

WARDELL ROAD TO DARLING
ISLAND RAILWAY DEVIATION
(TUNNELS) AMENDMENT ACT.

Act No. 11, 1918.

An Act to amend the Wardell Road to Darling Island Railway Deviation (Tunnels) Act, 1916, the Government Railways (Amendment) Act, 1916, and the Public Works Act, 1912; and for purposes consequent thereon or incidental thereto. [Assented to, 19th March, 1918.]

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 "Wardell Road to Darling Island Railway Deviation (Tunnels) Amendment Act, 1918." Short title.

2. Section two of the Wardell Road to Darling Island Railway Deviation (Tunnels) Act, 1916, is amended by omitting paragraph (b) and inserting in place thereof the following paragraphs:—

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 is repealed and the following inserted in its Public Works Act.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

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

(c) Subsection one of section one hundred and five Sec. 105. is amended by omitting the words "four hundred pounds," and inserting in lieu thereof the words "one thousand pounds."

(d)

**Wardell Road to Darling Island Railway Deviation
(Tunnels) Amendment Act.**

George V,
No. 11.
Sec. 105.

Sec. 123.

**Appeal from
decision of
arbitrators.**

Sec. 124,
Public
Works Act.

Sec. 138.

(d) The following proviso is added to subsection two of section one hundred and five :—

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

(e) Subsection one of section one hundred and twenty-three is repealed, and the following inserted in its place :—

(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 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 this Act as amended by the Wardell Road to Darling Island Railway Deviation (Tunnels) Amendment Act, 1918.

(f) Section one hundred and twenty-four is amended as follows :—

(i) Substitute the word “judges” for the word “jury.”

(ii) Omit “at the time notice was given or notification published, as the case may be” and substitute the words “immediately before the passing of the Wardell Road to Darling Island Railway Deviation (Rozelle Bay to Pyrmont) Act, 1915.”

(iii) In the third paragraph (second proviso) omit “by notification in the Gazette.”

(g) Section one hundred and thirty-eight as amended by the Government Railways (Amendment) Act, 1916, is repealed.

**George V,
No. 11.**

3. The following section is added to the said Act :—

4. (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 the Wardell Road to Darling Island Railway Deviation (Rozelle Bay to Pyrmont) Act, 1915 (not being an action for compensation in respect of any land taken under the said authority) shall be heard and 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 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 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.

CANTERBURY,