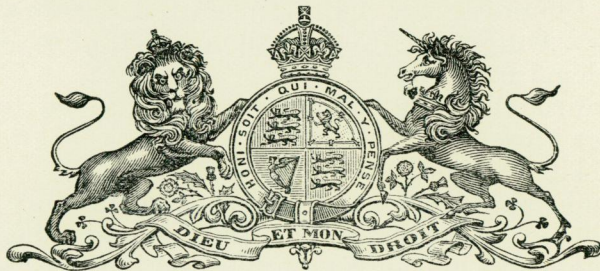


New South Wales.



ANNO QUINTO

EDWARDI VII REGIS.

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Act No. 11, 1905.

An Act to further extend the powers of the Commissioner under the Lands Commission Act, 1905; to amend and extend the said Act; to provide that the Commissioner shall be a Court of Record, that proceedings therein shall be legal proceedings, and that the Crown shall be a party to such proceedings; and for purposes consequent thereon or incidental thereto. [Assented to, 25th August, 1905.]

**B**E 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 "Lands Commission (Amendment) Act, 1905." Short title.

It shall be construed with the Lands Commission Act, 1905.

*Lands Commission (Amendment).*

- Definitions.                   **2.** In this Act, unless the context requires another meaning,—  
“Commissioner” means Commissioner mentioned in the Principal Act.  
“Place” includes any place in or out of any enclosed building or premises, whether upon land or water.  
“Principal Act” means Lands Commission Act, 1905.  
“Property” includes every description of personal property, keys, boxes, safes, books, documents, money, bank notes, debentures, bonds, deeds, bills, notes, cheques, warrants, and any order or security for money or for the payment of money or any instrument of title to land.
- Commissioner to be court of record.           **3.** The Commissioner shall be a court of record, and proceedings in any inquiry before the Commissioner shall for all purposes be deemed to be legal proceedings.
- Crown a party.               The Crown shall for all purposes be deemed to be a party to the proceedings aforesaid.
- Summons for production of property.                   **4.** (1) The Commissioner may—  
(a) summon any person to attend and produce any property which, in the opinion of the Commissioner, may be of assistance to him in conducting the inquiry ;  
(b) punish for contempt any person disobeying any summons or order for the production of any property.  
(2) Provided that—
- Proviso.                       (a) any person required to produce any property shall be entitled to be heard in opposition to such production ;  
(b) the Commissioner shall, if requested, privately examine such property in order to determine whether it is relevant to the inquiry ;  
(c) no person shall be punished under this section for contempt without being afforded an opportunity to be heard in his defence.
- Warrant for production of property.                   **5.** If the Commissioner considers that the production of any property is a matter of urgency, or if after summons issued as aforesaid the property is not produced in pursuance thereof, he may grant a warrant to any person authorising him to search for and produce such property.
- Enforcement of warrant.                   **6.** Any person to whom such warrant is granted, if so directed by such warrant, and with the assistance of such other persons as he may deem necessary, may—  
(a) enter any place either by day or night and search the same ;  
(b) use force for the purpose of effecting such entry and for making such search ;  
(c) convey any property found in or upon such place before the Commissioner, or guard the same upon the spot, or otherwise dispose of the same in some place of safety.

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*Lands Commission (Amendment).*

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7. The Commissioner may deal with any property produced in pursuance of a summons or order to produce, or in pursuance of a search warrant, in such way as he may deem advisable for the purposes of the inquiry. Commissioner may deal with property produced.

8. The Commissioner may order force to be used to open any receptacle of property which is now or may hereafter be in his possession, custody, or control: Provided that, on the request of the owner or his attorney, such owner or attorney, or such other person as the Commissioner may approve, shall be afforded a reasonable opportunity of being present when such receptacle is opened. Opening of receptacle of property.

9. Any summons purporting to have been issued under the hand of the Commissioner shall be deemed to be a good summons and to have been duly issued. Summons to be valid.

10. Nothing in this Act shall limit the powers of taking evidence under the Royal Commissioners Evidence Act, 1901. Savings.

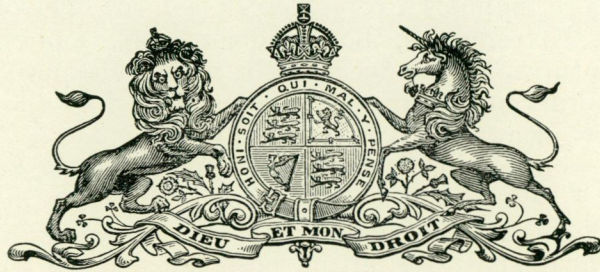


*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Assembly Chamber,  
Sydney, 24 August, 1905.* }

RICHD. A. ARNOLD,  
*Clerk of the Legislative Assembly.*

## New South Wales



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EDWARDI VII REGIS.

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Act No. 11, 1905.

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**B**E 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 "Lands Commission (Amend- Short title. ment) Act, 1905."

It shall be construed with the Lands Commission Act, 1905.

2.

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

W. H. WOOD,  
*Chairman of Committees of the Legislative Assembly.*

*Lands Commission (Amendment).*

## Definitions.

**2.** In this Act, unless the context requires another meaning,—  
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## Commissioner to be court of record.

**3.** The Commissioner shall be a court of record, and proceedings in any inquiry before the Commissioner shall for all purposes be deemed to be legal proceedings.

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The Crown shall for all purposes be deemed to be a party to the proceedings aforesaid.

## Summons for production of property.

**4.** (1) The Commissioner may—

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(b) punish for contempt any person disobeying any summons or order for the production of any property.

(2) Provided that—

## Proviso.

(a) any person required to produce any property shall be entitled to be heard in opposition to such production ;

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**5.** If the Commissioner considers that the production of any property is a matter of urgency, or if after summons issued as aforesaid the property is not produced in pursuance thereof, he may grant a warrant to any person authorising him to search for and produce such property.

## Enforcement of warrant.

**6.** Any person to whom such warrant is granted, if so directed by such warrant, and with the assistance of such other persons as he may deem necessary, may—

(a) enter any place either by day or night and search the same ;

(b) use force for the purpose of effecting such entry and for making such search ;

(c) convey any property found in or upon such place before the Commissioner, or guard the same upon the spot, or otherwise dispose of the same in some place of safety.

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*Lands Commission (Amendment).*

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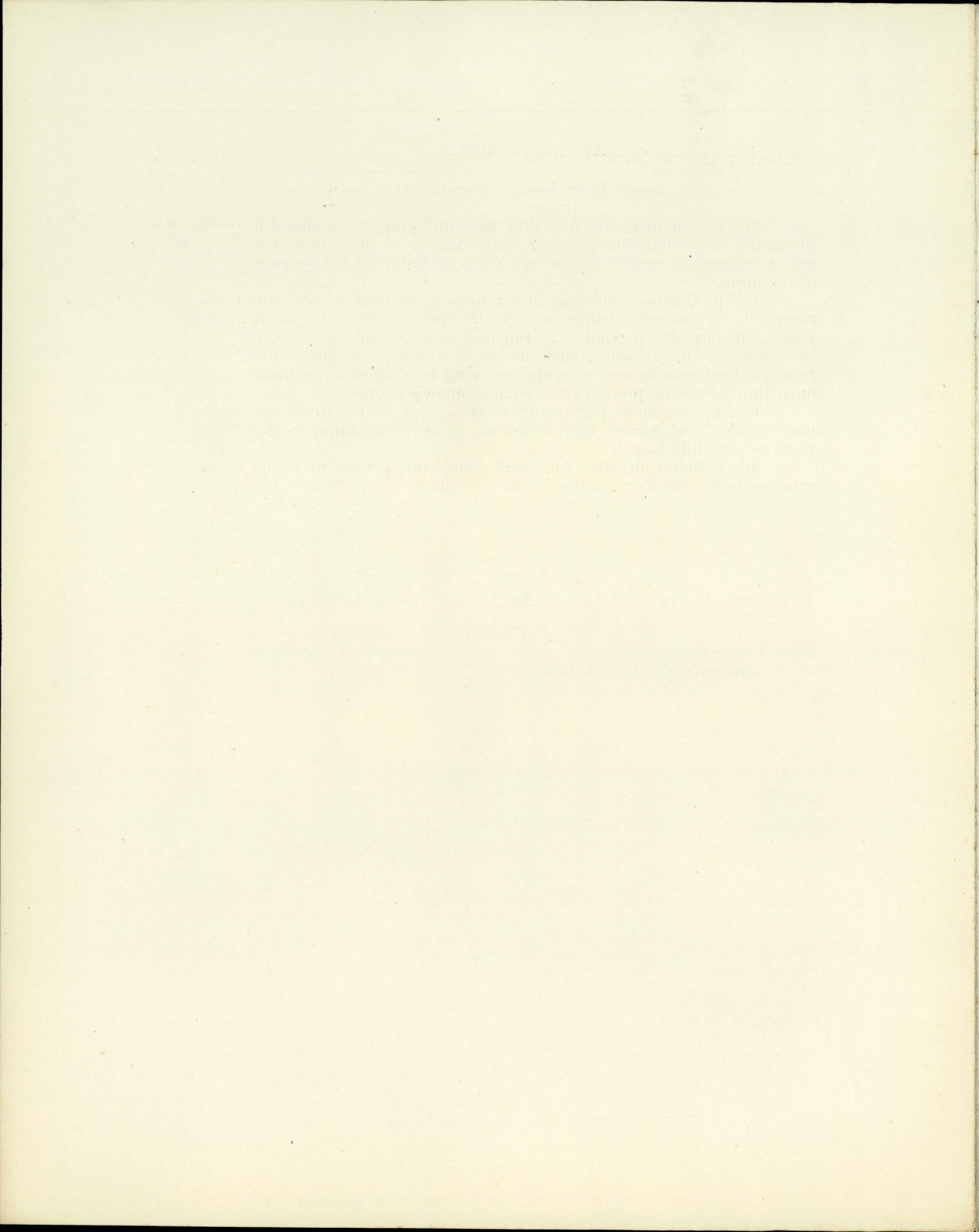
9. Any summons purporting to have been issued under the hand of the Commissioner shall be deemed to be a good summons and to have been duly issued. Summons to be valid.

10. Nothing in this Act shall limit the powers of taking evidence under the Royal Commissioners Evidence Act, 1901. Savings.

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

*State Government House,  
Sydney, 25th August, 1905.*

FREDK. M. DARLEY,  
*Lieutenant-Governor.*





*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.*

*Legislative Assembly Chamber,  
Sydney, 24 August, 1905.* }

RICHD. A. ARNOLD,  
*Clerk of the Legislative Assembly.*

## New South Wales



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(b) use force for the purpose of effecting such entry and for making such search ;

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*Lands Commission (Amendment).*

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[3d.]

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