

## PRICKLY-PEAR (AMENDMENT) ACT.

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Act No. 4, 1925.

An Act to provide for the appointment of a George V,  
No. 4. 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.]

**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.** (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.**

**Prickly-pear (Amendment) Act.**

**George V, No. 4.** 2. The Prickly-pear Act, 1924, is amended as follows:—

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

(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)

(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.

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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)

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(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)

- (ii) by omitting the word "board" and by **George V,**  
 inserting in lieu thereof the word **No. 4.**  
 "Commissioner."
- (i) in section eleven by omitting the word Sec. 11.  
 "board" wherever occurring and by inserting  
 in lieu thereof the word "Commissioner."
- (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, Secs. 13, 14,  
 seventeen, nineteen, twenty, twenty-one and 15, 16, 17, 19,  
 twenty-seven by omitting the word "board" 20, 21, 27.  
 wherever occurring and by inserting in lieu  
 thereof the word "Commissioner";
- (l) in section eighteen by omitting the word Sec. 18.  
 "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 Sec. 22 (1).  
 omitting the word "board" and by inserting  
 in lieu thereof the word "Commissioner."
- (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)

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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."

Sec. 32.

(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."