

PUBLIC WORKS (COSTS) ACT.

Act No. 6, 1916.

George V, An Act to amend the Public Works Act, 1912,
No. 6. 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 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.

*Costs.*George V,
No. 6.

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 Subsection one of section one hundred and six of the said Act is repealed, and the following inserted in its place:—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 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.

Costs in
action for
compensa-
tion.

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:—

Sec. 118 (1)
and (2).

(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.

Costs in
arbitration.

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.

George V, **6.** Subsection two of section one hundred and twenty-
No. 6. three of the said Act is repealed and the following is
 Section 123. substituted for it :—

Costs on
 appeal from
 arbitrators.

(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.

Repeal of s. 32
 and validation of
 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 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."