or notification published,
 as the case may be" and substituting the
 words "immediately before the passing of the
 Sydney Harbour Bridge Act, 1916".

The third paragraph (second proviso) of the
 same section, is amended by striking out the
 words "by notification in the Gazette".

30 (12) Section one hundred and twenty-six is Sec. 126.
 amended by inserting at the end of subsection two the
 following:—

35 "Provided that such interest shall not be
 paid for any period during which delay in
 fixing the amount of compensation or in com-
 pleting title has been caused by the act or
 default of the person to whom such compensa-
 tion is payable."

40 (13) Section one hundred and fifty-one is Sec. 151.
 repealed and the following is substituted for it:—

151. The Constructing Authority shall, by
 advertisement in the Gazette and in one or

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- more of the Sydney newspapers published at least thirty days before commencing the said railways, or any part thereof, give notice that it is intended to make the said railways between the places therein specified according to a map or plan to be seen in the office of the Constructing Authority at Sydney and at the offices of the clerks of petty sessions of the districts through which such railways are intended to be made; and in case any material deviation from the said line indicated in such map or plan is at any time afterwards deemed by the Governor to be desirable, the like notices shall be given by the Constructing Authority relative to the proposed deviation.
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- (14) Paragraphs (b) and (c), and subsection three of section eighty-two, sections eighty-six, eighty-seven, eighty-eight, subsection two of section eighty-nine, sections ninety, ninety-one, ninety-two, ninety-five, ninety-seven, subsection three of section one hundred and twenty-six, and sections one hundred and thirty-eight and one hundred and fifty-two are repealed.
- 20
- 15.** All private rights of way over any lands which may under the powers of this Act be acquired compulsorily shall from the date of such acquisition be extinguished: Provided that the Constructing Authority shall make full compensation to all parties interested in respect of any such rights, and such compensation shall be settled in manner provided by the Public Works Act, 1912 (as amended by this Act), with reference to the taking of lands otherwise than by agreement.
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- 16.** The Constructing Authority shall not be required to make any accommodation works for the convenience of persons of whose lands he may have taken possession, nor for the convenience of persons using any road, street, or lane under or over which the said railway may be carried, or which may be closed or partly closed for the purpose of constructing the works hereby authorised, or any works to be carried out in connection therewith. But the
- Right of way, s. 18, London Electric Railway Act.
- Accommodation works not required.

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the Constructing Authority may carry out such accommodation works as he may think reasonable or desirable under the circumstances, and shall in constructing the said works cause as little inconvenience as may
5 reasonably be, having regard to the circumstances.

17. Notwithstanding any provision in any Act to the contrary, it shall not be necessary for the Constructing Authority to give any notice of his intention to blast rock, nor shall he be liable to
10 have an injunction issued to restrain him from causing or continuing to cause any nuisance by such blasting or by any other operation necessary or proper in connection with the construction of the said work.

Notices not required. No liability for nuisances in carrying out work.

18. (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 this Act (not being an action for compensation in respect of any land taken under the said authority) shall be heard and
15 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.

(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
20 30 reason of which the damage or injury complained of is alleged to have arisen.

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
35 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.

19. The Constructing Authority or any person authorised by him in writing may at any reasonable
40 hour in the daytime enter any land or building along or near to the line of the said work and inspect the same
and

Constructing Authority may enter land, building, &c.

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and make measurements and drawings and take photographs thereof and take such other measures as he may think necessary to ascertain the construction and condition of any such building :

- 5 Provided that notice shall be given to the person in occupation of such land or building at least twenty-four hours before such entry.

20. The Governor may make regulations for carrying Regulations
this Act into effect, and may in such regulations impose
10 any penalty not exceeding twenty pounds for any breach
hereof.

SCHEDULES.

FIRST SCHEDULE.

THE works provided for are as follow :—

- 15 A bridge of the cantilever type designed, in common with the approaches thereto, to carry four lines of railway, one main roadway, one motor roadway, and one footway.
The necessary approaches to the bridge.
The construction of electric railway lines connecting the respective
20 ends of the approaches with the proposed city railway station at Wynyard-square on the southern side and with the existing Milson's Point railway near Bay-road station on the northern side.
Connections for utilising two of the lines temporarily for tramway purposes.
25 Subject to such deviations and modifications as may be considered desirable by the Constructing Authority.

SECOND SCHEDULE.

- City of Sydney.
Municipality of Manly.
30 " Mosman.
 " Lane Cove.
 " North Sydney.
 " Willoughby.
Shire of Hornsby.
35 " Ku-ring-gai.
 " Warringah.