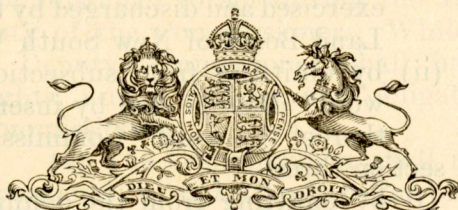


New South Wales.



ANNO SEXTO DECIMO

GEORGII V REGIS.

Act No. 4, 1925.

An Act to provide for the appointment of a Commissioner in lieu of the Prickly-pear Destruction Board; and for that purpose to amend the Prickly-pear Act, 1924. [Assented to, 28th September, 1925.]

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. (1) This Act may be cited as the "Prickly-pear (Amendment) Act, 1925," and shall be read with the Prickly-pear Act, 1924. Short title.

(2) This Act shall come into force on a day to be appointed by the Governor, and notified by proclamation published in the Gazette. Commencement.

2.

Prickly-pear (Amendment).

Amendments
of Act 1924
No. 31
Sec. 1,
ss. (3) and (4).

2. The Prickly-pear Act, 1924, is amended as follows:—

(a) in section one—

(i) by inserting at the end of subsection three, the following words:—“In any such case the powers, authorities, duties, and obligations conferred and imposed by those provisions on the Commissioner shall be vested in and exercised and discharged by the Western Land Board of New South Wales”;

(ii) by omitting from subsection four the word “Board” and by inserting in lieu thereof the word “Commissioner”;

Sec 3.

(b) in section three—

(i) by omitting from the definition of the words “authorised person,” the word “board,” and by inserting in lieu thereof the word “Commissioner”;

(ii) by inserting next after the definition of the words “authorised person” the following new definition:—

“Commissioner” means the Commissioner appointed under this Act.

(iii) by omitting the paragraphs which define the words “Board,” “Chairman,” and “Member” respectively.

(c) in Part II by omitting the heading “Prickly-pear Destruction Board,” and inserting in lieu thereof the heading “Prickly-pear Destruction Commissioner,” and by omitting the sub-heading “Constitution of the board,” and inserting in lieu thereof the words “Appointment of Commissioner and officers.”

Sec. 4.

(d) by omitting section four and by inserting in lieu thereof the following section:—

Appointment
of Com-
missioner.

4. (1) For the purposes of this Act there shall be appointed a Commissioner who shall be styled the Prickly-pear Destruction Commissioner, who shall subject to the direction and control of the Minister be the authority charged with the administration of this Act.

Prickly-pear (Amendment).

(2) The person appointed Commissioner shall hold office for a term of five years from the date of his appointment, and any person so appointed may at the end of such term be re-appointed for a further like term.

The provisions of the Public Service Act, 1902, shall not apply to the appointment.

(3) The Governor may from time to time as the occasion demands appoint a Deputy-Commissioner to act during the absence from duty of the Commissioner. While so acting, a Deputy-Commissioner shall have all the rights, duties, powers, and obligations of the Commissioner.

(4) The Commissioner shall receive such remuneration and allowances as the Governor shall fix, and shall not, save with the sanction of the Governor, engage in any business or employment other than the duties of his office.

(5) The Governor may remove or suspend the Commissioner for incompetence and appoint another person in his stead. Such an appointment shall only be made for the balance of the term for which the Commissioner was appointed.

(6) The Commissioner may be removed from office—

- (a) if he shall engage during his term of office in any employment outside the duties of his office, except with the previous sanction of the Governor ;
- (b) if he becomes bankrupt, compounds with his creditors, or assigns his estate for the benefit of his creditors ;
- (c) if he becomes an insane person or an incapable person within the meaning of the Lunacy Act, 1898 ;
- (d) if he is convicted of any felony or misdemeanour ;
- (e) if he shall absent himself from duty for a period of fourteen consecutive days, except on leave granted by the Minister (which leave he is hereby authorised to grant) ;
- (f)

Prickly-pear (Amendment).

(f) if he shall become in any way concerned or interested in any contract or agreement made by or on behalf of the Minister under the provisions of this Act, or shall in any wise participate or claim to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

(7) If the Commissioner at the date of his appointment is an officer of the Public Service he shall, in the event of his office being discontinued, be eligible on the recommendation of the Public Service Board to be appointed to some office in the Public Service corresponding in classification and salary to that which he held at the date of his appointment as Commissioner.

Sec. 5.

(e) In section five—

(i) in subsection one by inserting after the word "Board" where it firstly occurs the words "for the purposes of this Act";

(ii) in subsection two by omitting the word "board" wherever occurring, and by inserting in lieu thereof the word "Commissioner";

Secs. 6, 7.

(f) In sections six and seven by omitting the word "board" wherever occurring and by inserting in lieu thereof the word "Commissioner."

Sec. 8 (1).

(g) in subsection one of section eight by omitting the word "board" where firstly and thirdly occurring and inserting in lieu thereof the word "Commissioner"; and by omitting the word "its" and inserting in lieu thereof the word "his."

Sec. 10 (1).

(h) in subsection one of section ten—

(i) by omitting the words "this Act" and by inserting in lieu thereof the words "The Prickly-pear (Amendment) Act, 1925."

(ii)

Prickly-pear (Amendment).

- (ii) by omitting the word "board" and by inserting in lieu thereof the word "Commissioner."
- (i) in section eleven by omitting the word "board" wherever occurring and by inserting in lieu thereof the word "Commissioner." Sec. 11.
- (j) in section twelve— Sec. 12.
- (i) by omitting from subsection one the word "board" wherever occurring and by inserting in lieu thereof the word "Commissioner";
- (ii) by omitting from subsection one the word "its" and by inserting in lieu thereof the word "his";
- (iii) by omitting from subsection two the word "board" where firstly and secondly occurring and by inserting in lieu thereof the word "Commissioner";
- (iv) by omitting from subsection two the word "its" and by inserting in lieu thereof the word "his";
- (v) by omitting from subsection two the words "chairman of the board" and by inserting in lieu thereof the word "Commissioner";
- (k) in sections thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty, twenty-one and twenty-seven by omitting the word "board" wherever occurring and by inserting in lieu thereof the word "Commissioner"; Secs. 13, 14, 15, 16, 17, 19, 20, 21, 27.
- (l) in section eighteen by omitting the word "board" where firstly, secondly and thirdly occurring and by inserting in lieu thereof the word "Commissioner"; Sec. 18.
- (m) in subsection one of section twenty-two by omitting the word "board" and by inserting in lieu thereof the word "Commissioner." Sec. 22 (1).
- (n) in section thirty-one— Sec. 31.
- (i) by omitting the words "a member of the board" wherever occurring and by inserting in lieu thereof the words "the Commissioner";
- (ii)

Prickly-pear (Amendment).

Sec. 32.

- (ii) by omitting from paragraph (b) the words "by the board," and by inserting in lieu thereof the words "by the Commissioner."
- (o) by omitting from section thirty-two the words "a member of the board or inspector, or any person acting under the authority of the Minister or the board or of a member of the board or an inspector," and by inserting in lieu thereof the words "the Commissioner or an inspector, or any person acting under the authority of this Act, or of the Minister, or of the Commissioner, or of an inspector."
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Prickly-pear (Amendment).

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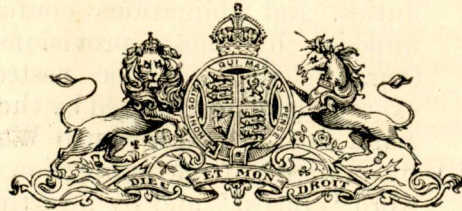
By Authority :

ALFRED JAMES KENT, Government Printer, Sydney, 1925.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 17 September, 1925.

New South Wales.



ANNO SEXTO DECIMO

GEORGII V REGIS.

Act No. 4, 1925.

An Act to provide for the appointment of a Commissioner in lieu of the Prickly-pear Destruction Board; and for that purpose to amend the Prickly-pear Act, 1924. [Assented to, 28th September, 1925.]

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. (1) This Act may be cited as the "Prickly-pear Short title. (Amendment) Act, 1925," and shall be read with the Prickly-pear Act, 1924.

(2) This Act shall come into force on a day to be Commence- appointed by the Governor, and notified by proclamation ment. published in the Gazette. **2.**

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. GREIG,
Chairman of Committees of the Legislative Assembly.

Prickly-pear (Amendment).

Amendments
of Act 1924
No. 311
Sec. 1,
ss. (3) and (4).

2. The Prickly-pear Act, 1924, is amended as follows:—

(a) in section one—

- (i) by inserting at the end of subsection three, the following words:—“In any such case the powers, authorities, duties, and obligations conferred and imposed by those provisions on the Commissioner shall be vested in and exercised and discharged by the Western Land Board of New South Wales”;
- (ii) by omitting from subsection four the word “Board” and by inserting in lieu thereof the word “Commissioner”;

Sec. 3.

(b) in section three—

- (i) by omitting from the definition of the words “authorised person,” the word “board,” and by inserting in lieu thereof the word “Commissioner”;
- (ii) by inserting next after the definition of the words “authorised person” the following new definition:—

“Commissioner” means the Commissioner appointed under this Act.

- (iii) by omitting the paragraphs which define the words “Board,” “Chairman,” and “Member” respectively.

(c) in Part II by omitting the heading “Prickly-pear Destruction Board,” and inserting in lieu thereof the heading “Prickly-pear Destruction Commissioner,” and by omitting the sub-heading “Constitution of the board,” and inserting in lieu thereof the words “Appointment of Commissioner and officers.”

Sec. 4.

(d) by omitting section four and by inserting in lieu thereof the following section:—

Appointment
of Com-
missioner.

4. (1) For the purposes of this Act there shall be appointed a Commissioner who shall be styled the Prickly-pear Destruction Commissioner, who shall subject to the direction and control of the Minister be the authority charged with the administration of this Act.

(2)

Prickly-pear (Amendment).

(2) The person appointed Commissioner shall hold office for a term of five years from the date of his appointment, and any person so appointed may at the end of such term be re-appointed for a further like term.

The provisions of the Public Service Act, 1902, shall not apply to the appointment.

(3) The Governor may from time to time as the occasion demands appoint a Deputy-Commissioner to act during the absence from duty of the Commissioner. While so acting, a Deputy-Commissioner shall have all the rights, duties, powers, and obligations of the Commissioner.

(4) The Commissioner shall receive such remuneration and allowances as the Governor shall fix, and shall not, save with the sanction of the Governor, engage in any business or employment other than the duties of his office.

(5) The Governor may remove or suspend the Commissioner for incompetence and appoint another person in his stead. Such an appointment shall only be made for the balance of the term for which the Commissioner was appointed.

(6) The Commissioner may be removed from office—

- (a) if he shall engage during his term of office in any employment outside the duties of his office, except with the previous sanction of the Governor ;
- (b) if he becomes bankrupt, compounds with his creditors, or assigns his estate for the benefit of his creditors ;
- (c) if he becomes an insane person or an incapable person within the meaning of the Lunacy Act, 1898 ;
- (d) if he is convicted of any felony or misdemeanour ;
- (e) if he shall absent himself from duty for a period of fourteen consecutive days, except on leave granted by the Minister (which leave he is hereby authorised to grant) ;

(1)

Prickly-pear (Amendment).

(f) if he shall become in any way concerned or interested in any contract or agreement made by or on behalf of the Minister under the provisions of this Act, or shall in any wise participate or claim to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.

(7) If the Commissioner at the date of his appointment is an officer of the Public Service he shall, in the event of his office being discontinued, be eligible on the recommendation of the Public Service Board to be appointed to some office in the Public Service corresponding in classification and salary to that which he held at the date of his appointment as Commissioner.

Sec 5.

(e) In section five—

(i) in subsection one by inserting after the word "Board" where it firstly occurs the words "for the purposes of this Act";

(ii) in subsection two by omitting the word "board" wherever occurring, and by inserting in lieu thereof the word "Commissioner";

Secs. 6, 7.

(f) In sections six and seven by omitting the word "board" wherever occurring and by inserting in lieu thereof the word "Commissioner."

Sec. 8 (1).

(g) in subsection one of section eight by omitting the word "board" where firstly and thirdly occurring and inserting in lieu thereof the word "Commissioner"; and by omitting the word "its" and inserting in lieu thereof the word "his."

Sec. 10 (1).

(h) in subsection one of section ten—

(i) by omitting the words "this Act" and by inserting in lieu thereof the words "The Prickly-pear (Amendment) Act, 1925."

(ii)

(Prickly-pear (Amendment)).

- (ii) by omitting the word "board" and by inserting in lieu thereof the word "Commissioner."
- (i) in section eleven by omitting the word "board" wherever occurring and by inserting in lieu thereof the word "Commissioner." Sec. 11.
- (j) in section twelve— Sec. 12.
- (i) by omitting from subsection one the word "board" wherever occurring and by inserting in lieu thereof the word "Commissioner";
- (ii) by omitting from subsection one the word "its" and by inserting in lieu thereof the word "his";
- (iii) by omitting from subsection two the word "board" where firstly and secondly occurring and by inserting in lieu thereof the word "Commissioner";
- (iv) by omitting from subsection two the word "its" and by inserting in lieu thereof the word "his";
- (v) by omitting from subsection two the words "chairman of the board" and by inserting in lieu thereof the word "Commissioner";
- (k) in sections thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty, twenty-one and twenty-seven by omitting the word "board" wherever occurring and by inserting in lieu thereof the word "Commissioner"; Secs. 13, 14, 15, 16, 17, 19, 20, 21, 27.
- (l) in section eighteen by omitting the word "board" where firstly, secondly and thirdly occurring and by inserting in lieu thereof the word "Commissioner"; Sec. 18.
- (m) in subsection one of section twenty-two by omitting the word "board" and by inserting in lieu thereof the word "Commissioner." Sec. 22 (1).
- (n) in section thirty-one— Sec. 31.
- (i) by omitting the words "a member of the board" wherever occurring and by inserting in lieu thereof the words "the Commissioner";

(ii)

Prickly-pear (Amendment).

Sec. 32.

- (ii) by omitting from paragraph (b) the words "by the board," and by inserting in lieu thereof the words "by the Commissioner."
- (o) by omitting from section thirty-two the words "a member of the board or inspector, or any person acting under the authority of the Minister or the board or of a member of the board or an inspector," and by inserting in lieu thereof the words "the Commissioner or an inspector, or any person acting under the authority of this Act, or of the Minister, or of the Commissioner, or of an inspector."

In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR,
Governor.

*Government House,
Sydney, 28th September, 1925.*

1925.

Legislative Council.

Prickly-pear (Amendment) Bill, 1925.

EXPLANATORY NOTE.

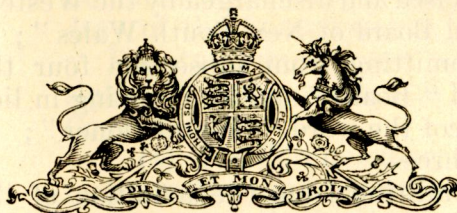
THE object of this Bill is to repeal that portion of the Prickly-pear Act, 1924, which provides for the constitution of the Prickly-pear Destruction Board, and to empower the Governor to appoint a Commissioner who is to exercise and perform the powers, authorities, duties, and functions vested in the Board by that Act.



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,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 9 September, 1925.

New South Wales.



ANNO SEXTO DECIMO

GEORGII V REGIS.

Act No. , 1925.

An Act to provide for the appointment of a Commissioner in lieu of the Prickly-pear Destruction Board; and for that purpose to amend the Prickly-pear Act, 1924.

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. (1) This Act may be cited as the "Prickly-pear Short title. (Amendment) Act, 1925," and shall be read with the Prickly-pear Act, 1924.

(2) This Act shall come into force on a day to be Commence- appointed by the Governor, and notified by proclamation ment. published in the Gazette.

Prickly-pear (Amendment).

2. The Prickly-pear Act, 1924, is amended as follows:—

(a) in section one—

5 (i) by inserting at the end of subsection three, the following words:—"In any such case the powers, authorities, duties, and obligations conferred and imposed by those provisions on the Commissioner shall be vested in and exercised and discharged by the Western Land Board of New South Wales";

10 (ii) by omitting from subsection four the word "Board" and by inserting in lieu thereof the word "Commissioner";

15 (b) in section three—

(i) by omitting from the definition of the words "authorised person," the word "board," and by inserting in lieu thereof the word "Commissioner";

20 (ii) by inserting next after the definition of the words "authorised person" the following new definition:—

"Commissioner" means the Commissioner appointed under this Act.

25 (iii) by omitting the paragraphs which define the words "Board," "Chairman," and "Member" respectively.

30 (c) in Part II by omitting the heading "Prickly-pear Destruction Board," and inserting in lieu thereof the heading "Prickly-pear Destruction Commissioner," and by omitting the sub-heading "Constitution of the board," and inserting in lieu thereof the words "Appointment of Commissioner and officers."

35 (d) by omitting section four and by inserting in lieu thereof the following section:—

40 4. (1) For the purposes of this Act there shall be appointed a Commissioner who shall be styled the Prickly-pear Destruction Commissioner, who shall subject to the direction and control of the Minister be the authority charged with the administration of this Act.

(2)

Amendments
of Act 1924
No. 31,
Sec. 1,
ss. (3) and (4).

Sec. 3.

Sec. 4.

Appointment
of Com-
missioner.

Prickly-pear (Amendment).

5 (2) The person appointed Commissioner shall hold office for a term of five years from the date of his appointment, and any person so appointed may at the end of such term be re-appointed for a further like term.

The provisions of the Public Service Act, 1902, shall not apply to the appointment.

10 (3) The Governor may from time to time as the occasion demands appoint a Deputy-Commissioner to act during the absence from duty of the Commissioner. While so acting, a Deputy-Commissioner shall have all the rights, duties, powers, and obligations of the Commissioner.

15 (4) The Commissioner shall receive such remuneration and allowances as the Governor shall fix, and shall not, save with the sanction of the Governor, engage in any business or employment other than the duties of his office.

20 (5) The Governor may remove or suspend the Commissioner for incompetence and appoint another person in his stead. Such an appointment shall only be made for the balance of the term for which the Commissioner was appointed.

25 (6) The Commissioner may be removed from office—

30 (a) if he shall engage during his term of office in any employment outside the duties of his office, except with the previous sanction of the Governor ;

(b) if he becomes bankrupt, compounds with his creditors, or assigns his estate for the benefit of his creditors ;

35 (c) if he becomes an insane person or an incapable person within the meaning of the Lunacy Act, 1898 ;

(d) if he is convicted of any felony or misdemeanour ;

40 (e) if he shall absent himself from duty for a period of fourteen consecutive days, except on leave granted by the Minister (which leave he is hereby authorised to grant) :
(f)

Prickly-pear (Amendment).

- 5 (f) if he shall become in any way concerned or interested in any contract or agreement made by or on behalf of the Minister under the provisions of this Act, or shall in any wise participate or claim to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom.
- 10 (7) If the Commissioner at the date of his appointment is an officer of the Public Service he shall, in the event of his office being discontinued, be eligible on the recommendation of the Public Service Board to be appointed to some office in the Public Service corresponding in classification and salary to that which he held at the date of his appointment as Commissioner.
- 15 (e) In section five—
- 20 (i) in subsection one by inserting after the word "Board" where it firstly occurs the words "for the purposes of this Act";
- 25 (ii) in subsection two by omitting the word "board" wherever occurring, and by inserting in lieu thereof the word "Commissioner";
- 30 (f) In sections six and seven by omitting the word "board" wherever occurring and by inserting in lieu thereof the word "Commissioner." Secs. 6, 7.
- 35 (g) in subsection one of section eight by omitting the word "board" where firstly and thirdly occurring and inserting in lieu thereof the word "Commissioner"; and by omitting the word "its" and inserting in lieu thereof the word "his." Sec. 8 (1).
- 40 (h) in subsection one of section ten—
- (i) by omitting the words "this Act" and by inserting in lieu thereof the words "The Prickly-pear (Amendment) Act, 1925." Sec. 10 (1).
- (ii)

Prickly-pear (Amendment).

- (ii) by omitting the word "board" and by inserting in lieu thereof the word "Commissioner."
- 5 (i) in section eleven by omitting the word Sec. 11.
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in lieu thereof the word "Commissioner."
- (j) in section twelve— Sec. 12.
- 10 (i) by omitting from subsection one the
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- 15 (iii) by omitting from subsection two the
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- (iv) by omitting from subsection two the
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thereof the word "his";
- 20 (v) by omitting from subsection two the
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- 25 (k) in sections thirteen, fourteen, fifteen, sixteen, Secs. 13, 14,
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in lieu thereof the word "Commissioner."
- (n) in section thirty-one— Sec. 31.
- 40 (i) by omitting the words "a member of
the board" wherever occurring and
by inserting in lieu thereof the words
"the Commissioner";

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- (ii) by omitting from paragraph (b) the words "by the board," and by inserting in lieu thereof the words "by the Commissioner."
- 5 (o) by omitting from section thirty-two the words Sec. 32.
"a member of the board or inspector, or any person acting under the authority of the Minister or the board or of a member of the board or an inspector," and by inserting in
10 lieu thereof the words "the Commissioner or an inspector, or any person acting under the authority of this Act, or of the Minister, or of the Commissioner, or of an inspector."

(iii) by omitting from subsection two the word "board" where firstly and secondly occurring and by inserting in lieu thereof the word "Commissioner";

(iv) by omitting from subsection two the word "is" and by inserting in lieu thereof the word "is";

(v) by omitting from subsection two the words "chairman of the board" and by inserting in lieu thereof the word "Commissioner";

[7d.] Sydney: Alfred James Kent, Government Printer—1925.

(k) in section twenty-one and twenty-two wherever occurring and by inserting in lieu thereof the word "Commissioner";

(l) in section eighteen by omitting the word "board" where firstly, secondly and thirdly occurring and by inserting in lieu thereof the word "Commissioner";

(m) in subsection one of section twenty-two by omitting the word "board" and by inserting in lieu thereof the word "Commissioner";

(n) in section thirty-one—

- (i) by omitting the words "a member of the board" wherever occurring and by inserting in lieu thereof the words "the Commissioner";
- (ii)