

## PUBLIC WORKS (AMENDMENT) ACT.

Act No. 31, 1961.

Elizabeth II,  
No. 31, 1961

An Act to make further provisions relating to the authorisation of public works and the sale of superfluous lands; for these and other purposes to amend the Public Works Act, 1912, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 13th October, 1961.]

**B**E it enacted by the Queen'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 :—

Short title. **1.** This Act may be cited as the "Public Works (Amendment) Act, 1961".

**2.**

2. The Public Works Act, 1912, as amended by subsequent No. 31, 1961 Acts, is amended—

- (a) (i) by omitting from subsection one of section thirty-four the words “twenty thousand pounds” and by inserting in lieu thereof the words “two hundred thousand pounds”;
- (ii) by omitting from subsection two of the same section the words “twenty thousand pounds” and by inserting in lieu thereof the words “two hundred thousand pounds”;
- (iii) by omitting from subsection three of the same section the words “twenty thousand pounds” and by inserting in lieu thereof the words “two hundred thousand pounds”;
- (iv) by omitting from subsection four of the same section the words “twenty thousand pounds” and by inserting in lieu thereof the words “two hundred thousand pounds”;
- (v) by inserting at the end of the same section the following new subsection :—

Amendment  
of Act No.  
45, 1912.  
Sec. 34.  
(Conditions  
precedent to  
commencing  
public  
works.)

(6) Where the Minister is of opinion that a work being—

- (a) a public school, a teachers' college, a technical college, or an institution constituted under Part X of the Child Welfare Act, 1939, as amended by subsequent Acts;
- (b) a hospital, or a mental hospital, or an institution for the treatment of the physically or mentally ill;
- (c) public offices or a public building,

should be constructed, the Governor, notwithstanding that the estimated cost of the work exceeds the sum of two hundred thousand pounds, may direct that such work shall be carried out under this Act, in which case all

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the powers and provisions of this Act relating to authorised works shall be applicable to such work, and the same shall for all purposes of this Act be deemed to be an "authorised work" and the Minister on whom the carrying out of such work devolves shall for the like purposes be deemed a "Constructing Authority".

For the purposes of this subsection any such work shall include its continuation, completion, repair, reconstruction or extension.

Sec. 37.  
(Resolution when to be sufficient authority for execution of works, &c.)

(b) by inserting at the end of section thirty-seven the following new subsection :—

(2) Where the Governor has—

(a) pursuant to subsection two or six of section thirty-four of this Act directed that a work shall be carried out under this Act, the Constructing Authority; or

(b) pursuant to subsection three or four of section thirty-four of this Act directed that a work shall be carried out under this Act, the Minister,

shall enter into such contracts and take all such necessary steps for the proper execution thereof as such Constructing Authority or Minister, as the case may require, may think proper.

Sec. 38.  
(Contracts how made.)

(c) (i) by omitting from subsection one of section thirty-eight the words "such contracts" and by inserting in lieu thereof the words "contracts referred to in subsections one and two of section thirty-seven of this Act";

(ii) by inserting in paragraph (a) of the same subsection after the word "Authority" the words "or the Minister, as the case may require,";

(iii) by omitting from the same paragraph the word "its";

(iv)

- (iv) by inserting in paragraph (b) of the same subsection after the word "Authority" the words "or the Minister, as the case may require,";
- (v) by inserting in paragraph (c) of the same subsection after the word "Authority" the words "or the Minister, as the case may require,";
- (vi) by inserting in subsection two of the same section after the word "Authority" wherever occurring the words ", or the Minister,";
- (d) by omitting from subsection two of section forty-six the words "subsection two of section ninety-eight of this Act to be offered for sale by public auction" and by inserting in lieu thereof the words "subsection one of section ninety-eight of this Act";
- (e) by omitting from section eighty-one the words "Provided that no highway so dedicated shall exceed one chain in width.";
- (f) by omitting section ninety-eight and by inserting in lieu thereof the following section :—

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Sec. 46.

(Convey-  
ances.)

Sec. 81.

(Construct-  
ing Autho-  
rity may  
dedicate  
highway.)Subst. sec.  
98.Sale or  
lease of  
lands not  
wanted for  
any work.

98. (1) The Constructing Authority may, with the approval of the Governor, sell or lease, in such manner, upon such terms and conditions and subject to such easements, covenants, provisions, exceptions and reservations as the Constructing Authority may deem expedient, any lands taken or acquired under the provisions of this Act either before or after the commencement of the Public Works (Amendment) Act, 1961, and which are not required for the purposes of any work for which they were so taken or acquired.

(2) All moneys received by the Constructing Authority pursuant to any sale or lease made under subsection one of this section shall be applied in such manner as the Governor directs.

**Land Tax Management (Amendment) Act.**

**No. 31, 1961**  
Validation.

**3.** The construction by or on behalf of the Crown prior to the commencement of this Act of any work referred to in paragraph (a), (b) or (c) of subsection six of section thirty-four of the Public Works Act, 1912, as amended by subsequent Acts, and by this Act, not being a work sanctioned by any other Act, shall be deemed to have been valid notwithstanding that the provisions of the Public Works Act, 1912, as amended from time to time, for the time being in force applicable to such work have not been observed or complied with.

**Savings.**

**4.** Any lease effected pursuant to subsection three of section ninety-eight of the Public Works Act, 1912, as amended by subsequent Acts, and in force at the commencement of this Act shall be deemed to have been effected pursuant to subsection one of the said section ninety-eight as replaced by this Act, for the balance of the term for which it was originally granted and subject to the like conditions and reservations.

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