

No. , 1966.

A BILL

To make further provision as to the constitution of local land boards within the Western Division of New South Wales; for this purpose to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith.

[MR. LEWIS—16 November, 1966.]

BE 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:—

1. (1) This Act may be cited as the "Western Lands (Amendment) Act, 1966".
- (2) Short title and commencement.

Western Lands (Amendment).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Western Lands Act of 1901, as amended by Amendment of Act No. 70, 1901. subsequent Acts, is amended—

(a) by omitting subsections three and four of section Sec. 9. nine and by inserting in lieu thereof the following (Power to establish administrative districts.) subsections :—

10 (3) (a) The members of a local land board shall be three in number and shall comprise— cf. Act No. 7, 1913, ss. 11, 12.

(i) an Assistant Commissioner, and

(ii) two other persons appointed by the Governor (hereinafter referred to as the "appointed members").

15 (b) The Assistant Commissioner shall be the chairman and shall preside at all meetings of the local land board.

20 (c) The chairman and one appointed member shall constitute a quorum, and shall be competent to transact any business of the local land board, and shall have and may exercise all the powers and authorities by this Act conferred upon the local land board.

25 (d) The chairman shall have an original vote on any question before the local land board, and shall have a casting vote on any question on which the votes are equal.

30 (e) The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an

appeal

Western Lands (Amendment).

5 appeal to the Land and Valuation Court as herein-
after provided any member of the local land board
may assign in writing such reasons for his opinion
as he may deem necessary, which shall be trans-
mitted through the chairman to the Land and
Valuation Court :

10 Provided, however, that the local land board
instead of giving any decision or adjudication in
any case within its jurisdiction may after taking
evidence refer such case with the evidence for
decision by the Land and Valuation Court, which
shall have power to deal with the case so referred
in all respects as if it had been brought before it in
the first instance.

15 (4) A person of or above the age of seventy cf. Act No.
7, 1913,
ss. 11, 12.
years shall not be appointed a member of a local
land board.

20 An appointed member shall, unless he ceases to
hold office before he attains the age of seventy
years, retire on the day on which he attains that
age.

An appointed member shall be paid such fee for
each sitting as may be prescribed.

25 An appointed member who sits or acts in any
way as a member of a local land board in any case
in which he is or has been directly or indirectly
interested shall be liable to a penalty not exceeding
one thousand dollars.

30 In case of the illness or absence of an appointed
member the Minister may appoint a person to be
the deputy of such appointed member. Such
deputy while so acting, shall exercise and perform
all the powers, authorities, duties and functions of
the appointed member whose deputy he is.

The

Western Lands (Amendment).

5 The resignation or bankruptcy of an appointed member, or his absence from three consecutive meetings of the local land board without leave of the Minister, shall cause a vacancy in his office. The Governor may appoint a person to supply such vacancy or any vacancy caused by the removal of an appointed member from his office.

10 (b) by omitting from paragraph (b) of subsection five of the same section the words "The Commissioner or an" wherever occurring and by inserting in lieu thereof the word "An";

(c) by omitting from subsection six of the same section the words "or the Commissioner" wherever occurring.

15 (2) (a) The persons who were appointed members of local land boards under paragraph (a) of subsection three of section nine of the Western Lands Act of 1901, as amended by subsequent Acts, and held office immediately before the commencement of this Act shall continue to hold
20 office and shall be deemed to have been appointed members of local land boards under paragraph (a) of subsection three of section nine of the Western Lands Act of 1901, as amended by subsequent Acts and by this Act.

25 (b) All matters and proceedings initiated, pending or part heard before or by local land boards as constituted before the commencement of this Act may be taken, continued, heard and determined by local land boards as constituted pursuant to the amendments made by subsection one of this section.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[5c]

WESTERN LANDS (AMENDMENT) BILL, 1966

EXPLANATORY NOTE

THE object of this Bill is to alter the constitution of local land boards in the Western Division of New South Wales to bring them into line with local land boards in the Eastern and Central Divisions of the State. The Western Lands Commissioner is to cease to be a member, a second local member is to be appointed and the Assistant Western Lands Commissioner is to be chairman.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PROOF

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5 subsequent Acts, is amended—
(a) by omitting subsections three and four of section nine and by inserting in lieu thereof the following subsections : — (Power to establish administrative districts.)

10 (3) (a) The members of a local land board shall be three in number and shall comprise— cf. Act No. 7, 1913, ss. 11, 12.

(i) an Assistant Commissioner, and

(ii) two other persons appointed by the Governor (hereinafter referred to as the "appointed members").

15 (b) The Assistant Commissioner shall be the chairman and shall preside at all meetings of the local land board.

20 (c) The chairman and one appointed member shall constitute a quorum, and shall be competent to transact any business of the local land board, and shall have and may exercise all the powers and authorities by this Act conferred upon the local land board.

25 (d) The chairman shall have an original vote on any question before the local land board, and shall have a casting vote on any question on which the votes are equal.

30 (e) The chairman shall give the decision of the local land board, when unanimous, in open court, but if not unanimous, the local land board shall decide by vote, retiring for that purpose if it thinks fit. The decision shall then be given by the chairman in open court, and no member shall comment upon or question such decision. Upon an

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(b) by omitting from paragraph (b) of subsection five of the same section the words "The Commissioner or an" wherever occurring and by inserting in lieu thereof the word "An";

(c) by omitting from subsection six of the same section the words "or the Commissioner" wherever occurring.

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(2) (a) The persons who were appointed members of local land boards under paragraph (a) of subsection three of section nine of the Western Lands Act of 1901, as amended by subsequent Acts, and held office immediately before the commencement of this Act shall continue to hold office and shall be deemed to have been appointed members of local land boards under paragraph (a) of subsection three of section nine of the Western Lands Act of 1901, as amended by subsequent Acts and by this Act.

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(b) All matters and proceedings initiated, pending or part heard before or by local land boards as constituted before the commencement of this Act may be taken, continued, heard and determined by local land boards as constituted pursuant to the amendments made by subsection one of this section.

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