

1995—No. 100

**SYDNEY HARBOUR TUNNEL (PRIVATE JOINT VENTURE)
ACT 1987—REGULATION**

(Sydney Harbour Tunnel (Private Joint Venture) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Sydney Harbour Tunnel (Private Joint Venture) Act 1987, has been pleased to make the Regulation set forth hereunder.

BRUCE BAIRD, M.P.,
Minister for Transport, Minister for Roads.

Citation

1. This Regulation may be cited as the Sydney Harbour Tunnel (Private Joint Venture) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:

“**Company**” means the Sydney Harbour Tunnel Company Limited;

“**the Act**” means the Sydney Harbour Tunnel (Private Joint Venture) Act 1987.

Application of certain legislation to the tunnelling works

4. (1) For the purposes of section 9 (3) of the Act, the provisions of:

- (a) the Maritime Services Act 1935; and
- (b) the Sydney Harbour Trust Act 1900; and
- (c) any instrument in force under either of those Acts,

apply to and in respect of the tunnelling works in the same way as they would, but for that subsection, apply to and in respect of those works.

(2) The provisions applied by subclause (1) do not operate so as to prevent the tunnelling works from being carried out in accordance with the terms of a lease or licence referred to in clause 6.

Application of certain legislation to the ancillary works

5. (1) For the purposes of section 11 (2) of the Act, the provisions of:

- (a) the Maritime Services Act 1935; and
- (b) the Sydney Harbour Trust Act 1900; and
- (c) any instrument in force under either of those Acts,

apply to and in respect of the ancillary works in the same way as they would, but for that subsection, apply to and in respect of those works.

(2) The provisions applied by subclause (1) do not operate so as to prevent the ancillary works from being carried out in accordance with the terms of a lease or licence referred to in clause 6.

Granting of certain leases and licences

6. (1) The provisions applied by clauses 4 (1) and 5 (1), to the extent to which they enable the Maritime Services Board to grant leases or licences over land within the tunnelling site or an ancillary site, are modified to the intent that:

- (a) the Maritime Services Board may not refuse to grant such a lease or licence to the Company except with the consent of the Minister; and
- (b) the Roads and Traffic Authority may, on the application of the Maritime Services Board or the Company, give directions as to the terms on which such a lease or licence is to be granted; and
- (c) the terms of such a lease or licence are to be in accordance with any directions given by the Roads and Traffic Authority in that regard.

(2) The Maritime Services Board is taken to have refused to grant a lease or licence referred to in subclause (1) if it has not granted such a lease or licence within 2 months after the Company applies for it to be granted.

Repeal

7. (1) The Sydney Harbour Tunnel (Private Joint Venture) Regulation 1987 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Sydney Harbour Tunnel (Private Joint Venture) Regulation 1987, had effect under that Regulation is taken to have effect under this Regulation.

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, without any changes of substance, the provisions of the Sydney Harbour Tunnel (Private Joint Venture) Regulation 1987. The new Regulation deals with the following matters:

- (a) the re-application to the tunnelling works and ancillary works carried out under the Act of certain legislation from which they would otherwise be excluded (clauses 4 and 5);
- (b) the granting of leases and licences in respect of the tunnelling works and ancillary works (clause 6);
- (c) citation, commencement, definitions and repeals (clauses 1, 2, 3 and 7).

This Regulation is made under the Sydney Harbour Tunnel (Private Joint Venture) Act 1987, including section 20 (the general regulation making power) and sections 9 and 11.

This Regulation comprises or relates to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
